

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

SoCG Update and Statement of Commonality

Document reference: 19.12A

Revision: 0~~2~~¹

~~24 October~~ 14 November 2023

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations
2009

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1. INTRODUCTION

Purpose of the statement

- 1.1 This statement updates the Examining Authority (ExA) on the current status of Statements of Common Ground (SoCG) at deadline ~~2-3~~ (~~24 October~~ 14 November 2023).
- 1.2 This statement has been prepared in response to a request by the ExA to set out the commonality on specific points between the SoCG agreed between the Applicant and the various bodies where SoCGs have been requested.
- 1.3 It is the intention that as further agreement and commonality through the SoCGs is reached, this document will be updated to reflect the latest position accurately.
- 1.4 For more detailed information on the respective stakeholders' positions, in relation to the topics covered in this statement, please refer to the specific SoCGs (document references 19.1 to 19.11).

Structure of the statement

- 1.5 This statement is structured as follows:
 - Section 2 ~~and Appendix A~~ provides s an up to date list of the SoCGs under preparation and the status of these SoCGs; and
 - Section 3 ~~and Appendix B~~ sets out the commonality between the SoCGs at deadline ~~23~~.

Background to the SoCGs

- 1.6 To ensure consistency across the SoCGs, a uniform approach has been taken to drafting. Each is generally structured as follows:
 - a) Tables setting out the matters agreed between the Applicant and the stakeholder on each topic;
 - ~~b)~~ Tables setting out the matters not agreed between the Applicant and the stakeholder on each topic, these tables include a traffic light rating system setting out both parties estimation as to the likelihood that disagreement will remain by the end of the examination (low – green, medium – amber, high – red); and

b)

c) Where relevant additional appendices are provided to support the discussions on the SoCG and information on the engagement undertaken.

1.7 The exception to this approach has been the SoCG prepared with Network Rail, where the approach taken has been led by the preferences of Network Rail.

2. STATEMENTS OF COMMON GROUND UPDATE

2.1 The Applicant's submission contained an intent schedule, setting out those organisations and matters which the Applicant proposed to enter into a SoCG on (document reference 15.1, APP-356). The ExA in their Rule 6 letter issued on 11 August 2023 requested that SoCGs were prepared between the Applicant and the following parties:

- Blaby District Council;
- Hinckley and Bosworth Borough Council;
- Leicestershire County Council;
- Rugby Borough Council;
- Harborough District Council;
- Warwickshire County Council;
- National Highways;
- Network Rail;
- Environment Agency;
- Natural England; and,
- Historic England.

2.2 The Applicant has prepared SoCGs with the above listed parties throughout the pre-examination phase of the DCO and continuing during the early stages of the examination. These are based upon discussions which commenced prior to the DCO application submission.

~~2.3~~ The table overleaf contains the full list of SoCGs and explains their current status. It also identifies any outstanding issues which are the subject of ongoing discussions and may therefore be the subject of further submissions in due course.

2.3

2.4 It should be noted that on ~~13 October~~ 7 November 2023, the Applicant set a deadline of ~~17 October~~ 10 November 2023 for Councils to provide responses to any SoCGs currently in their possession. The purpose of this deadline was to give the Applicant sufficient time to review and submit an updated SoCG to the Council prior to deadline ~~32~~. No SoCGs were returned after this date (and before deadline 3), but some remain with the relevant Councils.

~~2.5 Several SoCGs were returned to the Applicant after 17 October 2023. While the Applicant has endeavoured to review and submit an updated SoCG to the Council (also for inclusion in the deadline 2 submission) this has not been possible in all instances. Where this is the case, either the previous version submitted by the Applicant to the Council, or the latest version returned by the Council, has been included for the purposes of the deadline 2 submission. Some SoCGs were returned by the relevant Councils before the deadline and have not yet been responded to by the Applicant. This is generally the case where there has been a substantial change in position from the relevant Councils since the previous version. A summary of these notable instances are provided below:~~

- V6 Acoustics with BDC:

- Matter agreed 2: amendments to the wording for Requirement 26 of the draft DCO relating to control and operation of noise;
- Matter agreed 3: amendments to on the wording for Requirement 27 of the draft DCO relating to acoustic barriers;
- Matter agreed 18: removal of matter relating to operational phase assessment of maximum noise levels with mitigation in its entirety;
- Matter not agreed 4: where there is dispute relating to the assessment methodology applied;
- Matter not agreed 8: where there is a request for elevation drawings so that the wider impacts of a proposed 6m high barrier (for mitigation of off-site road impacts) can be appropriately assessed; and
- Matter not agreed 9: suggestion that the Applicant has overestimated the attenuation provided by the bunds and therefore underestimated the predicted impacts on sensitive receptors.

- V6 Ecology with BDC:

- Matter agreed 2a: amendments to Requirement 21 of the draft DCO relating to the Ecological Mitigation Management Plan;
- Matter agreed 54: removal of matter relating to potential impacts from light pollution in its entirety;

- Matter agreed 55: amendments to Requirement 31 of the draft DCO relating to lighting;
 - Matter agreed 59: removal of matter relating to air quality modelling in its entirety;
 - Matter agreed 60: removal of matter relating to impacts on ecological receptors from changes to air quality in its entirety;
 - Matter agreed 61: removal of matter relating to the adequacy of mitigation measures within the CEMP to avoid adverse impacts from dust in its entirety;
 - Matter agreed 62: amendments to Requirement 7 of the draft DCO; and
 - Additional matter not agreed: relating to concerns regarding the impact from nitrogen deposition on Free Holt Ancient Woodland.
- V4 Climate with LCC:
 - Matter agreed 1: removal of text referring to the proposal supporting sustainable development through encouraging a modal shift, helping to reduce traffic congestion and contribute towards improving air quality;
 - Matter agreed 2: removal of text referring to the development being designed to meet a number of specific points in National Planning Policy Statement (NPPS);
 - Matter agreed 3: removal of two bullet points relating to the acceptance of the assessment methodology for likely effects on climate change and recommendations to mitigate likely significance effects to “matter not agreed 3”;
 - Matter agreed 4: removal of matter relating to the sufficiency of the assessment to estimate the effects on greenhouse gas emission sources in its entirety to “matter not agreed 4”;
 - Matter not agreed 2: additions of text which provide suggestions for adaptations to provide resilience to climate change, and recommendation to consider ground source heat pump installation.

~~2.5~~

~~2.6 There is an early draft SoCG in circulation between Network Rail and the Applicant. Network Rail and the Applicant have been working together closely for some years. Network Rail is on record as being supportive of the scheme.~~

~~2.7 Resources have in part been concentrated on settling the agreements which will be reflected in the SoCG, including dealing with Protective Provisions and other Representations. These are at an advanced stage.~~

~~2.6~~ However, it has not been possible to properly reflect these yet in the SoCG, as resources have had to be concentrated on addressing the ExA's evidence base requested for Narborough Level Crossing times. This is based on the current situation over 24 hours over 7 days, rather than the peak hour and shoulder hours of a typical working day, provided previously by agreement with Transport Working Group.

~~2.8~~ 2.7 The Applicant has submitted a summary rail report (document reference 18.6.5) at deadline 3 which addresses matters in relation to Network Rail. The Applicant intends for this to be appended to the Network Rail SoCG to be submitted at deadline 4.

~~2.9~~ With regards to the SoCG with National Highways, a Highways Position Statement has been submitted and is the basis of a SoCG on transport matters.

~~2.10~~ 2.8 For the sake of brevity, some topics have been excluded from the Council SoCGs where it has been agreed that one Council's position aligns with, or is incorporated into, another Council's SoCG. These instances are summarised as follows:

- Socio-economics: where the LCC position aligns with the SoCG with BDC;
- Acoustics: where the HBBC position is incorporated into the SoCG with BDC;
- Heritage: where the LCC position is incorporated into the SoCG with BDC;
- Ecology: where the LCC position relies on land use consultants through BDC and HBBC;
- Landscape: where the LCC position relies on land use consultants through BDC and HBBC;
- Geology, soils and groundwater: where the BDC position relies on the Environment Agency position; and
- PRoW: where the BDC and HBBC position relies on the LCC position (as part of the Highways SoCG).

~~2.11~~ 2.9 Other topics have been excluded where they are not relevant to a stakeholder.

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
19.1A	Blaby District Council	Planning	V7	23/10/23	Whether the proposal satisfies the guidance for good design in the NPS with reference to impact on landscape; whether Requirement 10 Rail which supports the construction and occupation of up to 105,000 sqm of logistics floorspace prior to the Rail Port (Phase 1) becoming operational is reasonable, proportionate and accords with paragraph 4.88 of the NPS NN; detailed consideration of Development Plan documents; whether the phasing of development for HNRFI is contrary to paragraphs 4.84 of the draft NPS.
		Lighting	V54	24/10/23	None.
		Climate	V5	10/08/23	Compliance with NPSNN; compliance with NPPF by mitigating and adapting to climate change, including moving to a low carbon economy; compliance with BDC strategic objectives by minimising energy use and use of valuable resources, encouraging renewable energy production in suitable locations, minimising the risk of flooding and encouraging and developing the use of more sustainable forms of transport; that the assessment is sufficient to estimate the effects GHG emissions sources.
		Air quality	V86	24/10/23 14/11/23	Potential impacts on the Free Holt Ancient Woodland; impact of additional queuing traffic as a result of additional 'barrier down' time at Narborough level crossing; requirement for damage cost analysis; requirement of off-site monitoring.

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
		Acoustics	V <u>65</u>	24/10/23 <u>10/11/23</u>	CEMP measures in relation to noise and vibration; baseline noise survey methodology and in particular the monitoring protocol at NMP5; acoustic design of the illustrative masterplan; assessment of operational noise impacts from the A47 link road in accordance with BS4142; maximum noise levels; operational noise assessment of off-site road traffic; mitigation for HGV movements, loading/unloading operations and service yard areas, including SRFI operations; mitigation for off-site road impacts.
		Ecology	V <u>65</u>	04 <u>20</u> /10/23	<u>Inclusion of phase 2 species specific surveys undertaken to be included in industry standard guidelines within introduction section; Inclusion of best practice methodologies in the industry standard guidance section; update methodology to state a 500m dispersal for GCN rather than 250m; classification of 'negligible importance' for other areas within DCO order limits</u> Updates and further clarification sought on the baseline ; incorrect guidance cited regarding biodiversity net gain and development; absence of inclusion of matrix of effects; provision of an outline decommissioning plan; cumulative effects assessment; feasibility of delivering 10% BNG; duration/detail of LEMP; further consideration of measures such as passes under/over the road; Woodland Access Management Plan; scope of surveys; <u>air quality impacts on the Free Holt Ancient Woodland</u> .
		Landscape	V <u>76</u>	20/10/23 <u>13/11/23</u>	That the landscape chapter has been prepared in accordance with the NPSNN; that Requirement 11 Container Stack Height will mitigate landscape and visual impacts in the long-term; matters contained in the CEMP relating to night time construction effects; sensitivity ratings for landscape character areas; methodology for assessing night-time lighting effects; significant effects during construction phase underestimated; night-time effects experienced at Year 1 and 15; value

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
					ratings for night-time views; the measures set out in the LVIA and Landscape Strategy will mitigate the effect of the development on these receptors.
		Heritage <u>(Archaeology & Heritage)</u>	V7	24/10/23	None.
		Contaminated land	V3	15/08/23	None.
		Socio-economics	V76	23/10/23 14/11/23	<u>Lack of analysis on</u> types of construction skills required; <u>detail and robustness of Employment and Skills Strategy; Trip Distribution model;</u> inadequate/missing analysis of wage and housing affordability issues that will have a bearing on labour origins.
		Health and equalities	V75	15/08/23 14/11/23	Impacts on mental health; <u>health impacts from changes in noise (associated with concerns regarding the noise assessment);</u> alleged breach of the equality act <u>specifically regarding impacts on the travelling community and disabled individuals due to increased down time of the barrier at the Narborough Level Crossing;</u> absence of equality baseline; lack of voluntary Health Impact Assessment; <u>application of significance criteria.</u>

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
19.2A	Hinckley and Bosworth Borough Council	Planning	V9	24/10/23	Whether the proposal satisfies the guidance for good design in the NPS with reference to impact on landscape; detailed consideration of Development Plan documents; whether the provision of public open space is consistent with the strategic interventions supported by Policy 20 'Green Infrastructure' within the adopted Core Strategy; whether the Parameters Plan is consistent with the guidance in the Good Design SPD; whether construction of the A47 is in conflict with the provision of Core Strategy Policy 6 Green Wedge; visual impact of green wedge; whether the proposal is in conflict with Policy DM6; whether the proposal is in conflict with Policy DM9; whether the phasing of development for HNRFI is contrary to paragraphs 4.84 of the draft NPS.
		Lighting	V2	15/06/23	None.
		Climate	V5	26/07/23	None.
		Air quality	V4	08/08/23	None.

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
		Ecology	V4	11/08/23	Accordinging of importance to habitats and species based on their abundance within the order limits; lack of consideration given to how long the new woodland plantation will take to establish; clarity on buffer distance between wet ditch habitat and proposed development; clarity on proposals regarding the re-routing of the existing stream, reinstatement and the establishment of vegetation; restrictions' on night time working to mitigate impact on bats; consideration to fragmentation of habitats during operation; provision of an outline decommissioning plan; badger mitigation measures; cumulative effects assessment; feasibility of delivering 10% BNG; Biodiversity Metric 3.1 review; full River Condition Assessment review; clarity on how off-site BNG will be provided, secured and delivered; inclusion of hedgerows into the metric; requirement of further assessment to reduce habitat loss and increase BNG on site; suitability of Woodland Access Management Plan; duration/detail of LEMP; detail of CEMP ecology measures; detail of EMMP.
		Landscape	V6	18/10/23	That Requirement 11 Container Stack Height will mitigate landscape and visual impacts in the long-term; significant effects during construction phase underestimated; night-time effects experienced at Year 1 and 15; value ratings for night- time views; the measures set out in the LVIA and Landscape Strategy will mitigate the effect of the development on these receptors.
		Heritage	V3	29/06/23	None.
		Geology, soils and groundwater	V1	18/05/23	None.

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
		Socio-economics	V6 V7	23/10/23 14/11/23	<u>Lack of analysis on types of construction skills required; detail and robustness of Employment and Skills Strategy; Trip Distribution model;</u> inadequate/missing analysis of wage and housing affordability issues that will have a bearing on labour origins.
		Health and equalities	V7 5	15/08/23 14/11/23	Impacts on mental health; <u>health impacts from changes in noise (associated with concerns regarding the noise assessment);</u> alleged breach of the equality act <u>specifically regarding impacts on the travelling community and disabled individuals due to increased down time of the barrier at the Narborough Level Crossing;</u> absence of equality baseline; lack of voluntary Health Impact Assessment; <u>application of significance criteria.</u>
19.3A	Leicestershire County Council	Planning	V6	20/10/23	Appropriate site location; whether the Applicant has set out the alternative considerations in the evolution of the design; design of the access and egress to the site; appropriate consideration of Development Plan; whether the proposal satisfies the guidance for good design in the NPS with reference to impact on landscape; whether there will be sufficient capacity on the network to serve additional strategic rail freight; that 'greater weight' must be given to the policies and proposals in the relevant development plan documents; that the NRFI could adversely impact on committed or consented operations for minerals extraction or waste management.

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
		Highways	V12	12 09/10/23	Trip generation; uncertainty Log V8; assessment of Narborough Level Crossing; vase VISSIM modelling M6 J2; furnessing methodology; VISSIM modelling of Longshoot/Dodwells, M1 J21/M69 J3, Gibbet roundabout; ongoing maintenance responsibilities; off-site mitigation strategy; output from PRTM 2.2 Model; off-site junction modelling; access infrastructure for all users; structural integrity of existing M69 J2 bridges; forecast VISSIM modelling J1 and J2 M69; Site Wide Framework Travel Plan; final HGV routing strategy; Sustainable Transport Strategy; CTMP; Road Safety Audits Stage 1; S106 Transport related; DCO; whether PRow proposals are deliverable/can be designed fully in accordance standards; details of A47 underpass; details of PRow connections to link road footway provision; stopping up of duplicated bridleway V35/1; ownership, maintenance and risk assessment of Thorney Fields Farm bridge; RSA of B581 Elmesthorpe railway bridge footway provision; details of private access to Bridge Farm; details of Outwoods footbridge and its future maintenance.
		Waste	V4	13/08/23	None.
		Climate	V34	26/07/23 24/10/23	None. <u>Encouragement of a modal shift of freight from road to rail; suggestions for adaptations to provide climate change resilience; response regarding generation of 'non-building' energy; consideration of ground source heat pumps; carbon savings; recommendation that the carbon analysis measures, monitors and mitigates wider emissions during construction.</u>
		Air quality	V54	18/10/23 14/11/23	Impact on more vulnerable groups; what bus routes will serve.
		Drainage	V4	06/10/23	None.

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
		Health and equalities	V75	15/08/23 <u>14/11/23</u>	Potential impacts on mental health; <u>health impacts from changes in noise (associated with concerns regarding the noise assessment);</u> alleged breach of the equality act <u>specifically regarding impacts on the travelling community and disabled individuals due to increased down time of the barrier at the Narborough Level Crossing;</u> absence of equality baseline; lack of voluntary Health Impact Assessment <u>application of significance criteria.</u>
19.4A	Rugby Borough Council	Various	V2	13/10/23	None.
19.5A	Harborough District Council	Various	V2	24/10/23	None.
19.6A	Warwickshire County Council	Drainage	V3	30/06/23	None.
19.7A	National Highways	Highways	n/a <u>V2</u>	n/a <u>24/10/23</u>	<u>Off-site mitigation strategy and package; output from PRTM 2.2 Model including assignment to J21; preliminary design of access infrastructure; forecast VISSIM modelling J1 and J2 M69; Site Wide Framework Travel Plan; Final HGV Routing Strategy including ANPR; Sustainable Transport Strategy; CTMP; Road Safety Audit Stage 1; Rugby Rural Area Model; base VISSIM modelling Audit Response J1 and J2 M69; furnishing approach; A5 Longshoot and Dodwells VISSIM modelling methodology and outputs; landscape impacts; biodiversity impacts; air quality impacts; drainage impacts; Environmental Management Plans; landownership matters and compulsory acquisitions; the draft Development Consent Order, including requirements and protective provisions.</u> n/a
19.8	Network Rail	Highways	n/a	n/a	n/a
19.9	Environment Agency	Various	V3	19/10/23	None.

Document reference no.	Party	Topic	Status	Date of submission/ <u>receipt</u>	Outstanding issues
19.10 <u>A</u>	Natural England	Various	V5	14/09/23	None.
19.11 <u>A</u>	Historic England	Heritage	V1	July 2023	None.

3. COMMONALITY

3.1 The table set out in ~~Appendix B~~ Overleaf provides a summary of the principal issues covered in the SoCGs and shows the commonality in the topics in discussion with the various parties, based on the current position at deadline ~~23~~.

~~3.1~~

3.2 The topics identified principally relate to the topics upon which the ExA have sought SoCG in its procedural decision, contained in the Rule 6 letter issued on 11 August 2023 and reinforced through the Rule 8 letter issued on 22 September 2023.

3.3 The table shows the topics covered within the SoCGs with reference to a colour, which demonstrates the status of agreement on that topic as follows:

	Completed, the topic is fully agreed with no areas of disagreement.
	Completed, the topic is partially agreed with some identified areas of disagreement, this represents the final position.
	Completed as an interim SoCG with further identified matters to be addressed through discussion.
	Not completed, discussions are ongoing.
	Not commenced.
	Not applicable – topic not relevant to interested party.

3.1 As previously stated, one Council may align with/incorporate their position into another Council's SoCG. Where this is the case, the colour reference has been replicated across both Council rows.

