

14 November 2023



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**By Electronic Submission only**

Dear Ms Davies

**Planning Act 2008  
Tritax Symmetry (Hinckley) Limited**

**Submission of information for deadline 3 of the HNRFI examination**

This letter accompanies a suite of documents submitted on behalf of Tritax Symmetry (Hinckley) Limited pursuant to the information requested by the ExA for submission at deadline 3 of the examination, the letter also addresses matters raised at the hearings held week commencing 30 October 2023, the matter raised in the Rule 17 letter published 9 November 2023 and matters raised through discussions with the local authorities.

The deadline 3 submission on behalf of the Applicant consists of the following documents (with document references where relevant):

**Plans / drawings / sections**

- 2.4A Hinckley NRFI Highway Plan [sheet 1 of 8]
- 2.4D Hinckley NRFI Highway Plan [sheet 4 of 8]
- 2.29 Hinckley NRFI 1:500 General Arrangement plans and Swept Path Plans
- 6.3.9.29A ES Figure 9.29 Operational Phase Road Traffic Emissions – Main HNRFI Site Annual Mean PM10 Concentrations – Future Year

**Other documents**

- 4.3C Book of Reference
- 4.4A Compulsory Acquisition Schedule
- 6.1.21A ES Chapter 21 Conclusion
- 6.2.7.1B ES Appendix 7.1 Health and Equalities Briefing Note
- 6.2.7.2A ES Appendix 7.2 Equalities Impact Assessment
- 6.2.9.2A ES Appendix 9.2 National Legislation and Planning Policy
- 6.2.14.2A ES Appendix 14.2 Sustainable Drainage Statement
- 6.2.18.1A ES Appendix 18.1 Energy Strategy
- 6.2.8.1A ES Appendix 8.1 Sustainable Transport Strategy
- 6.2.8.2A ES Appendix 8.2 Travel Plan
- 7.1A Planning Statement
- 16.2A Logistics Demand and Supply Assessment
- 17.4A HGV Management Plan and Route Strategy
- 17.6A Construction Traffic Management Plan
- 17.7 Lorry Park Management Plan

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- 17.8 M69 Closure Emergency Plan
- 18.5.3 Narborough Level Crossing Note

### **Response to Deadline 2 information**

The Applicant has sought to respond to those deadline 2 submissions received by the ExA that had not previously been addressed by the Applicant.

- 18.11 Applicant's Response to Deadline 2 Submissions

### **Post Hearing Submissions**

- 18.6 Written Statements of Oral Case ISH2
- 18.6.1 Appendix A - Transport General Update Note
- 18.6.2 Appendix B - Railport Returns Phasing Note
- 18.6.3 Appendix C – Phasing Gantt Chart
- 18.6.4 Appendix D - Car parking strategy note
- 18.6.5 Appendix E – Summary Rail Report
- 18.6.6 Appendix F – Assessment of HGV Impacts
- 18.6.7 Appendix G - HGV Miles and Carbon Savings
- 18.6.8 Appendix H – Narborough Level Crossing Traffic Modelling
- 18.6.9 Appendix I - Accessibility Plans for Burbage Common Road
- 18.7 Written Statements of Oral Case ISH3
- 18.7.1 Appendix A - Air Quality Construction Traffic Update Note
- 18.7.2 Appendix B - Air Quality Effects at Acorns Cafe and Burbage Common Play Area
- 18.7.3 Appendix C - Air Quality at Narborough Crossing Note
- 18.7.4 Appendix D - Battery Storage Update Note
- 18.7.5 Appendix E - Biodiversity Note on Nitrogen Deposition and sHRA
- 18.7.6 Appendix F - Noise Assessment Update Note
- 18.7.7 Appendix G - M69 Lighting Proposals and associated effects
- 18.7.8 Appendix H - Note on Archaeological Mitigation Strategy for Non-designated Heritage Assets
- 18.8 Written Statements of Oral Case ISH4
- 18.8.1 Appendix A - Note regarding impacts of HS2 decision for HNRFI
- 18.8.2 Appendix B - National Policy Options Assessment Note and Alternatives Assessment
- 18.8.3 Appendix C - Geographies of Market Areas Plan
- 18.8.4 Appendix D - Market Need Note
- 18.8.5 Appendix E - Update on Market Testing
- 18.8.6 Appendix F - Gypsy and Traveller Update Note
- 18.9 Written Statements of Oral Case CA2
- 18.9.1 Appendix A Network Rail Email Plot 22a
- 18.10 Consolidated Note on the Benefits of HNRFI to the Local Community
- 18.12 Written Statements of Oral Case ISH5

### **Open Floor Hearing 1 and Open Floor Hearing 2**

#### **Statements of Common Ground**

The Applicant has progressed statements of common ground with the relevant bodies as requested by the ExA. Updated versions are submitted at deadline 2 where matters have progressed. The versions submitted at deadline 2 from Natural England and Historic England were submitted as signed versions and therefore these are not resubmitted. A meeting was held between the Applicant and the highway authorities on 13 November 2023, following this all parties have agreed to progressing SOCGs beyond deadline 3 and therefore these are not

submitted by the Applicant for this deadline. An overall update on the status is provided in the Statement of Commonality.

- 19.1A SoCG between the Applicant and Blaby District Council
- 19.2A SoCG between the Applicant and Hinckley & Bosworth Borough Council
- 19.3A SoCG between the Applicant and Leicestershire County Council
- 19.5A SoCG between the Applicant and Harborough District Council [signed]
- 19.8 SoCG between the Applicant and Network Rail
- 19.12A Statement of Commonality on Statements of Common Ground

### **Response to Rule 17 Letter (17 September 2023)**

The ExA requested updates to link plans. The following link plans have been updated and a schedule of links is also included:

- 6.3.8.5 Ordnance Survey base link location [Link ID Overview]
- 6.3.8.20 Ordnance Survey base 1:10,000 link map [Link ID Sheet 15]
- 6.3.8.22 Ordnance Survey base 1:10,000 link map [Link ID Sheet 17]
- 6.3.8.26 Ordnance Survey base 1:10,000 link map [Link ID Sheet 21]
- 6.3.8.28 Ordnance Survey base 1:10,000 link map [Link ID Sheet 23]
- 6.3.8.30 Ordnance Survey base 1:10,000 link map [Link ID Sheet 25]
- 6.3.8.33 Ordnance Survey base 1:10,000 link map [Link ID Sheet 28]
- 6.3.8.41 Link Schedule

### **Document index**

- 1.4C Document index [deadline 3 update]

### **Clarification on other matters**

#### **Open Floor Hearing – Applicant’s Response**

The Applicant thanks those that participated in the hearings and listened carefully to the submissions made. At Open Floor Hearing 2 the Mr Frampton acting for the Applicant noted that a number of concerns had been raised that the proposals did not bring any local benefits, Mr Frampton suggested a consolidated note on the benefits of HNRFI could be submitted to the ExA, which the ExA agreed would be a document which could usefully be submitted into the examination at Deadline 3.

#### **Register of Environmental Actions and Commitments**

The Applicant notes that the ExA requested the provision of a Register of Environmental Actions and Commitments (REAC) in the second open floor hearing. The Applicant wishes to confirm that a comprehensive REAC was submitted as part of the original application, forming part of ES Chapter 21 (document reference 6.1.21, APP-130). However, in light of the comment made by the ExA, the Applicant has taken the opportunity to review the REAC to reflect the updated numbering and refined wording for requirements from the revised version of the draft Development Consent Order submitted at deadline 2 (document reference 3.1B, REP2-010). The Applicant proposes to further update the REAC when the next version of the draft Development Consent Order is submitted at deadline 4.

#### **Proposed Footbridge to replace Outwoods Level Crossing**



The Applicant has considered the concerns raised during Examination through WR and by the ExA, and we are willing to work with Network Rail to investigate the potential for provision of a ramped bridge, this will be subject to further discussions and agreement with Network Rail. Based on this, the Applicant has updated the Health and Equalities Briefing Note and Equalities Impact Assessment to reflect the latest position.

**Rule 17 Letter dated 9 November 2023: Change Request**

The Applicant confirms that it requests a formal change to the Application to amend the land acquisition position in respect of the new plot 22a as identified on Sheet 1 of the Land Plans (Document Reference: 2.20A, Examination Library reference: REP2-007) and described in the Book of Reference (Document Reference: 4.3B, Examination library reference: REP2-018) submitted at Deadline 2, as explained in the Applicant's Deadline 1 Submission Cover Letter and ASI Suggested Locations dated 10 October 2023 (Examination Library reference: REP1-001).

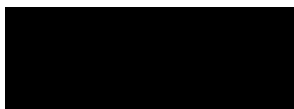
As described in the Applicant's explanations in those letters and as discussed in Compulsory Acquisition Hearing 2, the change to the plans was made at Network Rail's request and therefore the Applicant does not consider that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are engaged by this change request and the Applicant considers that the change request complies with paragraphs 109 – 115 of the DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent' and with PINS Advice Note 16 for the following reasons:

- The change is not material: it does not alter the Order limits or seek a change in respect of the works required to the land in question, it is a simple change to reflect Network Rail's understanding of its land ownership and has been sought at the direct request of Network Rail as the only party to have a newly recorded interest in the land;
- It does not affect any other element of the application being examined;
- No consultation is necessary since the only affected party (Network Rail) has requested the Applicant to make the change; and
- The Applicant explained the change in its Deadline 1 Submission Cover Letter and ASI Suggested Locations dated 10 October 2023 (Examination Library reference: REP1-001).

The Applicant has appended to its Post Hearing Submissions (Appendix A of Written Statements of Oral Case CA2 (Document Reference 18.9.1)) written confirmation from Dentons on behalf of Network Rail of this agreed position and understands that Network Rail will also be submitting this confirmation directly to the Examination at Deadline 3. On this basis the Applicant has not proposed any timeframes for consultation since it is not considered necessary.

We trust that this addresses the Applicant's responsibilities for deadline 3, if any further assistance is required please do not hesitate to contact myself using the contacts at the start of this letter.

Yours sincerely



Erin Banks



Associate Director

cc. Sinead Turnbull - Tritax Symmetry (Hinckley) Ltd.  
Laura-Beth Hutton - Eversheds Sutherland