

**Hinckley & Bosworth Borough Council**  
**Interested Party Reference Number: 20039546**

**Deadline 3 Submission:**  
**Response to Local Impact Report Comments**

**Application by Tritax Symmetry (Hinckley) Limited for an  
Order Granting Development Consent for the Hinckley  
National Rail Freight Interchange**

**(ref. TR050007)**

Response Number	Matter	Applicant's Deadline 2 Response	Hinckley & Bosworth Borough Council Response
	<b>Planning</b>		
7	<p>HBBC refer to two nearby sustainable urban extensions (SUE) awaiting determination at Barwell and Earl Shilton and which are covered by the adopted Barwell and Earl Shilton Area Action Plan 2014 due to their size and proximity to the north of the application site. The AAP proposed sustainable urban extensions to the south east of Earl Shilton for up to 1600 homes and 4.5Ha of employment land (the site adjoins the A47 and relies on vehicular access from it to serve the majority of the development) and to the west of Barwell for up to 2500 homes and 6.2Ha of employment land.</p>	<p>These applications are at an early stage in their respective application processes. It is assumed they will adopt a similar approach to design, assessment and mitigation of effects as the HNRFI Application. They have been accounted for in the agreed planning and Infrastructure log for traffic modelling and both sites have been included in ES Chapter 20 Cumulative Effects (document reference:6.1.20, APP-129), and where relevant are assessed in the respective topic chapters, as set out in Appendix 20.1, (document reference: 2.2AA, APP-226).</p>	<p>The applications are not necessarily at an 'early stage' in the application process. The Earl Shilton SUE comprises applications awaiting determination for:</p> <p><i>Outline application to include up to 1,000 dwellings (C3) up to 5.3 hectares for employment uses comprising a mix of B2, B8 and E(g) uses, a primary school/education uses (F1), retail floor space (E) and hot food takeaway (Sui Generis) as part of a mixed use local centre/community hub (E/F1/F2/C3) - 21/01511/OUT</i></p> <p><i>Outline application to include up to 500 dwellings, a primary school / education use (Class F1), retail (Class E), community hub (Class E/F1/F2), hot food takeaway (Sui Generis), accesses from Mill Lane and Astley Road and infrastructure including; public open space, SUDS, landscaping, the provision of associated infrastructure and ancillary works. - 23/00330/OUT</i></p> <p><i>Residential development for 81 dwellings with provision of access, open space and associated infrastructure - 20/01225/FUL</i></p> <p>The Barwell SUE comprises:</p> <p><i>Outline application including access for up to 2,500 new residential dwellings (use class C3), an employment zone for general industrial buildings (use class B2) and storage and distribution warehouses (use class B8) providing up to 24,800 sqm, sports pitches, pavilion building and changing rooms (use class D2), areas of formal and informal open space, children's play areas, landscaping, allotments and public realm works, provision of hydrological attenuation features, pedestrians and cyclists connections, new infrastructure and services as necessary to serve the development and a new community hub area comprising a primary</i></p>

			<p><i>school (use class D1), a local health care facility (use class D2) or, in the alternate, a family public house/restaurant (use class A3/A4) and local retail and commercial units (use class A1, A2, A3, A4 and A5) up to a maximum floor space of 1,000 sqm (EIA development) - 12/00295/OUT</i></p>
9	<p>HBBC refer to the following relevant policies of the Core Strategy: Policy 1 – Development in Hinckley; Policy 2 – Development in Earl Shilton; Policy 3 – Development in Barwell; Policy 4 – Development in Burbage; Policy 5 – Transport Infrastructure in the Sub Regional Centre; Policy 6 – Hinckley/Barwell/Earl Shilton/Burbage Green Wedge; Policy 20 – Green Infrastructure.</p>	<p>Policy 1 is not relevant and refers to measures to support the role of Hinckley as a sub-regional centre – including allocation of land to meet development needs.</p> <p>Policy 2-4 applies a similar approach to Policy 1 in supporting the role of Hinckley as the sub-regional centre. However HNRFI is not located in Earl Shilton, in Barwell or in Burbage.</p> <p>Policy 5 identifies a range of transport interventions to support additional development in and around Hinckley. The policy has no direct relevance to HNRFI.</p> <p>Policy 6 Green Wedge – the impact of HNRFI on Policy 6 has been addressed in the Planning Statement 3.188-3.189 (document reference: 7.1, APP-347) paragraphs) Policy 20 Green Infrastructure makes reference to the Green Wedge where strategic interventions are to be supported.</p> <p>Policy 24 Sustainable Design and Technology – this responds to residential</p>	<p>Policy 1 is relevant insofar as it makes reference to policies 20 and 5:</p> <p><i>“To ensure development contributes to Hinckley’s character and sense of place and that the town’s infrastructure can accommodate the new development, the council will:</i></p> <p><i>Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving Burbage Common and Woods, Hinckley Town Centre, Harrow Brook Corridor, Disused Railway Line (Nuneaton – Shenton Station), and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge will be implemented....</i></p> <p><i>Deliver safe, high quality cycling routes as detailed in Policy 5 with particular focus on the routes to Hinckley town centre and schools, existing and proposed residential and employment areas, community and leisure facilities, the Hinckley railway station and bus station and into the countryside to provide an alternative to car travel and encourage physical exercise”</i></p> <p>Policies 2-4 similarly cross reference policies 20 and 5.</p> <p>Policy 5 is relevant in that it aims to make sure there are suitable connections between Hinckley, Barwell and Earl Shilton and the current Sustainable Transport Strategy fails to offer sufficient and suitable connectivity between those settlements and the proposed development.</p>

		<p>development, schools, hospitals and office developments.</p> <p>From 2016 the policy seeks development to achieve BREEAM Excellent, where appropriate, as is proposed for HNRFI.</p> <p>It is considered that other than Policy, which 6 relates to Green Wedge, none of the policies in the Core Strategy raise distinct matters to those set out in the NPS-NN</p>	
11	<p>The Good Design SPD is divided into two parts, part two focusses on specific village identity and features and is not relevant to the determination of this application. Part one, however, deals with the approach and objectives to achieving good design and is relevant to the determination of this application and should be considered alongside the guidance in the NPS and other national design guidance. In particular chapters 1 (Planning and Design Process), 2 (Design Objectives) and 7 (Commercial Development) are relevant.</p>	<p>The SPD properly referenced design as a process rather than an end product. The design of HNRFI has evolved as an iterative process with advice from a specialist team of consultants and through engagement with stakeholders, informal and formal consultations with the local community. Chapter 2 identifies a range of design objectives including: 1. Be functional: HNRFI is designed to function to the specific requirements of a SRFI as a component of national infrastructure. 2. Support mixed uses and tenures: This objective is not well related to a SRFI. 3. Include successful public spaces: the thrust of this objective is directed at neighbourhoods in a living environment rather than a SRFI which will not function to attract social activities and avid life. 4. Have distinctive character. HNRFI will have a distinctive character as</p>	<p>The applicant's submission addresses a 'campus approach' without duly recognising the significance of mixed-uses, and public spaces for communal purposes, a stance that appears incongruent.</p> <p>Concerning the unique character of the SRFI, the National Design Guide asserts "a response to how today's lifestyles could evolve in the future," should be a consideration, which has not been adequately attended to by the current scheme.</p> <p>The notion of the development being deemed 'attractive' is inherently subjective, and not an assertion the Council would agree with based on our landscape design assessment when measuring this against the characteristics of good design.</p> <p>The idea that the development provides ease of movement only considers the needs of the development itself -as discussed 'inside the park'. The development necessitates rerouting of existing public footpaths, and will increase road traffic to the M69 and overall results in a loss of amenity for the local area.</p> <p>As stated by the applicant, the development proposes to create its own sense of place based on the image the applicant has chosen to be most appropriate for the site, this new character apparently disregarding the current landscape character areas.</p> <p>This approach does not align with guidance set out within both</p>

		<p>a SRFI – the design details will be approved by the relevant Local Authority.</p> <p>5. Be attractive: the details of HNRFI will be attractive representing an efficient business environment. 6. Encourage ease of movement: the layout of HNRFI will enable efficient movement within the park. Chapter 7 refers to the success of commercial developments that take a ‘campus’ approach developing a holistic and integrated environment of integrated streets, spaces and buildings. That is the purpose of the Design Code (document reference: 13.1, APP-354). It is submitted that care needs to be applied to the provisions of a Design Guide where the principles are clearly not focused upon the form and character of a SRFI – which necessarily will comprise very large scale buildings primarily functioning for logistics. That is not to say the development will not be of high quality with good design, and extensive areas of landscaping. The scale of development will create its own identify on the edge of Hinckley urban area.</p>	<p>national or local policy and would not be considered best practice for any development.</p> <p>The Council has no doubt that the development will have its own strong identity within the local area, however this is at odds with its context and create a tension that we would not deem as appropriate. Due to the consistent approach described by the applicant within the development over a large area it will not be distinct within itself at the ‘human scale’ and would likely become monotonous.</p> <p>This does not align with good design or encourage natural wayfinding and will rely heavily on signage.</p> <p>Retention of some of the landscape features such as the veteran tree, existing hedgerows or brook are opportunities missed to give the development a strong sense of place that is both rooted to and respects the current environment. Equally the applicant may have chosen within the design code to celebrate and reinforce local character, which unfortunately is not the case.</p>
	<b>Landscape &amp; Visual Impact</b>		
13	<p>HBBC highlighted the landscape character of the site in the context of the landscape in the Borough. It is indicated that whilst low-lying, the site is open and visible from long</p>	<p>The Applicant notes comments on landscape character. Visual Impacts from higher ground are agreed as set out in ES Chapter 11 (document reference: 6.1.11, APP-120) and the SoCG. There are only two public locations in Barwell where views can be</p>	<p>Whilst there may be some longer views beyond the proposed development from Barwell and Earl Shilton (although we note that the Photomontage from PVP 25 shows part of the development obstructing views beyond), this would not lessen the impact on characteristic views. Residual significant visual effects from these locations agreed within the draft SoCG.</p>

	<p>views from surrounding higher land. Views from Barwell and Earl Shilton highlighted as being impacted in the middle ground views. Views from Elmesthorpe highlighted as dominating the backdrop to the village.</p>	<p>obtained across the Vale. As illustrated in Proposed Photomontages PVP 25 and PVP26, (document reference: 6.3.11.16, APP-300) whilst the development will be visible, there remain longer views beyond the development, maintaining a sense of perspective. These are assessed as part of ES Chapter 11 (document reference 6.1.11, APP-120) and agreed in the SoCG.</p> <p>Views from Elmesthorpe are largely well contained by built form and vegetation. Photomontages PVP19, 53, 48, 49 and 50 illustrate the locations where the development will be visible and these are assessed as part of ES Chapter 11 (document reference: 6.1.11, AS- 025) and agreed in the SoCG</p>	<p>Elmesthorpe is located on a low ridge and its linear form means that it has a physical and visual relationship with the surrounding landscape. Whilst not captured by the agreed PVP locations, there are locations along Station Road from where glimpsed views are available between properties across the surrounding open farmland. The introduction of the proposed development would fundamentally alter the rural character of the village, as demonstrated by the residual significant effect reported for PVP 19, 49 and 50 (as agreed within the draft Landscape SoCG).</p>
19	<p>HBBC states that the height (28m) and scale of the development means that planting along boundaries is not effective in screening or filtering views of the development.</p>	<p>Not agreed, the boundary planting will be very effective at screening views of much of the development over the longer term, particularly the lower active zone where movement of trains, HGV's and containers would otherwise be a distracting feature in views from the surrounding area.</p>	<p>The upper parts of the proposed development (e.g. roofline and gantries) will remain visible above proposed vegetation in the long-term, reflected in the large number of residual significant visual effects reported (as agreed within the draft SoCG).</p>
20	<p>HBBC believes that these visual effects will be experienced at a greater number of viewpoints than identified in the LVIA. The overall impact of the development on the landscape and visual amenity is negative.</p>	<p>The viewpoints are representative of what will be seen in the local area and are not intended to cover every possible view of the development. However, in this instance, many more views than would normally be selected have been included such that there is no general location where a public view might be experienced that isn't represented by a</p>	<p>The use of representative viewpoints and that these are not intended to cover every possible view is agreed. However, it should be noted that the extent of visual effects is larger than just the viewpoints selected (e.g. significant effects are reported for PRoW users at PVP 17 and similar significant effects would be experienced along almost all of the PRoW between Billington Rough and Burbage Common Road, not just where the viewpoint is located).</p>

		viewpoint.	
	<b>Ecology &amp; Nature Conservation</b>		
27	HBBC requests further detail regarding hedgerow creation/enhancement that is expected to be achieved through partnering with the Environment Bank.	There is a commitment to 10% net gain in hedgerow habitat, 7% of which will be delivered within the Main Order Limits. It is anticipated that any shortfall will be delivered through off-site land in the locality. Where this cannot be achieved, credits will be sought through the Environment Bank.	Further assessment is to be undertaken by the applicant regarding hedgerow habitats for both on and offsite BNG as agreed through the SoCG.
28	HBBC is unclear on the dimensions of proposed buffers which are to be provided as mitigation around the proposed retained/enhanced habitats	Specific dimensions for buffers have not been provided, as they range across the site. However, as is demonstrated within the Landscape Strategy ES Figure 11:20 (document reference 6.3.11.20, APP-304), open space is provided at the site boundaries (most notably to the west). Given retained features are almost exclusively at the site perimeter, this shows the extent of buffering to be delivered.	SoCG and Hearing discussions reached a point of agreement pending further detail on appropriate mitigation measures, however further clarity is sought on the consistency of buffer widths and dark corridors for bats.
31	Long term operational impacts on designated sites, such as pollution and potential water inundation on adjacent ancient woodland and broadleaved woodland habitats, including the potential for nutrient enrichment impacts on ground-level flora requires further and more detailed analysis due to the potential negative impacts.	The operational environmental impacts on off-site woodland have been assessed in detail as set out below. The Air Quality ES Chapter (document reference: 6.1.9, APP-118) provided the changes in nitrogen deposition at the Free Holt Ancient Woodland and the significance of these impacts were considered in Ecology ES Chapter 12 (document reference: 6.2.12, APP-121). The Ecology and Biodiversity Chapter states that although	Residual concerns were raised at ISH3 regarding the potential impacts on the Ancient Woodland at Freeholt wood, as the stated nitrogen deposition levels are significantly above critical levels presently, thus any change, given the sensitivity of the habitat, can have a detrimental impact on the woodland. The Council's concern remains around the fact that this scheme will result in additional traffic impacts and a new heavily trafficked HGV access route, therefore the Council requests further detail relating to the assessment of the impacts upon the woodland both through construction

		<p>there will be some increase at ecological receptors (including Freeholt Wood) above 1% of the critical load, these do not exceed an increase of more than 1% of the current baseline deposition without the HNRFI. Therefore, these increases would not be considered significant in EIA terms. It is considered that the removal of arable land (and therefore, a large source of nitrogen) from the northern boundary of Freeholt Woodland would be of great benefit. It is also noted that the Air Quality ES Chapter (document reference: 6.1.9, APP-118) modelling shows that the overall levels of nitrogen deposition at Freeholt Wood (and indeed all ecological receptors) all decrease from the opening year to the full operational year (accounting for improved technology). In addition, the ancient woodland will be buffered by new woodland and scrub planting and so any initial exposure to increased nitrogen is considered temporary/reversible as new planting matures and screens the woodland.</p>	<p>and operation and detail such as incremental distance contributions from the boundary of all relevant roads, including the new access link.</p> <p>The Council also seeks clarity as to how the road modelling has been undertaken to understand the impacts on the woodland. It is not clear whether the A47 link road has been modelled in conjunction with the existing B road and the Council disagrees that because the critical load levels are already high, that a small change will not be impactful on such a sensitive habitat, surrounded by heavily trafficked roads.</p>
34	<p>HBBC does not consider that the BNG calculations are compliant with planning policy requirements or the aims of the Environment Act 2021 on the basis that the proposed partnership with the Environment Bank has not yet been established</p>	<p>The BNG strategy is compliant with national planning policy in that the application identifies and pursues opportunities for securing measurable net gains for biodiversity. Until 2025, the 10% net gain for NSIPs will not be in force. Talks with the environment bank</p>	<p>The point regarding mandatory BNG is not deemed to be valid given the likely commencement of works post 2025. Further assessment, survey and reporting is required to adequately assess on and offsite BNG as well as assess the suitability of a proposed partnership with the Environment Bank.</p>



	and is it not clear how BNG proposals will be achieved. HBBC state that a full and complete Biodiversity Impact Assessment (BIA) report should provide an assessment of the proposed offsite BNG provision.	are ongoing but until the detailed BNG has been completed, the precise credit requirement will not be known. The BNG strategy, secured via Requirement 30 is sufficient to ensure a 10% net gain is met.	
35	HBBC is unclear as to how offsite BNG and the provision of a green amenity area as an extension to Burbage Common will offset the loss of habitat while maintaining habitat connectivity.	Requirement 30 will ensure the development delivers a 10% net gain. Whilst BNG assessments are ongoing, current calculations show there is sufficient scope to deliver net gains on site, with options to deliver additional through off-site solutions. Green corridors at the site boundary will maintain connectivity across the site.	Agreed regarding Requirement 30. However, as per the ISH3 comments, further assessment and clarification is sought regarding offsite BNG and the securing of long term management and monitoring via an appropriate delivery mechanism. In particular there are outstanding concerns regarding offsite BNG and dual usage for public access and recreation. Where habitat units, such as species rich grassland, are created offsite, these should be managed, monitored and maintained in accordance with the BNG condition sheet prescriptions. In order to achieve 'moderate' or 'good' condition, habitats should have minimal damage from humans or animals, meaning that areas of bare earth as a result of permissive paths or recreation activities and regular dog fouling and trampling, will reduce the likelihood of these created habitats achieving their desired condition within 30 years. Assurances are sought as to how offsite BNG will be managed to ensure created habitats achieve their desired condition and how they will be protected from degradation.
37	HBBC state that a full lighting assessment has not been undertaken by the applicant to determine construction/operational impacts on existing, retained and enhanced habitats.	The bat assemblage recorded is considered to be relatively typical for an urban edge farmland site in central England with common and widespread generalist species accounting for the vast majority of foraging and commuting activity. The most commonly recorded	As agreed in the SoCG the following revised wording in respect of Requirement 31 Lighting is agreed:  1. No phase of the authorised development may be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The report and schemes submitted and approved

		<p>bats (<i>Pipistellus pipistrellus</i>, <i>Nyctalus noctula</i>), are not considered to be particularly sensitive to lighting impacts when foraging or commuting. The latest obtrusive light technical note lighting plans (Document reference: 6.2.3.2.1)) demonstrate that light spill has been kept to a minimum. The vast majority of open space will be maintained as dark, allowing continued commuting opportunities post development. Whilst some light spillage occurs at the railway and railway bridge (considered unavoidable given the nature of a SRFI), lux levels are generally low, and still allow commuting opportunities for bats (with the northern edge of the railway corridor at 1lux or below), with new bund planting on the northern edge of the railway providing new commuting habitat. No significant impacts are therefore considered likely. Given the limited light spill on retained and newly created habitat, there is considered to be no significant impacts on birds, otters or badgers.</p>	<p>must be in accordance with the lighting strategy (document reference 6.2.3.2) and include the following;</p> <ol style="list-style-type: none"> <li>a. a layout plan with beam orientation;</li> <li>b. an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance;</li> <li>c. a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and</li> <li>d. measures to avoid glare on surrounding railway and highways.</li> </ol> <p>2. The approved lighting scheme must be implemented and maintained as approved by the relevant planning authority during operation of the authorised development and no external lighting other than that approved under this requirement may be installed.</p> <p>Future iterations of the lighting strategy will be produced in accordance with the Requirements. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.</p>
38	<p>HBBC consider the overall impact to be negative, where the most significant impacts are loss of woodland, mature trees, hedgerows and watercourse and the fragmentation of habitats, particularly in relation to species</p>	<p>The proposed mitigation leaves no residual significant negative impacts. Negative effects have been avoided or reduced through inherent mitigation incorporated into the parameters plan (document reference: 6.3.3.2, APP-231) and Illustrative Landscape Strategy</p>	<p>The amended Ecological Mitigation Management Plan requirement (21), set out below, is agreed:</p> <ol style="list-style-type: none"> <li>1. Subject to paragraph (3) no phase shall commence until a detailed ecological mitigation and management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed ecological mitigation and management plan must be in accordance with</li> </ol>

	such as bats, birds and GCN.	(document reference: 6.3.11.20, APP-304).	<p>the principles: set out in the ecological mitigation and management plan and must:</p> <ol style="list-style-type: none"> <li>a. apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians;</li> <li>b. ensure that mitigation and compensation measures have demonstrable and measurable outcomes, which are monitored and reported on;</li> <li>c. create alternative habitats to an agreed form to compensate for the loss of irreplaceable habitats; and</li> <li>d. provide continuity of habitat creation through the phases of development to ensure that habitat types that are lost as a result of a phase are created as part of the landscape provisions associated with that phase</li> </ol> <p>2. Any detailed ecological mitigation and management plan approved under paragraph (1) must include an implementation timetable and must be carried out as approved in writing by the local planning authority.</p> <p>3. If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the relevant planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to paragraph (1). A phase for which a notification has been given in accordance with this sub-paragraph must not commence until the relevant planning authority has confirmed in writing that not no ecological mitigation and management plan is required for that phase.</p> <p>4. Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitable qualified person or body.</p>
	<b>Highways &amp; Transport</b>		
41	HBBC state that there are no bus routes serving the site at present and	See Sustainable Transport Strategy (document reference: 6.2.8.1, APP-153)	The X6 service does not serve the site, nor does it serve nearby communities such as Barwell and Earl Shilton.

	no suitable bus or cycling access to the railway station	for details on bus and sustainable access. This includes details on the X6 and the DRT services.	The applicant has not demonstrated that there are any credible proposals to divert the service such that it does serve the site. The DRT service is a time limited DfT trial and its longevity is not guaranteed; the applicant has not demonstrated that the DRT service will provide a sustainable alternative to car usage. The applicant has not demonstrated that there are suitable walking and cycling opportunities which are reasonable alternatives to car usage.
43	HBBC state that there is concern that HGVs will park on local roads due to the increase in HGVs using the area and/or to avoid lorry park charges and that the applicant should set out proposals to reduce or eliminate this.	Discussed on 12/10/23 with LCC HDM HGV Management Strategy to be updated with agreement as far as possible ahead of the decision notice.	As far as the Council can determine from the HGV Management Strategy this issue has not been considered, and has not been discussed with the Council, on whose residents the problem will fall. We note that while the Strategy in section 4.9 on describes the strict controls on HGV parking on the link road and HNRFI estate itself, there is no indication of how undesirable on-street parking related to HNRFI can be managed; obviously a key concern for local residents, who already report serious issues (see also evidence of HGV fly parking provided by the Council at deadline 3). The Council notes that many HGVs route via the A47 through Hinckley, making on-street parking easily accessible. It is very disappointing that the strategy does not cover this at all and could for example include (1) guidance to tenants and vehicles on this issue (2) a hotline or reporting mechanism for local residents who have concerns; this could lead to checks of registrations against these users and consequent action against the relevant tenant. Such techniques are commonly used by other organisations with off-site parking issues, for example Loughborough University, where students have to register car details and are disciplined for parking in areas that are undesirable. ( see

			<a href="https://www.lboro.ac.uk/services/community/managing-issues/parking/">https://www.lboro.ac.uk/services/community/managing-issues/parking/</a> ).
44	J21 of the M1 – constrains the access for the development and forces traffic onto local roads. Insufficient analysis and mitigation.	This is addressed within Transport Assessment (document reference: 6.2.8.1A) and previous meetings with NH and LCC. It remains an area of disagreement. Points made regarding existing problems and relief of some roads in Hinckley.	This issue remains a point of disagreement and significant concern for the Council. The issue has not been modelled in detail to understand the proper impact and issues such as the detailed queuing effect, the time-spreading of peak hour traffic, suppressed demand as estimated by the SATURN model and the differential journey times between different routes (which assume perfect driver information) has also not been analysed. The Transport Assessment shows minimal impact at J21, only because the development traffic has dispersed all other traffic away to local roads; and the link road is required to enable this. There is absolutely no more resilience at J21, and the peak hour has probably extended. The development is forcing traffic from the SRN to roads of a lower standard and with a higher effect on local communities.
46	HBBC are concerned about the effectiveness and enforcement of the applicant's HGV Route Management Strategy, specifically: the application of this during the construction phase to ensure vehicles use designated routes; how height checking will be undertaken and that this will also apply to vehicles using the lorry park and on-street parking in the area	Discussed on 12/10/23 with LCC HDM HGV Management Strategy to be updated with agreement as far as possible ahead of the decision notice rail freight terminal; clarification on the use of the link road to the A47 by HGV's.	Despite a number of representations made to the applicant through the Transport Working Group and directly to the applicant on this issue, there has been very little engagement with the Council on this matter; this is of critical importance to the Council as it affects local residents. While the applicant's strategy requires enforcement against tenants, we note that the relationship between landlord and tenant is primarily commercially driven and as such expect there will be many occasions when enforcement against tenants may be against the landlord's interest in retaining these tenants. It would be far better to have this enforcement by an independent authority such as Leicestershire County Council. Elsewhere the Council has noted that the modelling of HGVs using the A47 to and from the site

			contradicts the provision of the management plan, and there are no proposals for managing off-site HGV parking associated with the site.
48	HBBC state that it is not clear from the plans if the pedestrian and cycle access proposals are adequate.	In order to demonstrate the pedestrian and cycle provision more clearly, the applicant proposes to produce a series of larger scale plans for consultation with the Local Highway Authority's design team.	As with many other responses by the applicant (see 40, 42, 43, 46 and 47) , and despite early and extensive submissions by the Council to the applicant, the applicant appears to be ignoring the local planning authority on these issues and focuses its engagement solely on the Local Highway Authority. The Council regards this as inappropriate. The County Council has a very wide remit across the county, and the local engagement with the planning authority is also very important given that local issues are vital to the local community and the provisions of the Local Plan. The Council looks forward to meaningful engagement on these issues.
50	HBBC considers that the impact of the proposal on the local and strategic highway network will be negative.	It is the Applicant's view that the development proportionately mitigates its impact on the local and strategic road network.	The Council notes that the proposals are for a nationally significant development with some 8-10,000 jobs and costing in the region of £850m, yet the scheme proposes no mitigation to the core issues on the SRN. As discussed elsewhere the applicant has not analysed in detail the effect on J21 of the M1 (they have on all other SRN junctions, and it is not clear why this particular one has been omitted unless it is to avoid a review of the impact here?). Without this and a proper consideration of possible mitigation, the development impact cannot be comprehensively determined, and it cannot be concluded that the development has mitigated its impact.  The information provided so far on modelling of the M69 north of the site (small negative flow with development in the am peak and very small increase in the pm peak ) seems very counter-intuitive; what delays are caused by

			development traffic that wishes to use this road on existing traffic and how could this be mitigated to retain existing traffic on the M69? The Council also notes the contradiction between HGV movements on the A47 and the HGV management strategy which again raises into question the impact assessment and mitigation required.
	<b>Socio-Economics</b>		
51	HBBC consider that it would have been more appropriate for the study area to be based on a drive distance of 30km rather than a radius of 30km as the latter fails to consider the connectivity of key routes of the M69, A5 and M1. HBBC consider the associated estimated leakage of 0% to be unrealistic and local employment benefits overstated.	Response to this matter is provided under Matters not Agreed V5 HBBC SoCG Land Use and Socio-Economic Effects (document reference: 19.2).	Note sensitivity scenario provided in doc ref 19.2 at 5% leakage. Consider that 10% would be more appropriate as per LIR.
	<b>Health</b>		
57	HBBC refers to the potential for direct and indirect impacts on health, well-being and quality of life associated with a range of environmental and socioeconomic changes which can be adverse or beneficial	All credible changes in environmental and social-economic conditions with the potential to influence health have been assessed and addressed within their respective chapter headings, and further communicated in the Health and Equality Briefing Note. No alternative evidence has been provided by any party to question that submitted, or indicate any gap in the assessment provided.	The Rule 17 letter dated 22 <sup>nd</sup> September requested a Health Impact Assessment to be provided addressing the impacts on human health from the proposed development. However, this had not been submitted by Deadline 2. It is noted that an updated Health and Equalities Briefing Note has been submitted.
58	HBBC state that the Leicestershire 2022-2032 Joint Health and	A health and wellbeing baseline has been included in the Health and Equalities	The JHWS provides evidence of the inequalities and challenges faced by certain communities which has not

	Wellbeing Strategy (JHWS) is a key document that has not been referenced.	Briefing note to profile the local population and health circumstance. The data provided in the health and wellbeing baseline has been taken directly from the sources which will have informed the JHWS and present a consistent message on local health circumstance. It should be noted that the health and wellbeing baseline acknowledges that there will be some individuals or groups of people who do not conform to the overall profile.	been adequately addressed.
60	HBBC state that the health appraisal fails to identify and discuss the impact the proposed development will have on Burbage Common.	The Health and Equality Briefing Note draws from technical assessments within the DCO pertinent to health, on this basis it focusses on human receptors. Wider technical disciplines focus on Burbage Common itself, and the users of it, most notable Chapters 7 Land Use and Socio-economics, 11 Landscape and Visual Effects, and 12 Ecology and biodiversity.	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 1.182 suggests that the health evidence base is insufficient to establish any quantifiable or specific health outcomes or endpoint. It is argued that qualitative assessment, informed by consultation would be appropriate.
61	HBBC are not clear what the quality of the new publicly accessible green space provided will be and whether it will be attractive. HBBC note that good quality open space enhances community wellbeing by offering areas for recreation, relaxation and social interaction which contribute to physical and mental health.	The applicant acknowledges that good quality open space is beneficial to health and wellbeing and notes the importance of delivering this within the new publicly accessible green space.	Further clarification is required from the applicant on how the good quality open space will be achieved by the new open space provision and how this might be secured in perpetuity.
62	HBBC considers an absence of any appraisal relating to the provision of a replacement bridleway where the user experience is changed from	The reprovision of a bridleway that will now pass through an urban setting will not materially impact access to physical activity or mental wellbeing on the basis	Clarification is required on how the conclusion of “not materially impact to physical activity or mental wellbeing” has been achieved. No analysis which examines alternative routes has been provided.



	encountering a natural aesthetic to an urban one. The perceived health impact of such could include reducing physical activity, harming mental well-being, disconnecting from nature, and hindering community interaction, impacting overall user experience negatively.	that several nearby alternative routes which also pass through natural settings exist and can be used if that is the preference. Risk perception can only be addressed through the factual investigation and dissemination of robust information, as provided in the DCO.	It is argued that qualitative assessment, informed by consultation would be appropriate.
	<b>Air Quality, Noise &amp; Vibration</b>		
66	HBBC consider that cumulatively, there will be irreversible, major, adverse, negative impacts on the majority of the assessed Noise Sensitive Receptors (NSR) and on the local areas of recreation, such as Burbage Common woods. The operational sound levels of the proposed development throughout the daytime and night-time, are predicted to exceed the prevailing background sound levels by up to 12dB even with mitigation.	We do not agree with this statement. The results of the noise assessment indicate that at, worst there will be minor adverse impacts at NSRs with mitigation in place as a result of the proposed SRFI. Minor adverse impacts are also predicted as a result of the proposed A47 link road, with mitigation in place. The exception is NSR1, Bridge Farm, where a major adverse impact is predicted as a result of road traffic on the A47 link road in the short-term. Although noise levels fall between the Lowest Observed Adverse Effect Level and Significant Observed Adverse Effect Level, and noise levels have been mitigated and minimised as far as practicable in line with the Noise Policy Statement for England. Notwithstanding this, BS4142 states that, “where the initial estimate of the impact needs to be modified due to the context, take all pertinent factors into consideration”. Once mitigation is provided and context	Paragraph 10.36 of the Applicant’s ES Chapter (APP-119) states: <i>“The effect is determined by the change in noise level, with changes of 3dB being only just perceptible under laboratory conditions. This relates to noise that is continuous and similar in nature to the existing noise, however using the rating level, rather than the specific level, accounts for this”</i> . Paragraph 2.7 of the IEMA noise guidelines states: <i>“For broad band sounds which are very similar in all but magnitude, a change or difference in noise level of 1 dB is just perceptible under laboratory conditions, 3 dB is perceptible under most normal conditions, and a 10 dB increase generally appears to be twice as loud. That is to say that a change of 3dB for broadband noise such as that of road traffic (“noise that is continuous and similar in nature”), would be perceptible under normal conditions, rather than “only just perceptible under laboratory conditions” as stated by the applicant.</i>  Furthermore, Para 2.7 of IEMA goes on to state: <i>“These broad principles may not apply where the change in noise level is due to the introduction of a noise with different frequency and/or temporal characteristics compared to sounds making up the existing noise climate. In which case, changes of less than 1 dB may be perceptible under some circumstances.”</i> , i.e., noise of a

		<p>is accounted for, the residual impacts are predicted to be low.</p>	<p>commercial/industrial nature is likely to be more perceptible.</p> <p>The applicant claims that <i>“using the rating level, rather than the specific level, accounts for this”</i>. However, the assessment, with mitigation in place, uses the specific level rather than the rating level it claims to use and indeed should be used in accordance with current standards.</p> <p>To expand further, the rating level needs to include for Acoustic Character corrections which should be applied to the specific level to account for, amongst other things, tonality of the specific noise, intermittency of the specific noise, and impulsivity of the specific noise (<i>noise with different frequency and/or temporal characteristics</i>). These are all characteristics which separate industrial noise sources from broadband sources such as road traffic.</p> <p>However, Paragraph 10.288 of the ES states that: <i>“It is considered that with the proposed acoustic barriers in place, impulsive noise associated with the proposed operations closer to the ground are unlikely to be perceptible. Therefore, no penalty for impulsivity has been included within the following assessment.”</i></p> <p>In actual fact, it would appear that no character correction of any kind has been applied and therefore, the assessment is based on the specific level rather than the rating level as claimed and required under British standards. In any event, there is no justification for the removal of acoustic character corrections with mitigation in place. This approach has disregarded the nature of the sound that is being assessed, and is not an acceptable approach under any circumstances. It leads to a significant underestimation of the predicted impacts and overestimation of the attenuation provided by the bunds, as not only do the values include the attenuation benefits of the bund itself, but also the benefit from the removal of the characteristics, or penalties for want of a better word, that need to be attributed to the noise source, and should</p>
--	--	--	---

			<p>be applied to the specific level.</p> <p>The applicant has tried to contextualise this point earlier in the chapter, by stating at Paragraph 10.161 that <i>“Although operations will include activities which are individually intermittent, it is considered that many of these operations will overlap, which will give the impression of the site operating consistently”</i>. In other words, because the site is a 24/7 operation, it will become a ‘broadband’ noise source. Once again, this is in contrast to both the IEMA guidance and more importantly, BS 4142.</p> <p>Referring back to IEMA, particularly, the statement that <i>“3 dB is perceptible under most normal conditions, and a 10 dB increase generally appears to be twice as loud”</i> in reference to broadband noise such as road traffic. These values are important to note, as they highlight the underestimations of impacts made throughout the noise assessment.</p> <p>Paragraph 10.41 of the ES states that <i>“A change of 3dB LAeqT or greater is generally considered to result in a noticeable change”</i> (in contrast to their earlier assertion at para 10.36), which correlates to a ‘Medium’ impact in accordance with their IEMA summary in Table 10.9 and the short-term DMRB impact within Table 10.11.</p> <p>Paragraph 10.54 similarly states that <i>“Changes of medium magnitude or above are considered to be significant.”</i></p> <p>In respect of road traffic impacts and taking the future baseline scenario as a starting point, i.e., considering impacts for all <u>other</u> committed developments but excluding impact from the HNRFI, Paragraph 10.112 of the ES chapter states that <i>“For noise levels to increase by 3dB, which is widely accepted to be just perceptible, there would need to be a doubling of existing flows”</i>.</p> <p>Whilst it is not disputed that a doubling of road traffic would result in a 3 dB increase to ambient levels, it has already been established above that a 3dB increase</p>
--	--	--	--

			<p>cannot be described as <i>“widely accepted to be just perceptible”</i>.</p> <p>Paragraph 10.112 goes on to state that <i>“A review has been undertaken of the traffic data provided by the Transport Consultant, which indicates that there will be a 4dB increase on the B4669 and slip roads associated with the M69, and up to a 6dB increase at the roundabout associated with junction 2 of the M69”</i>.</p> <p>To put that into context, a change of 4dB would correlate to a ‘Medium’ impact in accordance with the IEMA and DMRB guidance, with a change of 6dB representing a ‘High’ impact in the short-term in accordance with DRMB (Moderate and Major respectively if we were to use DMRB terminology).</p> <p>With this in mind, it is important to consider sensitive dwellings at these locations. The above demonstrates that even before the HNRFI scheme comes to fruition (future baseline scenario), they will already have experienced noise level increases of up to 6 dB. These increases also need to be considered in relation to cumulative, or in-combination impacts. It should be noted that IEMA guidance references the effect of cumulative impacts at paragraph 7.86 as follows:</p> <p><i>“There can be situations when separate, independent proposals are put forward at about the same time and which are going to impact on the same receptors. The various proposals need to be assessed independently, but at some point, there should be liaison between the projects to consider the cumulative impact on the sensitive receptors of all the proposals. The cumulative impact is likely to be of concern for the local planning authority and, of course, those affected by the proposals are unlikely to differentiate between the noise from the different developments. They are simply going to perceive the total change to their noise environment, should all the developments be implemented.”</i></p> <p>Therefore, one needs to consider the cumulative impact for both the future baseline (4 – 6dB increase), along with</p>
--	--	--	---

			<p>the impact of the HNRFI itself, which has not been undertaken.</p> <p>However, we can crudely predict what these impacts may be based on the 'without mitigation' impacts presented at paragraph 10.237. It is important to note at this point that the crude approach is due to the lack of tabulated information presented within the ES chapter, i.e., no receptor specific numerical values are provided (which in itself speaks to the overall assessment), and therefore, we can only estimate what the numerical impact is based on the descriptive 'Major' effect stated at this paragraph as follows:</p> <p><i>"The four residential receptors predicted to experience a major adverse effect are located.. [removed for brevity] One receptor within the traveler's site, along Smithy Lane, nearest to Junction 2 of the M69.. [removed for brevity] Two receptors at the traveler's site along Leicester Road (B4668)".</i></p> <p>This statement suggests, albeit without mitigation, that a Major Impact (<math>\geq 5\text{dB}</math> in accordance with DMRB) would be experienced at two of the locations predicted to experience Medium to Major impacts for the future baseline. Therefore, these receptors would likely experience an increase of <math>10+\text{dB}</math> when considered cumulatively in accordance with IEMA.</p> <p>It is appreciated that this is based on the 'without mitigation' scenario, nevertheless, it highlights the fundamental flaws within the assessment, and would suggest that any benefits associated with the mitigation scenario cannot be relied upon.</p> <p>Finally, a repeated point on L<sub>Amax</sub> levels associated with the gantry cranes. Paragraphs 10.311 and 10.312 indicate that a <math>10\text{dB}</math> reduction has been afforded to the gantry cranes through the provision of mitigation in the form of suitable equipment selection and exhaust silencers, which obviously is welcome. However, this reduction can only be afforded to the rating level of the plant, and not maximum event levels associated with, for</p>
--	--	--	---

			<p>example, and amongst other things, impact noise associated with container stacking.</p> <p>The applicant has referenced 'proof of evidence' presented in Appendix 10.7. However, analysis of the 'proof of evidence' shows that there is no evidence of this at all, and the relevant document just states that a 10 dB reduction can be afforded but doesn't offer any numerical data to verify this claim. Therefore, this reduction cannot be afforded to maximum levels within the mitigation scenario, and subsequently, another mitigation scenario cannot be relied upon.</p>
--	--	--	---