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Dear Sirs

**Application by Tritax Symmetry (Hinckley) Limited for an Order Granting  
Development Consent for the Hinckley National Rail Freight Interchange –  
Deadline 3 submission**

Please find below and attached submissions on behalf of Leicestershire County Council (LCC) in relation to Deadline 3 of the Examination Timetable as set out in the Rule 8 letter dated 22 September 2023.

**Written Statement of Oral Cases at ISH2 and ISH3**

ISH2 – Traffic and Transport  
*Tuesday 31 October 2023*

1. LCC made the following points in relation to the Agenda items identified below:
  - (i) Agenda item 3a: Traffic modelling: Future construction year: the Examining Authority (ExA) queried whether a future year assessment of 2036 was appropriate given that the development will only just be completed by that date and that it would likely take a number of years for it to become fully operational and as such would a horizon of commencement plus 15 years not be more appropriate, i.e. 2041 by which stage there would be further background traffic growth. The Applicant explained that this date had been agreed with the Highway Authorities. LCC explained that discussions in relation to this issue took place in 2017 when (a) the development proposals were less developed and (b) the applicable policy was ten years from first opening. In that context 2036 was agreed with the Applicant.
  - (ii) Agenda item 3b: Lorry Parking: LCC pointed out that movements across the link road to the lorry park had not been assessed. The Applicant stated that the intention was that the lorry park would be used only by development traffic and

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that a requirement would be proposed that will require adherence to a scheme which will control access to the lorry park. LCC will comment on the requirement when it is provided by the Applicant.

- (iii) Agenda item 3c: Phasing: LCC confirmed that it regards the trigger in Requirement 5 in relation to the timing of highways infrastructure delivery to be appropriate but the drafting itself of that requirement needs to be clarified.
- (iv) Agenda item 3e: Furnessing: LCC does not dispute the methodology used by the Applicant. However, the PRTM does not validate for turning movements, and survey data is required for this process. The Applicant is relying on data from 2017. LCC is concerned with the age of the traffic data use to inform the furnessing process. There has been an opportunity post pandemic, certainly post 2021, to review turning movements against updated survey data. There have been changes to the network and in respect of committed development the effect of which needs to be captured. LCC would like to see the surveys and furnessing updated. Travel patterns and turning movements have changed significantly. Indeed, the network has changed in that period which plainly influences turning movements. Without appropriate up to date data, the Applicant may be designing to flows/movements that are no longer occurring in the same way as six years ago.
- (v) Agenda item 3f: Padge Hall Farm: LCC explained that the uncertainty log in PRTM was agreed in 2021. In March 2023 there were resolutions to grant planning permission for the Padge Hall Farm development. LCC understand that the issue of the planning permission is imminent. Padge Hall Farm will have significant impact on operation of the A5 in that it will draw in high sided HGV traffic (approx. 20% increase) because of the lowering of the carriageway under the Nutts Lane railway bridge. In addition, it will modify A5/A47 Dodwells roundabout through proposed mitigation works. The Applicant has not considered this in its modelling. LCC have requested a sensitivity test be undertaken in VISSIM in line with the A5 Modelling Protocol. The Padge Hall Farm development also has an impact on M69 J1 that has not been accounted for in either the strategic or local modelling. In LCC's view, the Applicant should be required to do this work.
- (vi) Agenda item 3h: M69 J2: the scale of drawings means that LCC have to date been unable properly to check the design and deliverability of the junction and to confirm that it can be delivered within the redline. LCC note that the VISSIM model fails to account for the use of Pegasus crossing. Further, there is a lack of information regarding impact of slip roads on the structural integrity of the existing junction and a lack of safe crossing points over slip roads/connections to local villages.
- (vii) Agenda item 3i: M1 Junction 21/ M69 J3: There is a fundamental disagreement in interpretation of strategic model outputs between the Applicant and LCC as the Local Highway Authority. The Applicant fails to acknowledge any impact at this junction. LCC explained that so far the applicant has declined to carry out further modelling on this junction despite LCC requests (alongside the other Highway Authorities) to include an unconstrained scenario where it could be established what the actual impact of the development would be at this junction.

LCC confirmed that it only seeks the Applicant to address its own impacts at this junction, and not to mitigate against an existing problem. The junction is already constrained and the strategic model shows development traffic using the junction and displacing other traffic onto the Local Road Network (LRN). The Applicant should look to mitigate its effects on the junction in order to “attract back” the displaced modelled traffic. This would potentially reduce the need for mitigation elsewhere on the LRN but the Applicant has simply failed to engage in this fundamental part of the process. That said, LCC is aware that a scheme of mitigation has been designed for this junction by the Applicant (it was presented to LCC's archaeologist for consideration of its impact on a significant archaeological features), but this scheme has not been shared with LCC in its capacity as the Local Highway Authority. Without a scheme of mitigation here, the consequences show an impact at 45 junctions on the LRN and the associated requirements for assessment (which remains incomplete) and mitigation.

- (viii) Agenda item 3j: A47 Link Road Junctions: LCC indicated that the PRTM outputs suggest access junctions will operate over capacity on implementation and that no junction capacity assessments have been carried out for the link road junctions nor has there been any reporting of model outputs for fully dualled link road.
- (ix) Agenda item 3k: Sapcote: The two-way flows through village appear to double. LCC has requested select link analysis to be reported upon. It is not clear at all how the limited mitigation proposed will address the additional flows. A gateway feature (which is not appropriate where it is flow and not speed which is the issue), a zebra crossing, planters and seating outside the shop and moving the offline bus stop into the carriageway will not properly or at all address a doubling of HGVs on what is identified by the Applicant in its HGV Routing Strategy as an undesirable route.
- (x) Agenda item 3l: Stoney Stanton: no mitigation is proposed at the New Road/Long Street mini roundabout. The existing situation will be exacerbated. The Applicant recognises this but states that there is no possible mitigation. In LCC's view this has not properly been explored given the extensive powers available under the Planning Act 2008. However, as proposed, the development will have a severe impact at the junction in the centre of Stoney Stanton and cumulatively severe impacts with Sapcote. At the least, this is a material adverse impact that needs to be taken forward to the overall balance.
- (xi) Agenda item 3m: Narborough Level Crossing: the proposed development increases barrier down time and will have an impact on all users of the LRN. In respect of pedestrians and cyclists this will increase delay at a crossing with a stepped footbridge i.e., cyclists must dismount and carry their cycles across the footbridge or wait for the barrier to lift, and those with mobility problems are unable to cross until the barrier is lifted. LCC do not consider that the impact of the additional downtime on traffic has been adequately assessed. The Applicant has commissioned a video survey, but LCC is concerned that this does not reflect normal traffic conditions as it was carried out, at least partially, in half term. The timing of the survey was not discussed with LCC.

- (xii) Agenda item 3q: HGV Routing and Enforcement: at present the HGV Routing Strategy does not appear to LCC to clearly require HGVs to avoid undesirable routes. The only actual restriction in the Strategy relates to weight restrictions which exist in any event and do not require the Strategy to implement. The Applicant needs to clearly set out how HGVs will be prevented from using undesirable routes and how this will be enforced. At present there is no clear mechanism for monitoring and enforcement.
  - (xiii) Agenda item 3r: Road Safety Audits: The Applicant is in the process of agreeing briefs for Road Safety Audits. Although the Applicant has updated the personal injury data it is not collated in one place, rather the auditors will have to work out the five-year data by combining that provided with the application with the update. This is less than ideal, and the Applicant should present comprehensive up to date 5-year data.
2. By way of short summary, LCC remained concerned that there is a fundamental disagreement on the interpretation of the model outputs and that there is no commitment from the Applicant to model the impacts of the development and potential mitigation at M1 J21/ M69 J3. Neither is there a commitment to update the surveys to inform the junction modelling. These are fundamental failings in the scheme which it appears the Applicant is not going to address. Without considering mitigation (of the proposed development only) at M1 J21 / M69 J3 the whole approach of mitigation on the LRN is called into question. If mitigation at M1 J21 / M69 Junction 3 allowed traffic to remain on the SRN, works to the LRN junctions may not be necessary.
  3. Agenda item 5a: Active Travel and response to DfT Circular 1/2022: in LCC's view the Applicant's focus of mitigation has been on road infrastructure and not active travel. The Framework Site Wide Travel Plan lacks commitments to measures and it is unclear how modal shift will be achieved. There are limited proposals for improvements to encourage walking and cycling.
  4. Agenda item 5b: Cycling: LCC await the promised larger scale drawings in order to confirm the extent of the Footway/ Cycle provision, but it does not appear to connect to local villages. In LCC's view it should: it is a relatively low-cost way of connecting the development sustainably to parts of the potential work force.
  5. Agenda item 5c: Bus connections: the Bus Strategy relies on the X6 Leicester to Coventry service being diverted to serve the site. However, this service operates with limited stops outside of the City boundaries on a frequency and timetable not conducive to shift working patterns. Details of capacity of the existing service have not been provided and it is unclear if this service was utilised if single deck buses would need to be replaced with double deck buses. It is noted that no discussions have taken place with the operator since April 2022. The s106 Heads of Terms includes for a contribution of £500,000 to LCC for provision of the suggested diverted and enhanced service for a limited period of 5 years. This is not something that LCC requested and the Applicant's explanation of the calculation of that figure did not appear robust to LCC. In so far as the Applicant also relies on Demand Responsive Transport (DRT), the existing service (Fox Connect) is a trial service and may or may not continue. In any event, LCC do not consider that DRT is the most effective provision for an employment site operating on fixed shift working patterns. Moreover, there appears to

be no commitment to providing such a service in either the DCO or the s106 Heads of Terms.

6. Agenda item 5d: Public Rights of Way: LCC's case on Public Rights of Way is set out in paragraphs 2.103-2.112 of its Written Representation [REP1-152] and these points were articulated during the hearing, they are not repeated here.

ISH3 – Environmental Matters  
*Wednesday 1 November 2023*

7. LCC made the following points:

- (i) Agenda item 3d: Emissions and consideration of *Boswell v Sec of State for Transport* ("*Boswell*"): In *Boswell* the High Court found that given that carbon emissions had a global effect, not a local one, and that the UK's national carbon budgets did not have sectoral targets, the Secretary of State for Transport (SoS) had been entitled to assess the estimated carbon emissions from three proposed road schemes near Norwich individually against the national carbon budget, rather than having to compare their combined emissions against the budget. *Boswell* reflects the orthodoxy that there is no prescribed method of assessing greenhouse gas emissions ("GHG") and that the selection of a comparator to assist in understanding GHG impacts, where the receptor is the global environment and there are not sectoral carbon budgets in England, is a matter of judgment for the assessor. This reflects the findings of the High Court in the Southampton Airport case (*GOESA v Eastleigh Borough Council*). In the result, there are two key questions for the ExA/SoS in this case (1) is the Environmental Statement (ES) adequate on this issue (which is a matter of judgment for the decision maker (LCC is not suggesting that the ES is inadequate in relation to GHG emissions) and (2) the extent to which this project materially affects the SoS ability to meet their carbon budgets and ultimately, net zero in 2050. The assessment in Chapter 18 of the ES identifies residual annual operational emissions of about 247.36kt CO<sub>2</sub>e [APP-127, §18.288]. The Applicant states "*Considering the commitments to design and mitigation that have been made by TSH, it is concluded by the practitioner that it has been demonstrated that such measures are 'fully consistent with applicable existing and emerging policy requirements and good practice design standards for projects of this type'. Furthermore, in accordance with the significance criteria, a notional residual effect of approximately 247.36 ktCO<sub>2</sub>e would not inhibit commitments necessary to achieve the UK's trajectory towards net zero as they represent less than 1% of both the representative target for 2036 and the total UK's 6th Carbon Budget, which constitutes a non-significant effect (minor adverse).*" This impact needs to be set in context. Meeting carbon budget six is going to be very challenging indeed. This much is clear from the latest advice from the Climate Change Committee. The predicted emissions from this development sit alongside those from other new projects of which there are numerous – just look at the PINS Infrastructure website. When one considers the impact of this scheme, the wider context must not be forgotten, in particular where the receptor is the globe and there is no requirement in that context to consider cumulative effects of specific projects (*Boswell*). This is not because cumulative effects are irrelevant but because there is no practical way of assessing them where all projects are relevant to that question whatever their location.

- (ii) LCC also raised the issue of Requirement 10 in this context. The Applicant claims that there will be material benefits in a number of areas including the reduction of emissions from the transfer of freight from road to rail. Although the Applicant explained that the ES had been carried out on worst case approach in relation to modal shift. LCC endorsed that as the right approach in principle for assessing environmental harm under the Environmental Impact Assessment Regulations, but also because the DCO does not require any use of the rail port. Requirement 10 requires the rail port to be delivered before more than 105,000 square meters of warehouse is occupied, it does not secure any particular level of modal shift or use of that facility. The Applicant cannot provide – having been asked a number of times – figures for the amount of freight that will leave the rail port. There is no evidence basis on which the Applicant could assess the impacts of the scheme assuming a level of transfer from road to rail. Simply because, the scheme does not secure any such transfer. The Applicant's position is that the market is there and it would not be making this investment if it did not believe that there was a market. Given that the application is for a SRFI, LCC hopes that the Applicant will consider committing to a level of use of the rail port.
- (iii) Agenda item 3e: Construction emissions: LCC raised the issue of construction traffic modelling. LCC has not seen any such modelling. The Applicant said it had been done and undertook to share the construction traffic modelling. LCC will comment on it when it has had the opportunity of reviewing it.
- (iv) Agenda item 3f: Energy Generation: LCC sought clarity as to whether or not ground source heat pumps would be considered by the Applicant. In its response to LCC's WR, the Applicant said [REP2-064, pp.134 -135] said that ground source heat pumps would be included in future occupiers' energy assessments. Requirement 18 requires detailed energy strategies to be submitted and approved and the Requirement references the submitted Energy Strategy [APP-217], paragraph 3.2.1 of which states that ground source heat pumps would be unviable. LCC sought to clarify which position was correct. LCC understands the Applicant to have confirmed that ground source heat pumps will be considered.

### **REP1-018 Appendix A Employee numbers and Trip Generation Note**

The submitted Note does not provide any evidence or justification that the trip generation as identified within the submitted Transport Assessment (REP1-012) remains appropriate. No comparability exercise between proposals at Hinckley NRFI with the five identified "comparable" sites has been undertaken, and no recent survey data has been provided to justify the position, despite sites being built out and occupied. Therefore, the concerns of LCC as identified in our Written Representations (REP1-152 paragraph 2.46) remain. We await the submission of further information by the Applicant.

### **REP2-070 Applicants response to Local Impact Reports (LCC)**

The Applicant's response to LCC's Local Impact Report does not correctly cross reference meaning that concerns raised by LCC are not addressed at all, have been inadequately

responded to, or have been responded to with irrelevant information. We await the submission of further information by the Applicant at Deadline 3.

### **REP2-073 Applicants comments on Local Impact Reports Appendix B Link Road Capacity Assessment**

As identified in the LCC Written Representations (REP1-152 paragraph 2.31) and as discussed at ISH2, the PRTM modelling brief did not include for a lorry park or cross movement of trips to the Rail Freight Terminal. Therefore, these need to be assessed manually. The Applicant has submitted an Assessment (REP2-073). However, unfortunately LCC cannot follow the logic or methodology presented, and are currently seeking further clarification from the Applicant team.

### **REP2-074 Applicants comments on Local Impact Reports Appendix C Technical Note Collision Data Review 2020-2023**

The submitted Technical Note provides Collision Data missing from the submitted Transport Assessment (REP1-012) i.e., for the latest 5-year period. Whilst it is acknowledged that some missing information has been provided, the format is not helpful, particularly in respect of providing the information to a Road Safety Auditor, and for purposes of checking and drawing conclusions.

The Technical Note only includes for the latest 3-year period, meaning there is a need to combine 2 years of information from the Transport Assessment (REP1-012) and 3 years of information from the Technical Note (REP2-074) to understand the frequency and severity of accidents at a particular location. Moreover, the locations of accidents for the latest 5-year period have not been plotted on a single plan to allow identification of patterns. Furthermore, the Collision History Study area has not been discussed and agreed with the Highway Authorities. Therefore, the concerns of LCC as identified in our Written Representations (REP1-152 paragraphs 2.37-2.41) remain. We await the submission of further information by the Applicant at Deadline 3.

### **REP2-006 Hinckley NRFI Bridge Plan – S1-P06**

The plan (REP2-006) as submitted does not address LCC concerns in respect of gradients, and how PROW U52 and the access to Bridge Farm will tie in with the link road for all users, nor does the elevation drawing include for the underpass. It also appears that the proposed footway/cycleway deviates in its width. We await the submission of further information, including 1:500 drawings, by the Applicant at Deadline 3.

### **REP2-061 Hinckley NRFI Design Code**

As discussed at ISH2, the revised Design Code (REP2-061) includes for multi storey car parking to be provided in accordance with the needs of end occupiers. It remains unclear how this proposed provision equates with the proposed trip generation for the site (as discussed above), and how this is reconciled with modal shift aspirations as detailed in the

Framework Site Wide Travel Plan (App-159). We await the submission of further information by the Applicant at Deadline 3.

### **REP2-076 Hinckley NRFI Narborough Level Crossing Table**

As discussed at ISH2, LCC are concerned that the Applicant commissioned a 7-day video survey of “highway activities” at Narborough Level Crossing from 11<sup>th</sup> October 2023. On the basis that Leicestershire Schools closed for half term on Friday 13<sup>th</sup> October 2023 it is unclear how representative this data will be. Moreover, it is unclear if cameras were located to establish the full length of queuing at barrier downtimes i.e., Desford Road to its junction with the B4114, Coventry Road, Leicester Road, and Station Road through the village of Littlethorpe. We await the submission of further information by the Applicant at Deadline 3.

### **REP2-010 Draft Hinckley National Rail Freight Interchange Order**

As discussed at ISH5 and following a subsequent meeting with the Applicant team on 8<sup>th</sup> November 2023, LCC welcome the confirmation from the Applicant that the LCC Protective Provisions in the Draft Order are to be amended to reflect the LCC standard s278 and s38 Agreements.

As discussed at ISH2 and ISH5 LCC remain concerned that several of the Requirements as drafted in the Order refer to implementation of documents that are not agreed, and that appear to lack basic information e.g., Framework Site Wide Travel Plan (APP-159), Sustainable Transport Strategy and Plan (APP-153), HGV Management Plan and Route Strategy (APP-362). It is understood that the Applicant is to submit revised documents at Deadline 3.

In addition, the Applicant has confirmed that future revisions of the Draft Order will include for additional Requirements, including in respect of the management of the proposed lorry park in perpetuity, and clarification in respect of occupation of ancillary office space prior to completion of the Rail Freight Terminal. LCC will continue to liaise with the Applicant in this regard and reserves its right to comment on future revisions of the document when submitted by the Applicant at Deadline 4.

### **M69 Junction 2 – historical information in respect of south facing slip roads**

Following information kindly provided by a local resident at ISH2, LCC contacted the [UK Motorway Archive](#) to establish if they hold any information in respect of why south facing slip roads were not constructed at the M69 J2 when it was built in the 1970's.

The Motorway Archive team kindly put us in contact with a Mr John Carrington who was the original Project Manager for the M69 J2 when the feasibility study was carried out between 1968-1969. Mrs Rebecca Henson had a telephone conversation with Mr Carrington, and he advised that the reason south facing slips were not constructed was that there was simply no business case for their provision on the basis that traffic travelling south could find an alternative route to the A5 via Hinckley.



LCC only hold a copy of the design of the junction, and no other supporting documentation. The full archive documents for M69 J2 are held at the Northamptonshire Records Office. We have made contact with the office to try and obtain a copy of any documentation to support the findings of the telephone conversation but as of the date of this letter we have yet to receive a response. However, LCC have no reason at all to doubt Mr Carrington's recollection of events which is also documented in a book [The Motorway Achievement: The Midlands](#) by John Carrington.

### **Clarification in respect of Plot 100**

As discussed at CAH2, LCC confirms that the road between the B4669 Hinckley Road and Aston Lane within Plot 100 is adopted public highway. The road is covered by a prohibition of motor vehicles order (except for access). A copy of this Order is appended to assist the ExA.

### **Information provided to assist the ExA**

Please find attached the following information as discussed at ISH4 on Need and Socio-Economic matters and provided to assist the ExA:

- 'Warehousing and Logistics in Leicester and Leicestershire: Managing Growth and Change' for Leicester and Leicestershire Local Authorities by GL Hearn with MDS Transmodal Ltd and Icen Projects Ltd, April 2021 (amended March 2022);
- 'Leicester and Leicestershire Housing and Economic Needs Assessment' (HENA) for Leicester and Leicestershire Local Authorities by Icen Projects Ltd, April 2022 (updated June 2022);
- 'Leicester and Leicestershire Housing and Economic Needs Assessment' (HENA) Executive Summary for Leicester and Leicestershire Local Authorities by Icen Projects Ltd, April 2022 (updated June 2022);
- 'Leicester and Leicestershire Strategic Distribution Sector Study' for Leicester and Leicestershire Local Authorities by MDS Transmodal and Savills, November 2014.

Please do not hesitate to contact me should any further information be required.

Kind regards



**Julie Thomas**  
Head of Planning, Historic and Natural Environment