

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

*Blaby District Council (IP ref.
20040018) Written statement of
oral case at ISH3 (ref. TR05007).*

Deadline 3 - November 14, 2023

1 Agenda Item 1 - Introduction

- 1.1 This document contains a summary of Blaby District Council's (BDC) oral submissions at Issue Specific Hearing 3 (ISH3) held on 1 November 2023.
- 1.2 Where the comment is a post-hearing comment submitted by BDC, this is indicated. This document uses the headings for each item in the agenda published for Issue Specific Hearing 3 [EV7-001] on 24 October 2023 by the Examining Authority.
- 1.3 BDC is the planning authority for Blaby District and has a statutory function in the geographic area of the Proposed Hinckley National Rail Freight Interchange (the Proposed Development), promoted by Tritax Symmetry Limited (the Applicant).
- 1.4 BDC was represented at ISH3 by Duncan O'Connor, Partner, BDB Pitmans LLP (DO), DO introduced the following BDC representatives to the Examining Authority (ExA):
 - 1.4.1 Edward Stacey, Major Schemes Officer, BDC (ES);
 - 1.4.2 Neil Forsdyke, Air Quality and Noise consultant, M-EC Development Technical Consultants Limited (NF);
 - 1.4.3 Charlotte Clements, Ecology consultant, Land Use Consultants Limited (CC) (also representing Hinckley and Bosworth Borough Council (HBBC));
 - 1.4.4 Ella Moseley, Ecology consultant, Land Use Consultants Limited (EM) (also representing HBBC);
 - 1.4.5 David Hope, Principal Landscape Planner, Land Use Consultants Limited (DH) (also representing HBBC); and
 - 1.4.6 Andy Pringle, Landscape Architect, land Use Consultants Limited (AP) (also representing HBBC);

2 Agenda Item 2 - Purpose of the Issue Specific Hearing

- 2.1 BDC did not make any submissions under this agenda item.

3 Agenda Item 3 – Air Quality

- 3.1 BDC made no submissions on this agenda item. Subject to any additional information submitted at Deadline 3, BDC's position on Air Quality matters is as stated in their Written Representation [[REP1-050](#)] and the updated Statement of Common Ground between the Applicant and BDC to be submitted at Deadline 3. BDC did direct the ExA to the draft revised NPSNN paragraph 5.36 which requires the Applicant to take all reasonable steps to reduce total greenhouse gas emissions.

4 Agenda Item 4 – Biodiversity

- 4.1 EM made general submissions under Agenda item 4 on behalf of both BDC and HBBC. EM noted the progress that the Applicant and BDC had made on ecology and biodiversity issues as recorded in the Statement of Common Ground between the Applicant and BDC ([Deadline 2 Submission 19.1](#)).
- 4.2 BDC noted concerns regarding the potential impacts of nitrogen deposition at the Free Holt Ancient Woodland located immediately adjacent to the new link road where a percentage change relative to the lower critical load (10 kg N ha⁻¹ year⁻¹) of up to 1.4% is predicted. The stated nitrogen deposition is significantly above the critical levels (>49 kg N ha⁻¹ y⁻¹) and therefore, any change, no matter how small, can have a detrimental impact on this Ancient Woodland. BDC drew attention to paragraph 5.32 of the NNNPS which states that Ancient Woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. It continues that development consent should not be granted for any development that would result in the loss or deterioration of irreplaceable habitats including Ancient Woodland unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Therefore, BDC's concern remains around the additional traffic impacts and heavily trafficked HGV Access Routes. BDC requested further detail on the assessment of impacts upon the woodland both through construction and operation, for example details of the incremental distance contributions from the boundary of all relevant roads including the new access link.
- 4.3 EM submitted that BDC's key outstanding concern was in relation to the security of securing offsite Biodiversity Net Gain (BNG). EM noted that currently the offsite BNG proposals are not yet confirmed and there is no certainty that offsite BNG can be secured and managed in the long-term.
- 4.4 In relation to the security of offsite BNG measures, EM highlighted that presently there have been no surveys of hedgerows and river habitats to inform how offsite BNG could be undertaken and secured. Whilst a Modular River Physical field assessment was undertaken by The Applicant's consultants EDP in January 2023, BDC's concern is the post development scenario being assumed. EM stated that BDC do not yet know how the Applicant is to achieve the proposed post development condition as this detail is not provided in either Chapter 12 of the Environmental Statement (ES) [[APP-121](#)] or Appendix 12.2 of the ES [[APP-198](#)]. EM suggested that a requirement to secure offsite BNG in relation to linear and river habitats may be required.

5 Agenda Item 5 – Noise and Vibration

- 5.1 NF spoke to BDC's concerns in relation to noise and vibration. NF stated that the Institute of Environmental Management & Assessment Guidelines for Environmental Noise Impact Assessment (specifically paragraphs 7.85 – 7.86) requires an assessment of in-combination effects, NF submitted that whilst Chapter 10 of the Environmental Statement [[APP-119](#)] paragraphs 10.350 –

10.353 does present overall effects, the in-combination changes from road traffic have not been assessed correctly.

- 5.2 NF noted that the ES does refer to future baseline levels which identifies increases in noise levels of 4-6 dB at key junctions with the Proposed Development, which would represent moderate to major impacts even before considering additional impacts associated without the Proposed Development. NF posited that the in-combination noise effects of development traffic would be a 10db increase, representing a major adverse effect.
- 5.3 **Post Hearing Note:** Due to the limited time available at the hearing BDC's noise consultant was not able to make a number of points in relation to the Applicant's assessment of likely noise impacts. These additional points are detailed in Appendix 1 attached to this document.

6 Agenda Item 6 – Landscape and Visual Assessment

- 6.1 DH on behalf of BDC and HBBC raised concerns with respect to the night time visual assessment of the most recent revision of the Landscape and Visual Impact Assessment (LVIA) [[AS-025](#)]. DH noted that this most recent revision has downgraded all significant visual impacts from the night time visual assessments from significant to non-significant. DH submitted that for a scheme of this scale it is expected there would be widespread night time effects and sought clarity as to why they had been removed.
- 6.2 DH in response to the Applicant's explanation as to why significant night time visual impacts had been removed submitted that BDC disagreed with the sensitivity levels accorded to certain communities and sought clarity as to why a more granular application had not been applied.
- 6.3 DH noted the change in significance of night-time visual impacts was due to assigning a low sensitivity rating to all visual receptors at night. However, this does not appear to accord with the Applicant's own methodology of assessment which states at Appendix 11.1 of the ES at paragraph A1.36 [[AS-028](#)] that "the susceptibility of receptors also differ at night reflecting the different activities people undertake in the hours of darkness".
- 6.4 BDC seek clarification as to why night-time visual effects have not been assessed for the surrounding local communities/residential receptors shown on Figure 11.11 of the ES [[APP-295](#)] and considered for the day-time scenario in Tables 11.20, 11.22 and 11,24 of the LVIA [[AS-025](#)].
- 6.5 **Post Hearing Note:** The general disagreement on the approach to assessing sensitivity of communities for the purpose of the LVIA will be discussed between BDC and the Applicant and progress will be reflected in the Statement of Common Ground submitted at Deadline 4. BDC note paragraphs 7.7 and 7.8 of National Highways Written Representation [[REP1-182](#)] which details the need for the proposed works to Junction 2 of the M69 to be lit and extend onto the M69 mainline, the impacts of which will need to be reflected within the night-time LVIA.

- 6.6 AP made general points on BDC's design issues however, given time constraints was not able to speak to all of the key points BDC sought to raise. These are addressed further in writing in a separate joint submission on behalf of BDC and HBBC for Deadline 3. AP noted, that whilst BDC acknowledges the design changes made by the Applicant, BDC and HBBC still have several outstanding issues with the Proposed Development in design terms, particularly related to the proposed removal of an ancient tree (ref T486).

7 Agenda Item 7 - Cultural Heritage

- 7.1 BDC did not make any submissions on this agenda item.