

Application by Tritax Symmetry (Hinckley) Limited for Hinckley National Rail Freight Interchange Project

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 28 November 2023

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues also published today. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact HinckleySRFI@planninginspectorate.gov.uk and include 'Hinckley NRFI ExQ1' in the subject line of your email.

The date for responses is **9 January 2024**.

Note: This document does include any questions following the Applicant's Late Submission dated 24 November 2024, accepted at the discretion of the ExA.

Abbreviations used

BDC	<i>Blaby District Council</i>	LPA	<i>Local planning authority</i>
BoR	<i>Book of Reference</i>	NE	<i>Natural England</i>
CA	<i>Compulsory Acquisition</i>	NR	<i>Network Rail Infrastructure Limited</i>
CEMP	<i>Construction Environmental Management Plan [APP-359]</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
DCO	<i>Development Consent Order</i>	NPSNN	<i>National Policy Statement for National Networks</i>
dDCO	<i>Draft DCO [REP2-003]</i>	PA2008	<i>Planning Act 2008 (as amended)</i>
EA	<i>Environment Agency</i>	PMA	<i>Property Market Area</i>
EM	<i>Explanatory Memorandum [REP2-012]</i>	PRoW	<i>Public Right of Way</i>
ES	<i>Environmental Statement</i>	REAC	<i>Register of Environmental Actions and Commitments</i>
ExA	<i>Examining authority</i>	SoCG	<i>Statement of Common Ground</i>
HBBC	<i>Hinckley and Bosworth Borough Council</i>	SoS	<i>Secretary of State</i>
LCC	<i>Leicestershire County Council</i>	TA	<i>Transport Assessment [REP1-011]</i>
LEP	<i>Local Enterprise Partnership</i>	TP	<i>Temporary Possession</i>
LLEP	<i>Leicester & Leicestershire Economic Partnership</i>	WCC	<i>Warwickshire County Council</i>
LIR	<i>Local impact report</i>		

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained at this [link](#).

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ	Question to:	Question:
1.0	General and Cross-Cutting Questions	
1.0.1.	Local Authorities	<p>Development Plans</p> <ul style="list-style-type: none"> a) Could all host LPAs, including LCC in respect of minerals and waste, please provide a copy of their adopted Development Plans which may affect consideration of the Proposed Development, along with appropriate extracts and key from the policies map? b) Are any of these Plans subject to review? c) If so, at what stage has it reached and has any part of the Application site been assessed for development as part of the review? Does this have any implications for the Proposed Development? d) Should the status of any such plan change during the Examination, could the relevant local planning authority please update the Examination at the next deadline.
1.0.2.	BDC HBBC Parish Councils	<p>Neighbourhood Plans</p> <ul style="list-style-type: none"> a) BDC has provided a copy of the latest version of the Fosse Villages Neighbourhood Plan [REP3-088] which is understood is awaiting the Examiner's Report. Could BDC provide updates as matters progress. b) Could BDC, HBBC and the Parish Councils please provide details of any other designated Neighbourhood planning areas both within the area covered by the Application site and any area which the local planning authority considers to be affected by the Proposed Development, along with current details of progress towards any such Neighbourhood Plans being made. Where documents exist, could copies please be provided.

ExQ	Question to:	Question:
		c) Should the status of any such plan change during the Examination, could the relevant local planning authority please update the Examination at the next deadline.
1.0.3.	All parties	<p>Covid-19 pandemic</p> <p>a) Does any party have any view as to whether the Covid-19 pandemic has had any material implication as to how the Proposed Development should be considered, particularly in relation to demand and trends in all aspects of the submission following the pandemic?</p> <p>b) If so, they should explain why they hold that view, evidenced where possible.</p> <p>Note: This is a separate matter to the question asked of the Applicant in the Rule 17 letter of 22 September 2022 [PD-007] which was responded at D2 [REP2-077] by the Applicant. The Applicant does not need to respond further, but other IPs may respond both to this question and the D2 response.</p>
1.0.4.	All parties	<p>Equality Impact Assessment</p> <p>Could all interested parties provide the Examination with their views as to how the Proposed Development would affect any person with any protected characteristics set out in section 4 of the Equality Act and whether it would (in line with s149 of this Act):</p> <p>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</p> <p>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p> <p>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>

ExQ	Question to:	Question:
1.0.5.	The Applicant	<p>Health Impact Assessment</p> <p>The ExA have previously issued a Rule 17 letter [PD-007], and it is noted that the health briefing note has been updated [REP3-012]. Could a matrix or table be added as a summary of the health impacts. In addition, the date of the note needs to be correctly updated.</p>
1.0.6.	The Applicant	<p>Terminology</p> <p>In Table 18.1 in Chapter 18 of the ES [APP-127] the Inspectorate reminds the Applicant that the term 'Reserved Matters', is one used in association with Outline planning consent and is not applicable to National Infrastructure Projects submitted under the PA2008. The term is still used in other documents such as the Design Code [REP2-061] and should be amended. Could the Applicant please undertake a comprehensive analysis of the documentation submitted and amend this as necessary.</p>
1.0.7.	The Applicant	<p>Demolitions</p> <p>Demolition works are briefly summarised in paragraphs 3.12 and 3.13 of ES Chapter 3 and the Demolition Plan [APP-045] identifies the buildings that are to be demolished. Further details on demolition works and related waste produced from these are provided in paragraphs 17.73-17.78, ES Chapter 17 [APP-126].</p> <p>Can the Applicant provide more detail on the demolition works anticipated with respect to the roads, buildings, the existing single-lane hump-back bridge over the Leicester to Hinckley railway on Burbage Common Road, and any other building or engineering operation associated with the demolition works?</p>

ExQ	Question to:	Question:
1.0.8.	The Applicant	<p>Building Life and Maintenance Assessments Paragraph 4.2.5 of the Logistics Demand & Supply Assessment [REP3-036] indicates “the life of a modern warehouse building is 30 years”. On the other hand, paragraph 3.138 of Chapter 3 of the ES: Project description [APP-112] indicates “the EIA has not assessed decommissioning as the HNRFI is intended to be a permanent development”.</p> <p>Could the Applicant please signpost throughout the EIA where the effects of the demolition and replacement of the warehouses, or if appropriate their refurbishments, has been assessed. Similarly, information as the effects of resurfacing of roads and maintenance of associated development, including solar panels, should be highlighted.</p> <p>Should these elements have not been assessed, could the Applicant please update all relevant chapters of the EIA, setting out the in-perpetuity effects of these elements and implications for the consideration of the Proposed Development.</p>
1.0.9.	The Applicant	<p>Construction Environmental Management Plan [APP-359] Paragraphs 1.67, 1.70, 1.86, and 1.110 all have typographic errors. Could the whole document please be checked.</p>
1.0.10.	The Applicant	<p>Construction Management Plans There is reliance on phase-specific Construction Environmental Management Plans, which are to be drafted in accordance with the principles set out in the overarching Construction Environment Management Plan [APP-359]. Please can the Applicant explain how</p>

ExQ	Question to:	Question:
		this, and similar phased approval documents, will this comply with EIA law on staged approvals?
1.0.11.	The Applicant	<p>Cumulative effects For the purposes of the cumulative assessment, other works outside of the Order Limits such as for junction improvements other than M69 Junction 2 and the A47 Link Road Works were excluded as they were not considered by the Applicant to be a source of significant cumulative effects (paragraph 20.13 of ES Chapter 20 [APP-129]).</p> <p>a) Can the Applicant clarify how it determined that these other works outside the main Order Limits would not cumulatively cause significant adverse effects with the Proposed Development in terms of both intra-project and inter-project?</p> <p>b) Can the Applicant confirm if the cumulative assessment of construction traffic modelling accounted for the effects of potential closures due to works on the M69 Junction 2? If so, provide details on how this has been assessed. If not, please explain why.</p>
1.0.12.	The Applicant	<p>Proposed Development Could the Applicant please explain how the figure of up to 200,000 square metres (m²) of mezzanine floorspace within the proposed warehousing has been derived, providing evidence to support any assertions?</p>
1.0.13.	The Applicant Local Authorities	<p>Associated housing development A number of RRs, such as [RR-0025] and [RR-1022], reference the provision of housing associated with the application.</p> <p>a) Could the Applicant confirm if the scheme includes the provision of housing?</p>

ExQ	Question to:	Question:
		b) Could the Local Authorities advise whether any major development proposals have come forward or are planned in the vicinity of the application site?
1.0.14	The Applicant BDC HBC	Place Shaping Officer BDC and HBC reference discussions regarding a Place Shaping Officer. Please provide an update on the progress and details of creating and funding such a post and how it would be secured.
1.0.15	The Applicant	Lighting of M69 Junction 2 and associated slip roads The report on M69 Lighting Proposals and associated effects [REP3-062] explicitly does not cover the assessment associated effects on biodiversity and visual effects. Could the Applicant please either signpost where the lighting proposals have been explicitly considered or provide a note to consider these matters.
1.0.16	All Parties	Energy Generation a) All parties are offered the opportunity to make representations relating to the energy aspects of the Proposed Development following the publication by the Government of the suite of Energy NPSs in November 2023. b) The Applicant is asked for its comments in light of footnotes 80 and 92 of EN-3 and their implications for the Proposed Development. c) The Applicant is asked to signpost how the proposed photovoltaic arrays are to be secured and delivered (ie to ensure any effects of them are taken into account). d) The Applicant is also asked to estimate the current maximum energy generation that could be secured from the rooftop delivery of photovoltaic cells within the Proposed Development based on current technology (measured in alternating current (AC)). This

ExQ	Question to:	Question:
		answer should ignore any legislative restrictions on the amount of energy that could be produced.
1.0.17.	The Applicant	<p>Site Waste and Materials Management Plan [APP-361]</p> <p>a) Could the Applicant please explain how this plan reflects the Government’s Net Zero agenda, and in particular the “Net Zero Strategy: Build Back Greener”.</p> <p>b) Could the Applicant please provide a greater explanation as to how waste impacts of the development will be minimised?</p>
1.1.	Air Quality and Emissions	
1.1.1.	The Applicant	<p>Air Quality</p> <p>Can it be confirmed that the pollutants assessed in relation to diesel locomotives cover all relevant pollutants of interest.</p>
1.1.2.	The Applicant Local Authorities	<p>Air Quality</p> <p>Could the parties advise if the East Midlands Air Quality Network have been consulted as part of the application? If so, what was its response to the Proposed Development.</p>
1.1.3.	The Applicant	<p>Dust mitigation</p> <p>Paragraphs 1.77 to 1.79 of the CEMP [APP-359] set out a list of examples of dust mitigation measures, but this list does not contain all of the highly recommended measures described in Tables 9.40 and 9.41 in ES Chapter 9 [APP-118]. Paragraph 1.79 of the CEMP states that “not all of these will be necessary or feasible for this particular construction project” and that “specific measures will be confirmed in each phase CEMP”. The assessment of impacts from</p>

ExQ	Question to:	Question:
		<p>dust during construction relies on all the mitigation measures set out in Tables 9.40 and 9.41.</p> <p>Can the Applicant clarify which of the mitigation measures in the CEMP are not necessary or achievable and how this affects the assessment of likely significant effects from dust on relevant receptors during construction.</p>
1.1.4.	The Applicant	<p>Emissions Could the Applicant signpost where National Highways managed roads have been considered within the assessments? If not included, what are the implications of including them?</p>
1.1.5.	The Applicant	<p>Emissions Tables 18.5 and 18.6 in Chapter 18 of the ES [APP-127] set out vehicular Greenhouse Gas emissions during the construction and operational stages respectively. In each case these are based on a 24 hr AADT total flow.</p> <p>Although these are set out in Appendix 18.3 [APP-219], could the Applicant please direct the ExA to where these figures can be found in the requisite Transport document (Chapter 8 of the ES [APP-117] and its Appendices) or alternatively set out a clear exposition of how they have been derived?</p>
1.1.6.	The Applicant	<p>Emissions a) Paragraphs 3.89 and 4.5 of the Planning Statement [REP3-034] assert that the buildings will be carbon net zero. Could the Applicant please provide a calculation of the buildings to underpin these assertions.</p>

ExQ	Question to:	Question:
		<p>b) At Chapter 18 of the ES (Energy and Climate Change) [[APP-127], in Table 18.2 page 1-18, it is stated ... "That being said, in the experience of the Consultant, it is not feasible, achievable nor practical to achieve true net-zero for a development of this size, scale and nature without procuring means to offset residual effects". How does this comment relate to paragraphs 3.89 and 4.5 of the Planning Statement [REP3-034]?</p> <p>c) Can the Applicant explain what assumptions have been applied to calculations in relation to net-zero in relation to the ExQ1.0.8 of the Proposed Development?</p>
1.1.7.	The Applicant	<p>Construction Emissions ES Figure 9.2 [APP-241] shows the extent of the Construction Phase Road Traffic Emissions Study Area but does not appear to include the area shown on Document 2/2H Sheet 8C of Works Plans [APP-007] and [APP-015] as associated works to the B4114 Coventry Road, with the B518 Broughton Road in Work No. 17 of the dDCO [REP2-003]. Can the Applicant clarify whether these works were assessed as part of the construction phase traffic emissions assessment and if not explain why.</p>
1.1.8.	The Applicant NR	<p>Cumulative Effects Could the Applicant and NR clarify whether there are any rail developments which they believe could lead to cumulative effects with the Proposed Development?</p>

ExQ	Question to:	Question:
1.1.9.	The Applicant	<p>Energy generation and use Paragraph 18.269 of Chapter 18 of the ES [APP-127] indicates a list of potential building construction standards:</p> <ul style="list-style-type: none"> a) Could the Applicant please set out in comparative terms the differences between them and also set a comparison of each against the current Building Regulations? b) Could the Applicant clarify how the relevant standard is secured, as a minimum, in the DCO or co-joined documents? c) Appendix 18.1 in section 4 only refers to the Building Regulations, although the U-values referred to are, generally, better than the Building Regulations. Could the Applicant please confirm the standard to be used.
1.1.10.	The Applicant	<p>Energy Generation and use</p> <p>See also ExQ1.0.16.</p> <p>The combined roof area of all proposed buildings is estimated to be up to 65 hectares and is intended to accommodate solar photovoltaic (PV) panels, giving a potential electricity generation capacity of up to 42.4 megawatts (MW). Table 18.8 of ES Chapter 18 [APP-127] considers the carbon dioxide (CO₂) emissions that would be avoided through the generation of electricity by solar PV and paragraph 18.264 states that the Energy Strategy determined that 47,930 MWh (83%) of the yearly energy demand (in the worst case) on the Main HNRFI Site will be met by solar PV.</p> <ul style="list-style-type: none"> a) Can the Applicant clarify if a decision has been reached on the installation of PV panels on the roofs and when these would be

ExQ	Question to:	Question:
		<p>installed? In addition, is there potential for car parking areas to be covered by shelters so that PV panels could be installed on them?</p> <p>b) If the installation of the PV panels is a commitment as part of the Proposed Development, could the Applicant please indicate how this is to be secured and at what triggers would be utilised?</p>
1.1.11.	The Applicant	<p>Energy generation and use Paragraphs 3.45 to 3.46 of Chapter 3 of the ES [APP-112] describe an energy centre, the details of which are described, including an electricity substation and switchgear, and 5 MW gas-fired combined heat and power (CHP) units. Provision for onsite standby generators for use only in the case of grid failure, battery storage and a hub for district heating are described in paragraph 3.46.</p> <p>Can the Applicant explain in more detail how the Combined Heat and Power (CHP) units, as well as the proposed battery and standby generators have been assessed as part of the ES for potential likely significant effects?</p>
1.2.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
1.2.1.	The Applicant	<p>Legal Compliance Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010 requires the SoS to have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992. Could the Applicant please explain how it considers that the proposal would comply with this obligation.</p>

ExQ	Question to:	Question:
1.2.2.	Local Authorities	ES Appendix 11.4: Arboriculture Impact Assessment [APP-194] Please confirm or otherwise your comments on the Arboriculture Assessment and the loss of trees, particularly the loss of Category A specimens. In addition, please comment on the compensatory provisions proposed.
1.2.3.	The Applicant	ES Appendix 12.1 Ecology Baseline Assessment [APP-197] Could the Applicant please confirm that bat and other appropriate protected species surveys have been undertaken on all buildings proposed to be demolished and identify where in the ecology assessments and reports this information can be found.
1.2.4.	The Applicant	ES Chapter 12 – Ecology and Biodiversity [APP-121] Could the Applicant explain what baseline conditions and engagement led to the desk study search radii around the main part of the Application Site shown at paragraph 12.26?
1.2.5.	The Applicant	ES Chapter 12 – Ecology and Biodiversity [APP-121] Could the Applicant point to where in the assessment impacts on sensitive ecological features from increased dust emissions during construct/operation have been considered?
1.2.6.	The Applicant	Ecological Buffers Ecological mitigation includes buffers around the proposed retained/enhanced habitats. Could the dimensions of these proposed buffers be clarified.
1.2.7.	The Applicant	Biodiversity Net Gain At ISH3 on Environmental Matters, during the discussion regarding Biodiversity Net Gain, it was suggested that the 10% BNG may need to be achieved through the purchase of BNG credits. If this is the

ExQ	Question to:	Question:
		means to securing the BNG requirement of the project, how will this impact on the funding of the project?
1.2.8.	The Applicant	<p>CEMP [APP-359] Following discussions at ISH3, can the Applicant signpost the element of the CEMP that would secure mitigation measures to avoid negative impacts to Burbage Wood and Aston Firs SSSI during construction from dust effects, potential root compaction and encroachment.</p>
1.2.9.	The Applicant NE	<p>Burbage Common and Woods SSSI – recreational disturbance In the RR from NE [RR-0974] it is indicated that the proposed Access Management Plan to mitigate the effects of additional recreational disturbance occasioned by the Proposed Development would include “Measures ... to restrict access to the more sensitive areas of the SSSI”.</p> <p>a) Could the Applicant and NE set out the nature of these restrictions, including extent, timings (if part year), etc., as these do not appear to be mentioned in the Woodland Access Management Plan (Appendix 12.4 to the ES [APP-200]), to allow IPs to comment on them and the ExA and SoS to judge whether they are justified. If they are outside the proposed Order limits, how are they to be secured?</p> <p>b) Could the Applicant and NE set out respective positions should the ExA or SoS consider that these measures are not justified in the public interest.</p>

ExQ	Question to:	Question:
1.3.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
1.3.1.	The Applicant	<p>Statement of Reasons [REP2-016]</p> <p>a) Paragraph 4.3.3 should also refer to the time limits set out in Article 28.</p> <p>b) Paragraph 7.4 indicates that the owner of Plot 40 has not responded to previous approaches. Could the Applicant please provide evidence of the approaches made and update the document if the owner has subsequently responded.</p>
1.3.2.	The Applicant	<p>Plot 101</p> <p>a) The Applicant is asked to specifically respond to the proposal set out by the Objector in [REP3-143] that the construction compound for the proposed slip road to and from the M69 could be provided within the main body of the site, particularly through the re-phasing of the built development, so as to ensure that the area within the main body of the site closest to Junction 2 could be used as a construction compound.</p> <p>b) Could the Applicant please set out, without prejudice to its case that the use of the plot is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the TP of Plot 101 was not justified.</p>
1.3.3.	The Applicant	<p>Plot 122</p> <p>a) The Applicant is asked to specifically respond to the proposal set out by the Objector in [REP3-144] that the construction compound for the proposed highway works at the junction of Hinckley Road with Stanton Lane could be provided on the verge outside the Garden Centre.</p>

ExQ	Question to:	Question:
		b) Could the Applicant please set out, without prejudice to its case that the use of the plot is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the TP of Plot 122 was not justified.
1.3.4.	The Applicant	<p>Wortley Cottages, Station Road, Elmhurst The residents of 6 Wortley Cottage, who according to the Book of Reference have interests in various parcels of land in the vicinity of Bostock Close and Station Road, Elmhurst, assert that they have not been notified of the potential interference with their land rights [REP3-140].</p> <p>Could the Applicant please demonstrate through the submission of signposting and/ or documents as to what engagement has taken place with these residents.</p>
1.4.	Cultural Heritage	
1.4.1.	The Applicant	<p>Legislative Requirements/General matters</p> <p>a) Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 requires the SoS to have regard to various matters in respect of heritage in coming to their decision. Could the Applicant please explain how it considers that the Proposed Development would comply with this obligation?</p> <p>b) Please confirm or otherwise whether Hillroof Farmhouse, Station Lane, Croft has been assessed as part of the assessment of Listed Buildings. If it has not, please provide updates reports including such.</p> <p>c) Please confirm if the lighting of the site has been considered as part of the assessment of impacts on the settings of designated</p>

ExQ	Question to:	Question:
		and non-designated heritage assets. Updated documents should be provided in the event that the assessment has failed to cover this aspect of the proposal.
1.4.2.	The Applicant and Interested Parties	<p>Levelling Up and Regeneration Act 2023 Are there any implications for the proposed development on cultural heritage assets as a result of Section 102 of the Levelling Up and Regeneration Act 2023? If you consider there are, please set out your analysis for consideration.</p>
1.4.3.	The Applicant	<p>Appendix 13.1 Archaeological Assessment [APP-201] a) Paragraph 1.36 of Appendix 13.1 of the ES makes an inaccurate reference to ‘planning applications’ in para 5.127 of the NPSNN. This should be amended to reflect this is an application for a NSIP. b) Paragraph 1.64 of Appendix 13.1 of the ES refers to Figure 13.4 document reference 6.3.13.4 in its commentary regarding non-designated heritage assets. The plan references statutory designations, but it is unclear how non-statutory designated assets are designated as referred to in the text. Could the Applicant please amend the plan so it is consistent with the commentary in paragraph 1.64.</p>
1.4.4.	HE Local Authorities	<p>Appendix 13.1 Archaeological Assessment [APP-201] a) Please confirm whether you agree with Archaeological Assessment and its conclusions, and in particular the suggestion at paragraph 1.78 that the Romano-British remains are of low to medium importance and do not require preservation in-situ. If not, could you please explain why you hold that view. b) In addition, paragraph 1.119 identifies a series of trial trench excavations, please advise if you consider the extent and</p>

ExQ	Question to:	Question:
		coverage to be sufficient to properly inform the Archaeological Assessment of the Proposed Development.
1.4.5.	HE Local Authorities	<p>Appendix 13.2 Heritage Assessment [APP-202]</p> <p>a) Please confirm that you agree with Heritage Assessment and its conclusions, and in particular the suggestion at paragraph 1.91 that the Scheduled Monuments are not considered to be sensitive receptors, and your views on whether the settings of the seven listed buildings described in paragraph 1.7 and of the Aston Flamville Conservation Area will be significantly impacted by the proposal.</p> <p>b) Could you, in each case, set out whether you consider that the settings of each of the heritage assets would be preserved, or be subject to less than substantial harm or substantial harm, explaining why, in each case, you hold that view.</p>
1.4.6.	The Applicant	<p>Burbage Common Road</p> <p>The RR from David Knight [RR-0293] refers to the changes to the entrance road to Elmesthorpe. Could the Applicant confirm whether road changes have been considered in the assessment of effects on the character and appearance of the conservation areas. If so, could this please be highlighted in the documentation provided. If not, could this please be undertaken and submitted.</p>
1.4.7.	BDC HBBC	<p>Burbage Common</p> <p>a) A number of RRs (for example [RR-0166]) have described Burbage Common as an ‘Historic Space’. The Applicant in Table 13.2 sets out that the Common is not a designated heritage asset. Could the Councils advise whether it has been considered for any heritage designation, and if so, what were the results.</p>

ExQ	Question to:	Question:
		b) If it has not been considered, does the Councils consider that Burbage Common should be considered to be a heritage asset?
1.4.8.	The Applicant Local Authorities Historic England	Effect on remains A number of RRs (for example [RR-0603] and [RR-1227]) suggest the proposal will erode the area's Roman Heritage, with one stating that the remains of a Roman Bath House and villa were found. Could all parties comment on this, discuss the significance, and if appropriate if any mitigation should be proposed.
1.4.9.	The Applicant	Interpretation Could the Applicant advise if any proposals for interpretation of the cultural heritage of the area have been considered/ proposed as part of the Proposed Development.
1.4.10.	The Applicant Local Authorities HE	Interpretation and effect on remains A number of RRs (for example [RR-0216] and [RR-0632]) have cited the area's significance in relation to Bronze Age archaeology, and cultural links to the Basset Family and the English Civil War. Could the parties comment on the significance of these events to the area and whether any proposed mitigation should be considered.
1.4.11.	The Applicant BDC	Degree of Harm The SoCG between the Applicant and BDC [REP3-078] states that the cultural impacts have been adequately assessed and agreed adverse impacts means harm. BDC in their LIR [REP1-055] paragraph 1.128 states that the Proposed Development will have a significant impact on several structures that appear on the Historic Environment Record. Whilst the affected assets are of low sensitivity, they will be subject to a large magnitude of change which equates to moderate or minor impacts on their significance.

ExQ	Question to:	Question:
		<p>Could both the Applicant and BDC confirm whether in their view, in the terms of paragraphs 5.131 to 5.134 of the NPSNN, this equates to less than substantial harm?</p>
<p>1.5.</p>	<p>Draft Development Consent Order (dDCO) [REP2-003] & Explanatory Memorandum [REP2-012]</p>	
<p>1.5.1.</p>	<p>Statutory Party, Statutory Undertaker and other IPs who were not present at ISH1 and/ or ISH5</p>	<p>ISH1 and Annex Issue Specific Hearing 1 (ISH1) on the dDCO was held on Wednesday 13 September 2023. Annex F to the Rule 6 letter [PD-005] and Annex F(i) provided a set of questions on dDCO drafting, on which oral submissions were sought from invited IPs in order to enable an early start to be made in the Examination on the ExA's dDCO drafting observations. The dDCO was also considered at Issue Specific Hearing 5 (ISH5) on 3 November 2023.</p> <p>IPs participating in the hearing were requested to make written submissions on matters raising in the hearing (including the content of Agenda Item 5 and the Annex F(i) questions) at Deadline 1. To the extent that they have already done so, such IPs do not need to respond to this question. However, this question does seek responses to the Annex F(i) questions from those who have not done so to date and from any Statutory Party and Statutory Undertaker IPs that did not participate orally in ISH1 or ISH5 or make written submissions on the matters questioned there at Deadline 1.</p> <p>Responses should address the questions in Annex F(i), but recognising that the Applicant has made changes to the dDCO in part</p>

ExQ	Question to:	Question:
		to address these matters since ISH1 was held, intending respondents should review the latest version of the dDCO in tracked changes [REP2-003] and the latest Schedule of Changes to the dDCO [REP2-014] before doing so.
1.5.2.	The Applicant	<p>Article 2 - Definitions Could the Applicant please explain both in response to this question and in the EM:</p> <p>a) why the definition of “authorised development” includes “any works carried out under the requirements”? Particularly, it should explain why the drafting for this definition has excluded this phrase from “development” within its meaning in section 32 of the PA2008.</p> <p>b) why the definition of “undertaker”, particularly in relation to limb (b), is drafted as it is, since section 156(1) of the PA2008 confirms that a DCO has effect “for the benefit of the land and all persons for the time being interested in the land” As discussed at ISH5, the Applicant is also asked to consider the relationship with Articles 7(4) and 8.</p>
1.5.3.	The Applicant	<p>Articles 3, 5 and 7 – Use and benefit of Order The Applicant is asked to explain the reasoning for the words “and used” in Article 3 given the provisions in Article 5 authorise the use to take place. That it has been used in precedent DCOs is not, of itself, a reason for the drafting as set out in this case. The reasoning should also set out how all users of the site will be subject to operational requirements under Schedule 2.</p> <p>The Applicant is also asked to consider the relationship to Article 7, and in particular the phrase “other persons affected by the authorised</p>

ExQ	Question to:	Question:
		development” in that Article, since this could be considered to apply both to those with interests in the Order lands, but also to those outside.
1.5.4.	NR LCC	Article 4 – Parameters of authorised development Could NR and LCC confirm they are content with the drafting of this provision in respect of the matters which they have an operational interest?
1.5.5.	The Applicant	Article 6 – Maintenance of authorised development Article 6(1) refers to “an agreement made under this Order [which] provides otherwise”. Could the Applicant please explain both in response to this question and the EM which, if any agreements it is referring to, and appropriate copies of the agreements should be provided (if necessary, in draft and thereafter updated).
1.5.6.	The Applicant	Article 10 – Power to alter layout, etc., of streets This power would allow the Applicant to alter any street within the Order limits. Could the Applicant please explain why this extensive power is required, and why it could not be limited to specific identified streets? If it could be so limited, could the dDCO please be amended as appropriate.
1.5.7.	The Applicant	Article 12 – Temporary closure of streets Could the Applicant please set out in the EM why this provision is needed for this Proposed Development as opposed to where it has previously been utilised in precedent DCOs.
1.5.8.	The Applicant	Article 17 – Speed limits This provision applies outside the application site. The Applicant should explain, both in response to this question and in the EM, why this is necessary.

ExQ	Question to:	Question:
1.5.9.	The Applicant	<p>Article 21 – Discharge of water Could the Applicant please explain in both its response to this question and in the EM the relationship between this provision and section 146 of the PA2008.</p>
1.5.10.	The Applicant	<p>Article 26 – Compulsory acquisition of land – incorporation of the mineral code The Acquisition of Land Act 1981 does not refer to “the mineral code”. Consequently, this should be defined and explained, as necessary within the dDCO, the EM and in response to this question.</p>
1.5.11.	The Applicant	<p>Article 28 – Power to override easements and other rights a) Unlike the cited precedents this provision refers to “any contractors, servants or agents of the Undertaker”. Could the Applicant please explain why this is necessary (and also why the term is used in various Protective Provisions). b) Could the Applicant please review this provision with Article 26 to ensure that there are not inadvertent disconnects, for example, where private rights include mineral rights.</p>
1.5.12.	Local Authorities EA NE NR	<p>Article 49 - Disapplication, application and modification of legislative provisions a) Could the Applicant please check the referencing in the EM as this refers to Article 48. b) Do the EA, NE, NR, LCC as LLFA, BDC and HBBC agree with the provisions as cited? If not, could you please explain why or, if it considers alternative drafting is necessary, please provide it, making particular reference to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (as amended).</p>

ExQ	Question to:	Question:
1.5.13.	NH LCC BDC HBBC	Schedule 2, Part 1 – Requirement 5 Could NH, LCC, BDC and HBBC confirm that they are content to be the relevant approval bodies as set out in this table, and whether they are content with the drafting or whether they should be considered via the relevant planning authority? If they consider alternative drafting should be utilised, could they please provide it, explaining why they prefer this drafting.
1.5.14.	The Applicant	Schedule 2, Part 1 – Requirement 7 Could the Applicant please explain why paragraph (2)(d) of this provision only makes reference to trees, when Article 46 (felling or lopping of trees and removal of hedgerows) also makes reference to hedgerows.
1.5.15.	HE Local Authorities	Schedule 2, Part 1 – Requirement 12 Please advise whether you consider the drafting of this requirement is appropriate. If not, please provide any amendments you consider necessary to this requirement to make it detailed to specific parts of the site, rather than, as set out currently, referring to the Mitigation Strategy.
1.5.16.	The Applicant	Schedule 2, Part 2 The Applicant indicated at ISH5 that it had yet to update this Part. Could the Applicant please ensure that this is completed by the date for responses to this question. While the Applicant has indicated [REP3-077] that it will also consider fees for applications under requirements, the drafting will need to include all bodies, not just relevant planning authorities.

ExQ	Question to:	Question:
1.5.17.	BDC	<p>Explanatory Note The Explanatory Note indicates that a copy of the plans and the Book of Reference will be available for inspection at the offices of BDC. Could BDC confirm that it is content for this.</p>
1.5.18.	The Applicant	<p>Access and Rights of Way Plans [APP-016] to [APP-020]</p> <p>a) The use of indicator marks outside the designated area of the plan (that is beyond the cut line) leads to confusion. Marks should only be within the substantive area.</p> <p>Could these plans please be checked. For example, on sheet 1 of 4, the southern terminus point of the right of way, U52/6, to be stopped up is identified but is below the cut-line and therefore should not apply.</p> <p>The dDCO and EM both incorrectly identify points 5, 33, 34, 35 and 36 on the Access and Rights of Way plan is on Sheet 1 of 4, when they lie below the cut-lines and thus are only on sheets 3 and 4. Could the dDCO EM please be checked as a whole and amended as appropriate.</p> <p>b) Could the Applicant please explain why the PRow U50/1 between points 6 and 7 is to be temporarily closed (see Part 4 of Schedule 5 of the dDCO), and therefore logically to be reopened, and a new footpath on a very similar, but different line created. What the reasons are there for not rationalising these into a single route?</p>
1.5.19.	The Applicant	<p>Schedule 15</p> <p>a) Should the Landscape and Ecology Management Plan [APP-360] be referenced in Schedule 15?</p>

ExQ	Question to:	Question:
		b) Given the substitutions and amendments that have already been, and are likely to continue to be, made to the Environmental Statement, could the Applicant consider alternative ways of drafting to simplify this.
1.5.20.	The Applicant	<p>Register of Environmental Actions and Commitments (REAC) The ExA notes that the conclusion of the Environmental Statement (Chapter 21 [REP3-010] includes a REAC.</p> <p>While appreciating that the dDCO [REP2-003] proposes that the Environmental Statement would be a certified document in Schedule 15, would it be clearer to have this as a standalone document?</p>
1.5.21.	The Applicant	<p>Potential additional requirement The loss of habitats is referenced within paragraph 3.4 of the Ecological Mitigation and Management Plan [APP-360]. Should the management of the habitat loss should be controlled as a requirement in the dDCO?</p>
1.6.	Landscape and Visual	
1.6.1.	Local Authorities	<p>Appendix 11.1 - Landscape Visualisation baseline report [APP-191] Please comment on the economic value of the landscape and the impact on such as a result of the proposal.</p>
1.6.2.	The Applicant	<p>Design approach for buildings Were a number of design approaches for buildings and overall layout considered? If so, why was this current scheme advanced, with particular regard to the scheme's effective operation, functionality and safety? Could operational constraints that influenced design be outlined.</p>

ExQ	Question to:	Question:
1.6.3.	The Applicant	<p>Overall design</p> <p>a) Please indicate whether charging points for EV HGVS will be provided, and where these will be situated within the development.</p> <p>b) The Design Code [REP2-061] (sections 8 and 9) does not acknowledge current policy drivers emanating from the Active Travel agenda. Please explain how the design of the project was drawn up to reflect the Active Travel theme.</p>
1.6.4.	The Applicant	<p>ES Chapter 11 – Landscape and Visual Effects</p> <p>Could the Applicant explain how, with reference to specific examples, Chapter 11 of the ES on Landscape and Visual Effects [APP-120] takes into consideration the guidance published by the Landscape Institute on ‘Guidelines for Landscape and Visual Impacts Assessments’.</p>
1.6.5.	The Applicant	<p>National Character Area</p> <p>The site lies within the Leicestershire Vales National Character Area. Could the Applicant explain if opportunities to enhance this Character Area were considered / are proposed, as part of the mitigation strategy for the application?</p>
1.6.6.	NE	<p>National Character Area</p> <p>Could NE provide comment on the application in relation to the impact of the proposal on the Leicestershire Vales National Character Area.</p>
1.6.7.	The Applicant	<p>ES Chapter 11 - Landscape and Visual Effects [APP-120]</p> <p>Paragraphs 11.152-8 set out residual landscape and visual effects on a range of areas, including ‘Published Landscape Character Areas’. However, the impact on the Leicestershire Vales National Character</p>

ExQ	Question to:	Question:
		Area is not addressed. Could the Applicant provide additional commentary and assessment on the impact of the National Character Area.
1.6.8.	The Applicant	<p>Glint and glare</p> <p>a) What analysis has been undertaken of potential glint and glare from the PV panels of the roof of the building? If none has been done, could this please be undertaken (see paragraphs 2.10.102 and following of the version of the draft National Policy Statement EN-3 published in November 2023).</p> <p>b) How does this reconcile with the statement in the Design Code (page 34) [REP2-061] where it is stated “the roofs will be finished in Anthracite (RAL 7012) with a non-glossy matt coating to be recessive and so that glare is avoided when viewed from the wider landscape”?</p>
1.6.9.	The Applicant	<p>Acoustic Barriers</p> <p>Part of the noise mitigation includes the construction of a number of acoustic barriers (shown on ES Figure 10.10 [APP-279]). Given the fluctuating topography at some of these locations, could sections showing the barrier context with adjacent land levels be shown including those adjacent to the Gypsy and Traveller sites. These drawings should be at a scale of no less than 1:100.</p>
1.7.	Need	
1.7.1.	The Applicant	<p>Chapter 5 of Environmental Statement</p> <p>Paragraph 5.53 of Chapter 5 of the ES [APP-114] provides a reference to policy documents. It is noted that the LLEP’s Strategic Economic Plan is not referenced but is in Chapter 4 [APP-113]. As it</p>

ExQ	Question to:	Question:
		identifies a need for rail freight facilities in the LEP area then the Applicant may wish to consider adding the document to this section.
1.7.2.	The Applicant	<p>Alternative Sites The Applicant in its draft SoCG with BDC [REP2-078] states that matters have been agreed on alternative site search and selections (1.1 Ref 1 page 4). However, BDC, in its LIR [REP1-055] states, “With respect to the location of the Site selected for the Proposed Development, the Site is a significant greenfield site that if developed will represent a permanent loss of open countryside. As outlined in BDC’s Relevant Representation, other than a comment on alternative sites, no enhancement of the original site assessment appears to have been undertaken by the Applicant” (paragraph 3.2). This does not appear to confer agreement between the two parties. Could the Applicant clarify, and if appropriate amend the SoCG.</p>
1.7.3.	The Applicant HBBC	<p>Alternative Sites The Applicant in their draft SoCG with HBBC [REP2-079] states that matters have been agreed on alternative site search and selections (1.1 Ref 1 page 3). However, HBBC in its LIR [REP1-138] states, “The applicant has evidenced the manner in which it considered alternative sites and the reasons for selecting the proposed site as set out in its Chapter 4 of the ES – Site Selection and Evolution [APP-113]. However, there remain questions regarding the robustness and depth of analysis undertaken to arrive at the Hinckley site and the disregard of others. The option appraisal lacks much in the way of depth, or at least the information and data analysis on key criteria [rail, road, environmental and commercial] does not appear to be extensive.” This does not appear to confer agreement between the</p>

ExQ	Question to:	Question:
		two parties. Could the parties clarify, and if appropriate amend the SoCG.
1.7.4.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] Although dated November 2023, the Assessment was drawn up in November 2022 (the updates relating to metrication only). Does the Applicant intend to update the document in relation to substantive matters? If so, could this be provided.</p>
1.7.5.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Drive times Paragraph 3.4.14 refers to Figure 3.15 and provides a 30 - 45 minute isochrone drive time distance from the site. Please provide more commentary on drive time distances used for such study purposes and whether different sectors have different isochrones. In addition, please comment on the drive time distance in relation to public transport provision serving the site and whether the catchment is different to that illustrated.</p>
1.7.6.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Employment opportunities Paragraph 3.4.15 refers to construction and apprenticeship roles. Please estimate the employment opportunities that could be created by the Proposed Development with a specific figure given for youth employment.</p>
1.7.7.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Demand for logistics and storage uses Paragraph 5.2.18 suggests that up to 40% of demand for logistics and storage uses are for larger floor plates. Please could you provide evidence to support this assertion.</p>

ExQ	Question to:	Question:
1.7.8.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Job growth</p> <p>a) Page 4 in the Executive Summary provides a graph at the top of the page illustrating job growth in England, highlighting the contribution made by the logistics sector. Please could this be extended to 2022 and when the data is available to 2023.</p> <p>b) Could the Applicant also provide growth projections for the next 5, 10 and 15 year periods, explaining the assumptions made.</p>
1.7.9.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Influences on growth</p> <p>Page 6 of the Executive Summary references the influence of Covid-19 on the sector’s growth. Could the Applicant comments as to whether it considers this to be this sustainable and/ or irreversible growth?</p>
1.7.10.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Golden Triangle</p> <p>a) In paragraph 2.6.2 the phrase ‘Golden Triangle’ is used without a description of what it is, or without a cross reference to another document (the market demand study for instance); could this please be clarified.</p> <p>b) Could the Applicant please provide an explanation of the methodology of the Property Market Area as shown on Page 6 of the Executive Summary and why this has not included the whole of the Golden Triangle area?</p> <p>c) If it did include the whole of the Golden Triangle area, how would this influence the supply of floorspace, and would the area still be ‘supply constrained’ as a result?</p>

ExQ	Question to:	Question:
1.7.11.	Local Authorities	<p>Logistics Demand and Supply Assessment [REP3-036] – Industrial and Logistics demand</p> <p>Page 7 of the Executive Summary states that previous employment studies have significantly underestimated Industrial and Logistics demand. Could Local Authorities comment on this and provide any data to support your statements.</p>
1.7.12.	Local Authorities	<p>Logistics Demand and Supply Assessment [REP3-036] – Employment evidence base</p> <p>a) Paragraph 1.1.5 and Table 4.2 indicate the Applicant has reviewed the employment evidence base of the 12 planning authorities. Given that some of the studies have been prepared a number of years ago, have any local authorities updated their evidence base or are in the process of doing so?</p> <p>b) If so, how does this relate to the methodology and the assessment made by the Applicant.</p> <p>c) In addition, if updated evidence bases have or are being prepared, do these acknowledge a future warehouse supply of 1,781,000m² in the LLEP area as cited by the Applicant at paragraph 7.75 of Land Use and Socio-Economic Effects statement [APP-116]?</p> <p>d) If not, what supply do they indicate? If appropriate, could an analysis of any difference be made.</p>
1.7.13.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Linkages to ports and airports</p> <p>a) Figure 1.1, given that para 2.8 of the NPSNN sets out a need to improve the integration between the transport modes, including the linkages to ports and airports, could the Applicant explain why</p>

ExQ	Question to:	Question:
		<p>East Midlands Airport is not shown on the site locational context plan, when the study recognises this as a major freight port?</p> <p>b) Could the Applicant also explain the interaction between movements to and from the Proposed Development from East Midlands Airport, East Midlands Gateway and East Midlands Freeport.</p>
1.7.14.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Size of units</p> <p>Could the Applicant explain how the size of the units shown in Table 1.1 have been allocated and whether this has been informed by potential market interest or intelligence.</p>
1.7.15.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Isochrone range</p> <p>Paragraph 2.2.2 sets out that a 20 mile truck drive isochrone is deemed appropriate and equates to a 45 minute drive. Could the Applicant explain why 20 miles is deemed appropriate? In addition, the ExA notes that the proposed site is a 45 minute drive from East Midlands Gateway and Airport. Could the Applicant comment on this.</p>
1.7.16.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Dark Store</p> <p>Figure 3.7 provides a pictogram of Industrial and Logistics Growth Drivers. Could the Applicant explain what is meant by a 'Dark Store'.</p>
1.7.17.	Local Authorities	<p>Logistics Demand and Supply Assessment [REP3-036] – Development completions</p> <p>The Applicant's report in paragraph 4.3.8 considers development completions not as an indicator of demand, but rather as a supply measure. Could Local Authorities comment on whether they consider</p>

ExQ	Question to:	Question:
		this appropriate? If not, could they give justification for their reasoning.
1.7.18.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Development of units Could the Applicant advise whether it is the intention to develop the units speculatively or build only when a tenant has been contracted.</p>
1.7.19.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Range of Property Market Area Paragraph 5.2.17 reflects on how important the PMA is to the wider region Industrial and Logistics market. This being the case, could the Applicant advise if this gives credence to a wider PMA being assessed?</p>
1.7.20.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Building supply Table 6.1 provides an overview of PMA Building Supply dated July 2022. Could the Applicant update the table with current availability.</p>
1.7.21.	The Applicant Local Authorities	<p>Logistics Demand and Supply Assessment [REP3-036] – Supply projections Paragraph 6.4.10 recognises that further sites are being promoted which do not benefit from any formal planning status which could supplement the pipeline of sites. Paragraph 6.4.2 previously indicates these have not been considered. Could the Applicant and Local Authorities comment on the appropriateness of including a windfall provision within the pipeline supply projections.</p>

ExQ	Question to:	Question:
1.7.22.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Summary of future B8 demand Could the Applicant please provide a simple, single sheet summary of the derivation of the 1,772ha figure set out in paragraph 7.3.4.</p> <p>This should show a step-by-step analysis indicating the derivation of each input within the Logistics Demand and Supply Assessment Report and each calculation. No explanation should be given other than notes setting out the derivation of each figure by paragraph reference.</p>
1.7.23.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Surplus/net absorption Table 7.1 indicates that in four of the eleven years assessed there was a surplus of availability (column C) when compared to net absorption (column D). The average calculated in the final column omits these results.</p> <p>a) Could the Applicant please explain why it is not appropriate to include these negative numbers in its calculation? b) Were these negative numbers to be included what effect were it to have on the overall demand for land for warehousing in the area?</p>

ExQ	Question to:	Question:
1.7.24.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Retail need</p> <p>In Step 4 of its analysis the Applicant has set out increases for online retail and, in its view, consequent additional need.</p> <p>Could the Applicant please explain why it has not included the following elements which may suppress need:</p> <ul style="list-style-type: none"> • reductions associated with lesser floorspace in property based retail; and • economic reductions, or at least lesser growth than anticipated, in forecasts from when the report was drawn up, associated with increases in interest rates, the war in Ukraine, and similar. <p>If, on reflection, the Applicant considers that this does affect the overall land requirement, could this please be set out in simple terms as in ExQ1.7.22.</p>
1.7.25.	The Applicant Local Authorities	<p>Overall Need</p> <p>An assertion is made in a number of the RRs (for example, [RR-0080], [RR-0550] and [RR-0745]) that there is no need for a SRFI in this location and that other existing locations over a wider area should be considered so that these are used to full capacity before this project is considered. The parties are requested to comment and respond to this assertion.</p> <p>In addition, could the Applicant provide a written note commenting on the availability of all these suggested alternatives and their capacity/</p>

ExQ	Question to:	Question:
		suitability to meet some or all of the identified need for SRFI capacity in the Region?
1.7.26.	The Applicant	<p>Market Needs Assessment [APP-357] – Drafting errors</p> <p>a) Paragraph 5.13 appears to have a number of drafting errors. Could this please be reviewed and amended as necessary.</p> <p>b) Could the Applicant please provide the documents referenced in the following footnotes referenced in the Market Needs Assessment [APP-357]. This should be accompanied by a Schedule setting out where in each document the relevant information can be found.</p> <ul style="list-style-type: none"> • 18 • 19 • 23 • 24 • 27 • 33 • 34 • 35 • 37 • 39 <p>c) If any of the above documents have been updated since the Market Needs Assessment was drafted could the Applicant please provide those updates along with a commentary as to how they affect consideration of the Proposed Development.</p>

ExQ	Question to:	Question:
1.7.27.	The Applicant	<p>Market Needs Assessment [APP-357] - Interaction with rail network Paragraph 1.2 states that the intermodal terminal within the Railport has been designed to utilise the east and west connections to the network. Paragraph 1.3 then sets out that the local market would primarily be Coventry, Hinckley to Leicester and Leicester South, including Magna Park. Can the Applicant point to elements of its submission that depicts how the proposed SRFI would interact with other SRFIs. Alternatively, could an explanation in this regard be provided.</p>
1.7.28.	The Applicant	<p>Market Needs Assessment. [APP-357] – Decarbonisation Paragraph 1.10 refers to the decarbonisation of freight. Could the Applicant explain how this proposal delivers a decarbonised solution, in light of the Government’s aims stated at paragraph 2.44 of the NPSNN, for Strategic Rail Freight Interchanges to optimise the use of rail.</p>
1.7.29.	The Applicant	<p>Market Testing The D3 [REP3-069] submission in relation to market testing outlines the conclusions from soft market testing, could the Applicant provide further evidence to underpin the conclusions?</p>
1.7.30.	NR	<p>Market Needs Assessment [APP-357] – Network capacity Paragraph 3.11 references the Rail Operations Report and cites that NR are satisfied that there is sufficient capacity on the network to accommodate the project and any projected growth. It further states key investment in the network is being promoted to expand capacity.</p> <p>a) Please could NR confirm or otherwise that capacity exists, and also, is further investment confirmed and if so, when this is</p>

ExQ	Question to:	Question:
		<p>projected to be spent? If it is not confirmed, when will a decision be made?</p> <p>b) Paragraph 5.19 refers to all trains must run on a timetabled path. Will the freight services be able to run without detriment to other pre-existing and committed services?</p>
1.7.31.	The Applicant NR	<p>Market Needs Assessment [APP-357] – Line electrification and decarbonisation</p> <p>Paragraph 3.29 refers to DfT’s Transport Decarbonisation Plan and the statement ‘Rail is currently the only means of transporting heavy goods in a low carbon way using existing proven technology through electrification’. The Plan further elaborates that by 2050 all rail freight will be net zero, and we will have increased the capacity to move more goods by rail. By 2040 the Plan’s ambitions are that Diesel trains will be removed from the network.</p> <p>a) In light of these statements, and that the proposed trains used will be diesel hauled, can the Applicant advise what timeline the project has to electrify the line, working in partnership with NR?</p> <p>b) D3 submission [REP3-065] provides a commentary on the impacts of the cancellation of the northern elements of HS2 but doesn’t allude to whether additional funds may be made available to expedite the electrification of the rail network. Could the Applicant and NR comment?</p> <p>c) Can NR also comment on the prospects of the line being able to achieve the targets sets out in the Transport Decarbonisation Plan?</p>

ExQ	Question to:	Question:
1.7.32.	The Applicant	<p>Market Needs Assessment [APP-357] – Driver availability and rail connection</p> <p>a) Paragraph 4.15 indicates that there is a national driver shortage plus an aging driver base. Could the Applicant please provide data to illustrate this assertion.</p> <p>b) Paragraph 4.15 also states that recent additional efforts have been made to relieve pressure. Again, could the Applicant please provide data and further information to substantiate this point.</p> <p>c) Illustrations in 1.7 and Diagram 4.1 provide a geographical overview of the national strategic rail freight network. It is noted that this covers the Midlands, Wales and the South. Please provide commentary and amend the diagrams as you see fit to outline how this will connect to the north and Scotland, or how these areas will be serviced and how Hinckley will contribute.</p>
1.7.33.	The Applicant	<p>Market Needs Assessment [APP-357] – Markets</p> <p>Paragraphs 5.1 - 5.10 provide an overview of the different markets for movement of freight. Can the Applicant state which market the Proposed Development will be focused on. If it is a range of markets, please provide percentages of the markets to be utilised?</p>
1.7.34.	The Applicant	<p>Market Needs Assessment [APP-357] – SRFI capacity</p> <p>Could the Applicant please set out, in a table, the capacity of each SRFI within the Midlands region, what each centre handles in terms of markets for movement, and what level of vacant floorspace currently are being experienced in each SRFI.</p>
1.7.35.	The Applicant	<p>Market Needs Assessment [APP-357] – Need calculation</p> <p>Please confirm whether the calculation of need is 1.6Mm² or 768,000m², after taking into consideration of existing commitments and planned provision.</p>

ExQ	Question to:	Question:
	The Applicant	Geographies of Market Areas Plan [REP3-067] The plan, as submitted, does not identify the rail line as part of the physical geography, could the Applicant revise the plan to highlight this and change the reference from miles to kilometres.
1.8.	Noise and Vibration	
1.8.1.	BDC	ES Appendix 10.3 - Hinckley Consultation Response – BDC [APP-182] Please comment on the responses made by the Applicant to your consultation responses and confirm whether you have any further queries or comments.
1.8.2.	The Applicant Local Authorities	Ambient Noise Levels a) Following discussions at ISH3, can the Applicant provide written clarification as to why noise collected at NMPs has not been attenuated for both distance and topography in order to decipher current ambient noise levels at NSRs and why assessments do not need to be altered to account for this. b) Could the local authorities please comment on this also.
1.8.3.	The Applicant	Noise Attenuation If attenuation identified at ExQ1.8.2 needs to be applied for the specific sound recorded at the NMPs to establish sound experienced at NSRs, are the documents “Calculation of Railway Noise”, published by the Department of Transport in 1995, and the “Calculation of Road Traffic Noise”, published by the Department of Transport, Welsh Office, in 1988 relevant to perform this? If so, how would these affect assessments?

ExQ	Question to:	Question:
1.8.4.	The Applicant	<p>Construction Noise Likely noise effects at NSRs have been considered on an ‘average case’ and a ‘worst case’ scenario. For the average case scenario an ‘approximate centre point of the closest area of construction’ has been used.</p> <p>a) Can the Applicant explain how this centre point was established for the purposes of assessments?</p> <p>b) Further, can it identify the size of the closest area of construction and its distance from site boundaries, including reasons for such measurements, noting that Interested Parties ([REP1-109] to [REP1-113]) consider average case calculations to be correct only when plant is grouped at 300m from the site boundary and that the average area of construction is around 600m in width? If this is correct, what are the implications for noise assessments?</p>
1.8.5.	The Applicant	<p>Construction Noise Modelling Could the Applicant explain how BS5228 Part 1: Noise and ISO-9613-2-1996 ‘Acoustics – Attenuation of sound during propagation outdoors - Part 2: General method of calculation’ been considered in relation to construction noise assessments?</p>
1.8.6.	The Applicant	<p>Construction Noise Modelling – Plant Machinery Could the Applicant show how has the differences in noise levels between individual plant machinery been factored into the noise assessments?</p>
1.8.7.	The Applicant	<p>Construction Noise Modelling Could the Applicant show how the tonality, impulsivity, and intermittency characteristics of construction noise been considered in assessments?</p>

ExQ	Question to:	Question:
1.8.8.	The Applicant	Construction/Operational Activity Could the Applicant show how the effect of dual construction and operation activity been considered and assessed in terms of noise and vibration? If so, please signpost this information, or if not could this analysis be undertaken.
1.8.9.	The Applicant	Cumulative Effects a) Could the Applicant explain whether it has considered the cumulative effects of noise from Construction Traffic, together with the noise assessments based on sound monitored at the NMPs? b) Does this have any effect on assessments?
1.8.10.	The Applicant	Predicted Unmitigated Noise Assessments Could the Applicant clearly set out why NSRs located in excess of 300m away from the site boundary have been removed from assessments in relation to predicted unmitigated noise levels?
1.8.11.	The Applicant	Ground Acoustic Absorption In terms of noise impacts from the completed development, how has the ground absorption coefficient of 0 been calculated as identified in paragraph 10.220 of ES Chapter 10 [APP-119] for the “Do Something” scenarios? Has this coefficient been used for all noise models and, if not, why not?
1.8.12.	The Applicant	Ground Acoustic Absorption a) Could the Applicant explain why a ground absorption coefficient of 0.0 should not be extended beyond the site boundary to include the width of the existing railway? b) If it were to be extended, what effect would this have on the assessments?

ExQ	Question to:	Question:
1.8.13.	The Applicant	Background and Rating Levels Does the BS4142:2014+A1:2019 “Technical Note” published by the Association of Noise Consultants Good Practice Working Group in March 2020 have any relevance to assessments in terms of background levels and rating levels? If so, could the Applicant explain the implications?
1.8.14.	The Applicant	Rail Movements Data on timetabled trains has been used to provide the baseline for the existing movements at the current time on a weekday. Could the Applicant explain how this element of modelling is robust given that some trains timetabled to run do not actually run?
1.8.15.	The Applicant	Train Accelerating/Decelerating Could the Applicant explain how has train accelerating/ decelerating, including any associated ‘wheel squeal’, been taken into account in noise assessments?
1.8.16.	The Applicant	Diesel Locomotives Could the Applicant explain how the effects of the starting of combustion engines for diesel locomotives been considered in noise assessments?
1.8.17.	The Applicant	Uncertainty Could the Applicant explain how it has addressed the principles of Uncertainty alluded to in BS 4142:2014+A1:2019 “Methods for rating and assessing industrial and commercial sound” for the noise and vibration assessments?
1.8.18.	Dr David Moore William Moore	Tabular Comparison for Noise Effects It is stated that there are a number of deficiencies in the applicant’s methodology for noise assessments and corrections to dB levels are

ExQ	Question to:	Question:
		suggested accordingly. Could Dr David Moore and Mr William Moore provide a tabular comparison of the overall effects in terms of noise at NSRs between the Applicant's stated levels of effect and those predicated using suggested revised methodologies?
1.8.19.	The Applicant BDB HBBC	<p>Overnight Rail Movements</p> <p>a) Can the Applicant clarify that noise assessments have only taken into account overnight engineering train movements between the hours of 23:00 and 05:00 and no other trains given NR's indicates in paragraph 5.19 of the Summary Rail Report [REP3-050] that the Rules of the Route does not assume trains will run past the site between these hours?</p> <p>b) Do BDC and HBBC have any comments on this?</p>
1.8.20.	The Applicant	<p>Noise Thresholds</p> <p>The Applicant states, at paragraph 10.36 to ES Chapter 10 [APP-119], that changes in noise level above 3dB are only just perceptible under laboratory conditions. Could the Applicant explain its reasoning for this assertion, particularly given that Table 10.9 to ES Chapter 10 shows that the magnitude of impact from an increase of 3dB is 'Medium' and as paragraph 10.54 to this Chapter described changes of Medium magnitude as 'significant'?</p>
1.8.21.	The Applicant	<p>Noise Thresholds</p> <p>Has paragraph 2.7 of the Institute of Environmental Management and Assessment Guidelines for Environmental Noise Impact Assessment, which appears to state that changes of 3dB are perceptible under most normal conditions, been considered in relation to the setting of perceptible noise thresholds shown at paragraph 10.36 to ES Chapter 10 [APP-119]?</p>

ExQ	Question to:	Question:
1.8.22.	The Applicant	<p>Noise Thresholds Could the Applicant explain how the nature of the type of activity at the proposed service yard been considered in terms of the setting of the 3dB perceptible noise threshold?</p>
1.8.23.	The Applicant	<p>Rating Levels a) Could the Applicant explain what acoustic character corrections been applied to the specific sound level to account for factors including the tonality and impulsivity of specific noise when calculating rating levels? b) Similarly, what acoustic corrections been applied for rating levels for noise assessments with mitigation in place? c) If no acoustic corrections have been applied, could the Applicant explain why this is the case and the effect of this on noise assessments.</p>
1.8.24.	The Applicant	<p>Rating Penalties Can the Applicant explain the methodology and rationale for the application of its various rating penalties.</p>
1.8.25.	The Applicant	<p>Noise Reduction for Gantry Cranes a) Can the Applicant provide further numerical evidence to support the assertion that a 10dB reduction is appropriate for noise from gantry cranes as a result of mitigation to this machinery. b) Could the Applicant please explain how this less noisy type of gantry crane is to be secured?</p>
1.8.26.	The Applicant	<p>Magnitude of effect applicable to LA_{Fmax} levels Can the Applicant please provide the methodology behind the “magnitude of effect” scale in Table 10.8 to ES Chapter 10 [APP-119]?</p>

ExQ	Question to:	Question:
1.8.27.	The Applicant	<p>ES Appendix 10 .3 - Hinckley Consultation Response – BDC [APP-182]</p> <p>a) Please can the Applicant confirm which document Blaby DC comments are in response to.</p> <p>b) In response to BDC’s comments on Table 10.14 the report states ‘It is understood that additional trains using the lines are not dependant on the HNRFI being brought forward...’ Please can you expand and clarify this statement in light of para 4.89 of the NPSNN which states:</p> <p style="padding-left: 40px;">As a minimum, a SRFI should be capable of handling four trains per day and, where possible, be capable of increasing the number of trains handled. SRFIs should, where possible, have the capability to handle 775 metre trains with appropriately configured on-site infrastructure and layout. This should seek to minimise the need for on-site rail shunting and provide for a configuration which, ideally, will allow main line access for trains from either direction.</p> <p style="padding-left: 40px;">This response should be on the basis of the additional sixteen pathways each way which would result from the Proposed Development.</p> <p>c) Referring to consultation responses to sections 10.85 – 10.97, please signpost where this information can be found in the final ES or specify when the further detail required will be known in order that the potential impacts can be assessed.</p>

ExQ	Question to:	Question:
		<p>d) Referring to consultation responses to 10.121 – 10.146 and tables 10.35 -10.41, the Applicant indicates that this can only be calculated when the timetable of trains is known.</p> <p>However, in order to identify the ‘worst-case’ situation, could the Applicant please make an assessment based on the maximum number of rail movements along this stretch of line.</p>
1.8.28.	HBBC	<p>ES Appendix 10.4 - Hinckley Consultation Response - HBBC [APP-183]</p> <p>Please comment on the responses made by the Applicant to your consultation responses and confirm whether you have any further queries or comments.</p>
1.8.29.	The Applicant	<p>ES Appendix 10.4 - Hinckley Consultation Response - HBBC [APP-183]</p> <p>There are a number of references within this document to information being included “once further detail is known”. Could the Applicant please confirm whether the ES has been revised in light of the receipt of the updated traffic data, and if not, please update in light of the latest information available.</p>
1.8.30.	BDC HBBC	<p>ES Appendix 10.5 - Hinckley Noise Survey Method Statement [APP-194]</p> <p>Could the Councils confirm whether they agree with the methodology used for the baseline noise surveys? If not, could you explain why you hold your view.</p>
1.8.31.	The Applicant	<p>ES Chapter 10: Noise and Vibration [APP-119]</p> <p>A paragraph is missing at 10.197 of this document. Can this please be inserted?</p>

ExQ	Question to:	Question:
1.8.32.	The Applicant	<p>Vibration – Operational Rail Movements Paragraph 10.214 of Chapter 10 of the ES [APP-119] indicates that vibration impacts from the additional trains have been considered to fall outside the scope of the assessment.</p> <p>The Applicant’s Scoping Report for this Proposed Development stated that the Environmental Statement will assess rail noise from rail movements within the site. Should an increase in rail movements off site lead to significant noise and vibration effects these should also be assessed.</p> <p>a) Accordingly, and as the 32 additional movements (16 each way) would not occur without associated with the Proposed Development, could the Applicant further explain why these effects should not be assessed? b) Will any additional assessments be carried out in this regard?</p>
1.8.33.	The Applicant	<p>Noise – Burbage Common Wood In paragraph 10.239 of Chapter 10 of the ES [APP-119] it is stated that some areas of Burbage Common Wood may experience noise levels above those predicted, particularly where the woods are in close proximity to the proposed link road. Can the Applicant define what is meant by ‘close proximity’, and explain the extent to which the analysis reported represents a suitable assessment of the worst case within the terms of the Rochdale envelope?</p>
1.8.34.	The Applicant	<p>Out of Hours working Can the Applicant provide an estimate of the likely frequency of out-of-hours construction activity for all works? This should be set out in six month periods over the whole construction period.</p>

ExQ	Question to:	Question:
1.9.	Socio-economic effects	
1.9.1.	The Applicant	<p>Community Hall The Design and Access Statement [REP2-059] Section 5, Page 24 of suggests the provision of a new Community Hall. Does the Applicant intend to fund the provision of a Community Hall? If so, please provide details and the mechanics of providing this facility as part of the consenting regime.</p>
1.9.2.	HBC	<p>Gypsy and Traveller sites In its Local Impact Report [REP1-138] HBC refers to an undetermined retrospective application for a gypsy and traveller site (Council Reference: 21/00560/FUL). Could HBC please provide a copy of the application form and the drawings forming this application. HBC is asked to update the ExA as to any changes in the status of the Application.</p>
1.9.3.	The Applicant	<p>Relationship to Aston Firs and Land south of Leicester Road Traveller sites The Applicant is asked to specifically consider the effects of the Proposed Development on those using the Aston Firs and Land south of Leicester Road Traveller sites, particularly taking into account:</p> <ul style="list-style-type: none"> • the requirements of the Equality Act 2010, • The Health Impact Briefing Note, • the Planning Policy for Traveller Sites document, and • the judgement of the Court of Appeal in <i>Smith v SSLUHC & Ors</i> [2022] EWCA Civ 1391.
1.9.4.	The Applicant	<p>Construction assessment Paragraph 9.23 of Chapter 9 of the ES [APP-118] indicates that no detail was available during the assessment on where materials and</p>

ExQ	Question to:	Question:
		<p>labour would be sourced from, but it has been assumed that the greatest increase in road traffic during the peak construction period for traffic emissions would be on Junction 2 of the M69 motorway, and adjoining roads.</p> <p>Can the Applicant clarify how they have defined the worst-case scenario with respect to environmental effects from the anticipated need for labour and materials during construction without details on where these would be sourced from, for its assessment?</p>
1.9.5.	The Applicant	<p>Public Open Space Paragraph 3.37 of the Planning Statement [REP3-034] indicates that additional informal open space for recreation would be provided.</p> <p>a) Please could the Applicant provide a quantum and OS plans indicating the location of such provision, along with information as to how it is to be secured and maintained.</p> <p>b) Please provide further information on whether the provision of additional informal open space addresses a local identified deficiency of this typology of open space.</p> <p>c) Paragraph 7.105 of Chapter 7 of the ES [APP-116] advises that the HBBC Open Space and Recreation Study (2016) identifies a deficiency for amenity areas and allotments for some residents in the area. Does the Proposed Development include making a provision as part of this application to address the deficiency?</p>
1.9.6.	The Applicant	<p>Job opportunities Paragraph 3.37 of the Planning Statement [REP3-034] states that substantial new job opportunities on and off site would be brought forward by the Proposed Development. Please could the Applicant</p>

ExQ	Question to:	Question:
		signpost where this information can be found in the documents or provide further data to substantiate this point.
1.9.7.	The Applicant	<p>Gross Value Added Paragraph 3.37 of the Planning Statement [REP3-034] provides an overview of the Gross Value Added (GVA) potential of the Proposed Development and links across to Table 7.19 of ES Chapter 7 [APP-116]. Please could the Applicant provide an explanation of how the GVA has been calculated.</p>
1.9.8.	The Applicant	<p>National Infrastructure Strategy Could the Applicant provide an overview of how the National Infrastructure Strategy (November 2020), relates to the proposal.</p>
1.9.9.	The Applicant	<p>Logistics Demand and Supply Assessment [REP3-036] – Deprived communities Paragraph 3.4.14 and Figure 3.15 refers to deprived communities within a 30-45 minute drive time isochrone. Several RRs (including [RR-0277], [RR-0528]) refer to the area of the Proposed Development enjoying low unemployment rates.</p> <p>a) Could the Applicant give its response to this issue. b) Given the deprived communities are less likely to have access to a motor vehicle, what public transport services are available for the highlighted deprived communities to directly access the proposed site, and what public transport drive times exist?</p>
1.9.10.	The Applicant	<p>Land Use and Socio-Economic Effects – Labour supply Para 7.3 of Chapter 7 of the ES [APP-116] states that the HNRFI will play a small role in ensuring a closer match between job</p>

ExQ	Question to:	Question:
		opportunities and local labour. Could the Applicant elaborate and set out where the labour supply will be sourced from.
1.9.11.	The Applicant	<p>Land Use and Socio-Economic Effects – Agricultural land Paragraph 7.8 of Chapter 7 of the ES [APP-116] states that the adverse land use and socio-economic effects anticipated for the existing agricultural land holdings will be mitigated by the financial gain of the owners from the sale of the land, and goes onto to say the effect is neutral if they invest in further land holdings. However, several RRs (for example [RR-1219] and [RR-0215]) set out their concern about the loss of agricultural land and the ability of the country to be able to generate farm produce.</p> <p>Could the Applicant comment on this, and the difference in effect beyond on the individuals and on the wider community.</p>
1.9.12.	The Applicant	<p>Land Use and Socio-Economic Effects – Unallocated development value Table 7.2 of Chapter 7 of the ES [APP-116] ‘Criteria for Receptor Sensitivity’ categorises unallocated development with planning permission as a low receptor value. Could the Applicant explain why this form of development is considered to be of low value, providing justification, preferably from external sources?</p>
1.9.13.	The Applicant BDC	<p>Land Use and Socio-Economic Effects – Health outcomes and business re-location Table 7.6 of Chapter 7 of the ES [APP-116] at Paragraph 7.191 identifies BDC’s consultee response on health outcomes. BDC states that the suggested minor adverse effect on the health of local residents is considered to significantly under-estimate the impact of the proposal. From the responses provided, it is unclear whether the</p>

ExQ	Question to:	Question:
		'minor adverse effect' conclusion is maintained. Could the Applicant and BDC each clarify their positions?
1.9.14.	The Applicant	<p>Land Use and Socio-Economic Effects – Functional Economic Area</p> <p>Figure 7.11 of Chapter 7 of the ES [APP-116] provides details and a boundary of a Functional Economic Area. Could the Applicant explain why this differs from the PMA, and why the Market Needs Assessment has not followed the Functional Economic Area.</p>
1.9.15.	The Applicant	<p>Land Use and Socio-Economic Effects – Business Rates</p> <p>a) Table 7.20 of Chapter 7 of the ES [APP-116] provides an overview of Potential Business Rates Generated. Could the Applicant confirm that this is on completion of development?</p> <p>b) It is suggested that the Business Rate benefits outlined are incorrect and overstated. Please comment on this and provide revised information if appropriate.</p> <p>c) In addition, could the Applicant also provide a table based on a phased implementation of Business Rate income and occupation, as per the suggestions in the supporting statements.</p> <p>Each assessment should set out the assumptions it has made.</p>
1.9.16.	The Applicant Local Authorities	<p>Land Use and Socio-Economic Effects – Housing employment land supply and relationship to Development Plan</p> <p>Para 7.263 of Chapter 7 of the ES [APP-116] Development Land, states the development land is not an existing or allocated employment site and therefore the magnitude of the proposed</p>

ExQ	Question to:	Question:
		<p>development will be negligible. It further states, “The sensitivity of the receptor is low, resulting in a neutral effect over the long term”.</p> <p>a) Can the Applicant please set out potential impacts on housing provision and supply, and employment provision and supply?</p> <p>b) Can the Applicant also set out what effect the Proposed Development would have in relation to the working age population in the vicinity and, given the quantum of warehousing provided in the proposal, whether employment shortages would result in other employment sectors, assuming a reduced employment land supply.</p> <p>If the Development Plan is subject to review, please provide information of any sites within the vicinity, that should be assessed as part of the evidence base, and mitigation for this application.</p>
1.9.17.	The Applicant Local Authorities	<p>Land Use and Socio-Economic Effects – Development Plan sites and housing</p> <p>a) If any sites referenced within the Planning Statement [REP3-034] within the vicinity are being promoted for development in Development Plan reviews, could the Applicant confirm if these sites have been assessed for their cumulative impact, and consideration of appropriate mitigation proposals have been suggested as a result of this application.</p> <p>b) Could the Local Authorities indicate whether they agree with the Applicant's assertion in paragraph 3.188 that no proposals have been identified in the development plan or emerging development plans (noting the submission of Parker Strategic Land and others [REP3-143] and Barwood Development Securities Limited and Ms</p>

ExQ	Question to:	Question:
		Jennifer Taylor [REP3-144], which would be precluded by the project. If not, could they set out information as necessary.
1.9.18.	The Applicant BDC	<p>Housing Demand In paragraph 10.2.2 of its LIR [REP1-055] BDC states that there would be neutral impacts on the current demand for housing to meet employee requirements during operation. The SoCG between the Applicant and BDC [REP2-078] suggests (1b page 68) reports that there is still insufficient information or analysis to understand the HNRFI's impact on housing demand overall and in terms of housing affordability on relevant employment sectors.</p> <p>Could both parties clarify the situation, or the Applicant update the SoCG if agreement has been reached.</p>
1.9.19.	Shoosmiths on behalf Parker Strategic Land	<p>Employment The submission of Parker Strategic Land and others [REP3-143] states at 1.5, 'The dDCO as presently drafted therefore has the consequence of delaying a major employment site within the emerging local plan for a period of up to four years. This interference has an obvious impact which goes beyond the private interests of our clients and results in a wider economic effect on the district and its delivery of its local plan ambition'. Whilst it is noted that the Local Plan has not been adopted, could Shoosmiths provide an estimate of the number of jobs their clients' hope to create within their proposed development?</p>
1.9.20.	The Applicant	<p>Agricultural Land Could the Applicant please confirm the unit of measurement for the areas in Table 1.1 of Appendix 11.3 Soils and Agricultural Land Quality Report [APP-193]?</p>

ExQ	Question to:	Question:
1.9.21.	The Applicant	<p>Agricultural holdings Are there anticipated to be any effects on the integrity of existing agricultural businesses, land holdings or the current environmental stewardship of the land?</p>
1.9.22.	The Applicant	<p>Planning Obligations In Blaby's D3 submission [REP3-092] in response to the ExA's question on whether any additional community facilities/ payments are required, it states: "BDC would ask the ExA to note that it is the Applicant's responsibility to consult with services where a contribution request may arise, such as the Fire and Rescue Service, and the Leicester, Leicestershire, and Rutland Integrated Care Board to ensure they can make their own requests if they feel it is required".</p> <p>Can the Applicant comment on approaches made to these organisations?</p>
1.10.	Geology and Soil	
1.10.1.	The Applicant	<p>Cut and fill and Proposed Levels Figure 16.1 Proposed Plateau Levels Isopachytes [APP-344] sets out the proposed levels for the site.</p> <p>a) Can the Applicant please confirm that this drawing has been used to estimate that the volume of cut would be 2,338,266 cubic metres (m³) of material and fill of 2,344,437m³ as set out in paragraph 16.105 of the ES Chapter 16 [APP-125].</p> <p>b) In various locations, such as paragraph 3.49 of Chapter 3 of the ES [APP-112] it is stated that the main site would be remodelled to provide two level plateaux. In looking at Figure 16.1 it is not</p>

ExQ	Question to:	Question:
		clear where the change between the two levels would be. Could the drawing be reissued with an additional notation indicating where the change would be.
1.10.2.	The Applicant	<p>Topsoil</p> <p>a) What is the maximum amount of time that any section of topsoil would be set aside for re-use on site landscaping or stored for other off-site purposes?</p> <p>b) How much topsoil will be taken off-site for purposes such as Biodiversity Net Gain?</p> <p>c) How many vehicular movements will this result in?</p> <p>d) Could the Applicant please confirm whether this has this been considered in all relevant assessments?</p>
1.11.	Traffic and Transport	
1.11.1.	The Applicant	<p>ES Chapter 8 – Transport and Traffic [APP-117]</p> <p>Paragraph 8.190 cites the indicative construction programme and cross-refers to Table 3.4 in Chapter 3 of the ES [APP-112]. This is a list of proposed 24 hour waiting restrictions. Could the correct reference please be given.</p>
1.11.2.	The Applicant	<p>TA [REP1-011] – Typographic and clarification</p> <p>Could the Applicant please confirm that the data in Table 8-11 is correct? That for the AM peak and PM peak are identical, which leads to the query.</p>
1.11.3.	The Applicant	<p>TA [REP1-011] – Mitigation</p> <p>The Applicant has indicated various junctions will have highway impacts in percentages. Could this be fully explained as to how these percentages have been derived?</p>

ExQ	Question to:	Question:
1.11.4.	The Applicant	<p>TA – Part 5 [APP-142] – Trip Distribution Table 2 sets out National Trip End Model (NTEM) Person Type Categories. This utilises a working age range of 16-64.</p> <p>a) Given that the State Retirement Age has risen to 66 and is due to rise to 67 shortly, what impact would this have on the model and the assessment for this Proposed Development?</p> <p>b) What effect has been made of those working beyond state pension retirement age in the Applicant’s assessment?</p>
1.11.5.	Interested Parties	<p>TA – Part 5 [APP-142] – Trip Distribution Table 3 uses the Census Occupational Categories and sets those ‘in scope’. Do IPs consider that this is appropriate given that managerial staff, some of whom may work in the office elements, have been excluded?</p>
1.11.6.	The Applicant	<p>TA – Part 5 [APP-142] – Trip Distribution</p> <p>a) The Gravity Model used assumes a distribution model based on geography. Could the Applicant explain what account was taken of other employment sites which might act as alternative locations for employment of potential employees? In other words, what account of workplace competition has been included?</p> <p>b) If this was not included, could the Applicant please indicate what inclusion would have on the results of the model?</p>
1.11.7.	The Applicant	<p>TA [REP1-011] – Use of site for exports</p> <p>a) Figure 6-5 of the TA [REP1-011] sets out the Expected Distribution of Freight from the Proposed HNRFI within the Supply Chain. The ExA notes that this is entirely a one-way process, ie from seaport to the proposed HNRFI. Could the Applicant please set out any analysis that has been undertaken of the use of the</p>

ExQ	Question to:	Question:
		<p>site for exporting goods via rail to the ports, or from this site to another rail served distribution centre as indicated would occur (see, for example paragraph 5.27 of the Market Needs Assessment [APP-357])?</p> <p>b) If not, could the Applicant please explain why this hasn't been explored and provide information as to the what the implications would be of the use of the site in these terms?</p>
1.11.8.	NH	<p>Diversiónary routes – M69</p> <p>a) Could NH please provide details of the various diversionary routes that are currently utilised in the event of the M69 between junctions 1 and 3 being closed, either for planned works or in an emergency.</p> <p>b) Could NH please provide a schedule setting out how many times, for what period of time and the reason for closure in each case this section of the M69 has been closed in the last three years? Is there any indication that this pattern would not be repeated in the future.</p> <p>c) Does NH envisage any changes to diversionary routes if the Proposed Development were to be constructed? If so, could these be set out?</p> <p>d) Do any of the diversionary routes for nearby strategic highways include the M69? If so, could NH provide details?</p> <p>e) What contingency plans does NH have if the M69 is being used as a diversionary route and the M69 were to become non-operational?</p>
1.11.9.	NH LCC WCC	<p>M69 Closure</p> <p>In the M69 Closure Plan submitted by the Applicant [REP3-043] the Applicant states “when the SRN is temporarily closed, the additional</p>

ExQ	Question to:	Question:
		<p>traffic movement from HNRFI will not have a significance to the frequency of such interruptions in the free flow of traffic, or the extent/duration of consequential inconvenience on the surrounding LRN”.</p> <p>Do the NH, LCC and WCC concur with this view. If not, could they explain why they hold a differing view and what this may have on the effects of the Proposed Development?</p>
1.11.10.	NH	<p>Diversiónary routes – A5</p> <p>This question refers to the section of the A5 from its junction with the A4303 at Magna Park to junction 10 of the M42.</p> <ul style="list-style-type: none"> a) Could NH please provide details of the various diversionary routes that are currently utilised in the event of this section of the A5 being closed, either for planned works or in an emergency. b) Could NH please provide a schedule setting out how many times, for what period of time and the reason for closure in each case this section of the A5 has been closed in the last three years? Is there any indication that this pattern would not be repeated in the future. c) Does NH envisage any changes to these diversionary routes if the Proposed Development were to be constructed? If so, could these be set out? d) Do any of the diversionary routes for nearby strategic highways include this section of the A5? If so, could NH provide details? e) What contingency plans does NH have if this section of the A5 is being used as a diversionary route and this section of the A5 were to become non-operational?

ExQ	Question to:	Question:
1.11.11.	The Applicant NH Local Authorities	Hazardous Substance Zones of Influence Are there any Hazardous Substances Zones of Influence which potentially could impact on the M1 (between junctions 19 and 22), M69 (whole length) and A5 (between the A4303 junction and the M42 junction), and could result in closure of the motorways/ A5?
1.11.12.	NH LCC	Junction of M1 and M69 As set out in the Note of USI3 [EV1-003] the ExA noted the length of the northbound queue on the M69 towards the M1 junction at around 16:00 hours on Thursday 2 November. Could NH and LCC advise the ExA as to whether there were any particular traffic events that may have affected the length of the queue on that occasion? If there were such events, could NH and LCC provide details so that the ExA can appreciate the context of what it saw.
1.11.13.	The Applicant NH LCC WCC	HGV Routing a) How would the Applicant, NH, LCC and WCC respond to a proposition that there should be either no development or no occupations until the proposed lowering of the height of the carriageway on the A5 under the railway bridge has been completed? b) Could the Applicant, if necessary on a without prejudice basis, provide a draft Requirement to this effect?
1.11.14.	The Applicant	HGV Routing At ISH3 the ExA queried whether the fines associated with the misrouting of the HGV traffic for operators on the site should go to a

ExQ	Question to:	Question:
		<p>community fund. The Applicant agreed to “consider” this (see Transcript [EV6-007] between 1:19:00 and 1:20:02).</p> <p>The revised HGV Route Management Plan and Strategy [REP3-038] sets out two uses for the funds generated:</p> <ul style="list-style-type: none"> • to fund additional measures ... to further discourage HGVs routing via Sapcote. These measures could include signage, road markings, traffic calming, Traffic Regulation Orders etc; and • off-set the Estate Management Charge for those tenants complying with the HGV Route Management Plan. <p>Neither of these appears to be a “community fund” and the second does not relate to the harm being mitigated.</p> <p>Could the Applicant please explain why it has not followed through a community fund to provide for mitigations (community benefits) to off-set the harms?</p>
1.11.15.	The Applicant	<p>Private Fines</p> <p>Paragraph 5.46 of the HGV Route Management Plan and Strategy [REP3-038] indicates fines up to a maximum of £1,000 for breaches of routing requirements.</p> <p>a) Should this figure be indexed linked? b) How is this to be secured in the dDCO or associated documents, taking into account of Section 120(8) of the PA2008?</p>

ExQ	Question to:	Question:
1.11.16.	The Applicant	HGV Routing Paragraph 3.8 of the HGV Route Management Plan and Strategy [REP3-038] indicates that occupiers of the site will be required to comply with the HGV Route Management Plan and Strategy through their lease arrangements. How is this to be secured in the dDCO or associated documents?
1.11.17.	BDC HBBC The Applicant	Parking Provision a) Do the LAs consider the parking provision to be appropriate? If not, please explain why. b) Could the Applicant please explain what reduction in parking provision has been allowed for in light of the proposed implementation of the Site Wide Travel Plan?
1.11.18.	The Applicant	Road Safety Audits The ExA notes that interim Road Safety Audits (RSAs) have been submitted to the local highway authorities and NH. Could the Applicant please ensure that all RSAs, at whatever stage, are submitted into the Examination at Deadline 4.
1.11.19.	The Applicant	Road to rail movements What proportion of movements at the Proposed Development are expected to be from road to rail, and to what extent does the Applicant consider this to be significant, important and relevant? Please can the Applicant set out the reasons for its conclusions on this?
1.11.20.	HBBC	Padge Farm Development Could HBBC please ensure any changes in the planning status of the application reference 21/01191/HYB are reported during the Examination.

ExQ	Question to:	Question:
1.11.21.	NH	<p>Padge Farm Development It is indicated that carriageway under the railway bridge will be reduced, increasing the maximum height of vehicles that can pass under the bridge to 5.1m (paragraph 3.3 of [REP3-051]).</p> <p>Could NH please provide information on the maximum height of ‘normal’ HGVs, and indicate what arrangements are there for over-height vehicles on the Strategic Road Network in the vicinity of the Application site?</p>
1.11.22.	The Applicant	<p>Site Wide Travel Plan [APP-159] to [APP-162] There are a number of typographic errors, most likely caused when the documents were converted to PDF format. Could the Applicant please check the whole document and re-issue it?</p>
1.11.23.	The Applicant	<p>Construction Traffic Management Plan [APP-359]</p> <p>a) Table 1 in the Construction Traffic Management Plan sets out “Trip Rate Estimates based on type of Construction (source: EMSRFI)”. However, one row refers to “M69 J2 Site Access, Slips and Rbt on B4668 Leicester Road”, which relates to the Proposed Development.</p> <ol style="list-style-type: none"> i. Could the Applicant please clarify this table as to whether it is providing data on the East Midlands Strategic Rail Freight Interchange or the Proposed Development and if the latter, how that was derived by providing the base data? ii. Could the Applicant also clarify what the “Trip Rate (One Way)” is and over what time period the number is identified?

ExQ	Question to:	Question:
		b) What measures would be utilised to minimise the use of the A47 Link Road as a construction access route, particularly for HGVs, after it has been opened to all traffic?
1.11.24.	LCC	<p>Applicant's Response to DFT and IEMA Guidance [REP2-077] Page 4 of the document states....' LCC NDI Modelling team as part of this review has undertaken analysis using existing available Automatic Travel Count (ATC) data for March 2019 and March 2023 in Leicestershire to understand the traffic volume changes pre- and post-COVID-19. Subsequent analysis shows that there is a reduction of 5.8% and 8.1% in traffic volume between 2019 and 2023 for the AM Peak (08:00 to 09:00) and PM Peak (17:00 to 18:00) hour respectively.'</p> <p>Can the Council provide any additional data to illustrate the vehicle typology reductions within these figures?</p>
1.11.25.	The Applicant	<p>Applicant's Response to DFT and IEMA Guidance [REP2-077] Page 8 of the document states....'In addition to the general statistics the Applicants [sic] team has reviewed the Dft [sic] AADF database for local roads around the HNRFI site. A summary of the findings is presented below. This suggests that in 2022, there is an average of 8.9% drop in vehicles overall and 0.5% drop in HGV levels compared to 2019.'</p> <p>Can the Applicant explain why there is a 0.5% drop in HGV movements, when in other evidence it is reported that internet retail sales are growing exponentially, which would be expected to lead to an increase in HGV demand?</p>

ExQ	Question to:	Question:
1.11.26.	The Applicant	<p>Rail Operations Report [APP-131]</p> <p>a) Paragraph 1.4 refers to figure 'FiguF', could the Applicant please replace with correct notation.</p> <p>b) Could the Applicant please review paragraph 2.7 in relation to the various directions to confirm that it is correct?</p>
1.11.27.	NR	<p>Rail Action Points from ISH2</p> <p>The Applicant submitted a report [REP3-050] from NR dealing with the Action Points raised (Action Points 57, 70, 71 and 72 as set out in [EV6-010]).</p> <p>The report indicates (paragraphs 4.1, 5.1) that this was requested by the Applicant. This is not the case, rather this was requested by the ExA.</p> <p>Secondly, the report is marked "Draft", could a finalised version please be submitted. Notwithstanding this, the final version should be submitted both a 'Clean' and 'Tracked Change' from the version submitted (version 3.1).</p> <p>Thirdly, all submissions should be made directly to the Planning Inspectorate, to ensure transparency in process.</p>
1.11.28.	NR	<p>Passenger station in vicinity of Application site</p> <p>In its Summary Rail Report [REP3-050] in Section 9.3 NR considers the case for a Proposed new railway station opposite the Application site. While appreciating the issues relating to longer journey times and adverse effects on non-stopping passenger and freight services the Report only considers the needs case based on the existing</p>

ExQ	Question to:	Question:
		<p>situation and does not consider the potential need associated with commuters to and from the Proposed Development.</p> <p>Could NR please consider this aspect, with the potential of 8,400 to 10,400 employees at the site. Details of the anticipated locations of where employees would live can be found in the Transport Assessment [REP1-011]. The analysis should be undertaken taking account of paragraph 2.29 of the NPSNN.</p>
1.11.29.	NR	<p>Electrification of line In its draft report [REP3-050] NR indicates that the electrification of the railway line past the site “is likely to be required in the medium to long term in support of plans for carbon reduction of the UK rail network”.</p> <p>Could NR please quantify “medium to long term” to an approximate time frame?</p>
1.11.30.	NR	<p>Barrier between bridleway and railway NR indicates in its RR [RR-0988] that appropriate containment and screening provisions alongside the railway will be required such that there can be no planned or unplanned incursion from bridleway US52/9 near to the operational railway by equestrian users and that the risk of horses being startled by a passing train is appropriately mitigated.</p> <p>Could NR please advise what it likely to be the nature of such provisions?</p>

ExQ	Question to:	Question:
1.11.31.	The Applicant NH LCC WCC	<p>Non-Car mode enhancements</p> <p>Revision 5 of the Sustainable Transport Strategy and Plan [REP3-022] sets out several proposals and options for enhancement to non-car facilities and modes.</p> <p>While appreciating that further work is to be done on the proposals:</p> <ul style="list-style-type: none"> a) Could the Applicant confirm how the committed proposals are to be secured? b) Could the Applicant explain how the potential proposals for post-decision would be evaluated and, where appropriate, how they would be secured. c) Could the Applicant please undertake an analysis on the operation of the A47/ B4668 roundabout in relation to the introduction of a Toucan crossing as shown (Enhancement 1) and what effect it would have on capacity and queuing. d) Could IPs comment on the weight that should be given to these elements, particularly in relation to elements that are not definitely secured?
1.11.32.	The Applicant	<p>Effect on users of Burbage Common Road</p> <p>In the response dealing with the distances between points 1 and X on the Access and Rights of Way Plan (2.3A and 2.3B), the Applicant has referred to users being able to use permissive ways (comment in 'Alternative route' for Walkers in [REP3-054]).</p> <ul style="list-style-type: none"> a) Given that the proposed streets within the Main site would be privately owned, how would the permissive way be secured. Would it not be better if it were dedicated as a public right of way through the DCO?

ExQ	Question to:	Question:
		b) Could the Applicant please explain how, in line with paragraph 5.216 of the NPSNN, the routes and measures being secured would meet the strong expectation that impacts on accessibility for non-motorised users would be mitigated.
1.11.33.	LCC	<p>Proposed Outwoods Replacement Bridge In its draft report [REP3-050] NR indicates that it requires LCC to assume “responsibility for maintenance and replacement of surfacing to the bridge deck and stairway treads and, to the extent required, public footway lighting”. Could LCC confirm whether it is willing to assume this responsibility.</p>
1.11.34.	The Applicant	<p>Indirectly Impacted Pedestrian Level Crossings In its draft report [REP3-050] NR indicates that a contribution to the cost of outside limits level crossing works generally will be secured through a Framework Agreement.</p> <p>a) Could the Applicant please confirm whether such an Agreement will be submitted into the Examination, and if so, could it please provide this, or it yet to be finalised, the current draft? b) If the agreement is not to be submitted, how can the ExA and SoS rely on its contents and/ or how are the works to be secured?</p>
1.11.35.	LCC BDC	<p>Public Rights of Way Could LCC and BDC please confirm whether they consider changes to the Public Rights of Way network as set out in paragraph 1.97 of ES Appendix 11.2 ‘Public Rights of Way Appraisal and Strategy’ [APP-192] and shown within Figure 11.14 [APP-298] to be appropriate. If not, could they explain why, and what, if anything, would make it acceptable.</p>

ExQ	Question to:	Question:
1.12.	Water Environment and Flood risk	
1.12.1.	The Applicant	<p>Hydrogeology Can the Applicant please explain the methodology used to assess the effects to the bedrock aquifer from changes to rates of infiltration during construction (see Chapters 14 and 15 of the ES [APP-123] and [APP-124] and their associated Appendices)?</p>
1.12.2.	The Applicant	<p>Water Environment Could the Application provide a table showing the level of effect with and without mitigation on various assessed aspects of water environment (see Chapters 14 and 15 of the ES [APP-123] and [APP-124] and their associated Appendices).</p>
1.12.3.	The Applicant	<p>Flood Risk Assessment [APP-209] Could the Applicant please explain how the limits of deviation described in the dDCO [REP2-003] been incorporated into the flood risk modelling?</p>