



The Planning Inspectorate

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All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: TR050007

Date: 28 November 2023

Dear Sir/Madam

**The Planning Act 2008 (as amended), Section 89 and the Infrastructure
Planning (Examination Procedure) Rules 2010 – Rules 8(3), 9 and 13**

**Planning Act 2008 (as amended) – Section 123 and the Infrastructure Planning
(Compulsory Acquisition) Regulations 2010**

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

**Procedural Decisions relating to Change Request, Change to Examination
Timetable and Notification of Hearing**

We are writing to inform you of the Procedural Decisions made by the Examining
Authority (ExA) following a change request made by the Applicant.

The Applicant's Change Request

On 5 September 2023 the Applicant wrote to the ExA [[PDA-021](#)] indicating that it
was considering submitting a Change request in light of detailed landownership
information provided by Network Rail Infrastructure Limited (Network Rail).

In response to this the ExA wrote on 22 September 2023 [[PD-007](#)] noting various
discrepancies with the information submitted and that due to additional rights being
sought in land the provisions of the Infrastructure Planning (Compulsory Acquisition)
Regulations 2010 (as amended) (the CA Regulations) would apply.

The Applicant submitted a response to this by Deadline 1 (D1) [REP1-001] but did not formally request that the proposed change be accepted into the Examination. The ExA wrote a Rule 17 letter on 9 November 2023 [PD-009] seeking clarification and asked the Applicant to confirm whether it was formally submitting a change request and to outline what effect this may have on the Examination Timetable.

The Applicant responded on 14 November 2023 [REP3-001] indicating that it wished for the ExA to consider the proposed change and to accept it into the Examination.

The proposed change involves the creation of a new plot (Plot 22a) on the Land Plans (Sheet 1 of 8) made up of land which was previously solely in Plot 22. This land is shown in the Book of Reference as land required for compulsory acquisition with the exception of interests owned by certain named individuals. Previously in respect of Plot 22 this land was required solely for temporary possession with permanent effect on rights with the exception of interests owned by the same named individuals. The additional rights are indicated to be solely in favour of Network Rail.

On 14 November 2023 Network Rail made a submission [REP3-074] confirming that it consented to its land rights being compulsorily acquired. However, this consent was subject to qualifications, where the consent was subject to the parties (Network Rail and the Applicant) entering into a framework agreement to protect Network Rail's position and that Network Rail's standard protective provisions be included in the Order.

On 17 November 2023 Network Rail confirmed that it consented to the compulsory acquisition of Plot 22a but this time without qualification. The ExA used its discretion to accept this letter as an 'Additional Submission' [AS-033] into the Examination on 20 November 2023.

The ExA's reasoning and decision

The ExA has reviewed the information provided and assessed the Applicant's request in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent' and the Planning Inspectorate's Advice Note 16¹. The ExA notes that all of the identified amendments to the Proposed Development are set within the red line boundary for the scheme and would not result in a substantially different project. However, as the proposed change would result in additional rights being sought in land, the CA Regulations are engaged.

The ExA has considered all the above and is able to accept the proposed change into the Examination. Hereinafter this is referred to as the "Accepted Change".

The ExA has carefully considered the views of both the Applicant and Network Rail to the effect that this consent is sufficient for the procedure set out in Regulations 5 to 19 of the CA Regulations not to be engaged. The ExA agrees with this analysis.

¹ Advice note sixteen: How to request a change which may be material

Change to Examination Timetable

Under the current Examination Timetable the week commencing 11 December 2023 is reserved for hearings if required. Given the information submitted to date and the discussions that are continuing between parties, the ExA considers that these hearings are not required. However, it does consider that an additional Issue Specific Hearing is necessary, and this should take place on Wednesday 24 January 2024.

This hearing will, principally, consider Traffic and Transport, and Noise. In saying 'principally', this Issue Specific Hearing may also need to consider matters which are contingent on the discussions on Traffic and Transport, or Noise, for example necessary changes to the draft Development Consent Order.

The ExA has therefore made a Procedural Decision to hold an additional Issue Specific Hearing on Wednesday 24 January 2024. As set out above, this Issue Specific Hearing will be into Traffic and Transport, with an emphasis on highway matters, and Noise.

The ExA considers that in all the circumstances that this hearing should be undertaken in a blended way, that is both face-to-face and virtual. The Planning Inspectorate's Case Team has liaised with the Applicant and has a venue in Hinckley has been secured.

The ExA consequently has made the Procedural Decision to amend the Examination Timetable to have an additional hearing on Wednesday 24 January 2024. Consequential amendments to the Examination Timetable have also been made, to allow for the submission of written submissions and responses to actions identified at the hearing. These are all set out in Annex A below.

At Annex B below is the formal Notification of the Issue Specific Hearing setting out the venue and timings.

On 24 November 2023 the Applicant submitted as a Late Submission to Deadline 3 various documents. These relate to Traffic and Transport, Land Use and Socio-Economic Matters and an updated draft Statement of Common Ground between the Applicant and Hinckley and Bosworth Borough Council². The ExA has used its discretion to accept these documents into the Examination. They will be published either concurrently with this letter or very shortly thereafter.

Should any Interested Party wish to comment on these Additional Submissions, or the Additional Submission made by Network Rail referred to above ([AS-033]), then they should do so by **Deadline 4, 9 January 2024**. The ExA has made a Procedural Decision to amend the Examination Timetable to include this and this is shown in Annex A to this letter.

The ExA's Written Questions are being published concurrently with this letter. The Written Questions do not include reference to the Applicant's Late Submission. Should the ExA have any questions on the contents of these Additional Submissions

² The update includes the section on noise and vibration which had previously been omitted.

then these will be the subject of a letter under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).

If you have any further queries, please do not hesitate to contact the Case Team at HinckleySRFI@planninginspectorate.gov.uk.

Yours faithfully

Robert Jackson

Robert Jackson
Lead Member of the Panel of Examining Inspectors

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Annex A

Amended Examination Timetable, specifically items 20A and 21.

Item	Matters	Date
1.	Procedural Decision Deadline A Deadline for receipt by the ExA of: <ul style="list-style-type: none">• Responses to the Rule 6 letter• Submission of additional or updated drawings as requested in Annex D• Requests to be heard orally at the Preliminary Meeting and under which part of the agenda set out in Annex A• Notification of intention to attend the Issue Specific Hearing 1.• Requests by Affected Persons to be heard orally at the Compulsory Acquisition Hearing 1	Tuesday 5 September 2023
2.	Preliminary Meeting	Tuesday 12 September 2023 (10.00am)
3.	Issue Specific Hearing (ISH1) on the Project Definition and draft Development Consent Order	Wednesday 13 September 2023 (10.00am)
4.	Compulsory Acquisition Hearing (CAH1) on the Applicant's general case	Thursday 14 September (10.00am)
5.	Issue by the ExA of: <ul style="list-style-type: none">• Examination Timetable	As soon as practicable after the Preliminary Meeting
6.	Deadline 1 For receipt by the ExA of: <ul style="list-style-type: none">• Comments on any updates to application documents submitted by the Applicant before or at the PM• Comments on Relevant Representations (RRs)• Summaries of all RR's exceeding 1500 words• Written Representations (WRs)	Tuesday 10 October 2023

	<ul style="list-style-type: none"> • Summaries of all WRs exceeding 1500 words • Local Impact Reports (LIRs) • Notification by Statutory Parties of their wish to be considered as an IP by the ExA • Notification of wish to be heard at any subsequent Issue Specific Hearings (ISH) (see below for details) • Requests to be heard at any subsequent Compulsory Acquisition Hearing (CAH). Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a CAH • Request to be heard at an Open Floor Hearing (OFH) • Post-hearing submissions including written submissions of oral cases • Notification of wish to have future correspondence received electronically • Suggestions for locations for the ASI (if any) together with reasoning • Updated Funding Statement from Applicant • Any further information requested by the ExA • Comments on any additional submissions accepted by the ExA 	
7.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WR • Comments on the LIRs • The Applicant's revised dDCO • Status of Negotiations / Compulsory Acquisition Schedule • Draft Statements of Common Ground – see Annex D • Statement of Commonality on Statements of Common Ground • Any further information requested by the ExA • Comments on any additional submissions received by Deadline 1 	<p>Tuesday 24 October 2023</p>
8.	<p>Open Floor Hearing (OFH1)</p>	<p>Monday 30 October 2023 (6.00pm)</p>

9.	Issue Specific Hearing (ISH2) on Traffic and Transport	Tuesday 31 October 2023 (10.00am)
10.	Issue Specific Hearing (ISH3) on Environmental Matters	Wednesday 1 November 2023 (10.00am)
11.	Issue Specific Hearing (ISH4) on Need and Socio-Economic Matters	Wednesday 1 November 2023 (2.00pm)
12.	Open Floor Hearing (OFH2)	Thursday 2 November 2023 (10.00am)
13.	Compulsory Acquisition Hearing (CAH2)	Thursday 2 November 2023 (2.00pm)
14.	Issue Specific Hearing (ISH5) dDCO	Friday 3 November 2023 (10.00am)
15.	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Updated Statements of Common Ground • Updated Statements of Commonality on Statements of Common Ground • Receipt of Written Statements of Oral Cases at ISH2, ISH3, ISH4, CAH2, OFH1 and OFH2 • Comments on the Applicant's revised dDCO • Comments on any additional submissions received by Deadline 2 <p>Any further information requested by the ExA.</p>	Tuesday 14 November 2023
16.	Access Required Site Inspections	Thursday 16 November 2023
17.	Publication by the ExA of: Written Questions	Tuesday 28 November 2023
18.	Dates reserved for: <ul style="list-style-type: none"> • Open Floor Hearings (if required) 	Week commencing

	<ul style="list-style-type: none"> • Issue Specific Hearings (if required) • Compulsory Acquisition Hearings (if required) 	11 December 2023
19.	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-hearing submissions including written submissions of oral cases (if held) • Responses to the ExA's Written Questions • The Applicant's revised dDCO • Status of Negotiations / CA Schedule • Updated Statements of Common Ground • Updated Statement of Commonality of Statements of Common Ground • Draft Planning Obligations under Section 106, Town and Country Planning Act, 1990 (as amended) • Comments on any additional submissions received by Deadline 3 • Comments/ submissions on the ARSI for those who attended • Comments/ submissions on either of the Late Submissions submitted in November 2023 and accepted into the Examination at the discretion of the ExA • Any further information requested by the ExA. 	Tuesday 9 January 2024
20.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (if required) • Report on the Implications for European Sites (RIES) (if required) • ExA's commentary on, or schedule of changes to, the dDCO (if required) 	Friday 19 January 2024
20A	<p>Hearings</p> <ul style="list-style-type: none"> • Issue Specific Hearing 6 (ISH6) on Traffic and Transport, and Noise 	Wednesday 24 January 2024 (10.00 am)
21.	<p>Deadline 5</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExA's Further Written Questions (if required) 	Friday 9 February 2024

	<ul style="list-style-type: none"> • Comments on the Applicant's revised dDCO (if required) • Comments on any additional submissions received by Deadline 4 • Post-hearing submissions including written submissions of oral cases • Any further information requested by the ExA. 	
22.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on the RIES (if required) • Comments on ExA's commentary on, or schedule of changes to, the dDCO (if required) • Comments on any additional submissions received by Deadline 5 • Any further information requested by the ExA. 	Tuesday 20 February 2024
23.	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Final dDCO to be submitted by the Applicant in the SI template with the SI template validation report • Final Book of Reference (BoR) and schedule of changes to BoR • Final Status of Negotiations / Compulsory Acquisition Schedule • Final Funding Statement • Final Statements of Common Ground • Final Statement of Commonality of Statements of Common Ground • Final Guide to the Application • Final text Planning Obligations under Section 106, Town and Country Planning Act, 1990 (as amended) • Comments on any additional submissions received by Deadline 6 • Any further information requested by the ExA. 	Tuesday 27 February 2024
24.	<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Completed Planning Obligations under Section 106, Town and Country Planning Act, 1990 (as amended) 	Friday 8 March 2024

	<ul style="list-style-type: none"> • Final draft SoCGs between IPs where agreement has not been reached setting out where agreement/ disagreement remains outstanding and status of negotiation. • Comments on any additional submissions received by Deadline 7 • Any further information requested by the ExA. 	
25.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Tuesday 12 March 2024

Annex B

Notification of Hearings and requests to participate

We advise you that the following Hearing will be held under Section 91 of the Planning Act 2008. The Hearing will be a Blended Event, with participants attending either in person or virtually via Microsoft Teams.

Hearing	Date	Start Time	Location
Issue Specific Hearing (ISH6) on Traffic and Transport, and Noise	Wednesday 24 January 2024	Registration and seating available from: 9.00am Virtual Registration Process from: 9.15am Event start: 10.00am	The hearings will be a blended event at: Sketchley Grange Hotel & Spa, Sketchley Lane, Hinckley LE10 3HU and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.
NOTE: If the above Hearing is no longer required then notification will be published as soon as practicable on the project webpage of the National Infrastructure Planning website, providing reasonable notice to Interested Parties of the decision to cancel.			

ExA Invitations to participate

At this stage the ExA would particularly ask the following Interested Parties to attend the Hearing.

- The Applicant
- National Highways
- Leicester County Council
- Warwickshire County Council

- Network Rail (the ExA requests attendance by personnel able to answer questions about operational matters associated with the Proposed Development)
- Blaby District Council
- Hinckley and Bosworth Borough Council
- Dr David Moore
- Mr William Moore

Should the ExA, in preparing for the Hearing, conclude attendance by other Interested Parties would be of assistance, it will ensure that this is communicated in the Detailed Agendas published as set out above.

Applicant's notification duties

The Applicant is reminded of its duty to notify and publicise hearings under Rule 13(6) and 13(7) of The Infrastructure Planning (Examination Procedure) Rules 2010.

Purpose of Hearings

Please refer to the Planning Inspectorate's Advice Note 8.5: The Examination: hearings and site inspections for information about the purpose of Issue Specific Hearings.

Registration and requests to participate in Hearing

Any request to participate in a hearing should be received by the Case Team by emailing HinckleySRFI@planninginspectorate.gov.uk by **23:59 hours on Tuesday 16 January 2024** and include the following information:

- name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- confirmation of whether you will participate virtually or in-person;
- confirmation of the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise; and
- the Examination Library reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to.

Requests to participate should be made using an Event Participation Form which will be provided with the notification of the hearing.

Joining instructions for Hearings will be issued by the Case Team via email shortly before the Hearing dates.

Please contact the Case Team if you require any support or assistance to attend the Hearing, either virtually or in person. If you simply wish to observe the Hearing then you can either:

1. watch a livestream of the event - a link to the livestream will be made available on the project webpage shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

The decision to hold an ISH about a particular topic is not connected to how relevant or important we consider an issue or topic to be.

Arrangements for hearings

Our Examination will be principally undertaken through the exchange of written submissions however the Examination Timetable reserves periods of time for hearings to be held (where required).

Hearing agendas

High-level agendas for these hearings will be published no later than 10 working days prior to the hearing on the project webpage to help inform your decision about whether to register to participate.

For this Issue Specific Hearing the ExA will publish a detailed draft agenda on the project website at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's Advice Note 8.4: The Examination), supplemented where necessary by various types of hearings. Please refer to the Advice Note 8.5: Hearings and site inspections and Advice Note 8.6: Virtual Examination events as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the project webpage shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the project webpage as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.