

Date: 19 December 2023  
Our ref: N/A  
Your ref: TR050007



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**BY EMAIL ONLY**

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Dear Robert Jackson

**NSIP Reference:** TR050007 – Hinckley national Rail Freight Interchange  
**Consultation:** Examining Authorities First Written Questions

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Please find Natural England's responses to the Examining Authorities first written questions at **Annex A** below.

For any further advice on this consultation please contact the case officer Robbie Clarey and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Robbie Clarey  
Planning & Environment Lead Adviser

## Annex A

Question Reference	Question	Natural England response
1.2.9.	<p><b>Burbage Common and Woods SSSI – recreational disturbance</b></p> <p>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>	<p>Natural England have engaged with the applicant In relation to this question.</p> <p>Natural England have provided the Applicant with a series of measures we feel would be appropriate in mitigating the possible recreational pressure increase on the SSSI. To avoid repetition, we have asked that the applicant include these within their response to this set of questions.</p> <p>It should be noted that no physical restriction of access to the SSSI is considered necessary. Apologies, the wording of our RR’s may have been misleading in this regard. In the absence of need for any physical restriction, Natural England have not provided our position should the ExA or SoS consider the mitigation measures not justified in the public interest. Please don’t hesitate to get in contact should this continue to be required.</p>
1.5.12.	<p><b>Article 49 - Disapplication, application and modification of legislative provisions</b></p> <p>a) Could the Applicant please check the referencing in the EM as this refers to Article 48.</p> <p>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>	<p>Part 1 (e) of this article states that ‘section 28E (duties in relation to sites of special scientific interest) of the Wildlife and Countryside Act 1981(e)... do not apply I relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the authorised development’</p> <p>Natural England advise that this appears to be referencing the fact that where planning permission has been granted, SSSI consent (under section 28E of the WaCA 1981) is not required for works specified within the planning consent, as NE will have been consulted and provided advice at the</p>

		<p>planning consent stage.</p> <p>This is correct, however, there may be a scenario where an 'operation required for the purpose of, or in connection with, the authorised development', has not been specified within the development consent order, but which may have an adverse effect on the nearby SSSI (Burbage Wood and Aston Firs). In this scenario, Natural England would anticipate either a notice for consent under Section 28E, or a consultation by the relevant planning authority for our advice in relation to the SSSI for any variation to the development consent.</p> <p>This could be specified within this article, or perhaps more simply, Part 1 of the article could be amended to read:</p> <ul style="list-style-type: none"> <li>- 'The following provisions do not apply in relation to the construction of any work or the carrying out of any operation <b>specified within this DCO</b>, which is required for the purpose of, or in connection with, the authorised development'</li> </ul>
<p><b>1.6.6.</b></p>	<p><b>National Character Area</b></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>	<p>In line with Natural England's Standard: Responding to Consultations on Development (<a href="#">NESTND037</a>), Natural England have no specific advice in relation to the impact of the development on the Leicestershire Vales National Character Area.</p> <p>Natural England will provide detailed advice on NSIPs, development requiring Environmental Impact Assessment, and exceptionally other development proposals that may have very significant adverse impacts on the statutory purposes of designation for <b>National Parks, the Broads and Areas of Outstanding Natural Beauty</b>, including proposals within the settings of designated landscapes. The relevant local planning authority may be able to provide advice on impacts on this NCA based on their direct local knowledge of the development site and its wider landscape setting.</p>

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