

**Hinckley & Bosworth Borough Council**  
**Interested Party Reference Number: 20039546**

**Deadline 4 Submission:**  
**Response to Examining Authority Written Questions**  
**ExQ1**

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

**(ref. TR050007)**

ExQ Ref	Matter	Hinckley & Bosworth Response
1.0.1	<p><b>Development Plans</b></p> <p>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?</p> <p>b) Are any of these Plans subject to review?</p> <p>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?</p>	<p>The Development Plan comprises the <u>Core Strategy (2009)</u>, the <u>Site Allocations and Development Management Policies DPD (2016)</u>, the <u>Hinckley and Burbage Policies Map</u> (part of the DPD) indicates the land use allocations referred to in the Council's LIR. The Council's LIR (REP1 – 138) sets out the relevant policies at para 5.6.</p> <p>All of the Plans listed above are subject to review under the Local Plan Review process (2020-2041).</p> <p>The Emerging Local Plan for 2020-39 has reached Regulation 19 stage (February-March 2022) and thus can be given limited weight at this stage as it has not been tested through examination in public. Since the Regulation 19 consultation, revised affordability ratios have been published, a Statement of</p>

	<p>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.</p>	<p>Common Ground on the unmet need from Leicester City has been prepared, and the plan period has been extended to 2041. The current Local Development Scheme is being revised and will be agreed under delegated authority.</p> <p>The Hinckley Rail Freight Interchange has not been submitted or assessed as part of the Strategic Housing &amp; Economic Land Availability Assessment (SHELAA).</p> <p>Agreed</p>
<p><b>1.0.2</b></p>	<p><b>Neighbourhood Plans</b></p> <p>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.</p> <p>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</p>	<p>The boundary of the designated area of the <a href="#">Burbage Neighbourhood Plan</a> lies to the south west of the development site - <a href="#">The Plan</a> was made on 10<sup>th</sup> May 2021 and is currently under review, but has not</p>

	<p>with current details of progress towards any such Neighbourhood Plans being made. Where documents exist, could copies please be provided.</p> <p>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</p>	<p>yet reached the regulation 14 consultation stage.</p> <p>Agreed</p>
<b>1.0.3</b>	<p><b>Covid-19 pandemic</b></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. 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>	<p>The Council does not have a view on the potential for Covid to impact consideration of the proposal.</p>
<b>1.0.4</b>	<p><b>Equality Impact Assessment</b></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>In the Borough Council's opinion there are two groups of persons with protected characteristics who would be affected by the proposed development, namely, those with a disability and the gypsy and</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>	<p>traveller communities at Aston Firs and Leicester Road (Hinckley).</p> <p>The Examining Authority should ensure that it has `due regard` to the duty imposed on it by s 149 Eq Act 2010 in so far as those who have a protected characteristic by virtue of a disability or ethnicity are concerned.</p> <p>The Examining Authority is referred to the case of LDRA Ltd v Secretary of State for Communities and Local Government 2016 EWHC 950, and to paragraphs 22-33 of the judgement.</p> <p>The ExA should ensure that it has sufficient information to enable the balancing exercise to be carried out and that that information is before the decision-maker. If relevant information is not available the EA has a duty to acquire it.</p> <p>In so far as the two gypsy/traveller sites are concerned the same considerations apply and should be undertaken by the ExA. The Council's view is that the two sites will be impacted in visual and aural terms by the proposed development</p>
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		<p>which could have subsequent impacts on health. These points are referenced in the corresponding Statements of Common Ground on noise and health.</p>
<p><b>1.0.13</b></p>	<p><b>Associated housing development</b></p> <p>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> <p>b) Could the Local Authorities advise whether any major development proposals have come forward or are planned in the vicinity of the application site?</p>	<p>Please refer to document REP1-138 para 5.4 which sets out the details of the two sustainable urban extensions for Barwell and Earl Shilton totalling c3500 new dwellings.</p> <p>In addition the Council would like to draw attention to a proposal for 343 dwellings by Jelson Homes Ltd on land to the south of the B4669 off Sapcote Road / Aston Flamville Road, Burbage given its proximity to the south west of the development site; outline approval (22/01037/OUT) (which is currently awaiting the outcome of an appeal) and a further outline application</p>

		(23/00673/OUT) is currently pending. Further, the Council is expecting an appeal decision shortly on application 23/00432/OUT for 475 dwellings on land north off the A47 Normandy Way and east of Stoke Road.
<b>1.0.14</b>	<p><b>Place Shaping Officer</b></p> <p>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.</p>	This is referred to at paragraph 13.2.9 of the consultation report (APP-091) and refers to a meeting on 30/05/18. The Council did not proceed with this post.
<b>1.0.16</b>	<p><b>Energy Generation</b></p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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</p>	The Council has no comments to make

	(measured in alternating current (AC)). This answer should ignore any legislative restrictions on the amount of energy that could be produced	
<b>1.1.2</b>	<p><b>Air Quality</b></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>	The Council is not aware that the Network has been consulted.
<b>1.2.2</b>	<p><b>ES Appendix 11.4: Arboriculture Impact Assessment [APP-194]</b></p> <p>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.</p>	<p>The Council's comments on arboriculture matters are contained within the Local Impact Report (REP1 – 138) under the heading of 'Landscape &amp; Visual Impact'. Extracts from the LIR – <i>“The development will entirely replace the existing rural vale landscape which is comprised of a mix of arable and grazed farmland enclosed by a network of mixed hedgerows with mature trees (oak, ash and elm), crossed by minor stream and water features. The site is part of a relatively tranquil rural landscape between the urban areas of Burbage, Hinckley, Barwell and Earl Shilton which lie to the west/north and the M69 part of a wider vale which extends from the settlements to the Soar tributaries in the east. The development will change the character of the extensive site from open countryside to industrial/urban, with complete loss of all features including the</i></p>



		<p><i>mature trees (including a veteran tree) and hedgerows, water features and rural farms within the site.” (para 7.5). “The scale of the development means that the Landscape Strategy (ES Figure 11:20, document reference APP - 304) does not mitigate the effects but does seek to reduce them. The proposals allow for buffer planting and screening to the edge of the development, but the areas required to sufficiently screen the scale of the development are currently inadequate. For people moving around the area (on local rights of way and roads) the development is of such a size and scale that it will be a constant presence, even where screening means that in specific, individual views there are only glimpses, these will contrast with other views where the scale and size of the facility is wholly dominant forming the horizon.” (para 7.7). “There is proposed planting of a new Western Amenity Area extending to 22 ha as an extension to the public open space, however, this area can already be appreciated as an undeveloped rural farmed vale landscape as it exists (albeit without public access). The new ‘amenity’ area will be impacted by the proposed A47 Link Road which will</i></p>
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		<p><i>be a dominant feature affecting the amenity of users to the extent that it is unlikely to offer any further attraction over the existing amenity area. However, the proposed native tree and shrub planting here will be effective in helping to screen views from some local areas to the south including parts of Burbage Common and illustrate the benefits of 'off site' planting at distance from the development.” (para 7.9).</i></p> <p>The Council would prefer to retain the veteran tree which the developer proposes to remove, if possible, particularly as such trees fall under 'irreplaceable habitat' in BNG terms.</p> <p>At the hearing, the applicant stated that due to the ground levelling that was required for the project that micro-siting around this tree was not possible, however the Council would request further clarification on the construction methods and rationale that has been used to determine this approach in order to better understand the process.</p> <p>The Council would also seek clarification on any features present on the veteran tree relating to potential use by roosting bats and/or nesting barn owl.</p>
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<p><b>1.4.2</b></p>	<p><b>Levelling Up and Regeneration Act 2023</b></p> <p>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>	<p>The application site is not a 'relevant asset' as defined in the Act.</p>
<p><b>1.4.4</b></p>	<p><b>Appendix 13.1 Archaeological Assessment [APP-201]</b></p> <p>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.</p> <p>b) In addition, paragraph 1.119 identifies a series of trial trench excavations, please advise if you consider the extent and coverage to be sufficient to properly inform the Archaeological Assessment of the Proposed Development.</p>	<p>A response to this question should be provided by Leicestershire County Council (Planning Archaeology) as the authority responsible for determining the significance of such remains, assessing impacts and suggesting mitigation measures. The Council has no further comments on this question.</p>
<p><b>1.4.5</b></p>	<p><b>Appendix 13.2 Heritage Assessment [APP-202]</b></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>The Council agrees with the Heritage Assessment and its conclusions where they affect heritage assets located within the Hinckley and Bosworth Borough administrative area. This matter is agreed in the Statement of Common Ground on Cultural Heritage. Of the seven listed buildings explicitly listed within paragraph 1.7, three are located within the HBBC</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>	<p>area. The Council's views and assessment of impacts from the proposals on those assets is contained within the Cultural Heritage Section (page 48 onwards) of the Technical Review of the Preliminary Environmental Impact Report (dated 31 May 2022) and confirmed in the SoCG. It is an agreed matter that the setting of the three listed buildings located within the HBBC area will be impacted by the proposal due to its proximity. All other heritage assets, including those specifically referred to within this question (scheduled monuments, the four remaining listed buildings, and the Aston Flamville Conservation Area) are located within the Blaby District Council administrative area which the Council will defer to Blaby DC for comment.</p> <p>As above, an assessment of the impact upon the three heritage assets located within the HBBC area and the subsequent level of harm has been provided and is contained within the Cultural Heritage Section (page 48 onwards) of the Technical Review of the</p>
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		<p>Preliminary Environmental Impact Report (dated 31 May 2022) and as an agreed matter within the SoCG. This response is re-iterated below for reference:</p> <p><i>The assessment set out in Technical Appendix 13.2 (of the PEIR) identifies that there are three designated heritage assets within the Hinckley and Bosworth Borough Council administrative area (the grade I listed building Church of St Mary, Barwell; the grade II* listed building Church of St Simon and St Jude, Earl Shilton; and the grade II* listed building Church of St Catherine, Burbage) which are considered to be sensitive receptors, due to the potential for development within the Main HNRFI Site to affect the appreciation of these churches from the wider landscape and erode their historical wider agricultural setting in views from the churchyard. The Council's assessment is that in regard to the Church of St Mary and the Church of St Catherine the predicted visibility of the Proposed Development in the Main HNRFI Site will adversely affect the ability to appreciate these two churches in context with their historical agricultural setting. For all three churches the</i></p>
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		<p><i>appreciation of their significance will also be affected to a negligible extent by the loss of localised views towards the church tower and/or spires from parts of the land within the Main HNRFI Site. The Council agrees with the PEIR conclusion in that these impacts, while representing a noticeable change in the setting of the assets, are expected to result in negligible change to the significance of the listed churches, resulting in a permanent minor adverse effect on these assets of high sensitivity, which is not significant. The PEIR concludes that no mitigation measures are identified to further offset the minor adverse significance of effect to the identified heritage assets. The Council agree that there will be adverse effects resulting from the Proposed Development within the Main HNRFI Site that cannot be mitigated, and agree with the resulting level of impact identified. In conclusion the Proposed Development within the Main HNRFI Site will result in harm to three designated heritage assets in terms of national and local planning policy; in the Council's opinion and based on the impacts identified within the PEIR the level of harm to all three affected heritage</i></p>
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		<p><i>assets within the HBBC area would be less than substantial.</i></p>
<p><b>1.4.7</b></p>	<p><b>Burbage Common</b></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>	<p>There are three potential categories of national heritage designation for Burbage Common; a registered park and garden, a scheduled monument, or a conservation area. For a registered park and garden or a scheduled monument, potential designation would be based on assessment and recommendations made by Historic England to the Secretary of State. Burbage Common is not designated as a registered park and garden or a scheduled monument and comments would have to be sought from Historic England as to whether consideration has ever been given to whether the Common warrants designation as one of these types of assets. Local authorities can designate conservation areas and notify the Secretary of State of such designation. Burbage Common has never been considered for designation as a conservation area by the Council.</p>

b) If it has not been considered, does the Councils consider that Burbage Common should be considered to be a heritage asset?

In the Council's view Burbage Common is not suitable for consideration as a heritage asset for the following reason:

There is a lack of detailed information available concerning the history of Burbage Common, including there being no reference or record for it contained within the Leicestershire and Rutland Historic Environment Record. A small number of sources indicate that the Common is ancient grazing ground that was shared between the manors of Barwell, Burbage and Hinckley at the time of the Domesday Book (1886) ([Burbage Common Historic Sites in Hinckley, Leicestershire \(visitoruk.com\)](#)) and the Borough Council records that "Burbage Common belongs to the manorial estate and was the poorer pasture where commoners grazed their livestock. The common, together with other grassland areas, is now managed as a hay meadow. The woodlands are probably some of the only remaining fragments of Hinckley Forest, which dates back to medieval times. They are still managed by the traditional method of



		<p>coppicing with standards” (<a href="#">About Burbage Common   Burbage Common and woods   Hinckley &amp; Bosworth Borough Council (hinckley-bosworth.gov.uk)</a>).</p> <p>The NPPF defines a heritage asset as “a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.” The NPPF further defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.”</p> <p>Burbage Common is a relatively large area consisting of grassland, hay meadow and woodland. It is not subject to any landscape designation in planning terms but does have some consistent characteristics evident across the area. It therefore has the potential to meet the definition of a heritage asset on the basis of it being an area.</p>
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		<p>Heritage assets can be designated nationally (including conservation areas) and locally (local heritage assets / non-designated heritage assets). Frameworks for identifying and assessment significance of heritage assets are provided for conservation areas (see <a href="#">Historic England's Advice Note 1</a> (2018): Conservation Area Appraisal, Designation and Management: and local heritage assets including <a href="#">adopted selection criteria</a> for HBBC.</p> <p>A conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. In the Council's opinion the Common lacks the high test of special historic interest to warrant consideration as a conservation area.</p> <p>When considered against the Council's local heritage asset selection criteria then the Common could be considered to be of some illustrative historic value as it illustrates an aspect of the area's past that makes an important contribution to its identity or character. It, however, is of</p>
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		<p>no architectural or artistic value (grouped together under the aesthetic category) and there is no substantial evidential record concerning the area to demonstrate it is of any particular archaeological value. There is considerable community value attached to the area as a local recreational resource as demonstrated by some of the submitted consultation responses to the HNRFI proposal, however unfortunately this particular value currently does not meet the tests of heritage significance when considered against the framework of the NPPF definition. Moving on to the next stage in the assessment it needs to be considered what makes the historic value of the Common special enough to warrant identification as a local heritage asset. The site is attested to be of considerable age if referenced in the Domesday Book, but it has clearly been altered in form and character over time as such that it retains no particular rarity or integrity. Whilst the Council understands the value of the site to the local community, which has prompted the responses in support of the preservation of the qualities of the Common area, unfortunately in the Council's opinion the</p>
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		site does not meet the the required level of heritage asset criteria to warrant identification as a local heritage asset by the Borough Council.
<b>1.4.8</b>	<p><b>Effect on remains</b></p> <p>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.</p>	A response to this question should be provided by Leicestershire County Council (Planning Archaeology) as the authority responsible for determining the significance of such remains, assessing impacts and suggesting mitigation measures. The Council has no further comments on this question.
<b>1.4.10</b>	<p><b>Interpretation and effect on remains</b></p> <p>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.</p>	A response to this question should be provided by Leicestershire County Council (Planning Archaeology) as the authority responsible for determining the significance of such remains, assessing impacts and suggesting mitigation measures. The Council has no further comments on this question.

<b>1.5.12</b>	<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>	The Council has no objection to the Article.
<b>1.5.13</b>	<p><b>Schedule 2, Part 1 – Requirement 5</b></p> <p>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.</p>	This Requirement refers to the design and phasing of highway works. The Borough Council is not cited in this Requirement as an approval body.
<b>1.5.15</b>	<p><b>Schedule 2, Part 1 – Requirement 12</b></p> <p>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.</p>	This Requirement refers to archaeology and building recording. The Borough Council defers to the County Council on this matter.
<b>1.6.1</b>	<b>Appendix 11.1 - Landscape Visualisation baseline report [APP-191]</b>	

	<p>Please comment on the economic value of the landscape and the impact on such as a result of the proposal.</p>	<p>Figure 11.19 (ref 6.3.11.19) shows that the HNRFI site is made up predominantly of Subgrade 3b with some smaller areas of Subgrade 3a. Land along the M69 and other roads is classified as 'Non Agricultural/Not surveyed'.</p>
<p><b>1.7.3</b></p>	<p><b>Alternative Sites</b></p> <p>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 two parties. Could the parties clarify, and if appropriate amend the SoCG.</p>	<p>The SoCG on Planning Matters referencing Alternative Sites now represents the settled position of HBBC and the Applicant. This agreement overcomes the matters raised in the LIR (REP 1-138).</p>
<p><b>1.7.11</b></p>	<p><b>Logistics Demand and Supply Assessment [REP3-036] – Industrial and Logistics demand</b></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>	<p>Studies have been undertaken in 2014, 2016 and 2021 considering the employment needs for <a href="#">large scale distribution space</a>. These have followed recognised methodologies include past</p>

		<p>completions trends and modelling future freight growth.</p> <p>Through the 2013 to 2022 period the large scale (9,300sqm+ units) industrial market has reported an average vacancy of availability rate of 5% and vacancy 4.2% (derived from CoStar database). With a typical optimum of 5-10%, these have been at the lower end of the range but not severely undersupplied.</p> <p>The most recent 2021 study added a considerable 'margin' of c25% above the base need forecast in recognition of high demand levels and looking to improve delivery.</p>
<p><b>1.7.12</b></p>	<p><b>Logistics Demand and Supply Assessment [REP3-036] – Employment evidence base</b></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>The most relevant planning evidence study is the 2021 <a href="#">“Warehousing and Logistics in Leicester and Leicestershire: managing growth and change”</a> as this deals with the strategic need rather than local. It is not clear that the studies in table 4.2 are wholly relevant to the matter, and this list excludes the 2022 Leicester and Leicestershire HENA which itself defers</p>

b) If so, how does this relate to the methodology and the assessment made by the Applicant.

to the 2021 Warehousing report (above) in terms of strategic employment units need. Outside of Leicestershire, most other studies deal with the issue of local need as the strategic need is dealt within in the 2021 [West Midlands Strategic Employment Sites Study](#).

The applicant's assessment provides later assessment than the 2021 Leicestershire Warehousing Study. It covers a different market area. It includes a 'suppressed demand' factor which looks to uplift the future need to compensate for past low vacancy. Whilst the merits of this are broadly understood, the methodology does not comply with the NPPF or PPG and it is not clear how low vacancies of up to a decade in the past should feed into future demand based requirements. It also appears to be a shortcoming that the applicant's demand assessment only includes suppressed demand but not oversupply periods. Overall in this light, the 2021 Warehousing study 'margin' (see previous response) is preferred. Furthermore, adjustments for e-commerce are not considered to have merit. As [ONS reports](#) demonstrate, the increase online sales is essentially linear, and post COVID-19 returns to that trend



	<p>c) In addition, if updated evidence bases have or are being prepared, do these acknowledge a future warehouse supply of 1,781,000m<sup>2</sup> 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>	<p>line. That means that historic market 'deals' and 'occupations' from past decades already present the e-commerce market and a further top up is simply double counting.</p> <p>The applicant's assessment of supply is not for the LLEP but for their own property market area including for example sites in Coventry and Nuneaton and North West Leicestershire.</p> <p>Work being undertaken by the Leicestershire authorities indicates a supply of 1.7m sqm at April 2022 against a need of 2.6m sqm thus with a shortfall of c1m sqm for the LLEP area only.</p>
<p><b>1.7.17</b></p>	<p><b>Logistics Demand and Supply Assessment [REP3-036] – Development completions</b></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</p>	<p>The PPG makes it clear that development completions are to be used</p>

	<p>measure. Could Local Authorities comment on whether they consider this appropriate? If not, could they give justification for their reasoning.</p>	<p>as one indicator of future needs “It is important to consider recent employment land take-up and projections (based on past trends) and forecasts (based on future scenarios)” Paragraph: 029 Reference ID: 2a-02920190220.</p> <p>It is generally evident that past completions are an indicator of demand as they report the degree of market interest, although it is recognised that notable land supply constraints can reduce the effectiveness of the indicator. Flexibility in assessments and triangulation against other methodologies is therefore required. As previous the latest evidence (2021 Warehousing study) builds in a generous margin above the completions trend. It is also of note that some 1.7m sqm of supply is available in the LLEP area, which is very substantial.</p>
<p><b>1.7.21</b></p>	<p><b>Logistics Demand and Supply Assessment [REP3-036] – Supply projections</b></p> <p>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</p>	<p>Sites not permitted cannot form part of the current support and will be considered on their merits. With ‘needs’ derived from past completions, the effect of historic windfall sites will be built in so it may not be necessary to ‘top up’ the</p>

	<p>the appropriateness of including a windfall provision within the pipeline supply projections.</p>	<p>supply in this way and it is not commonly done in employment calculations. Inevitably additional sites will come through the development process and that is effectively desirable given the recognised supply shortfall in LLEP even without HNRFI permitted. The authorities are collectively working together to consider optimum locations for future supply allocations.</p>
<p><b>1.7.25</b></p>	<p><b>Overall Need</b></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. In addition, could the Applicant provide a written note commenting on the availability of all these suggested alternatives and their capacity/suitability to meet some or all of the identified need for SRFI capacity in the Region?</p>	<p>The SoCG on Planning Matters acknowledges that the need for a SRFI has been established within the joint authority evidence base <i>‘Warehousing and Logistics at Leicester and Leicestershire: managing growth and change’</i> (April 2021) which identifies a shortfall of 718,875 sqm of rail served sites which should be planned for the period to 2041. However, the Council understands that the market and business dynamics relating to the need for SRFIs is complex and the Council may not be well placed to consider this in full. The Council is aware that there is capacity at DIRFT and EMG in terms of ‘trains per day’ utilisation, however there</p>

		<p>is further development capacity notable at DIRFT which may absorb this and occupier requirements can change at any time, so there is uncertainty.</p> <p>Given the 2021 Warehousing study modelled 'need' which shows at present a considerable shortfall in supply, should a rail freight solution fail to materialise then the possibility remains that the alternative would be further road based developments.</p>
<p><b>1.8.2</b></p>	<p><b>Ambient Noise Levels</b></p> <p>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.</p> <p>b) Could the local authorities please comment on this also.</p>	<p>Ambient (LAeqT) and maximum (LAm<sub>ax</sub>) noise levels will have been attenuated for both distance and topography within the noise model. With regard to background (LA90) levels, it is not possible to predict or calculate these, and they can only be obtained through measurement. Subsequently, it is not feasible to monitor</p>

		<p>at each sensitive receptor location. Therefore, one must first choose a location and level representative of typical conditions in the absence of noise from the scheme. BS 4142 makes it clear that the objective of any analysis “is not simply to ascertain a lowest measured background sound level, but rather to quantify what is typical during particular time periods.”, and that “A representative level ought to account for the range of background sound levels and ought not automatically to be assumed to be either the minimum or modal value”. In this regard, I feel that the applicant has correctly analysed the background sound levels in the locality, and have no concerns on the chosen LA90 noise levels used within the assessment</p>
<p><b>1.8.19</b></p>	<p><b>Overnight Rail Movements</b></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>	<p>The Council has no comments on this matter.</p>

<p><b>1.8.28</b></p>	<p><b>ES Appendix 10.4 - Hinckley Consultation Response - HBBC [APP-183]</b></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>	<p>This was at an early stage following the initial NIA which was superseded by the existing one. The comments were addressed in the final document although the Council is still concerned about the impact of road noise to receptors on the Leicester Road.</p>
<p><b>1.8.30</b></p>	<p><b>ES Appendix 10.5 - Hinckley Noise Survey Method Statement [APP-194]</b></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>	<p>The methodology is agreed.</p>
<p><b>1.9.2</b></p>	<p><b>Gypsy and Traveller sites</b></p> <p>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>	<p>The application currently remains undetermined and is likely to remain so until it can be considered through the review of the Local Plan. The details of the application can be inspected <a href="#">here</a></p>
<p><b>1.9.16</b></p>	<p><b>Land Use and Socio-Economic Effects</b></p> <p>Housing employment land supply and relationship to Development Plan 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</p>	

	<p>therefore the magnitude of the proposed 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>	<p>Please refer to 1.0.13 above for relevant sites.</p>
<p><b>1.9.17</b></p>	<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 Jennifer Taylor [REP3-</p>	<p>3.188 refers to mitigation to the effect on heritage assets, not to proposals in emerging development plans.</p>

	144], which would be precluded by the project. If not, could they set out information as necessary.	
<b>1.11.5</b>	<p><b>TA – Part 5 [APP-142]</b></p> <p>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>	It would be logical to ensure that all occupational categories are included within scope.
<b>1.11.11</b>	<p><b>Hazardous Substance Zones of Influence</b></p> <p>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?</p>	The Council does not have this information and suggests the appropriate source may be the Health & Safety Executive.
<b>1.11.17</b>	<p><b>Parking Provision</b></p> <p>a) Do the LAs consider the parking provision to be appropriate? If not, please explain why.</p>	The Council refers to the County Council vehicle parking standards which are published under their interim <a href="#">Highway Design Guide</a> It should be noted that these are <u>maximum</u> requirements. The Council notes that the parking proposals are set out in REP1-011, but at REP3-049 the applicant suggests that there may be an introduction of multi-storey car parking to satisfy occupier requirements. On this basis it is unclear exactly what the level of parking provision is actually



	<p>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?</p>	<p>intended as it seems flexible based on occupier requirements. There is the possibility that this may result in provision of car parking in excess of the County Council standards and the Council is concerned that this will further undermine the effectiveness of the sustainable transport strategy by creating over reliance on car based trips.</p>
<p><b>1.11.20</b></p>	<p><b>Padge Farm Development</b> Could HBBC please ensure any changes in the planning status of the application reference 21/01191/HYB are reported during the Examination.</p>	<p>Planning Permission has now been granted and the s106 completed.</p>