

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

hinckleySRFI@planninginspectorate.gov.uk

Date: 9th January 2024
My Ref: 20040633
Your ref: TR050007
Contact: Julie Thomas
Phone: [REDACTED]
Email: [REDACTED]@leics.gov.uk

Dear Sirs

Application by Tritax Symmetry (Hinckley) Limited for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange – Deadline 4 submission

Please find attached submissions on behalf of Leicestershire County Council (LCC) in relation to Deadline 4 of the Examination Timetable as set out in a letter from Mr Robert Jackson dated 28 November 2023.

The attached documents are as follows:

- Deadline 4 response
- Response to questions posed by the Examining Authority

Please do not hesitate to contact me should any further information be required.

Kind regards

[REDACTED]

Julie Thomas
Head of Planning, Historic and Natural Environment

Chief Executive's Department
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA

[REDACTED] [REDACTED] [REDACTED]

John Sinnott, CBE, MA, Dipl. PA, Chief Executive
Tom Purnell, MSc, Dipl. PLM, Assistant Chief Executive

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Deadline 4 response

Examination library reference	Document name	Leicestershire County Council comments
REP3-003	2.4A Hinckley NRFI Highway Plan - sheet 1 of 8	This annotated drawing confirms that footway/cycleway provision is only made on one side of the A47 link road (albeit it crosses the link road in various locations). It is unclear why a consistent footway/cycleway is not provided along either both sides of the A47 link road, or indeed consistently on the development side of the road.
REP3-004	2.4D Hinckley NRFI Highway Plan - Sheet 4 of 8	This annotated drawing confirms that footway/cycleway provision is only made on one side of the A47 link road in some locations. It is unclear why a consistent footway/cycleway is not provided along both sides of the road.
REP3-005	2.29 Hinckley NRFI Geometric Design Strategy Record	LCC welcomes submission of this document. LCC will review the document in line with a detailed design review prior to ISH6. It was not possible for LCC to carry out any detailed design review prior to Deadline 3 submissions on the basis of the scale of drawings submitted. This was referenced throughout the LCC Written Representations (REP1-152).
REP3-017	6.2.8.1A Hinckley NRFI ES Appendix 8.1 Transport Assessment - part 15 of 20 - Sustainable Transport Strategy and Plan	<p>LCC note the minor changes made by the Applicant to this document to reflect details of existing public transport provision. LCC note that further engagement has been made with a bus operator, with the addition of reference to the no.8 bus service. This is welcomed. However, Figure 14 does not show this service accessing the site, nor its extension to serve Nuneaton.</p> <p>However, these limited changes do not address the concerns of LCC as raised in our Written Representations (REP1-152). Moreover, LCC met with the Applicant team and NH and WCC on 13th November 2023. At that meeting the Applicant verbally committed to inclusion of new requirements in the DCO for to provision of bus services based on defined routes, times, days etc. in perpetuity (as verbally confirmed to the ExA by Mr Peter Frampton on behalf of the Applicant at ISH2). In addition, the Applicant verbally committed to new requirements securing a DRT service in perpetuity, appointment of a Travel Plan Co-ordinator and Travel Plan monitoring in perpetuity, and details of how Travel Plan responsibilities would be transferred to future occupants. There was also commitment to provision of travel packs and passes for employees to be secured through the s106 Agreement.</p> <p>At the meeting on 13th November the Applicant also verbally committed to reviewing the</p>

		<p>proposed walking and cycling provision to/from the site from surrounding towns and villages including Hinckley, Burbage, Barwell, Earl Shilton, Elmesthorpe, Stoney Stanton and Sapcote as referenced in paragraph 8.1.</p> <p>However, whilst we await the Deadline 4 revisions to the Sustainable Transport Strategy and Plan LCC attended a follow up meeting with the Applicant team and NH on 12th December 2023. At that meeting the Applicant confirmed they were no longer proposing the additional Requirements as set out above, provided no commitment on Packs and Passes (see comments on s106 Agreement below), and have concluded that they will provide limited walking and cycling improvements to the network. Limited to the upgrade of an existing pedestrian crossing to a toucan (no assessment provided), a short stretch of footway/cycleway into Barwell village and a short incomplete footway/cycleway connection on Sapcote Road, Burbage. Therefore, it is unlikely that LCC will be in a position to confirm agreement to the revised Sustainable Transport Strategy and Plan when submitted by the Applicant at Deadline 4. LCC also note the reliance of the Applicant on this Strategy and Plan in lieu of detailed assessment and mitigation at M1J21.</p> <p>Please also see LCC response to ExA question 1.11.31.</p>
REP3-019	6.2.8.2 Hinckley NRFI ES Appendix 8.2 Framework Travel Plan	<p>The submitted document does not appear to marry with the Sustainable Transport Strategy (REP3-017) particularly in regard to existing and proposed bus service provision and does not cross reference in respect of the Arriva 8 service relied upon in REP3-017. The document remains silent on commitment to delivery of these services (see comments below in respect of s106 and DCO requirements).</p> <p>In addition, it remains unclear if the documents cross reference in respect of modal share. It is also unclear how modal shift targets will be achieved given the limited commitments to sustainable travel provision, and walking and cycling infrastructure in particular (see comments above on REP3-017).</p>
REP3-035	7.1A Hinckley NRFI Planning Statement	<p>This document does not appear to include any tracked changes and therefore LCC is unable to identify revisions.</p>
REP3-041	17.6B Construction Traffic	<p>At ISH3 the Applicant team referenced construction traffic modelling. At ISH3 the Highway</p>

	Management Plan	<p>Authorities requested site of this modelling. The document remains silent in this regard. In addition, the Applicant has circulated a revised document to LCC subsequent to Deadline 3 that includes revisions to working hours on site to address concerns raised by BDC and HBBC. Whilst LCC welcomes this change, it remains unclear what impact this will have on the works programme as presented in REP3-048 and LCC has sought clarification from the Applicant. LCC therefore anticipates that a revised Construction Traffic Management Plan and associated revised Gantt Chart will be submitted at Deadline 4. LCC reserves comments at this stage.</p> <p>In addition, the document continues to remain silent on construction access to the Local Road Network despite information being requested by LCC in its Written Representations (REP1-152) at ISH2, and at subsequent meetings with the Applicant.</p>
REP3-042	17.7 Hinckley NRFI Lorry Park Management Plan	The Lorry Park Management Plan includes measures designed to prevent use by non-HNRFI traffic. However, this is not supported by any firm commitment to implement i.e., a Requirement that limits the use of the lorry park to HNRFI traffic in perpetuity. The Plan alone does not address LCC concerns as expressed in its Written representations (REP1-152) paragraphs 2.31 and 2.51.
REP3-043	17.8 Hinckley NRFI M69 Closure Emergency Plan	The Applicant has not involved LCC in the development of this Plan. LCC do not agree that the additional traffic movements from the HNRFI will not have a significance to the frequency of interruptions to the free flow of traffic or consequential inconvenience on the LRN. No evidence has been provided by the Applicant to demonstrate that this would be the case. Moreover, a simple assumption would be that the additional vehicular traffic generated by the HNRFI and effected by any temporary closures would inevitably have a significance in respect of the free flow of traffic and associated inconvenience. Please also refer to response to ExA question 1.11.9.
REP3-044	18.5.3 Narborough Level Crossing Note	At the aforementioned meeting on 13 th November 2023, the Applicant team advised LCC and the other Highway Authorities of the methodology that they had used to generate assumptions regarding traffic queues when the level crossing barrier at Narborough Station is down. These assumptions provide the basis of this Note. LCC confirmed that these assumptions derived from a simple survey of a single camera over a period of a week which included days that Leicestershire schools were closed for October half term was unacceptable. In order to capture the full extent of existing queuing LCC have agreed a series of camera locations on all approaches to Narborough level crossing, and associated feeder roads to allow the Applicant team to commission further surveys and provide an accurate evidence-based representation of

		<p>traffic queues. LCC look forward to reviewing further submissions including survey analysis and modelling as per our Written Representations (REP1-152) paragraphs 2.81-2.84.</p>
REP3-046	18.6.1 Appendix A - Transport General Update Note	<p>LCC were not aware of the existence of this document until its submission at Deadline 3.</p> <p>LCC, WCC, NH suggested an in person all day meeting with the Applicant team. This was held on 13th November 2023. At that meeting the Applicant committed to addressing a number of concerns raised by the Highway Authorities in respect of submitted Plans and Strategies including the Construction Environmental Management Plan, Travel Plan, Sustainable Transport Strategy, HGV Route Management Plan and Strategy, Construction Traffic Management Plan, and Public Rights of Way Strategy.</p> <p>A follow up in person meeting was scheduled for 12th December 2023 which was attended once again by all Highway Authorities. At this meeting LCC noted that whilst some commitments made at the November meeting had been acted upon, a number had not, and a number of commitments made at the November meeting were subsequently withdrawn. This is disappointing given the resource commitments made by LCC and the other Highway Authorities to date and the impact of this is reflected in our comments on the Plans and Strategies in this document.</p> <p>The document states that “LCC confirmed that it would not accept a funding ‘pot’ for the delivery of cycle facilities around Hinckley”. To provide context to the ExA this statement was made on the basis that if measures are identified to mitigate the impact of the development these should be delivered in full by the Applicant and at no cost to the public purse. They should also be justified and CIL compliant. LCC will simply not accept a pot of monies to do “something”.</p> <p>In respect of comments made in the document in relation to “Post Covid PRTM Update” please refer to LCC’s response to ExA question 1.0.3 which corrects the Applicants assumptions.</p> <p>In respect of M1 J21/M69 J3 the document states that “the Applicant team has carried out additional theoretical analysis”. However, it is worthy of note that this “theoretical” analysis does not appear to have been submitted at Deadline 3. With regard to the promised Linsig junction modelling for M1J21/M69 J3, this has not been shared with the Highway Authorities to</p>

		date and we assume that this will be submitted by the Applicant at Deadline 4.
REP3-048	18.6.3 Written Statement of Oral Case ISH2 - Appendix C - Phasing Gantt Chart	See comments above in respect of REP3-041.
REP3-049	18.6.4 Written Statement of Oral Case ISH2 - Appendix D - Car parking strategy note	The Note cross references parking numbers identified in REP1-011 Transport Assessment. However, the numbers identified in REP1-011 do not match those shown on the Illustrative Masterplan (APP-043). It is appreciated that the Masterplan is indicative, but it does not include for multi-storey parking provision. Consequently, LCC remains unclear what parking provision is proposed and in what form.
REP3-053	18.6.8 Written Statement of Oral Case ISH2 - Appendix H - Narborough Level Crossing Traffic Modelling	At the aforementioned meeting on 13 th November 2023, the Applicant team advised LCC and the other Highway Authorities of the methodology that they had used to generate assumptions regarding traffic queues when the level crossing barrier at Narborough Station is down. These assumptions provide the basis of this Note. LCC confirmed that these assumptions derived from a simple survey of a single camera over a period of a week which included days that Leicestershire schools were closed for October half term was unacceptable. In order to capture the full extent of existing queuing LCC have agreed a series of camera locations on all approaches to Narborough level crossing, and associated feeder roads to allow the Applicant team to commission further surveys and provide an accurate evidence-based representation of traffic queues. LCC look forward to reviewing further submissions including survey analysis and modelling as per our Written Representations (REP1-152) paragraphs 2.81-2.84.
REP3-062	18.7.7 Written Statement of Oral Case ISH3 - Appendix G - M69 Lighting Proposals and associated effects	LCC will review the suggested street lighting responsibilities as set out in section 5 of REP3-062 as part of its detailed design review.
REP3-080	19.3A SoCG between the Applicant and Leicestershire County	The Applicant shared a Statement of Common Ground with LCC on the afternoon of the 22 nd December 2023. LCC in its capacity as Local Highway Authority have provided comment. It is unfortunate that despite investing a significant amount of time in discussions with the Applicant team, LCC have moved some matters from “amber” to “red” category, and no matters have moved from amber to green. This is as a consequence of the Applicant withdrawing commitments to progressing matters as listed in the SoCG.

<p>REP3-158 6.2.8.1A Hinckley NRFI ES Appendix 8.1 Transport Assessment [Part 1 of 20]</p> <p>REP3-160 6.2.8.1A Hinckley NRFI ES Appendix 8.1 Transport Assessment [part 12a of 20]</p>		<p>LCC welcome the inclusion of junction assessments missing from previous versions of the Transport Assessment. However, LCC do not agree with the Applicant’s conclusions in respect of Junction 9 – Desford Crossroads. The development will have an identified impact on the capacity of this junction in respect of queuing and delay. LCC have a preferred scheme of improvements for this junction that could be implemented pending availability of funding. The Applicant is invited to discuss this with LCC in respect of a proportionate contribution to be secured through a s106 Agreement.</p>
<p>REP3-162</p>	<p>17.4B - HGV Route Management Plan & Strategy</p>	<p>The Highway Authorities have been consistently asking where ANPR cameras are to be proposed on the public highway, and indeed for supporting legal information in respect of their implementation and GDPR implications. The locations are described in this revised document however no plan is appended, and the document remains silent on GDPR implications.</p> <p>LCC have consistently advised (including it its Written Representations REP1-152) that if the Applicant is to provide ANPR cameras and the associated legal implications of these being located within the public highway can be overcome, it is for the Applicant to administer the monitoring and enforcement of HGV activity associated with the site, and not for LCC or Leicestershire Police. However, the document continues to place responsibilities on LCC, WCC and now in addition BDC in this regard. This is not a role that LCC will undertake and indeed LCC do not have the financial resource to support. The Applicant has been silent in respect of s106 (see comments below), however there has been no indication of financial support to LCC, WCC or BDC to fund commitments assumed by the Applicant.</p> <p>At ISH2 and at a subsequent meeting on 13th November 2023, the Applicant committed to providing a Select Link Analysis to identify HGV use through the village of Sapcote. To date LCC can find no record of this being submitted. Indeed, paragraph 5.48 makes estimates of percentages of HGV usage through the villages but does not provide the definitive numbers requested that include total numbers of HGVs through the villages brought about by the development (including the impact of introducing south facing slip roads as M69 J2).</p> <p>Please be advised that a Decision Notice has now been issued for the Padge Hall Farm development. Planning Permission is dated 21st December 2023.</p>
<p>S106</p>		<p>LCC forwarded an indicative list of s106 requirements in respect of highways and transport to</p>

		<p>the Applicant on 22nd September 2023. This list was based on information submitted in support of the application to that date. Whilst not a definitive list considering outstanding submissions it comprised:</p> <ul style="list-style-type: none">• employee travel packs (one pack per employee. Indicative cost £52.85/pack, or applicant can elect to provide their own with a minimum £500 admin checking fee);• employee bus passes (one 6-month bus pass per employee – approx. £360-£510/pass depending on the bus operator);• travel plan monitoring fee (indicative cost £11,337.50);• provision of a travel plan co-ordinator/s;• sustainable travel offer – £500,000 contribution towards the X6 service a matter of discussion between Tritax and Leicester City Council. Further consideration of DRT/alternative provision is required to serve the development based on evidence of employee locations and consideration of shift working patterns• Traffic Regulation Order's – restrictions (maximum 3 roads) £8,756 per Order, speed limit changes £9,392 per Order• Construction traffic routeing – on the basis that construction traffic routeing does not currently appear in the CEMP requirement• Permanent HGV routeing – defining ANPR monitoring, enforcement, and reporting <p>Unfortunately, the Applicant did not respond to the above until the afternoon of 3rd January 2024. This contact was not preceded by any discussions. Consequently, LCC have not to date been in a position to fully review and consider the revised Heads of Terms presented. However, having had an initial review it would appear that a number of requests have been omitted with no explanation. In addition, on the basis of the Strategies and revised Transport Assessment submitted to date, LCC will be requesting additional contributions.</p> <p>In addition, LCC note that Warwickshire County Council (WCC) and Leicester City Council (LCiC) no longer appear as parties to the Agreement. This is most concerning on the basis of the Applicants commitment as referenced in paragraph 10.6 of REP3-046, and LCiC are requesting contributions to sustainable transport measures within the City boundary.</p>
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DCO	REP2-003	<p>As discussed at ISH5 LCC has concerns with the drafting of the DCO as submitted. LCC has requested amendments to Protective Provisions to reflect its standard s38 and s278 Highways Act 1980 Agreements. The Applicant provided draft revised Protective Provisions wording to LCC on 11th December 2023 (based on information supplied by LCC on 19th September 2023). LCC provided a response to the Applicant on 5th January 2024. The current drafting proposed by the Applicant remains unacceptable to LCC. It is hoped our proposed amendments will be reflected in the Applicant’s Deadline 4 submission to allow this matter to move forward.</p> <p>In addition, LCC await the revised DCO submission from the Applicant at Deadline 4 which LCC expect to include revisions to Requirements as discussed at ISH2 and ISH5. These revisions include clarity in respect of Requirement 10 – Rail in relation to occupation of floorspace, as well as a commitment to use the Rail Freight Terminal; simplified wording in respect of Requirement 5 – Design and phasing of highway works i.e., all works to be completed and available for use pre-occupation; and an additional Requirement as suggested by Mr Peter Frampton at ISH2 defining commitments to delivery of bus services serving the site and as also referenced in paragraph 10.4 of REP3-017, and commitment to a Requirement to limit use of the lorry park to users of the HNRFI in perpetuity.</p> <p>In addition, LCC have raised concerns with the Applicant in respect of Requirements that refer to the implementation of Plans/Strategies where the contents of those Plans/Strategies and associated commitments, monitoring and enforcement remain inadequate, absent or unclear as discussed at ISH2 and documented in LCC Written Representations (REP1-152) and LCC Deadline 3 response (REP3-127) i.e. Requirement 7 - Construction Environmental Management Plan, Requirement 8 - Travel Plan, Requirement 9 – Sustainable transport strategy, Requirement 18 – HGV Route Management Plan and Strategy, Requirement 23 – Construction traffic management plan, Requirement 25 – Public Rights of Way Strategy (LCC note that no update to the Strategy has been provided at Deadline 3).</p>
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Response to questions posed by the Examining Authority

Ref	Question	LCC Response
1.0.1.	<p>Development Plans</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>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>The Leicestershire Minerals and Waste Local Plan (LMWLP) was adopted in September 2019 - https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf</p> <p>A Review of the Plan was carried out in 2022 and assessed whether the policies, vision and objectives remained effective and up to date. The Review concluded that the Plan is performing well, including at appeal, and its implementation is delivering sustainable minerals and waste development in Leicestershire as intended.</p> <p>It is agreed that the development of HNRFI does not offend any of the policy provisions within the Minerals and Waste Local Plan, nor does it adversely impact on the safeguarding of mineral resources.</p>
1.0.3.	<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>	<p>COVID-19 has exacerbated health inequalities experienced by vulnerable groups. Evidence indicates the COVID-19 pandemic had a disproportionate impact on vulnerable groups including Traveller communities.</p> <p>A full health impact assessment would have identified likely impacts in detail and considered mitigation to alleviate significant health impacts to a population group already impacted by COVID-19 and at risk of health inequalities in Leicestershire</p> <p>For highway impacts please refer to the response to question 1.11.2</p>

<p>1.0.4.</p>	<p>Equality Impact Assessment 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> <ul style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. 	<p>The Proposed Development would impact persons with protected characteristics in relation to ethnicity/race and disability.</p> <p>Appendix 7.1: Health and Equalities Briefing Note (REP3-012) and Appendix 7.2: Equalities Impact Assessment Statement (REP3-014) attempts to address how the proposed development could potentially affect persons with protected characteristics and sets out the requirements of S149 of the Equalities Act. However, it is considered deficient for the following reasons:</p> <p>Firstly, REP3-012 (para 1.27 to 1.36) tackle the PSED, however it is plainly incorrect to state the duty has been considered through the Local Plan process, since HNRFI is not an allocation within any current development plan. For instance, para 1.33 states:</p> <p><i>“In this instance, the project is identified in both the Blaby District Local Plan and the Hinckley & Bosworth Local Plan, and no credible evidence has been presented to suggest any discrimination from what is proposed. Furthermore, there is limited opportunity to advance equality opportunity during the construction and operation of the HNRFI, and similarly, limited opportunity to foster relations between those that share a protected characteristic and those that don’t.”</i></p> <p>Secondly, the approach to the appraisal is to reconsider the impacts identified through the various chapters of the environmental statement (para 1.22 of REP3-012). Yet it is not sufficient to meet the PSED to simply state to that <i>“each technical discipline considers the most sensitive receptors pertinent to the topic”</i>.</p> <p>Thirdly, Table 2 of REP3-014 in relation to noise and vibration receptors at the construction stage fails to recognise the Aston Firs gypsy and traveller site, immediately adjacent to the proposed development as home to persons with protected characteristics (see also response to question 1.0.3</p>
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		<p>above). The second column is only limited to age and disability. Project specific evidence relates to 6.1.10 Environmental Statement - Chapter 10 - Noise and Vibration (APP-119). The assessment identifies Receptor 15 as Aston Firs Caravan Park, Table 10.28 (p57 of APP-119) highlights that the worst case scenario for Phase 1 & 2 is 90db and 79db for Phase 4. Therefore, it is incorrect to state in the Equalities Effect column that noise impacts “are unlikely to result in adverse effects on people with protected characteristics due to the distance to the nearest noise sensitive receptors and the mitigation measures put in place.”</p> <p>Finally, Table 3 of REP3-014 in relation to the changes to the pedestrian and cycle environment does not take account of the issues that LCC LHA has identified in relation to accessibility for all users, including those with disabilities. This includes appropriate crossing points as part of the link road between the j2 M69 and the A47, and across the railway in the vicinity of the development (see response to 1.11.33 below).</p> <p>Critically, there is also no reference in REP3-014 to the increased amount of downtime at Narborough Rail Crossing as a consequence of HNRFI. Whilst pedestrians can use the footbridge to cross between Littlethorpe and Narborough, this is not an option to those persons who are unable to traverse stairs.</p> <p>The level crossing does not currently provide step-free access, therefore, making it inaccessible to people with disabilities or pushchairs and difficult for people with mobility issues (Age and Disability protected characteristics). Alongside this, there is potential for additional delays and increased barrier downtime associated with this project, which may contribute to community severance issues as it will impact how easily residents can access key services including schools, pharmacies and medical centre and key amenities including shops which are located in Narborough village this will impact people unable to navigate the stairs at Narborough station.</p>
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		Data from Office for National Statistics, Census 2021 shows the disability rate Blaby District (of which Narborough is situated within) to be 6.1% of the population to be Disabled under the Equality Act with day-to-day activities limited a lot.
1.0.13.	<p>Associated housing development</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>	LCC have no comment to make on this matter as this is outside of our remit.
1.0.16.	<p>Energy Generation</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 (measured in alternating current (AC)). This answer should ignore any legislative restrictions on the amount of energy that could be produced.</p>	LCC will consider this question further in light of the November 2023 Policy and provide a response at Deadline 5.

1.1.2.	<p>Air Quality 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>	LCC have no comment to make on this matter as this is outside of our remit.
1.2.2.	<p>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.</p>	<p>The development proposes to remove:</p> <ul style="list-style-type: none"> • 7 category A trees out of 33 • 98 category B out of 261 • 182 category C out of 448 <p>Full removal of woodland 188 and partial removal of woodland 323 and the removal of Tree Groups 596 and 597 is also anticipated. Tree 486 is classified as veteran and scheduled for removal. Given the extent of the development and the proposed replacement schedule to re plant over 600 new trees and 20 hectares of new woodland with circa 1000 trees per hectare replanted, LCC would view the losses as minimal and acceptable.</p> <p>Newly planted trees should be included in a long-term management plan to see the trees become established and included in a replacement schedule for those which die. Efforts should be made to connect existing groups and woodlands to the new plantations to increase wildlife and habitat corridors.</p>
1.4.2.	<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>	LCC have no comment to make on this matter as this is outside of our remit.
1.4.4.	<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</p>	LCC have provided advice on this matter to Blaby District Council, please refer to their response to this question.

	<p>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>	
1.4.5.	<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>	LCC defer to the advice provided by Blaby District Council on this matter.
1.4.8.	<p>Effect on remains</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>	<p>Review of the development has considered the archaeological impact of works proposed both within the Main Site boundary and beyond, including the proposed amendments to the existing transport network.</p> <p>Assessment of the Main Site has identified a series of heritage assets including a Romano-British settlement site, with mitigation measures agreed as outlined in the Archaeological Mitigation Strategy (APP-208). Assessment of the off-site amendments to the transport network have not identified any significant impacts upon the archaeological resource. The Roman villa and bath house (Leics. HER ref.: MLE283) lies to the east of Sapcote, the current proposals do not introduce works likely to impact upon the archaeological resource.</p>
1.4.10.	<p>Interpretation and effect on remains</p> <p>A number of RRs (for example [RR-0216] and [RR-0632]) have</p>	As noted above, review of the development has considered the archaeological impact of works proposed, both within the Main Order

	<p>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>	<p>boundary and beyond, including the proposed amendments to the existing transport network. Assessment of the Main Site has identified the presence of later prehistoric archaeological remains, in addition to earthwork evidence of medieval and post-medieval cultivation, and a number of historic buildings. Mitigation measures to address the impact of development upon the remains is outlined in the Archaeological Mitigation Strategy (APP-208). Assessment of the off-site amendments to the transport network have not identified any significant impacts upon the archaeological resource. A scatter of Bronze Age and other prehistoric artefacts have been reported from the area (Leics. HER ref.: MLE287), none are directly threatened by the proposed work.</p>
1.5.1.	<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. 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. Responses should address the questions in Annex F(i), but recognising that the Applicant has made changes to the dDCO</p>	<p>LCC participated orally in ISH1 and ISH5 and have nothing further to add.</p>

	<p>in part 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.</p>	
1.5.4.	<p>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?</p>	<p>LCC are not content with the wording of Article 4. The deviation of highway works either laterally or vertically would only be acceptable if those works continued to meet the design standards as set out in the Leicestershire Highway Design Guide. Therefore, the wording of Article 4 should be amended to reflect.</p> <p>Similarly, the deviation of railway works either laterally or vertically could have an impact on the highway e.g. where the line passes beneath the A47 link road if this is raised it will impact on the design and deliverability of the bridge and underpass. Therefore, deviations would only be acceptable if the design standards as set out in the Leicestershire Highway Design Guide could be complied with. This position has not been reflected in the Applicant's submission to date. Therefore, the wording of Article 4 should be amended by the Applicant to reflect.</p>
1.5.12	<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>	<p>As stated in the DCO answer (REP2-003) within LCC's Deadline 4 response, LCC still has concerns with regard to the drafting of the DCO as submitted and has requested further amendments to the Protective Provisions. In light of this, LCC would like to reserve its right to make further comments on Article 49.</p>
1.5.13.	<p>Schedule 2, Part 1 – Requirement 5 Could NH, LCC, BDC and HBBC confirm that they are content to</p>	<p>LCC are not content with the drafting of Requirement 5. LCC have consistently advised the Applicant that the wording of Requirement 5 could</p>

	<p>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>	<p>be simplified significantly if their intention is for all access and off-site highway infrastructure works to be completed pre-occupation of any part of the development (noting the absence of phased modelling). Therefore, the Applicant should re-word this Requirement to specify all access and off-site highway infrastructure is to be delivered pre-occupation of any part of the development.</p> <p>In respect of approval bodies, it is not clear why National Highways would need to issue approvals for the A47 link road. In addition, the Cross in Hand roundabout is within the boundaries of LCC, National Highways and WCC. It is suggested that the lead approval body should be National Highways. In addition, LCC have suggested to the Applicant that they may wish to discuss rationalisation of highway boundaries in this location with all 3 Highway Authorities. To date this has not happened.</p>
<p>1.5.15.</p>	<p>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</p>	<p>12.—(1) No phase is to commence until such time as a written scheme of investigation for that phase, informed by the provisions of the archaeological mitigation strategy, has been submitted to and approved in writing by the relevant planning authority.</p> <p>(2) For land that is included within each phase, no demolition/development shall take place other than in accordance with the provisions of the agreed WSI, which shall include the statement of significance and research objectives, and</p> <p>(a) details of the on-site recording methodology;</p> <p>(b) details of sampling, analysis and reporting strategy;</p> <p>(c) details of monitoring arrangements;</p> <p>(d) details of timetable and personnel, and;</p>

		<p>(e) details of post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI</p> <p>(3) No part of the authorised development on the main site is to commence until a level 3 record of the buildings of historic interest identified in the archaeological mitigation strategy has been undertaken. The survey, analysis, reporting and archive deposition, must be carried out in accordance with a written specification first agreed with the relevant planning authority in consultation with Leicestershire County Council and prepared by a competent building recorder in accordance with Historic England Understanding Historic Buildings, A Guide to Good Recording Practice, 2016.</p> <p>(4) A copy of any analysis, reporting and publication required as part of the written scheme of investigation must be deposited with the Leicestershire and Rutland Historic Environment Record within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme of investigation.</p>
1.6.1.	<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>	<p>Several rural businesses are currently based at the site will be displaced should the NRFI be granted consent. It is understood that the site is predominantly used for the grazing of animals.</p> <p>A broad brush estimate of the current economic value of the land from an agricultural output perspective is being prepared. In addition, we wish to estimate the economic value from the public perspective as well as looking into a broader approach set out in Natural England’s Leicestershire and Rutland Natural Capital Atlas: Mapping Indicators (Oct 2021) regarding the</p>

		<p>use of Asset Quantity Indicators for farmland habitat quantity. It is the intention to submit a substantive response by Deadline 5 on 9 February 2024.</p>
<p>1.7.11.</p>	<p>Logistics Demand and Supply Assessment [REP3-036] – Industrial and Logistics demand 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>Previous employment studies undertaken for L&L have not significantly underestimated industrial and logistics demand. They have included demand analysis for strategic warehousing (also referred to as large-scale distribution space) and have all followed recognised robust methodologies to arrive at future demand estimates.</p> <p>The most recent study was published in April 2021 (amended March 2022) with the previous study published in November 2014 (entitled “Leicester and Leicestershire Strategic Distribution Sector Study”(L&L SDS)). In addition, in June 2016 Harborough District Council commissioned a re-fresh of some of the outputs contained in the L&L SDS reports, to inform preparatory work on their Local Plan.</p> <p>It is considered that the most recent study provides a comprehensive and up to date analysis of the strategic distribution sector, includes data from a wide range of sources, noting the consultant team also engaged with developers and agents to gain insight into the operation of the property market. An important output of the study was the assessment of how much additional floorspace is likely to be needed for rail-served and road-served strategic distribution covering the period 2020 to 2041.</p> <p>The methodologies included estimating future strategic warehousing need using labour demand and completion trends, and also considering the replacement of existing capacity which has become life-expired and additional floorspace to handle freight traffic growth. Sensitivity testing was also undertaken to ensure the outcomes from the methodologies were robust. Various future warehouse floorspace growth scenarios were than</p>

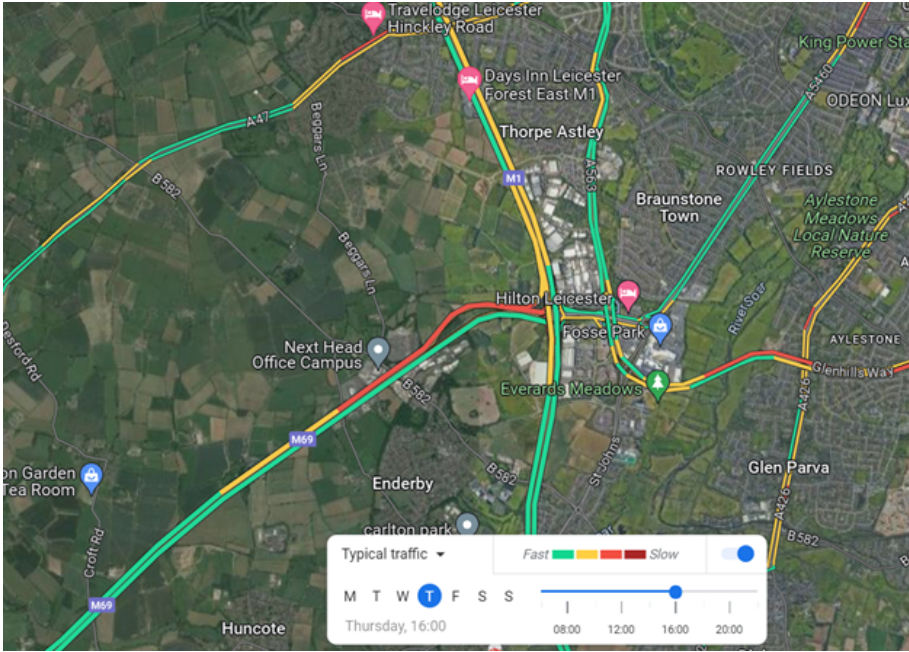
		<p>considered (Completions Trend model, Labour Demand model and Replacement and Traffic Growth model). In addition a 'margin for flexibility' was included, equivalent to 5 years of completions, adding 643,000 sq m (approximately 25% above the base need forecast).</p>
<p>1.7.12.</p>	<p>Logistics Demand 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>	<p>a) Seven of the twelve local planning authorities identified by the Applicant in their Property Market Area (PMA) are located within Leicester and Leicestershire. Of these seven local planning authorities none have completed updated local employment studies since the “Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change” study was prepared by GL Hearn with MDS Transmodal and IcenI Projects in April 2021 (amended March 2022). Known in short as the L&L Strategic Warehousing study.</p> <p>The new piece of evidence since the L&L Strategic Warehousing study (April 2021, amended March 2022) is the Leicester and Leicestershire Housing and Economic Needs Assessment (HENA, April 2022, updated June 2022) prepared by IcenI with Cambridge Econometrics and Justin Gardner Consulting.</p> <p>The HENA recognises the earlier work undertaken in the L&L Strategic Warehousing study which focuses on the current and future needs of strategic warehousing (defined for the study as a warehouse floorspace greater than 9,000 sq m in total), with an emphasis in particular on future floorspace and land needs to 2041. Leicestershire County Council and partner local authorities consider the two studies to be complimentary to each other, providing a logical and robust evidence base and approach to planning for the delivery of strategic warehousing.</p> <p>It is important to note that both the L&L Strategic Warehousing study (April 2021, amended March 2022) and the HENA (April 2022, updated June 2022) are both current and relevant to the consideration of the HNRFI proposal.</p>

		<p>Outside of L&L it is understood that the Coventry & Warwickshire Housing & Economic Development Needs Assessment (November 2022) forms the most recent evidence base covering strategic warehousing. This includes Coventry City Council, Rugby Borough Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Stratford-on-Avon District Council and Warwick District Council. (N.B. Rugby BC undertaking Local Plan Review Issues and Options consultation closing 2nd Feb 2024.). For Tamworth it is understood that the Lichfield & Tamworth HEDNA Update (2020) is the most recent employment land evidence.</p> <p>b) N/A.</p> <p>c) The 1,781,000 sqm figure is the current pipeline figure for largescale warehousing included in the L&L Strategic Warehousing study (April 2021, amended March 2022). Regular monitoring of residential and employment land supply is undertaken by local planning authorities and the most up to date pipeline figure for strategic warehousing in L&L will be prepared and submitted to the Examining Authority for Deadline 5.</p> <p>d) N/A.</p>
1.7.17.	<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 this appropriate? If not, could they give justification for their reasoning.</p>	<p>National Planning Policy Guidance clearly indicates that development completions are to be used 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>Past completions form an indicator of demand as they help to demonstrate the degree of market interest, although it is recognised that significant land supply constraints can reduce the effectiveness of past completions as an effective indicator. This strengthens the approach to use methodologies and sensitivity testing as undertaken in the most recent L&L Strategic</p>

		Warehousing Study (April 2021, amended March 2022), and the use of a substantial margin for flexibility above the completions trend.
1.7.21	<p>Logistics Demand and Supply Assessment [REP3-036] – Supply projections</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 the appropriateness of including a windfall provision within the pipeline supply projections.</p>	<p>As paragraph 6.4.10 acknowledges there are further sites being promoted which do not benefit from any formal planning status which could supplement the pipeline, and this includes a potential extension to DIRFT identified within the West Northamptonshire Spatial Options consultation.</p> <p>It is recognised that sites without planning permission cannot form part of the current supply pipeline. It is also noted that past completions will include previous windfall sites so the effect of historic windfall sites will be taken into account in informing future employment ‘needs’ so it may not be necessary to increase the supply in this way. Also, windfall provision is not commonly used in planning for employment. Furthermore, L&L partners continue to work collaboratively to identify allocations through Local Plan making and are currently engaged in work on the apportionment of future strategic warehousing provision.</p>
1.7.25	<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. 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>	LCC has no objection to the principle of SRFIs and acknowledges the need for a SRFI in Leicestershire. However, based on the information submitted to date the HNRFI cannot be endorsed as an appropriate location given the issues raised by LCC.
1.8.2	<p>Ambient Noise Levels</p> <p>a) Following discussions at ISH3, can the Applicant provide written clarification as to why noise collected at NMPs has</p>	LCC have no comment to make on this matter as this is outside of our remit.

	<p>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>	
1.9.16.	<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 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>	LCC has no further comment to make on this matter. Please refer to comments in REP1-152 and REP1-154.
1.9.17.	<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</p>	LCC have no comment to make on this matter as this is outside of our remit.

	<p>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 [REP3-144], which would be precluded by the project. If not, could they set out information as necessary</p>	
1.11.5.	<p>TA – Part 5 [APP-142] – Trip Distribution</p> <p>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>	<p>LCC consider that managerial staff should be in scope and that a 10% allowance for managerial staff would be an appropriate figure to utilise.</p>
1.11.9.	<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 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>	<p>The Applicant has not involved LCC in the development of this Plan. LCC do not agree that the additional traffic movements from the HNRFI will not have a significance to the frequency of interruptions to the free flow of traffic or consequential inconvenience on the LRN. No evidence has been provided by the Applicant to demonstrate that this would be the case. Moreover, a simple assumption would be that the additional vehicular traffic generated by the HNRFI and affected by any temporary closures would inevitably have a significance in respect of the free flow of traffic and associated inconvenience, as well as potential associated highway safety implications. Indeed, on the basis of the approach to mitigation taken by the Applicant i.e. displacing traffic from the SRN onto the LRN, this would exacerbate the magnitude and extent of impacts of any closure of the M69. LCC note that in the absence of information provided by the Applicant the impacts remain unclear.</p>

<p>1.11.11.</p>	<p>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?</p>	<p>LCC have no comment to make on this matter as this is outside of our remit.</p>
<p>1.11.12.</p>	<p>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.</p>	<p>LCC can find no evidence of traffic events on Thursday 2nd November 2023 that would impact the M69 on its approach to M1 J21. It is likely that the ExA experienced typical traffic conditions. Typical traffic conditions in this location at 16:00 on Thursday's are demonstrated in the Google typical traffic image below:</p>  <p>The ExA will note the significant extent of queuing on the M69 to its junction</p>

		<p>with M1 J21. It is unfortunate that at a meeting held on 13th November 2023, the Applicant re-affirmed their position in respect of M1 J21 and this remains that they will not commit to modelling this junction in VISSIM nor will they commit to provision of mitigation.</p>
<p>1.11.13.</p>	<p>HGV Routeing 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?</p>	<p>LCC would welcome a pre-occupation requirement for the lowering of the carriageway under the A5 railway bridge at Nutts Lane.</p> <p>Based on designs submitted by the Applicant of the Padge Hall Farm development, the lowering of the carriageway requires drainage works beyond the extents of the existing public highway. The Applicant would need to demonstrate that this scheme of lowering the carriageway could be achieved within the extents of the public highway or alternatively amend the red line boundary of their application to facilitate.</p>
<p>1.11.24.</p>	<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.’ Can the Council provide any additional data to illustrate the vehicle typology reductions within these figures?</p>	<p>LCC NDI Modelling team were not directly involved with the extraction and processing of data presented in “<i>Response to DfT and IEMA Guidance – Revision: 01</i>”. The values presented were prepared by AECOM via commission through the LCC Environment and Transport Commissioning Framework (ET-CF), now the Environment and Transport Modelling Services Contract (ET-MS), which is distinct from the LCC NDI modelling team. Therefore, the statement in the Applicant’s submission is incorrect.</p> <p>However, to assist the ExA LCC have undertaken independent analysis using ATC counts available from both March 2019 and March 2023. We have completed this at a ‘local’ (Hinckley) level as well utilising County-wide data. We have only used ATC counts which included a full month of data. It is important to note that there were two days of snow on 9th and 10th March 2023. Given the weather conditions will have impacted traffic counts, the first week of each month has been removed from analysis for consistency and to provide a representative picture. Therefore, the data presented below covers the data ranges of 11th-31st March 2019 and 13th-31st March 2023.</p>

'Local' Hinckley Level:

The counts used to inform the 'local' review of traffic conditions are shown below in Figure 1.1:

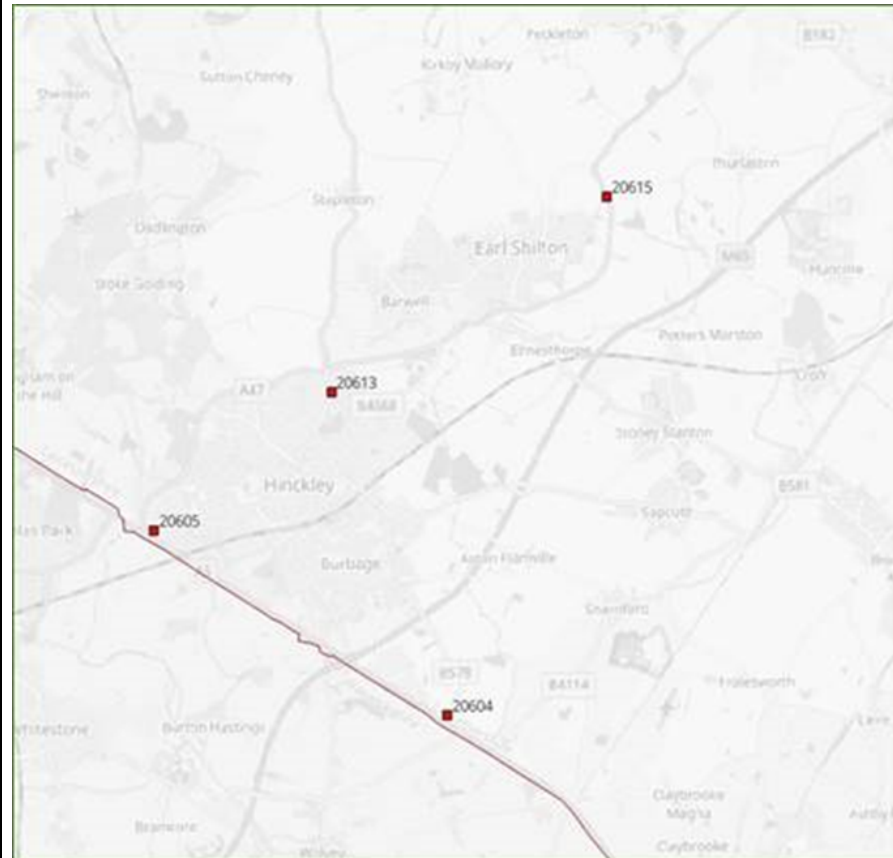


Figure 1.1: Location of 'local' traffic counts to the Hinckley NRFI

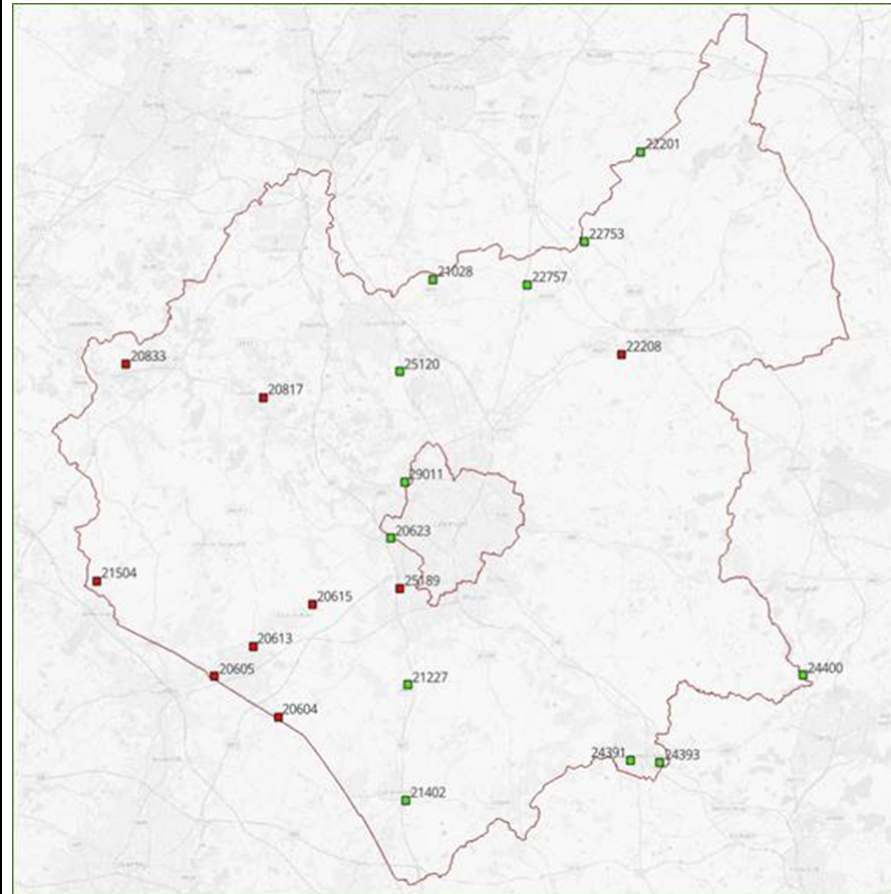
By vehicle type the percentage differences between March 2019 and 2023 are shown below in Table 1.1 below. The peak hours are highlighted to enable comparison to the Applicant's figures.

Time	AM Peak Period			PM Peak Period		
	0700 - 0800	0800-0900	0900-1000	1600-1700	1700-1800	1800 - 1900
Total Vehicles	-8.9%	3.9%	-1.5%	-0.2%	-1.4%	-1.5%
Heavy Vehicles	1.6%	1.3%	2.1%	12.3%	-12.6%	-8.7%
Light Vehicles	-9.1%	4.3%	-1.5%	-0.5%	-0.9%	-1.1%

Table 1.1: 'Local' percentage differences by vehicle type

County-wide Level:

The count sites used to inform the County-wide analysis are presented in Figure 2.1 below, with their respective ID's.



By vehicle type, the percentage differences between March 2019 and 2023 are shown below in Table 2.1. The peak hours are highlighted to enable comparison to the Applicant's figures.

Time	AM Peak Period			PM Peak Period		
	0700-0800	0800-0900	0900-1000	1600-1700	1700-1800	1800-1900
Total Vehicles	-9.3%	-5.2%	-5.3%	-3.7%	-7.5%	-8.3%
Heavy Vehicles	-1.9%	-2.7%	-0.7%	2.2%	-5.0%	-2.9%
Light Vehicles	-8.9%	-4.8%	-5.0%	-3.8%	-7.4%	-8.3%

Table 2.1: County-wide percentage differences by vehicle type

The ExA will note that based on ATC held by LCC, that the figures above do not align with those presented by the Applicant. Indeed, they demonstrate that traffic has not reduced to the extent suggested. In short, the Applicant states a reduction of 5.8% in the AM peak, LCC local data confirms the contrary i.e. a 3.9% increase. In the PM peak, the Applicant states a 8.1% reduction, LCC local data confirms a much smaller 1.4% reduction.

1.11.31.

Non-Car mode enhancements

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. While appreciating that further work is to be done on the proposals:

- Could the Applicant confirm how the committed proposals are to be secured?
- Could the Applicant explain how the potential proposals for post decision would be evaluated and, where appropriate, how they would be secured.

LCC consider that significant weight should ordinarily be given to the provision of sustainable transport measures consistent with the National Planning Policy Framework (December 2023) paragraphs 114 and 116 and the National Policy Statement for National Networks paragraphs 5.205 and 5.208. However, in the instance sustainable transport provision has not been prioritised by the Applicant and therefore little weight can be attached to these elements within the Applicant's submission.

It is unfortunate that the sustainable transport proposals submitted by the

	<p>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.</p> <p>d) Could IPs comment on the weight that should be given to these elements, particularly in relation to elements that are not definitely secured?</p>	<p>Applicant to date are significantly limited relative to the scale and location of the proposed development, and there does not appear to be a firm commitment to delivery. LCC have requested details of delivery mechanism from the Applicant, who have advised this will be set out in a further revision of the Sustainable Transport Strategy and Plan at Deadline 4. Therefore, LCC do not consider that the Applicant has afforded significant weight to sustainable measures in line with the policy requirements set out above.</p> <p>Moreover, in discussions with the Highway Authorities, the Applicant's justification for not assessing M1 J21 in detail, nor proposing mitigation, is a reliance upon a "robust" Sustainable Transport Strategy and Plan.</p>
<p>1.11.33.</p>	<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>	<p>LCC are not in a position to confirm that they would assume responsibility for the maintenance of the surfacing and stairway treads on the proposed Outwoods footbridge. This is on the basis that despite several requests, and having been advised that a design is available, the Applicant is yet to provide details of the design of this bridge, including materials and safety assessment. Moreover, LCC are concerned to note that NR only reference stair treads in their response, suggesting the bridge is not to be ramped to allow access for all users. (Note LCC's response to question 1.0.4 above).</p>
<p>1.11.35.</p>	<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>	<p>LCC has considered the contents of paragraph 1.97 of APP-192 and Figure 11.14 of APP-298, and comments below on each bullet point proposal from the Applicant:</p> <ul style="list-style-type: none"> • Provide new permissive shared use routes to create direct access across the Proposed Development on the Main HNRFI Site; <p>LCC have no comment to make on the acceptability of these routes within the development site. These will not form part of the adopted highway network and will remain the responsibility of the Applicant. However, Figure 11.14 appears to be inaccurately drawn to include footway provision that is proposed to be adopted public</p>

		<p>highway along the length of the A47 link road as a permissive path. Therefore, for this proposal to be acceptable to LCC, Figure 11.14 requires amendment.</p> <ul style="list-style-type: none"> • Provide a shared use green route connection between Burbage Common Road North and Burbage Common and Woods Country Park, around the eastern and southern boundaries of the Main HNRFI Site, connecting to the Bridleway network in the eastern area of the Main HNRFI Site; <p>LCC are not in a position to comment on this on the basis that the green route connection is not identified in Figure 11.14. For LCC to comment further and confirm acceptability, the Applicant would need to submit further details of this proposal. If this green route is the proposed bridleway around the eastern perimeter of the development site, as per paragraph 2.104 of LCC Written Representations (REP1-152), further details are required to demonstrate deliverability and to alleviate highway safety concerns.</p> <ul style="list-style-type: none"> • Strategically upgrade a number of footpath routes to bridleway status to allow a connection between the bridleway networks north-west, south-west and south-east of the Main HNRFI Site; <p>LCC confirm that the principal is acceptable. However, as per paragraph 2.104 of LCC Written Representations (REP1-152), further details are required to demonstrate deliverability and to alleviate highway safety concerns.</p> <ul style="list-style-type: none"> • Close four pedestrian level crossings on the railway and provide safer alternative routes over the railway line as part of a new network of upgraded routes <p>LCC confirm that the principal of closure of level crossings is</p>
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		<p>acceptable. However, the Applicant has not demonstrated to LCC that safe alternatives are to be provided. As per paragraphs 2.103-2.112 of LCC Written Representations (REP1-152), further details are required to demonstrate deliverability and to alleviate highway safety concerns.</p> <ul style="list-style-type: none">• Create a new area of IOS within the Main HNRFI Site and A47 Link Road, connected to Burbage Common and Woods Country Park to provide additional recreational provision <p>LCC has no comment to make on this proposal.</p>
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