

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

*Blaby District Council (IP ref.
20040018) Deadline 4
submission (ref. TR05007).*

Deadline 4 – January 9, 2024

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

This document outlines Blaby District Council’s (BDC) response to the Examining Authority’s (“ExAs”) Written Questions.

1.0 General and Cross-Cutting Questions		
Question Reference	Question	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>a) The adopted BDC Development Plans (excluding Minerals and Waste) for the Application Site include:</p> <ul style="list-style-type: none"> • Local Plan (Core Strategy) Development Plan Document – adopted Feb 2013 • Local Plan (Delivery) Development Plan Document – adopted Feb 2019 • Policies Map – adopted Feb 2019 • Fosse Villages Neighbourhood Plan – made June 2021 [REP3-088]. <p>These documents are attached as Appendix 1</p> <p>b) BDC has published a Local Development Scheme (LDS) (latest version July 2023) to review both the Core Strategy and Delivery DPD as a single Local Plan. The Policies Map will also be revised. This document has been attached as Appendix 2.</p> <p>c) BDC has undertaken two Regulation 18 Consultations. The LDS indicates that the Regulation 19 Consultation on the final draft version of the draft Local Plan will take place in September / October 2024. The Application Site has been submitted to BDC to consider for development. The site promoter (Framptons Planning on behalf of Tritax Symmetry) indicates that the site is for employment use and will</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>be submitted as a Development Consent Order. No alternative uses are currently being considered through the Local Plan for this site. In addition, a further site at land north of the railway, Elmesthorpe has been submitted for consideration through the Local Plan for housing (submitted by Framptons Planning on behalf of Tritax Symmetry). The link road to Leicester Road (which is part of the Proposed Development) crosses this land. The sites are included in the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) 2019 (Appendix 3) (and an update is underway) and will be considered through the Local Plan for allocation. The emerging Local Plan is not yet at a sufficiently advanced stage to make site allocations. Given this, it does not seem appropriate to include these unallocated sites within the evidence base and mitigation for the DCO proposal.</p>
<p>1.0.2.</p>	<p>Neighbourhood Plans</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</p>	<p>a) Fosse Villages Neighbourhood Plan was made (adopted) in June 2021[REP3-088]. There is an update review of the Fosse Villages Neighbourhood Plan currently taking place to include Local Green Space designations in the parishes of Huncote, Sharnford and Stoney Stanton. The proposed new Local Green Spaces are incorporated in Policy FV5 and the related policy maps. The Fosse Villages Neighbourhood Plan update review has reached Examination stage and the Examiner's Report is awaited. BDC will provide updates as the Neighbourhood Plan update review progresses.</p> <p>b) The following nearby neighbourhood planning areas are designated within Blaby District:</p> <ul style="list-style-type: none"> • Leicester Forest East – Neighbourhood Plan made July 2022

	<p>Neighbourhood planning areas both within the area covered by the Application site and any area which the local planning authority considers to be affected by the Proposed Development, along with current details of progress towards any such Neighbourhood Plans being made. Where documents exist, could copies please be provided.</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>	<ul style="list-style-type: none"> • Elmesthorpe – neighbourhood planning area designated 2013, (revised 2016). No further progress. <p>These documents are attached as Appendix 4.</p>
1.0.4.	<p>Equality Impact Assessment</p> <p>Could all interested parties provide the Examination with their views as to how the Proposed Development would affect any person with any protected characteristics set out in section 4 of the Equality Act and whether it would (in line with s149 of this Act):</p> <p>a) eliminate discrimination, harassment, victimisation and</p>	<p>In BDC’s opinion there are four groups of persons with protected characteristics who would be affected by the Proposed Development: namely, age, disability, pregnancy and maternity in respect of users of Narborough Level Crossing and the Gypsy and Traveller communities at Aston Firs.</p> <p>The impacts on disability and travellers groups is set out further in BDC’s Local Impact Report (REP1-055 paragraph 14.6) and Written Representation (REP1-050 paragraphs 6.34, 11.5, 11.6). Additionally, the protected characteristics of ‘age’ and ‘pregnancy and maternity’ are relevant,</p>

	<p>any other conduct that is prohibited by or under this Act;</p> <p>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p> <p>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>	<p>particularly in reference to Narborough Level Crossing due to the accessibility issues.</p> <p>BDC acknowledges that the Secretary of State will be subject to the duty set out in s. 149 of the Equality Act 2010 when determining the application and will therefore need to have due regard to the matters listed in the question taking account of the evidence submitted by the Applicant and the interested parties</p>
1.0.13.	<p>Associated housing development A number of RRs, such as [RR-0025] and [RR-1022], reference the provision of housing associated with the application.</p> <p>a) Could the Applicant confirm if the scheme includes the provision of housing?</p> <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>There are currently no major development proposals in the near vicinity i.e. the parishes of Aston Flamville, Elmesthorpe, Stoney Stanton and Sapcote.</p> <p>However, there are several sites that have been promoted to the Council through the Local Plan process in the parishes of Aston Flamville, Elmesthorpe, Stoney Stanton and Sapcote (including the land West of Stoney Stanton, land south west of Junction 2 of M69). The sites are included in the Council’s SHELAA 2019 (Appendix 3) (and an update is underway) and will be considered through the Local Plan for allocation. The emerging Local Plan is not yet at a sufficiently advanced stage to make site allocations. Given this, it does not seem appropriate to include these unallocated sites within the evidence base and mitigation for the DCO proposal.</p> <p>Further afield are large and strategic sites that are allocated or have planning permission (located along or close to A47 or close to motorway junctions) that may be regarded as “within the vicinity” given their scale. These are:</p> <p>Lubbesthorpe Strategic Urban Extension – A high quality, sustainable, mixed use development including 4250 homes, employment opportunities, schools,</p>

		<p>district and local centres, green infrastructure, transport and other infrastructure was identified in the Core Strategy. Following approval (11/0100/OX), development started in 2015 including the construction of a motorway bridge and spine road. Since then over 1000 homes, a primary school and associated infrastructure have been built.</p> <p>Lubbesthorpe Strategic Employment Site – Land east of the Warrens at Enderby was identified in the Core Strategy as a strategic employment site to support the Lubbesthorpe Sustainable Urban Extension. The site was to provide 21 hectares of employment land for B1, B2 and B8 uses. Following on from a planning application (17/0431/FUL), two units, totalling 40,000 sqm have been built on 15 hectares. The remaining land has yet to be developed.</p> <p>Glenfield Strategic Employment Site – The site, of 30 hectares, adjacent to Junction 21A of the M1 approved after a Planning Appeal in October 2011 is recognised as a strategic site in BDC’s Core Strategy. Development of several B8 units totalling almost 98,000 sqm is complete at the location known as Optimus Point. A small part of the land remains to be developed.</p> <p>Land North of Hinckley Road, Kirby Muxloe – A sustainable expansion to the Principal Urban Area located on the A47. The site was allocated for a minimum of 750 dwellings and associated development. An outline planning application for 885 dwellings, public open space, land for a primary school, landscaping and associated infrastructure was approved subject to the signing of a Section 106 agreement in June 2023 (19/1610/OUT).</p> <p>Land West of St Johns, Enderby – An employment allocation for B8 uses of 33 hectares close to junction 21 of the M1. An outline planning application for a commercial development consisting of 4 warehouse buildings with ancillary offices and gatehouses (Use Class B8) and a training and education centre (Use Class D1) including associated access off Leicester Lane was</p>
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		considered by the Council in October 2023 and refused (19/0164/OUT). The proposals include a total floorspace of almost 107,000sqm.
1.0.14	Place Shaping Officer BDC and HBC reference discussions regarding a Place Shaping Officer. Please provide an update on the progress and details of creating and funding such a post and how it would be secured.	This post was suggested by the Applicant at a meeting in 2018 and it is not something offered by them as part of the current application, nor is it something BDC think is necessary as part of the Proposed Development.
1.0.16.	Energy Generation a) All parties are offered the opportunity to make representations relating to the energy aspects of the Proposed Development following the publication by the Government of the suite of Energy NPSs in November 2023. b) The Applicant is asked for its comments in light of footnotes 80 and 92 of EN-3 and their implications for the Proposed Development. c) The Applicant is asked to signpost how the proposed photovoltaic arrays are to be secured and delivered (ie to ensure any effects of them are taken into account). d) The Applicant is also asked to estimate the current maximum	BDC has no comments to make.

	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.	
1.1. Air Quality and Emissions		
Question Reference	Question	Response
1.1.2.	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.	Having consulted our Environmental Health Officer who provided air quality advice previously, BDC did not consider it appropriate to consult the East Midlands Air Quality Network and notes they are not a statutory body. Notwithstanding the above, it should be for the Applicant to consult with the Network should it be required.
1.2. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		
Question Reference	Question	Response
1.2.2	ES Appendix 11.4: Arboriculture Impact Assessment [APP-194] Please confirm or otherwise your comments on the Arboriculture	BDC would always prefer to retain veteran trees where possible, particularly as they fall under 'irreplaceable habitat' in Biodiversity Net Gain terms.

	<p>Assessment and the loss of trees, particularly the loss of Category A specimens. In addition, please comment on the compensatory provisions proposed.</p>	<p>At the hearing, the Applicant stated that due to the ground levelling that was required for the project that micro-siting around Ancient tree ref T486 (APP-194) was not possible, however we feel this required further thought. We therefore seek clarification on the construction methods and rationale that has been used to determine this approach in order to better understand the process.</p> <p>We also seek clarification on any features present on the veteran tree relating to potential use by roosting bats and/or nesting barn owl.</p>
1.4 Cultural Heritage		
Question Reference	Question	Response
1.4.1	<p>Legislative Requirements/General matters</p> <p>a) Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 requires the SoS to have regard to various matters in respect of heritage in coming to their decision. Could the Applicant please explain how it considers that the Proposed Development would comply with this obligation?</p> <p>b) Please confirm or otherwise whether Hillroof Farmhouse, Station Lane, Croft has been assessed as part of the assessment of Listed Buildings.</p>	<p>b) The heritage asset is Hillfoot Farmhouse on Stanton Road and not 'Hillroof Farmhouse on Station Lane.</p>

	<p>If it has not, please provide updates reports including such.</p> <p>c) Please confirm if the lighting of the site has been considered as part of the assessment of impacts on the settings of designated and non-designated heritage assets. Updated documents should be provided in the event that the assessment has failed to cover this aspect of the proposal.</p>	
1.4.2	<p>Levelling Up and Regeneration Act 2023</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>	BDC does not consider that there would be any implications for the Proposed Development on cultural heritage assets as a result of Section 102 of the Levelling Up and Regeneration Act 2023.
1.4.4	<p>Appendix 13.1 Archaeological Assessment [APP-201]</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</p>	<p>a) Paragraph 1.78 of the applicant’s Archaeological Assessment (APP-201) states: “[The] late prehistoric to Romano-British remains identified in the Main Order Limits are considered to be heritage assets of low to medium importance, albeit they are not considered to represent activity of such significance to warrant preservation in-situ.”</p>

	<p>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>The views expressed in the Archaeological Assessment were arrived at in dialogue and with the agreement of LCC, as archaeological advisors to BDC.</p> <p>b) Paragraph 1.119 of the above document states: “A programme of trial trench evaluation was conducted across all accessible land within the Main HNRFI Site in late summer 2018 to spring 2019 (Appendix 13.5; document reference 6.2.13.5). Further trial trench evaluation was undertaken across the accessible areas of the A47 Link Road Corridor in October 2022 (Appendix 13.6; document reference 6.2.13.6).”</p> <p>It is confirmed that the programme of archaeological assessment, including the two phases of reported trial trenching, were undertaken in consultation with and as agreed by LCC, as archaeological advisor to BDC. All areas available for trenching were adequately investigated, with only a small section associated with the A47 Link Road corridor outstanding. The results of the completed survey, taking into account the limited extent of the outstanding work on the link road, provide adequate clarity and confidence as to the archaeological implications of the development scheme as currently presented.</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</p>	<p>a) BDC agrees with the Heritage Assessment and its conclusions at paragraph 1.91. Specifically, that the Scheduled Monuments, identified as the Bowl Barrows at Wigston Parva (1010197 and 1010200) and the Bowl Barrow 490m north west at Abbey Farm (1016845) are not sensitive receptors and their significance is unlikely to be significantly impacted in environmental terms by the proposal. Historic England may have further comment given their usual responsibility in respect of Scheduled Monuments.</p>

	<p>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</p>	<p>BDC would like to confirm that the third Scheduled Monument stated in paragraph 1.91 as the Bowl Barrow 900m north of Copston Farm (1016846), does not lie within the administrative boundaries of BDC and has not been assessed by this Authority.</p> <p>The ExA may find any responses from Rugby Borough Council, who are the relevant Planning Authority in this instance, and Historic England of further use.</p> <p>The settings of the following designated heritage assets within BDC's administrative boundaries would not be significantly impacted in environmental terms by the proposal:</p> <ul style="list-style-type: none"> • The Wentworth Arms and Adjoining Stables, Grade II (1307251) at Elmesthorpe; • Church of St Mary, Grade II (1074693) at Elmesthorpe; • Church of All Saints, Grade II (1177924) at Sapcote; • Church of St Michael, Grade II* (1074704) at Stoney Stanton; and • Aston Flamville Conservation Area. <p>HBBC provides advice on the remaining heritage assets listed in paragraph 1.7 that lie within its administrative boundaries.</p> <p>b) The settings of the following assets, by virtue of their location, intervening distances and existing built development which lies within their setting, would be preserved:</p> <ul style="list-style-type: none"> • Church of All Saints, Grade II (1177924) at Sapcote; • Church of St Michael, Grade II* (1074704) at Stoney Stanton; and • Aston Flamville Conservation Area.
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	<p>substantial harm, explaining why, in each case, you hold that view.</p>	<p>The Applicant Site's proximity to The Wentworth Arms and Stables, and the Church of St Mary would lead to significant change within their wider settings. This level of change is likely to be discerned from within the Application Site, looking in the direction of these heritage assets. It is also possible that elements of the Proposed Development would be discerned from vantage points within the heritage asset's immediate settings.</p> <p>However, it is acknowledged that although the Proposed Development would occur within the wider setting of the Wentworth Arms and Stables, and the Church of St Mary, it is also accepted that their setting makes only a minor contribution to their significance. As such, the District Planning Authority considers that the level of harm would be 'less than substantial' to the significance of the setting of these designated heritage assets.</p>
<p>1.4.7.</p>	<p>Burbage Common</p> <p>a) A number of RRs (for example [RR-0166]) have described Burbage Common as an 'Historic Space'. The Applicant in Table 13.2 sets out that the Common is not a designated heritage asset. Could the Councils advise whether it has been considered for any heritage designation, and if so, what were the results.</p> <p>b) If it has not been considered, does the Councils consider that Burbage Common should be</p>	<p>a) BDC has not previously considered Burbage Common for any heritage designation.</p> <p>b) BDC is of the understanding that the area of land comprising the extents of Burbage Common, lies predominantly within the administrative boundary of HBBC with only small areas being located within the District of Blaby.</p>

	considered to be a heritage asset?	As BDC has never previously assessed the significance or the heritage merits of Burbage Common, BDC would comment that undertaking an assessment of this nature is a significant piece of work needing to be carried out by BDC, HBBC, and LCC (in their archaeological role) together. The time needed to provide this assessment would exceed the deadline for the close of the Examination in March.
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>	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. 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.
1.4.10	<p>Interpretation and effect on remains</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</p>	Review of the development has considered the archaeological impact of works proposed both within the Main Order 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>whether any proposed mitigation should be considered.</p>	
<p>1.4.11</p>	<p>Degree of Harm The SoCG between the Applicant and BDC [REP3-078] states that the cultural impacts have been adequately assessed and agreed adverse impacts means harm. BDC in their LIR [REP1-055] paragraph 1.128 states that the Proposed Development will have a significant impact on several structures that appear on the Historic Environment Record. Whilst the affected assets are of low sensitivity, they will be subject to a large magnitude of change which equates to moderate or minor impacts on their significance.</p> <p>Could both the Applicant and BDC confirm whether in their view, in the terms of paragraphs 5.131 to 5.134 of the NPSNN, this equates to less than substantial harm?</p>	<p>BDC has considered the impact of the Proposed Development on designated and non-designated heritage assets, as referred to above in question 1.4.5. In environmental impact terms, BDC followed the Applicant’s methodology for assessing the impacts, using the matrices outlined in Tables 13.4, 13.5, 13.6 and 13.8 contained within the Development Consent Order Environmental Statement – Volume 1: Main Statement – Chapter 13: Cultural Heritage, Revision 03 (APP-122).</p> <p>Having regard to the designated heritage assets whose respective settings would be affected by the Proposed Development, specifically, the Wentworth Arms and Stables, and the Church of St Mary, consideration has been given to the level of harm in accordance with paragraphs 5.131 – 5.134 of the National NPSNN.</p> <p>For clarification, in environmental impact terms, BDC considers that these designated heritage assets were ‘highly sensitive’ in nature due to their designation. However, BDC recognises that the significance of the asset’s respective settings made only a minor contribution to their overall significance.</p> <p>For the Wentworth Arms and Stables, the magnitude of change to this asset was considered to be negligible, resulting in an environmental impact of minor.</p> <p>For the Church of St Mary, the magnitude of change to this asset is small to negligible, resulting in a probable environmental impact of minor/moderate or minor. In planning terms, the level of harm to these designated heritage assets in accordance with paragraphs 5.131 – 5.134 of the NPSNN will equate to ‘less than substantial’.</p>

		<p>Having regard to other heritage assets that appear on the Historic Environment Record, these specifically relate to the former farmhouse at Woodhouse Farm in Elmesthorpe, a converted barn at Hobbs Hayes in Sapcote, a former stable range at Freeholt Lodge in Sapcote and the Burbage Common Road bridge in Elmesthorpe. These assets are all considered to be of ‘Low’ significance, but the development proposes the demolition of all four assets.</p> <p>In applying and following the same methodology for assessing the environmental impacts of the Proposed Development on these assets, the matrices outlined in Tables 13.4, 13.5, 13.6 and 13.8 contained within the Development Consent Order Environmental Statement – Volume 1: Main Statement – Chapter 13: Cultural Heritage, Revision 03 (APP-122), were used.</p> <p>Given the ‘Large’ magnitude of change to these non-designated heritage assets of ‘Low’ significance caused by their intended demolition, the impact on significance in environmental terms is considered to be ‘Moderate or Minor’. In planning terms, the impact on these non-designated heritage assets has been considered against paragraphs 5.125, and 5.139 to 5.140 of the NPSNN. Given that these assets are proposed to be demolished, the level of harm to their significance would equate to ‘total loss’ and not ‘less than substantial’.</p> <p>However, the justification put forward in the draft Development Consent Order (dDCO) to justify the reason for the asset’s demolition is considered to be sufficient, on the strict provision that a level of historic building recording is secured to record and advance the understanding of the significance of the heritage assets before they are demolished. Copies of the Historic Building Reports are to be deposited with the Leicestershire and Rutland Historic Environment Record for archiving, thereafter. It is understood that the</p>
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		<p>Applicant has agreed and committed to do this as part of the requirements in the event the Development Consent Order (DCO) is granted (see Requirement 12 of the dDCO (REP2-010)).</p> <p>The Applicant has also agreed to further S106 obligations in respect of archaeology which were proposed by BDC.</p>
1.5. Draft Development Consent Order (dDCO) [REP2-003] & Explanatory Memorandum [REP2-012]		
Question Reference	Question	Response
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.</p> <p>Ips participating in the hearing were requested to make written submissions on matters raising in the hearing (including the content</p>	<p>Completed at deadline 3 (see REP3-096)</p>

	<p>of Agenda Item 5 and the Annex F(i) questions) at Deadline 1. To the extent that they have already done so, such Ips do not need to respond to this question. However, this question does seek responses to the Annex F(i) questions from those who have not done so to date and from any Statutory Party and Statutory Undertaker Ips that did not participate orally in ISH1 or ISH5 or make written submissions on the matters questioned there at Deadline 1.</p> <p>Responses should address the questions in Annex F(i), but recognising that the Applicant has made changes to the dDCO in part 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>	
1.5.12	Article 49 – Disapplication, application and modification of legislative provisions	BDC is generally content with the provisions of article 49.

	<p>a) Could the Applicant please check the referencing in the EM as this refers to Article 48.</p> <p>b) Do the EA, NE, NR, LCC as LLFA, BDC and HBBC agree with the provisions as cited? If not, could you please explain why or, if it considers alternative drafting is necessary, please provide it, making particular reference to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 (as amended).</p>	<p>The general principle of article 49(3) is accepted but BDC considers the purpose of the provision would be clearer if the drafting was revised as shown below:</p> <p><i>(3) If planning permission is granted under the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—</i></p> <p><i>(a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or</i></p> <p><i>(b) required to complete or enable the use or operation of any part of the authorised development,</i></p> <p><i>the carrying out of such development, under the terms of the planning permission does not breach the terms of this Order.</i></p> <p>BDC does not consider there is any need for the wording added by the Applicant at Deadline 2 which seeks to avoid the potential ‘Hillside’ situation whereby a conflicting permission results in the DCO not being capable of lawful implementation. There is no conflicting planning permission for the site.</p> <p>However, if the ExA accepts the Applicant’s view that this drafting is ‘prudent and necessary’ BDC considers the drafting is acceptable and could be added to the drafting above.</p>
1.5.13	<p>Schedule 2, Part 1 – Requirement 5</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</p>	<p>BDC is content that the appropriate ‘relevant bodies’ are identified for the purposes of Requirement 5.</p>

	<p>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>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>BDC proposes the following initial amendments to Requirement 12 as improvements to its drafting which will be supplemented with further submissions at Deadline 5.</p> <p><i>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.</i></p> <p><i>(2) The written scheme of investigation submitted for approval must include -</i></p> <ul style="list-style-type: none"> <i>(a) the statement of significance and research objectives,</i> <i>(b) details of the on-site recording methodology;</i> <i>(b) details of sampling, analysis and reporting strategy;</i> <i>(d) details of monitoring arrangements;</i> <i>(e) details of timetable and personnel, and;</i> <i>(f) details of post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.</i> <p><i>(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</i></p>

		<p><i>Understanding Historic Buildings, A Guide to Good Recording Practice, 2016.</i></p> <p><i>(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.</i></p> <p><i>(5) Each phase must be carried out in accordance with details in the approved written scheme of investigation.</i></p>
1.5.17	<p>Explanatory Note The Explanatory Note indicates that a copy of the plans and the Book of Reference will be available for inspection at the offices of BDC. Could BDC confirm that it is content for this</p>	BDC can confirm that the Book of Reference will be available for inspection at the Main Office for BDC, during normal opening hours, providing hard copies are provided by the Applicant.
1.6 Landscape and Visual		
Question Reference	Question	Response
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>	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 which will all be lost to agriculture as a result of the Proposed Development. Land along the M69 and other roads is classified as ‘Non Agricultural/Not surveyed’.
1.7. Need		

Question Reference	Question	Response
1.7.11.	<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>Studies have been undertaken in 2014, 2016 and 2021 considering the employment needs for large scale distribution space¹. These have followed recognised methodologies that include past 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 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>
1.7.12.	<p>Logistics Demand and Supply Assessment [REP3-036] – Employment evidence base 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>a) the most relevant planning evidence study is the 2021 “Warehousing and Logistics in Leicester and Leicestershire: managing growth and change”² 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 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 with in the 2021 West Midlands Strategic Employment Sites Study³.</p>

¹ https://www.nwleics.gov.uk/pages/strategic_distribution_study

² https://www.nwleics.gov.uk/pages/strategic_distribution_study

³ <https://gbslep.co.uk/resource/report/west-midlands-strategic-employment-sites-study-%E2%80%93-final-report/>

	<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</p>	<p>b) The applicant's assessment is more recent than the 2021 Leicestershire Warehousing Study. It also 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 seems disingenuous 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 reports⁴ demonstrate, the increase online sales is essentially linear, and post COVID-19 returns to that trend 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>c) 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 Warwickshire.</p> <p>d) 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>
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⁴ <https://www.ons.gov.uk/businessindustryandtrade/retailindustry/timeseries/j4mc/drsl>

	an analysis of any difference be made.	
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>The PPG makes it clear 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>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. 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>
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>Sites not permitted cannot form part of the current supply 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 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>

1.7.25.	<p>Overall Need An assertion is made in a number of the RRs (for example, [RR-0080], [RR-0550] and [RR-0745]) that there is no need for a SRFI in this location and that other existing locations over a wider area should be considered so that these are used to full capacity before this project is considered. The parties are requested to comment and respond to this assertion.</p>	<p>The market and business dynamics relating to the need for SRFIs is complex and the authorities are not well placed to consider this in full. The authorities are aware that there is capacity at DIRFT and EMG in terms of ‘trains per day’ utilisation, however there 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>
1.8. Noise and Vibration		
Question Reference	Question	Response
1.8.1	<p>ES Appendix 10.3 - Hinckley Consultation Response – BDC [APP-182] Please comment on the responses made by the Applicant to your consultation responses and confirm whether you have any further queries or comments</p>	<p>BDC can confirm that any concerns are being worked through within the SoCG.</p> <p>The Applicant has submitted a technical note to BDC which has addressed some of the Council’s concerns. What remains unresolved is the contextualisation of impacts on NSRs to the north of the Application Site and the submission of supporting evidence regarding the proposed gantry crane and docking mitigation.</p> <p>Additionally, within paragraphs 10.243 – 10.244 of this document the Applicant indicates an L_{Amax} exceedance of 5 dB. However, the Environmental Statement (ES) indicates mitigated impacts at NSR 24 of 8 dB and therefore, clarification from the Applicant is sought on this discrepancy. This is being discussed in the Statement of Common Ground meetings.</p>
1.8.2.	Ambient Noise Levels	

	<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>b) Ambient (LAeqT) and maximum (LAm_{ax}) 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 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, it is felt that the Applicant has correctly analysed the background sound levels in the locality, and therefore, BDC have no concerns on the chosen LA90 noise levels used within the assessment.</p>
1.8.19.	<p>Overnight Rail Movements</p> <p>a) Can the Applicant clarify that noise assessments have only taken into account overnight</p>	

	<p>engineering train movements between the hours of 23:00 and 05:00 and no other trains given NR 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>b) BDC have no comments on this, because it is understood that the Applicant has taken into account night-time train movements associated with the scheme.</p>
1.8.30	<p>E S Appendix 10.5 - Hinckley Noise Survey Method Statement [APP-194]</p> <p>Could the Councils confirm whether they agree with the methodology used for the baseline noise surveys? If not, could you explain why you hold your view.</p>	<p>BDC can confirm that further to the ongoing SoCG meetings, the Council are happy with the baseline survey methodology.</p>
1.9 Socio-economic effects		
Question Reference	Question	Response
1.9.13	<p>Land Use and Socio-Economic Effects – Health outcomes and business re-location</p> <p>Table 7.6 of Chapter 7 of the ES [APP-116] at Paragraph 7.191 identifies BDC’s consultee response on health outcomes.</p>	<p>Following further consideration, BDC now consider that the Applicant’s ‘minor adverse effect’ conclusion in respect of impacts on public rights of way is acceptable. However, further technical work pertaining to noise has been undertaken and the noise assessment is considered inadequate specifically in respect of the impacts on residents at Aston Firs and Woodfield Stables caravan sites and at Bridge Farm because BDC’s noise consultant has identified a significant adverse effect/impacts. Therefore, the health</p>

	<p>BDC states that the suggested minor adverse effect on the health of local residents is considered to significantly under-estimate the impact of the proposal. From the responses provided, it is unclear whether the 'minor adverse effect' conclusion is maintained. Could the Applicant and BDC each clarify their positions?</p>	<p>outcomes for these residents should be reassessed in light of the assessment work undertaken.</p>
<p>1.9.16.</p>	<p>Land Use and Socio-Economic Effects – 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 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>BDC's development plan is subject to review.</p> <p>There are several sites that are currently being promoted to BDC through the Local Plan review process in the parishes of Aston Flamville, Elmesthorpe, Stoney Stanton and Sapcote.</p> <p>The sites are included in the Council's SHELAA 2019 (Appendix 3) (and an update is underway) and will be considered through the Local Plan for allocation. The emerging Local Plan is not yet at a sufficiently advanced stage to make site allocations. Given this, it does not seem appropriate to include these unallocated sites within the evidence base and mitigation for the DCO proposal.</p> <p>A pdf copy of the SHELAA 2019 has been included as Appendix 3.</p>

	<p>b) Can the Applicant also set out what effect the Proposed Development would have in relation to the working age population in the vicinity and, given the quantum of warehousing provided in the proposal, whether employment shortages would result in other employment sectors, assuming a reduced employment land supply.</p> <p>If the Development Plan is subject to review, please provide information of any sites within the vicinity, that should be assessed as part of the evidence base, and mitigation for this application</p>	
1.9.17	<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</p>	

	<p>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>	<p>b) The assertion is reasonable. The Local Plan has not reached a stage where it has specifically identified sites to be included as allocations in the Local Plan.</p>
1.9.18	<p>Housing Demand In paragraph 10.2.2 of its LIR [REP1-055] BDC states that there would be neutral impacts on the current demand for housing to meet employee requirements during operation. The SoCG between the Applicant and BDC [REP2-078] suggests (1b page 68) reports that there is still insufficient information or analysis to</p>	<p>BDC can confirm that this is now agreed and is updated in the SoCG.</p>

	<p>understand the HNRFI's impact on housing demand overall and in terms of housing affordability on relevant employment sectors. Could both parties clarify the situation, or the Applicant update the SoCG if agreement has been reached.</p>	
1.11. Traffic and Transport		
Question Reference	Question	Response
1.11.11.	<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>Within the vicinity of the Proposed Development the following is of relevance:</p> <ul style="list-style-type: none"> • Historic and gassing landfill sites • Calor Gas site • High Pressure Gas Pipeline <p>These hazards are shown along with their buffer zones (within which consultation on Town and County Planning Act 1990 applications takes place) at Appendix 5.</p>
1.11.17.	<p>Parking Provision</p> <p>a) Do the LAs consider the parking provision to be appropriate? If not, please explain why.</p> <p>b) Could the Applicant please explain what reduction in parking provision has been allowed for in light of the</p>	<p>BDC refers to Leicestershire County Council's vehicle parking standards which are published under their interim Highway Design Guide.⁵ It should be noted that these are maximum 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 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</p>

⁵ <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>

	proposed implementation of the Site Wide Travel Plan?	Council is concerned that this will further undermine the effectiveness of the sustainable transport strategy by creating over reliance on car based trips.
1.11.35.	<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>	To avoid conflicting opinions and having discussed these issues with them on multiple occasions, BDC defer this matter to Leicestershire County Council as the Highways Authority responsible for Public Rights of Way.

Comments on Deadline 3 submissions

This document outlines BDC's response to documents submitted by the Applicant at Deadline 3.

Lighting		
Document Reference	Document Name	BDC comments
18.7.7 REP3-062	Written Statement of Oral Case ISH3 [Appendix G - M69 Lighting Proposals and associated effects]	<p>This document states that it doesn't assess the associated effects on biodiversity or visual effects and it is unclear if this is going to be done by the Applicant. BDC understood that this was requested by the ExA and should be provided by the Applicant.</p> <p>The methodology for assessing the need for lighting and the lighting classes specified are correct (i.e the five-second rule, M4 lighting class) however basing the assessment of lighting the M69 on current accident data, with no reference to the increase in HGV vehicles using the junction as a result of the development, seems flawed. The Applicant should revise its assessment and consider if changes to the lighting scheme are required.</p>
Socio – Economic		
Document Reference	Document Name	BDC comments
18.8.2 REP3-066	Written Statement of Oral Case ISH4 [Appendix B - National Policy Options Assessment Note and Alternatives Assessment]	<p>This Note generally reiterates previous points made within the main submission evidence.</p> <p>Notwithstanding this, the only 'missing link' is the reconciliation between the employment 'impact area' and the Functional Economic Market Area / Housing Market Area in which BDC was of the understanding that this was an item the Applicant was to follow up on.</p>

<p>18.8.3 REP3-067</p>	<p>Written Statement of oral case ISH 4 [Appendix C - Geographies of Market Areas Plan]</p>	<p>This statement generally reiterates previous points made within the main submission evidence.</p> <p>Notwithstanding this, the Applicant has still failed to reconcile the difference between the employment 'impact area' and the Functional Economic Market Area / Housing Market Area. BDC was of the understanding that this was an item the Applicant was to follow up on.</p>
<p>18.8.4 Late submission accepted after Deadline 3 REP3-163</p>	<p>Written Statement of Oral Case ISH4 [Appendix D – Market Need Note]</p>	<p>Some points regarding document 18.8.4 have been included in BDCs response document to ExQ1 at questions 1.7.11, 1.7.12, 1.7.17, 1.7.21 and 1.7.25. As such, these have not been repeated in this document.</p> <p>Whilst not a material consideration, it should be noted that paragraph 1.46 18.8.4 states “Savill’s approach has also recently been used in the ‘Warehousing and Logistics in the South East Midlands’ study” which is not correct (Iceni, advising the host Authorities, authored this study). Whilst recognition is made of the issue Savills raise their method is not applied in full. The Applicant should revise this document to acknowledge this nuance.</p>
<p>18.8.5 REP3-069</p>	<p>Written Statement of Oral Case ISH3 [Appendix E - Update on Market Testing]</p>	<p>This statement generally reiterates previous points made within the main submission evidence.</p> <p>Notwithstanding this, the Applicant has still failed to reconcile the difference between the employment 'impact area' and the Functional Economic Market Area / Housing Market Area. BDC was of the understanding that this was an item the Applicant was to follow up on.</p>
<h2>Archaeology and Heritage</h2>		
<p>Document Reference</p>	<p>Document Name</p>	<p>BDC comments</p>
<p>18.7.8 REP3-063</p>	<p>Written Statement of Oral Case ISH3 [Appendix H - Note on Archaeological Mitigation]</p>	<p>Paragraphs 1.7, 1.8, 1.9 and 1.10 wording should be amended to include the 'A47 Link Road Corridor' as an identified search and recorded location.</p>

	Strategy for Non-designated Heritage Assets]	
Ecology		
Document Reference	Document Name	BDC comments
18.7.5 REP3-060	Written Statement of Oral Case ISH3 [Appendix E - Biodiversity Note on Nitrogen Deposition and sHRA]	<p>Paragraph 1.3: The Applicant needs to explain how has this been quantified from the assessment in order to conclude that the reduction of farming activities will result in a beneficial effect on the woodland. The Applicant should also confirm whether an assessment using quantifiable data been undertaken with regard to the pollution effects from the development.</p> <p>Paragraph 1.4: Whilst acknowledged, and welcomed, that buffering is being included, this is just an outline approach and does not include specifics such as proposed species mixes, age of whips and therefore time to maturity. Without these details, there is no means of knowing whether the proposed buffer will act as described within this approach. The Applicant should provide this additional information or set out how its provision and linked functionality will be secured.</p>
Landscape		
Document Reference	Document Name	BDC comments
18.8.8 REP3-072	Written Statement of Oral Case ISH4 [Appendix H - Landscape Note on Greenspace Strategy and Mitigation]	<p>BDC has previously challenged the claim that the proposed public open space provides a 'generous natural separation between the Main HNRFI Site and the adjacent Burbage Common and Woods Country Park' (restated at Paragraph 1.7 of this document). This point remains outstanding and of concern. Additionally, BDC's LIR states that the proposals create a pinch point (25 m)</p>

		<p>which crosses into Burbage Common Local Wildlife site which should be widened to provide extra buffering space.</p> <p>It should be noted that there is also a point of disagreement within BDC's SoCG where, in BDC's and HBBC's opinion, there would be significant adverse residual effects (Year 15) on the Burbage Common Rolling Farmland LCA and on views experienced by Country Park Users (PVP 44) and PRoW Users in the vicinity of Burbage Common (PVP 3). This additional impact should be considered by the ExA when considering the Proposed Development's planning balance.</p>
Climate Change		
Document Reference	Document Name	BDC comments
6.2.18.1 APP-217	Hinckley NRFI ES - Appendix 18.1 Energy Strategy (tracked)	<p><u>BDC would wish to make comments on the following sections of this Energy Strategy:</u></p> <p><u>11.1.7</u></p> <p>BDC see little evidence of whole life costs/payback estimates for each low carbon technology being considered. Upfront cost is cited as the primary (and only) reason for preferring Air Source Heat Pumps (ASHP) over Ground Source Heat Pumps (GSHP) despite the obvious lower energy requirement of the latter as well as an advantage from both a cooling and heating standpoint. Cooling may be particularly relevant given the likely increasing frequency of extreme heat and higher energy demand required to cool buildings in the future. The Applicant should amend the Proposed Development to make greater use of GSHPs.</p> <p><u>3.2.1</u></p>

		<p>Minimising energy use is not included as a factor for considering the suitability of each heat pump technology. 11.1.7 also seems to contradict this section by stating that installation cost makes GSHP unattractive.</p> <p>One of the most significant costs of GSHP technology is the excavation or drilling associated with laying the pipework. It could be argued that with the likely excavation and groundworks already taking place as part of the building construction, there is an opportunity for this element (installation of horizontal ground source heat network pipework) to be achieved at much lower cost with adequate forward planning. The long lifespan and constant heat makes this technology potentially more attractive than ASHP. These factors don't appear to have been considered yet nor is there any assurance they will be considered in the future. The Applicant should amend the Proposed Development to incorporate these points and set out how greater use of GSHPs will be achieved or at the very least properly considered.</p>
Air Quality		
Document Reference	Document Name	BDC comments
18.7.3 REP3-058	Written Statement of oral case ISH3 [Appendix C - Air Quality at Narborough Crossing Note]	No consideration to kerbside concentrations has been given, particularly during school/nursery run times where children may be present at the crossing. Notwithstanding this, the presented queue times (Table 3), shows no difference between the without and with scenarios during these periods, so concentrations would be the same in either scenario. However, BDC are aware that further survey work is to be done at Narborough Level Crossing during school term, which could change these outputs. Further consideration will be needed and an opportunity afforded to the Authorities to do this and provide comments.

dDCO matters		
Document Reference	Document Name	BDC comments
6.1.21A REP3-011	Hinckley NRFI ES Chapter 21 Conclusion (tracked)	<ul style="list-style-type: none"> LV4 and LV6 - Public Rights of Way Appraisal and Strategy - Makes reference to 'relevant planning authority' but requirement 25 of the dDCO refers to 'Highway authority'. The Applicant needs to amend one of these documents to ensure consistency between them. NV2 – is supposed to be describing how noise barriers are secured, but column 3 also refer to measures intended to control operational noise from cranes/gantries. This should be a separate row. NV3 – refer to noise level limits being set at the Noise Sensitive Receptors (NSRs) by means of the controls in Requirement 26 (control of operational noise). However, it is not clear on the face of that requirement that it will provide for the setting of noise limits at NSRs. Instead, Requirement 26 controls the installation of noisemaking machinery or mobile plant and assessing their impacts against specific guidance standards. There is no specific reference as to what acceptable noise limits are for NSRs or where they are detailed and secured. The Applicant should clarify where this is set out and how it will be achieved. EB2 - the text in the 3rd column is jumbled and needs to be revised. SW2 – states that “Sustainable drainage statement, which includes strategy for sewer network upgrades to be provided by SWT.” It is not clear what 'SWT' is.

Response to Draft DCO & Requirements

1. This response is made by BDC in response to the dDCO and Requirements which were submitted at Deadline 2. BDC are mindful that the Applicant are submitting a revised dDCO at Deadline 4 but BDC did not want to delay sending these comments over to the Examining Authority until Deadline 5.
2. In response to the Applicant's evidence regarding the strength of the market for rail freight facilities, the Council seeks further certainty regarding the provision of the warehouse floorspace being connected to the rail freight facility by way of additional wording to Requirement 10 'Rail'. This wording was included in the West Midlands SRFI.
3. The Council requests that the following additional requirements are added under Requirement 10:
 - i. *[The undertaker must notify the local planning authority of the date of the first occupation of more than 105,000 square metres of warehousing within 28 days of such occupations occurring.]*
 - ii. *Following completion of the rail terminal works the undertaker must retain, manage and keep the rail terminal works available for use throughout the period of occupation of the warehousing floorspace.*
 - iii. *The undertaker must appoint a rail freight co-ordinator prior to the completion of the rail terminal works who must report to the local planning authority no less than once a quarter on the operation of the rail terminal when open including—*
 - *the appointment of a rail operator to operate the rail terminal;*
 - *the amount of rail freight usage of the rail terminal;*
 - *the number of trains using the rail terminal;*
 - *the warehousing receiving or sending goods through the rail terminal; and*
 - *the amount of goods being received or sent through the rail terminal by freight*
 - iv. *The undertaker must maintain a person in the position of rail freight co-ordinator throughout the life of the authorised development unless otherwise agreed with the local planning authority.*