

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Planning Statement

Document reference: 7.1B

Revision: 05

9 January 2024

Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 Regulation 5(2)(q)**

**The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
Regulation 14**

This document forms the Planning Statement for the Hinckley National Rail Freight Interchange project.

Tritax Symmetry (Hinckley) Limited (TSH) has applied to the Secretary of State for Transport for a Development Consent Order (DCO) for the Hinckley National Rail Freight Interchange (HNRFI).

To help inform the determination of the DCO application, TSH has prepared a Planning Statement in support of the proposals. This aims to provide the decision maker with sufficient information about Planning Policy in relation to the project to inform the decision.

Further details about the proposed Hinckley National Rail Freight Interchange are available on the project website:

<http://www.hinckleynrfi.co.uk/>

The DCO application and documents relating to the examination of the proposed development can be viewed on the Planning Inspectorate's National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/hinckley-national-rail-freight-interchange/>

Glossary of Terms

In this Statement the terms referenced below are given the following meaning:

Term	Explanation
Building height	Maximum building height measured to roof ridge/highest point in metres Above Ordnance Datum
Development Zones	As shown on the Parameters Plan – to include estate road infrastructure and elements pertaining to individual development plots including buildings, hardstandings, parking, landscaping, bunding and storm water attenuation, and the rail corridor.
DCO Order Limits	An Order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project.
Hinckley National Rail Freight Interchange (HNRFI)	The Strategic Rail Freight Interchange proposed in the Application.
Main HNRFI Site	All of the land inside the Order Limits between the Leicester to Hinckley railway to the north-west and the M69 motorway to the south-east, in which the proposed SRFI would be located, as indicated on ES figure 2.1 (document reference 6.3.2.1)
National Planning Policy Framework (NPPF)	The revised National Planning Policy Framework (revised December 2023) sets out government's planning policies for England and how these are expected to be applied.
Off-site Highway Works	Any Modification to junctions and highways outside of the Main Order Limits in response to the HNRFI development and M69 Junction 2 works.
Parameters Plan	A plan that defines the parameters of the development on which the ES for HNRFI has been prepared
Planning Act 2008	The Planning Act 2008 England and Wales legislation which established the legal framework to apply for, examine and determine applications for Nationally Significant Infrastructure Projects
Proposed Development	The Principal Development and the Associated Development described in the DCO application

Term	Explanation
	(and more specifically in Schedule 1 of the draft Order)
Public Right of Way (PRoW)	Path on which the public have legally protected rights to pass.
Rail Accessible Buildings	Having the potential either for a direct-rail connection (rail connected) or to be rail-served.
Rail Connected Buildings	A warehouse or other building either with its own dedicated rail siding or which is sufficiently close to the rail terminal to allow containers to be moved from the rail wagons into the warehouse by overhead cranes or reach stackers without the need for them to be loaded onto a HGV or Tugmaster vehicle
Rail Port	The intermodal freight terminal for the loading and unloading of shipping containers from trains and lorries
Rail Served Buildings	A warehouse forming part of the Strategic Rail Freight Interchange development, but which would require containers to be moved from or to the rail terminal by means of an HGV or Tugmaster vehicle.
Rail Terminal	Location within the Main HNRFI Site where trains terminate
SRN	Strategic Road Network
Swale	A grassed depression in the ground that provides temporary storage for storm water and reduces peak flows to the surface water drainage network
The A47 Link Road	Comprising a new route through the Main HNRFI Site from M69 J2, crossing the Hinckley to Leicester railway on a replacement railway bridge to connect onto the B4468 at a new junction on Leicester Road, connecting to the A47
The Applicant / Tritax Symmetry (Hinckley) Limited TSH	When referring to the 'applicant'.
Works to J2 M69	The installation of south facing slips to enable junction 2 to operate as an all-ways junction and the reconfiguration of the roundabout
1990 Act	The Town and Country Planning Act 1990

The following abbreviations are used in this Statement:

- DAS: Design and Access Statement
- DCO: Development Consent Order
- GIA: Gross internal floor area of buildings
- LDSA: Logistics Demand and Supply Assessment Savills – 2022
- NN NPS: National Policy Statement for National Networks December 2014 – shortened to NPS
- NSIP: Nationally Significant Infrastructure Project
- ONS: Office for National Statistics
- PPG: Planning Practice Guidance: issued by the Government
- PROW: Public Right of Way e.g., footpath, bridleway
- SoCC: Statement of Community Consultation
- SRFI: Strategic Rail Freight Interchange
- SRN: Strategic Road Network

SECTION 1 - INTRODUCTION

11. This Planning Statement has been prepared pursuant to the provisions of Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended, as comprising *'any other documents considered necessary to support the application'*. The Planning Statement has been prepared to accompany the application for a Development Consent Order (DCO) for a Nationally Significant Infrastructure Project (NSIP) namely a Strategic Rail Freight Interchange (SRFI). The Applicant Tritax Symmetry (Hinckley) Ltd ('TSH,' or 'the Applicant') refers to the Proposed Development as HNRFI.
12. The Planning Statement has been prepared following statutory consultation as required by Sections 42; and 47 of The Planning Act 2008. The period of statutory consultation ran from 12th January to 8th April 2022. This was preceded by extensive non-statutory consultation with the relevant planning authority; neighbouring local authorities; statutory bodies and other stakeholders, which has continued throughout the project. The consultation process with the local community, local authorities and stakeholders is described in the Consultation Report (document reference 5.1) The Consultation Report explains how the proposals for HNRFI have responded to the consultation process.
13. Arising from the Applicant's consideration of the representations received, the Proposed Development has been amended, as described in the Design and Access Statement (document reference 8.1) and the Consultation Report (document reference 5.1). The Consultation Report sets out the Applicant's consideration of the responses received to the Statutory Consultation.
14. The accompanying Environmental Statement has identified proposed mitigation for any likely significant environmental effects, and the residual effects remaining after mitigation. The compliance of the proposals primarily to the provisions of the NPS for National Networks is considered in this context.
15. The Planning Statement has been updated for Deadline 4 of the Examination.
16. The preparation of Statements of Common Ground with the local authorities is well advanced. The update to the Planning Statement includes reference to the position reached with the local authorities on socio-economic matters.
17. The Examining Authority has requested the Applicant to prepare consolidated notes on the need for HNRFI, the benefit to be derived from HNRFI, and consideration of the provision of NPS-NN paragraph 4.27 relating to the requirement for an options appraisal. These matters are referred to in this amended Planning Statement and in notes appended to the Post Hearing Submissions.

18. The updated Planning Statement makes a correction to the Glossary in the meaning of the term ‘rail Accessible Buildings’. The Planning Balance (section 7) takes into account the loss of a Veteran Tree (T486).

19. HNRFI comprises an NSIP as a Rail Freight Interchange within the meaning of Section 26 of The Planning Act 2008. The statutory requirements to be met are set out below (S26(3) to (7)):

‘(3) The land on which the rail freight interchange is situated must—

(a) be in England, and

(b) be at least 60 hectares in area.

(4) The rail freight interchange must be capable of handling—

(a) consignments of goods from more than one consignor and to more than one consignee, and

(b) at least 4 goods trains per day.

(5) The rail freight interchange must be part of the railway network in England.

(6) The rail freight interchange must include warehouses to which goods can be delivered from the railway network in England either directly or by means of another form of transport.

(7) The rail freight interchange must not be part of a military establishment.’

110. HNRFI satisfies these statutory requirements as an NSIP, in that:

- the site is in England
- the Main HNRFI site exceeds 60 hectares. The site extends to approximately 187 hectares (this includes amenity area and 23.15 hectares for land north of railway for the A47 Link).
- The rail freight interchange would be capable of handling consignments of goods from more than one consignor and to more than one consignee
- the rail freight interchange is designed to be capable of handling up to 16 freight trains a day (16 in / 16 out);
- HNRFI is located on the Leicester to Nuneaton mainline section of the Felixstowe to the Midlands and strategic freight rail route;
- HNRFI will be part of the railway network in England;
- HNRFI includes warehouses to which goods can be delivered from the railway network, either directly or transferred by another form of transport;
- HNRFI will not be part of a military establishment.

Illustrative Masterplan

111. An illustrative masterplan (document reference 2.8) for HNRFI has been prepared to

illustrate a form of built development which would be consistent with the provisions of the Parameters Plan (document reference 2.12 APP-047). It is to be expected that all buildings will be constructed to meet the bespoke requirements of future occupiers. Hence the number and dimensions of individual buildings may vary from that shown on the illustrative masterplan.

The Parameters Plan

112. The spatial context for HNRFI is defined by the preparation of a Parameters Plan (comprising sheets 1 – 6) (document reference 2.12 APP-047). The Environmental Statement has been prepared on the basis of these development parameters. The Parameters Plan is shown below. This sets out the maximum extent of the scale of development; the number of buildings within each development zone; the disposition of the main land uses, and the railport (zones H and J on the Parameters Plan). The location and extent of the railport as shown on the Parameters Plan has been informed through discussions with Network Rail and railport operators. The rail port is described more fully in the Rail Operations Report (document reference 6.2.3.1 APP-131).

The HNRFI Site and its location

113. HNRFI is situated on land to the east of the Hinckley to Leicester railway line, and west of the M69 with access from M69 Junction 2. The development of the Main HNRFI Site lies wholly within the administrative area of Blaby District. The proposed highway works to M69 Junction 2 comprising the installation of south facing slip roads (so as to form Junction 2 into an ‘all-ways’ junction on the M69) lie within Blaby District. M69 Junction 2 will be further altered to provide access into the Main HNRFI Site from the roundabout. The provision of the A47 Link lies partly within Blaby District and partly within the administrative area of Hinckley and Bosworth.
114. From the roundabout at M69, J2, the A47 Link comprises a dual carriageway with two roundabouts which will provide access to warehousing on the north side of the A47 Link. At the second roundabout access is provided to the warehousing to the north, and the railport to the south. Further west the A47 Link continues as a single carriageway road, crossing the railway line on a replacement railway bridge at the crossing with Burbage Common Road. Thereafter the new road connects onto the B4468 Leicester Road to the north-west of Hinckley with a new roundabout junction, which connects on to the A47. The new road between M69 J2 and the A47 is described as the ‘A47 Link’.
115. The primary means of access into the railport is gained from a roundabout on the A47 Link. Provision is made for a lorry park and an empty container stacking area south of the A47 Link. Vehicles off-loading or collecting containers will pass under the bridge over the railway to access the railport.
116. A second access link to the railport is envisaged to be provided from the spine road through the development. This link would enable HGVs and Tugmasters to access the railport without crossing the A47 Link.
117. HGV traffic accessing HNRFI and leaving HNRFI will be routed via the M69, being part of the SRN. Traffic management measures will provide enforcement measures to deter HGVs using the local road network east of M69, J2. A HNRFI HGV Management Plan and Route

Strategy (document reference 17.4 APP-362) is described at ES Chapter 8: *Transport and traffic*.

DCO Limits

1.18. The DCO Order Limits (document reference 2.27 APP-084) are the area within which the Authorised Development described in Schedule 1 of the draft DCO and Chapter 3 of the ES may be constructed. The DCO Order Limits include land within the following administrative areas:

- Blaby District
- Hinckley and Bosworth Borough
- Harborough District¹

¹In respect of the off-site highway works at the Cross Hand roundabout on the A5

- Rugby Borough²
- Leicestershire County
- Warwickshire County

Overview of National Planning Policy

119. The NPS sets out the national need for, and Government’s policies to deliver the development of NSIPs on the national road and rail networks in England. The NPS provides planning guidance for promoters of NSIPs and provides the primary basis for the examination of the merits of proposals by the Examining Authority and for subsequent decision-taking by the Secretary of State for Transport. Paragraph 1.2 of the NPS states:

‘The Secretary of State will use this NPS as the primary basis for making decisions on development applications for national networks nationally significant infrastructure projects in England’ (Emphasis added)

120. Under S104 SS (4) to (8) of The Planning Act 2008, where a NPS has effect, the Secretary of State must decide an application for a NSIP in accordance with the NPS, except to the extent one or more of the following circumstances in summary would apply:

- lead to the UK being in breach of its international obligations;
- be unlawful;
- lead to the Secretary of State being in breach of any duty imposed by or under any legislation;
- result in adverse impact of the proposed development that would outweigh its benefits; and
- that any condition prescribed for deciding an application otherwise than in accordance with a national policy statement is met.

121. The position of TSH is that the granting of a development consent order for HNRFI would not be in breach of any duty; international obligation or otherwise be unlawful. No condition has been prescribed for the determination of this application for a SRFI otherwise than in accordance with the NPS. The determining issue is therefore whether the development would result in adverse impacts that would outweigh the benefits.

122. Section 104(2)(d) of The Planning Act 2008 states that the decision-taker must have regard to ‘any other matters’ which are considered ‘both important’ and ‘relevant to the decision’. These considerations may include national planning policy; development plan policy, and other statements of Government Policy relevant to the Proposed Development.

123. National planning policy is also provided in the National Planning Policy Framework

² In respect of the off-site highway works at the Cross Hand roundabout on the A5

(NPPF). The most up to date statement of national policy in the NPPF is dated December 2023. The overall strategic aims of the NPPF and the NPS are consistent as statements of national planning policy but serve different roles. The NPPF provides policy guidance upon which local authorities can prepare development plans to bring forward developments and comprises a material planning consideration in decision-making on individual planning applications under the 1990 Act. The NPPF makes clear that it does not contain specific policies for NSIPs where quite particular considerations can apply (NPPF, paragraph 5). The NPS assumes that function, providing national transport policy which will be applied to determine the merits of individual NSIPs.

124. In addition, the NPS provides guidance and imposes requirements on matters such as good scheme design and the treatment of environmental impacts. These considerations are addressed within this Planning Statement, drawing upon the assessments set out in the accompanying Environmental Statement (document reference 6.1.0 APP-109).
125. The Government has concluded *‘that at a strategic level there is a **compelling need for development of the national networks and as an integrated system**’* (NPS, paragraph 2.10) (emphasis added). The Government in referencing a *‘critical need to improve the national networks’*, acknowledges *‘that improvements may also be required to address the impact of the national networks on quality of life and environmental factors’* (NPS, paragraph 2.2) (emphasis added).
126. The Government’s vision for transport is set out in the NPS (paragraph 2.53) stating:
- ‘The Government’s vision for transport is **for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities. The Government therefore believes it is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change.**’* (emphasis added).

The Development Plan

127. Development Plan Policy is an ‘important and relevant consideration’ for decision taking on HNRFI. The significance of these policy considerations is addressed within this Statement.

The evolving logistics sector

128. The anticipated provision of logistics buildings in response to an occupier’s space requirement reflects the fact that the requirements of the logistics sector are dynamic. A ‘one size fits all’ approach is not a practical approach to a development of this scale, nor appropriate in response to rapidly changing economic circumstances in the logistics sector. The evolving logistics sector is described in the Market Needs Assessment (document reference 16.1 APP-357) and further referenced when considering the provisions of the NPS.
129. Recent events including the CV19 health pandemic and the vast container ship, the Ever Given, being grounded in the Suez Canal have highlighted the fragility of global supply

chains. The UK's changed trading relationship with Europe also has consequences for the reliability of supply chains. In response the logistics sector seeks greater resilience in supply chains, through holding greater levels of stock within the UK.

130. Logistics companies, supplying retail customers, or manufacturers, are making an accelerated response to the threats of climate change. Companies, particularly those seeking very large-scale premises, now wish to invest in railport locations where the main 'leg' of the carriage of goods particularly from the deep-sea ports can be achieved by rail. Trip mileage of freight movement on particularly the SRN is reduced.
131. A further change arises from geographical uncertainties, national shortages of equipment and personnel, particularly drivers for the logistics sector. These shortages are leading to increased demand for centralised stock holding for distribution directly to end-use consumers. Resilience of supply chains is now the key to national security and economic sustainability with the UK fundamentally dependent upon its seaports for the flow of goods into and out of the country. There is an increasing requirement for the long-haul journey to be undertaken by rail via deep sea ports engaged in global transshipment of goods, and the ports with short sea crossings to Europe. The market for inter modal freight is explained further in the Logistics Demand and Supply Assessment (document reference 16.2 APP-358).

SECTION 2.0**HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE - DESCRIPTION OF THE PROPOSALS**

2.0 Chapter 3: *Project Description* of the Environmental Statement (document reference 6.1.3) provides a comprehensive project description for the purposes of this Planning Statement. The main features of HNRFI comprise:

On the Main HNRFI Site

- a. The demolition of Woodhouse Farm, Hobbs Hayes, Freeholt Lodge and the existing bridge over the Leicester to Hinckley railway on Burbage Common Road;
- b. new rail infrastructure including points off the existing Leicester to Hinckley railway providing access to a series of parallel sidings at the HNRFI, in which trains would be unloaded, marshalled and loaded;
- c. an intermodal freight terminal or 'Railport' capable of accommodating up to 16 trains up to 775m in length per day, with hard-surfaced areas for container storage and HGV parking and cranes for the loading and unloading of shipping containers from trains and lorries;
- d. up to 850,000 square metres (gross internal area or GIA) of warehousing and ancillary buildings with a total footprint of up to 650,000 square metres and up to 200,000 square metres of mezzanine floorspace, including the potential for some buildings to be directly rail connected if required by occupiers. These buildings might incorporate ancillary data centres to support the requirements of HNRFI occupiers and operators. They will also incorporate roof-mounted photovoltaic arrays with a generation capacity of up to 42.4 megawatts (MW) providing direct electricity supply to the building or exporting surplus power to battery storage in the energy centre; an energy centre incorporating an electricity substation connected to the local electricity distribution network, battery storage and a gas-fired combined heat and power plant (designed to be ready for 100% hydrogen in the grid gas supply) with an electrical generation capacity of up to 5 megawatts (MW). Total electricity generation capacity at the Main HNRFI Site is therefore 47.4 MW in aggregate.
- e. a lorry park with welfare facilities for drivers and HGV fuelling facilities;
- f. a site hub building providing office, meeting space and marketing suite for use in connection with the management of the HNRFI and ancillary car parking;
- g. terrain remodelling, hard and soft landscape works, amenity water features and planting;
- h. noise attenuation measures, including acoustic barriers up to six metres in height;
- i. habitat creation and enhancement, and the provision of publicly accessible amenity open space at the south-western extremity of the HNRFI near Burbage Wood and to

the south of the proposed A47 Link Road between the railway and the B4668/A47 Leicester Road;

- j. pedestrian, equestrian and cycle access routes and infrastructure, including a new dedicated route for pedestrians, cyclists and horse riders from a point south of Elmesthorpe to Burbage Common;
- k. utility compounds, plant and service infrastructure;
- l. security and safety provisions inside the HNRFI including fencing and lighting;
- m. drainage works including surface water retention ponds, underground attenuation tanks and swales;

Highway Works

- a. works to M69 Junction 2 comprising the reconfiguration of the existing roundabout and its approach and exit lanes, the addition of a southbound slip road for traffic joining the M69 motorway and the addition of a northbound slip road for traffic leaving the M69 motorway at Junction 2.
- b. a new road ('the A47 Link Road') from the modified M69 Junction 2 to the B4668 / A47 Leicester Road with a new bridge over the railway, providing vehicular access to the proposed HNRFI from the strategic highway network. The A47 Link Road will be intended for adoption as a public highway under the Highways Act 1980.
- c. modifications to several junctions and amendments to Traffic Regulation Orders on the local road network in response to the different traffic flow pattern resulting partly from the trips generated by the HNRFI development and principally from the change in movements as a result of the M69 Junction 2 upgrade;
- d. works affecting existing pedestrian level crossings on the Leicester to Hinckley railway at Thorney Fields Farm north-west of Sapcote, at Elmesthorpe and at Outwoods between Burbage and Hinckley. In addition, pedestrian level crossings serving footpaths that connect Burbage Common Road to Earl Shilton and Barwell are proposed for closure with the associated footpaths being diverted;
- e. off-site (outside the Order Limits and ancillary to the DCO) railway infrastructure including signals, signage and electricity connections.

- 2.1 The scope of these highway works has been derived from extensive transport modelling using the Pan Regional Transport Model (PRTM) (produced by LCC) as a computer-based model that provides consistent travel forecast evidence to the transport planning process across Leicestershire with a regional capacity. During the evolution of HNRFI, consideration was given to offsite highway works which included the A47 Link and potential options for a new highway east of the M69. The latter was ultimately discounted as not being necessary to satisfactorily mitigate the transportation impact of the Proposed Development.

SECTION 3

CONSIDERATIONS OF THE MERITS OF HNRFI IN THE CONTEXT OF THE NPS

- 3.1 The NPS (paragraph 4.2) confirms that *‘Subject to the detailed policies and protections in this NPS, and the legal constraints set out in the Planning Act, **there is a presumption in favour of granting consent for national networks NSIPs that fall within the need for infrastructure established in this NPS**’*. (Emphasis added) The balanced planning judgement of weighing the adverse impacts of a particular proposal for a SRFI against its benefits should take into account:
- *‘its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;*
 - *its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.’* (paragraph 4.3)
- 3.2 This planning judgement addresses the statutory test under Section 104 of The Planning Act 2008 as to whether an application for DCO consent would *‘result in adverse impacts of the development outweighing its benefits’*. In this context *‘environmental, safety, social and economic benefits and adverse impacts should be considered at national, regional and local levels’* (paragraph 4.4). As explained changed circumstances since the issuing of the NPS, and more recent Government pronouncements/policy commitments emphasise the need for further investment in SRFIs, not less.
- 3.3 As stated in the Introduction, the primary policy statement for the determination of the DCO for HNRFI is the National Networks NPS (NPS NN paragraph 1.2). This section considers the merits of HNRFI in the context of the provisions of the NPS.
- 3.4 Section 2 of the NPS sets out the need for the development of national networks and Government policy including the development of SRFIs. The Government states that:
- ‘The aim of a strategic rail freight interchange (SRFI) is **to optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road, through co-location of other distribution and freight activities**. SRFIs are a key element in reducing the cost to users of moving freight by rail and are important in facilitating the transfer of freight from road to rail, thereby reducing trip mileage of freight movements on both the national and local road networks.’* (emphasis added) (paragraph 2.44).
- 3.5 SRFIs enable freight to be transferred between different methods of transport, thus allowing the rail network to be used to best effect to undertake the long-haul primary trunk journey, with other modes (usually road) providing the secondary (final delivery leg of the journey) (paragraph 2.43). Figure 4 produced by Network Rail shows the location of HNRFI in the context of the intermodal freight network. Essentially the long-haul

journey comprises unitised freight containers and swap bodies³. The secondary journey to customers by road may comprise containers, or pallets. HNRFI is generally located at the centre of the shaped national freight network. SRFIs are identified by the hexagonal symbol. HNRFI is identified as a proposed SRFI – number 40.

³ unitised freight containers has the meaning grouping cargo into containers for efficiency in handling. A swap body is a type of standardised size container for road and rail transport. Folding legs is a typical characteristic of a swap body. Swap bodies cannot be stacked

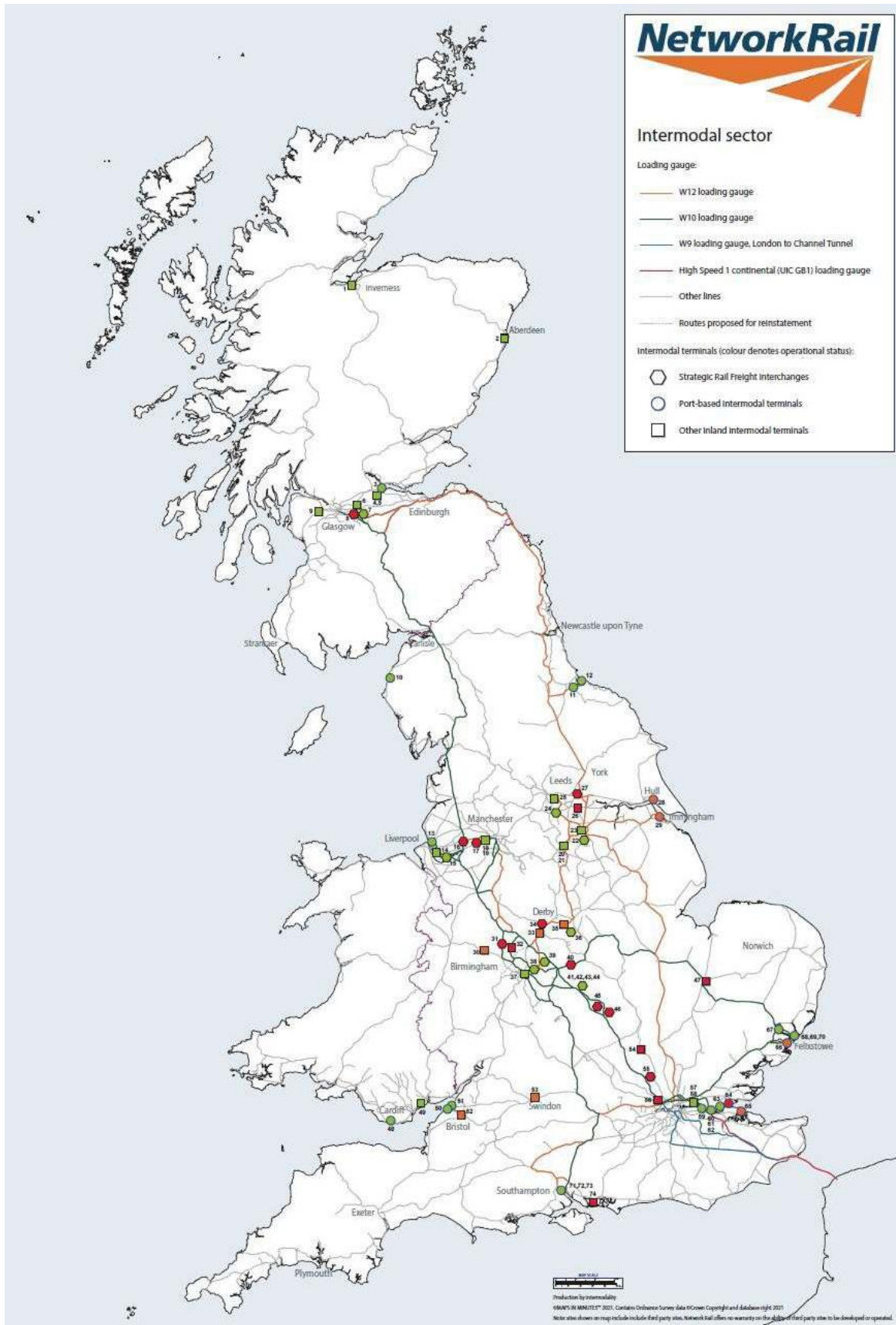


Figure 4: Network Rail’s map of existing and planned intermodal terminals.

- 3.6 The integration of rail freight into logistics operations hence requires the provision of new facilities that *‘need to be located alongside major rail routes, close to major trunk roads as well as near to the conurbations that consume their goods’* (paragraph 2.45). The Government acknowledges that:

‘The nature of that commercial development is such that some degree of flexibility is needed when schemes are being developed, in order to allow the development to respond to market requirements as they arise.’ (paragraph 2.45)

- 3.7 The ‘compelling need’ for an expanded network of SRFIs is not seen solely in the context of an economic imperative. The transfer of freight from road to rail is seen as having *‘an important part to play in a low carbon economy and helping to address climate change’* (paragraph 2.53). The NPS is clear that in delivering the environmental advantages associated with carbon reduction and climate change that:

‘Rail transport has a crucial role to play in delivering significant reductions in pollution and congestion. Tonne for tonne, rail freight produces 70% less CO2 than road freight, up to fifteen times lower NOx emissions and nearly 90% lower PM10 emissions. It also has de-congestion benefits – depending on its load, each freight train can remove between 43 and 77 HGVs from the road.’ (emphasis added) (paragraph 2.35)

- 3.8 The NPS sets out the drivers of need for strategic rail freight interchanges under the following sub-headings.

The changing needs of the logistics industry

- 3.9 The Government acknowledges that many existing rail interchanges are located in traditional urban locations, where there is no opportunity to expand – they lack warehousing, and are not conveniently located for modern logistics and the supply chain industry. Hence **the need** for a **‘network of SRFIs’** to aid the transfer of freight from road to rail. Particular recognition is given to the changing needs of the logistics industry, especially the ports and the retail sector. (paragraph 2.47).

Rail freight growth

- 3.10 In 2014 (on the publication of the NPS) the Government accepted the *‘unconstrained rail freight forecasts to 2023 and 2033’* for planning purposes. Table 3 from the NPS forecasts 33 billion tonne km of rail freight at 2023, increasing the 44 billion tonne km of rail freight at 2033. The forecasts do not allow *‘site specific need cases to be demonstrated’* (2.50). The significance of HNRFI within a national network of SRFIs is described in the Market Needs Assessment (document reference 16.1 APP-357).
- 3.11 The Market Needs Assessment (document reference 16.1 APP-357) identifies the business market HNRFI will serve (NPS paragraph 2.56). The Market Needs Assessment has also identified the opportunity for HNRFI to fulfil a role as a key hub and destination for the UKs ports and regions. In the national context this means that smaller ports and smaller destinations now and, in the future, can utilise rail when they would otherwise have to use road distribution. The Market Needs Assessment (paragraphs 4.28 - 4.29) states:

'To access rail viably, trains need to be loaded as fully as possible. For smaller ports and intermodal terminals, it may be difficult to secure volumes for a whole train to run to one end destination. This creates a barrier to rail which can only be resolved

practically using a rail hub to consolidate flows between different origins and destinations.

HNRFI is uniquely placed to act as a National Hub for smaller terminals and ports. It is on Network Rail's National Strategic Freight Network, on the Felixstowe to the Midlands and the North line, between the East Coast Main Line, The Midlands Main Line, and the West Coast Main line, designed to accept trains from both east and west, with through tracks'.

- 3.12 A decision to leave the European Union has taken place since the NPS was published in 2014. The Market Needs Assessment (document reference 16.1 APP-357) describes the consequences of the increased requirement for border controls. The response of the logistics sector is to place greater reliance upon unaccompanied unitised freight being moved between the UK and Europe through a wider range of coastal ports. The Market Needs Assessment (document reference 16.1 APP-357) comments (paragraphs 4.23-4.24):

'The increased requirements of border controls for all movements into the EU from the UK (and vice versa yet to be implemented) following BREXIT has impacted the efficiency of the driver accompanied freight through roll on roll off (RoRo) ferries and ports, such as at Dover and Le Shuttle, through the Channel Tunnel. This along with HGV drivers' reluctance to endure the associated delays and the cost of these delays, is forcing supply chains to adapt.

The key change that is emerging is the use of more unitised freight (containers and swap bodies) for European UK flows that can be shipped through a wider number of the UK's smaller ports, from a wide number of Continental European ports. Some of these are being directed through ports that can then deliver to and from their immediate hinterland regions, effective port centric distribution, as well as further afield using intermodal rail, as confirmed by Maritime Ltd in its Letter of Support'.

- 3.13 The consequences of the changed trading relationship between the UK and Europe; increased fuel costs; HGV driver shortages and the costs of HGVs and increased unitised movement of goods (referred to in the Market Needs Assessment) (paragraphs 4.20 - 4.24) are considered to be matters both 'important and relevant' to the decision taking on HNRFI (Section 104(2)(d) of The Planning Act 2008).

- 3.14 The Market Needs Assessment states that '*rising environmental pressure is expected to accelerate modal shift to rail*' (paragraph 4.35). The Assessment states at paragraphs 4.37:

'One of the constraints to achieving this is the volume of business required to make train services viable between an origin and a destination. Without an efficient hub capability in the national network that can consolidate flows of mixed destinations, the barrier to new services will be a need to have a regular fully loaded train between an origin and final destination'.

- 3.15 It is considered that HNRFI will make a substantially positive contribution to the ‘compelling need for an expanded network of SRFIs’ (NPS paragraph 2.56).

Environmental

- 3.16 The environmental advantages of rail freight are identified at paragraphs 2.40 – 2.41 of the NPS, in helping to reduce transport’s carbon emissions, as well as providing wider transport and economic benefits. The Government’s strategy is for increasing use of efficient and sustainable electric trains for both passenger and freight services.
- 3.17 The Government acknowledges that *‘for developments such as SRFIs, it is likely that there will be local impacts in terms of land use and increased road and rail movements, and it is important for the environmental impacts at these locations to be minimised’* (paragraph 2.51). This section of this Statement will consider the local impacts of HNRFI, and the means proposed to minimise environmental impacts, drawn from the assessments set out in the ES.

UK economy, national and local benefits – jobs and growth

- 3.18 The Government identifies that SRFIs *‘can provide considerable benefits for the local economy’*. The provision of new job opportunities, and the enhancement of people’s skills and use of technology with wider benefits to the economy are referred to as examples of the socio-economic benefits of SRFIs. ES Chapter 7: *Land use and socio-economic effects* (document reference 6.1.7 APP-116) describes the benefits to the local, regional and national economy.

Government policy for addressing the need for SRFIs

- 3.19 The Government states:

‘The Government’s vision for transport is for a low carbon sustainable transport system that is an engine for economic growth but is also safer and improves the quality of life in our communities. The Government therefore believes it is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change.’ (NPS paragraph 2.53)

- 3.20 To facilitate intermodal transfer the Government states that *‘In all cases it is essential that these have good connectivity with both the road and rail networks, in particular the strategic rail freight network’*. The enhanced connectivity provided by a network of SRFIs is pursued to secure *‘improved trading links with our European neighbours, improved international connectivity and enhanced port growth’*. (NPS paragraph 2.54)
- 3.21 National policy within the NPS is provided at a strategic level and is not intended to be locationally specific. The NPS does not seek to determine the number of SRFIs, but acknowledges that *‘given the locational requirements and the need for effective connections for both rail and road, the number of locations ‘suitable for SRFIs will be limited’* (paragraph 2.56). The locational merits of HNRFI are considered later in this Statement.

3.22 The Government has issued three documents during 2021 – 2022; which while not comprising planning policy, provide an updated context to extant policy in the NPS and perhaps more particularly a clear indication of the direction of travel for support in the intermodal movement of goods. These comprise:

- The White Paper Great British Railways. The Williams-Shapps Plan for Rail (WSPR) May 2021.
- DoT - Decarbonising Transport 2021 – A Greener Britain.
- The Future of Freight Plan June 2022.

3.23 The findings of White Paper and the Plan for Decarbonising Transport have been taken forward in the Vision that is set out in the Future of Freight Plan.

3.24 The following conclusions can be drawn:

- i. The Government is committed to supporting the rail freight industry to enable it to thrive and grow recognising the role the sector will play in achieving net zero targets and the government’s economic and environmental agenda.
- ii. The WSPR is advancing a ‘duty on Great British Railways to promote rail freight growth, recognising the sector’s vast economic and environmental benefits.
- iii. The multi-modal integration of services underpins the need for freight to be planned as a complex multi-modal system rather than as separate individual modes.
- iv. The Future of Freight vision is a sector which is:
 - Reliable
 - Resilient
 - Environmentally sustainable
 - Valued by society

3.25 The Future of Freight Plan states (paragraph 3.21 – 3.22):

‘...Interchanges such as these not only meet the needs of the freight sector but also support wider government objectives around decarbonisation and congestion. All helping to deliver a more efficient, resilient, and environmentally sustainable freight sector...’

‘...Building on the success of investment in strategic rail freight interchanges will require long-term strategic action from government and industry, focused on similar opportunities to bolster the operation of the freight network as a whole through improvements to infrastructure with multi-modal impacts.’

3.26 These statements reinforce ‘Options to address need’ as set out at Table 4 of the NPS:

‘Modal shift to rail [therefore] needs to be encouraged. This will require sustained investment in the capability of the national rail network, and the terminals and interchange facilities which serve it’.

3.27 The Future of Freight Plan 2022 states (paragraph 3.32) Modal Shift to Rail:

'The Government remains fully committed to unlocking the economic and environmental benefits rail freight can deliver including supporting decarbonisation and reducing congestion on Britain's roads'.

3.28 These reports emphasise the imperative to secure modal shift from road to rail in the movement of goods, and the increased requirement for more intermodal facilities such as SRFIs. These reports are 'both important and relevant' to the decision taking on HNRFI. (Section 104 (2)(d) of The Planning Act 2008). These reports all point towards need for the planning system to continue to provide for a spatial planning response in the provision of an expanded network of cross-modal facilities such as SRFIs.

Department of Transport and Great British Railways Transition Team 'Developing Options for a Rail Freight Growth Target to 2050' and Department of Transport 'Policy and Rail Freight Growth Target' 20th December 2023.

3.29 On 20th December 2023 the Department for Transport and Great British Railways Transition Team (GBRTT) published a report titled 'Developing Options for a Rail Freight Growth Target to 2050' evidence pack: a summary of the approach and evidence gathered. This document has been submitted at Deadline 4 (20 December 2023) (document reference TBC) It is concluded that the HNRFI in principle is wholly aligned with the Policy Paper.

3.30 The Report refers to the policy publications (*Plan for Rail and the Transport Decarbonisation Plan*) recognising the, '*critical role that rail freight plays in improving supply chain resilience, and helping to secure economic, social and environmental benefits across the County*'. (Source – Introduction)

3.31 The purpose of the report is twofold, namely:

1. It summarises the analytical approach undertaken to develop options for a long term RFGT.
2. Provides an overview of the evidence base that has been gathered to define the options.

3.32 Three options have been considered, namely;

- **Option 1:** a 45% increase in net freight tonne kilometres
- **Option 2:** a 65% - 85% increase in net freight tonne kilometres
- **Option 3:** a 105% increase in net freight tonne kilometres

3.33 These options have been considered against the strategic objectives for rail, namely

- Meeting customers' needs
- Delivering financial sustainability
- Contributing to long term growth
- Levelling up and connectivity
- Delivering environmental sustainability

- 3.34 The overall assessment of economic value, and value for money is that option 2:
‘...performs the strongest against the strategic objectives for rail. It provides a strong foundation for balancing the trade-offs between the objectives.’
- 3.35 In analysing Option 2 the report states under ‘Assumed public and private sector capital spend’
*‘The assumed private sector spend is higher than Option 1 and **most of it relates to the development of new SRFIs and complementary intermodal Rail Freight Interchanges. It is assumed that the coverage of rail-served warehousing expands considerably.**’* (emphasis added)
- 3.36 The Government concurrently issued a ‘Policy and Rail Freight Growth Target’ (document reference **TBC**) It is concluded that the HNRFI in principle is wholly aligned with the Policy Paper.
- 3.37 The Policy Paper publishes the ‘Developing Options for a Rail Freight Growth Target to 2050’, which is for at least 75% growth in freight carried by rail by 2050.
- 3.38 The Policy Paper states that ‘rail freight is a vital part of our transport system’ and ‘it is vital to everyday life in our country... Rail freight delivers major economic and environmental benefits...’ so rail freight is crucial to achieving the Prime Minister’s priority of growing the economy and creating opportunity, right across the country. It also improves our environment – a tonne of freight moved by rail produces around a quarter of the carbon emissions it would if it were moved by road.
- 3.39 In 2022, the Great British Railways Transition Team (GBRTT) launched a call for evidence to inform the design and development of the rail freight growth target. Following the call for evidence, GBRTT designed a programme of work to develop a rail freight growth target. It concluded that an option that provided for growth of around 65% to 85%, by prioritising rail freight and ensuring a strong role for the industry in driving growth, was optimal – delivering significant benefits, while also delivering significant value for money.
- 3.40 The Government considers that this analysis provides a strong basis for the setting of an ambitious yet realistic target. The Government, after consideration of the GBRTT analysis, has established a rail freight growth target of at least 75% in freight moved. The Paper recognises that this is a highly ambitious target. Rail freight in recent years has experienced limited growth stating:
*‘Achieving growth of 75% would be a sea change – supporting compound annual growth of around 2.3% – and ensuring a robust, sustainable and growing sector into the future. The target is also not a ceiling **and the industry should be ambitious for growth beyond the target.**’* [emphasis added].
- With regards to delivering the target the Paper notes: *‘The Government considers that the rail freight growth target is a critical signal of our support for and confidence in rail freight. However, **we are clear that a statement alone is not enough. It must be followed by concrete actions to deliver from across the whole rail sector.**’*

*We do not consider that setting out an action-by-action delivery plan up to 2050, however, is credible. Nor is it the responsibility of one party to do so. Rail freight and linked businesses such as terminals are an outstanding example of a vibrant private sector industry that has a long record of investing to support its growth and development. **It is critical that the full industry, as well as Network Rail (and the future GBR), plays its role, collaborating where appropriate and taking the necessary steps to deliver rail freight growth.** By setting the target, the Government is providing confidence for industry to take ambitious steps and to further invest.’ [emphasis added].*

- 3.41 The Policy Paper then sets out the UK Government’s continuing commitment to support rail freight and sets out the Government’s commitment and role in that support including:
- Placing rail freight at the heart of a reformed railway;
 - Requiring the setting of a rail freight growth target in England and Wales by Network Rail for 2024 to 2029;
 - Continuing to invest in a network to support more reliable rail freight;
 - Continuing to invest in rail freight capacity;
 - Supporting modal shift;
 - Continuing to support international rail freight through the Channel Tunnel;
 - Continuing to recognise the importance of rail freight in the planning regime;
 - Continuing to ensure that capacity no longer needed for passenger services is released, providing opportunities for rail freight; and
 - Supporting innovation in rail freight.

Conclusions on the principle of more SRFIs

3.42 It is considered that the compelling need for more SRFIs, as a matter of principle is unarguable. The NPS remains extant as a statement of Government planning policy. More recent plans and reports referred to in this Statement emphasise the important role within the logistics sector for cross-modal transfer of goods such as SRFIs. A network of SRFIs is an imperative for the economic efficiency of the logistics sector; in contributing towards the carbon free agenda and promoting economic growth within the UK.

3.43 The three Local Authorities accept through the preparation of Statements of Common Ground on Planning Matters (SoCG) that a need for a SFRI has been established within the study titled, ‘Warehousing and Logistics at Leicester and Leicestershire Managing Growth and Change’ April 2021. LCC agree that in principle HNRFI would meet the need for a SRFI ‘to be located in South Leicestershire.’

3.44 The Local Authorities acknowledge within the SoCG that shortfall in the supply of rail served warehouse sites ‘starts to emerge mid 2020s.’ The Local Authorities accept (within the SoCG) that the Warehousing and Logistics Survey will form part of the evidence base for Leicester and Leicestershire LPAs in the reviews of development plans and meeting future development needs.

3.45 The Statements of Common Ground on Planning Matters address ‘need’. BDC and HBBC agree the following matters:

1. *The need for a SRFI has been established within the joint authority evidence base, ‘Warehousing and Logistics at Leicester and Leicestershire: managing growth and change’ (April 2021)*

2. *That the Study above identifies a short fall of 718,875 sqm of rail served sites which should be planned for the period 2041 – and that a supply shortfall for rail served sites ‘starts to emerge around the mid-2020s’ (Leicester and Leicestershire Authorities’ ‘Statement of Common Ground relating to Strategic Warehousing and Logistics Needs’ (September 2021 paragraphs 3.4-3.5)*
3. *It is agreed that the identified business market for HNRFI is not fully served by existing and committed SRFIs within Leicester and Leicestershire as established in joint evidence report ‘Warehousing and Logistics at Leicester and Leicestershire: Managing Growth and Change’.*
4. *Both the ‘Warehousing and Logistics at Leicester and Leicestershire Managing Growth and Change’ (April 2021 amended March 2022) jointly commissioned by the local authorities in Leicestershire and the ‘Market Needs Assessment’ commissioned by the Applicant identify a need for rail served logistics sites but the differing methodologies give different results. It is agreed that there is a need for rail served logistics sites and in principle HNRFI would meet this rail related need.*
5. *That the ‘Warehousing and Logistics’ study will form part of the evidence base for Leicester and Leicestershire planning authorities in the preparation of the reviews of their development plan in meeting future development needs.*
6. *Hinckley and Bosworth Borough Council will not advance argument against HNRFI alleging that HNRFI will adversely impact upon the operational viability of existing or committed SRFIs.*
7. *The Applicant has undertaken a ‘Market Needs Assessment’ (Document 16.1 APP-357) which has demonstrated HNRFI is located near to the business market it will serve and is linked to key supply chain routes.*

There are no matters of disagreement relevant to the matter of need.

- 346 LCC agrees all the points listed above. A matter of disagreement with LCC (under the issue of need): ‘The Applicant considers that the provisions of the development plan have been given appropriate consideration with preparation of the proposals for HNRFI.’
- 347 The consolidated note on the need for HNRFI, includes consideration of the sub regional need for rail related warehousing development, and principles for economic growth which are established in the Leicester and Leicestershire Economic Growth Strategy.
- 348 The Examination Authorities did not express any dissent to the contributions made by the Applicant relating to the need for HNRFI.

Wider Government policy on national networks

- 349 Section 3 of the NPS states (paragraph 3.1):

‘The need for development of the national networks, and the Government’s policy for addressing that need, must be seen in the context of the Government’s wider policies

on economic performance, environment, safety, technology, sustainable transport and accessibility, as well as journey reliability and the experience of road/rail users.'

350 The Government’s wider policies, both as they relate to projects for the national networks that are nationally significant infrastructure projects, and more generally are set out under the following sub-headings.

Environmental and social impacts

351 The Government recognises that:
‘for development of the national road and rail networks to be sustainable these should be designed to minimise social and environmental impacts and improve quality of life.’
 (NPS paragraph 3.2)

352 In so doing applicants seeking consent for national networks are ‘expected’ to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government’s planning guidance (paragraph 3.3). Applicants are further expected: *‘to provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes’* (paragraph 3.3)

353 HNRFI will bring forward environmental and social benefits including:

- The achievement of a 10% net biodiversity gain
- Total HGV mileage saved per annum is estimated as being 83 million miles per annum (ES Chapter 8, Table 8.30) demonstrating substantial savings of greenhouse gas emissions.
- Additional informal open space for recreation
- Substantial new job opportunities on and offsite
- GVA - as an indicator of wealth creation measuring the contribution to the economy of economic activity associated with the operation of HNRFI estimates between £329m and £406m per annum. HNRFI will in addition safeguard GVA between £82m and £102m (ES Chapter 7, Land Use and Socio Economic Effects – Table 7.19 document reference 7.1 APP-347).
- The potential business rates generated per annum by the HNRFI are estimated as set out at Table 7.20 of ES Chapter 7 (document reference 7.1 APP-347), namely:

	Business Rate Allocation
Total Business Rates Generated (100%)	£24.1m
Business Rates retained by Central Government (50%)	£12.0 m
Business Rates retained by Blaby District Council (40%)*	£9.6m
Business Rates retained by Leicestershire County Council (9%)	£2.2m
Business Rates retained by the Fire Authority	£240,500

(1%)	
------	--

- The provision for apprenticeship and training schemes
- Additional informal open space for recreation
- Enhanced public right of ways including safe crossings of the railway; a dedicated off-road route for walkers, cyclists and equestrians (around the eastern periphery of the Main HNRFI site).
- The installation of noise screening to the benefit of residents of the gypsy and traveller sites and the mobile home sites off Smithy Lane, who experience noise emissions from traffic on the M69.

354 With the scale of development involved in a SRFI being at least 60 hectares in area and the form of built development (the provision of high buildings) to provide effective and efficient space for the logistics sector, it is inevitable that a SRFI will have some residual impacts upon the area in which they are proposed. The fundamental operation of the rail port, including the stacking of containers, and its 24/7, 365 days a year activity, necessarily will create residual environmental impacts, especially on the site itself and in close proximity thereto.

355 As part of the Corporate Social Responsibility (CSR), Tritax Big Box REIT generally establishes a Community Benefit Fund (CBF) for strategic scale logistics projects. A CBF will be established for HNRFI which will make payments upon first occupation of the logistic buildings. By reason of the scale of HNRFI, a substantial fund will be amassed. Communities within parishes close to HNRFI will be able to make requests for funds from the CBF. The CBF will set up a governance structure for the distribution of monies to support charitable objectives.

356 It is acknowledged that the establishment of this form of benefit is not necessary to make the development acceptable, and is hence not a material planning consideration in the planning balance that is to be undertaken in the context of Section 104(7) of The Planning Act 2008.

357 The NPS makes clear:

'...that some developments will have some adverse impacts on noise emissions, landscape/visual amenity, biodiversity, cultural heritage and water resources...'
(paragraph 3.4)

358 The significance of these effects is inevitably site specific, i.e., to be established on the environmental consequences of each particular proposal. Hence the NPS states:

'...whilst applicants should deliver developments in accordance with Government policy and in an environmentally sensitive way, including considering opportunities to deliver environmental benefits, some adverse local effects of development may remain' (paragraph 3.4)

359 LCC state at paragraph 7.102 of the LIR that:

‘The Community Fund identified for the project should be apportioned with direct input from the local community and informed by evidence of need explored above. A similar consultative approach needs to be taken around health at work and training support for employees in both construction and operational phases.’

- 3.60 Paragraph 7.103 states: *‘As such the following requirements/ mitigation is sought from the Applicant to address these impacts:*
- 3.61 These impacts include reference to financial support being provided for GP support/outreach for youth workers for children and young people in Earl Shilton and Barwell to help ensure help ensure health inequalities do not widen.
- 3.62 It is submitted that this ‘financial support’ is not a matter that directly relates to the development for which the DCO is sought, nor is necessary to make the development acceptable in planning terms. It is acknowledged that the reference to financial support has not been made in the context of a requirement for a Planning Obligation (S106). Ordinarily such demands may arise in the context of residential development which may give rise to the for enhanced health and social services. In the context of the proposal for HNRFI the financial support requested is not relevant to the decision as to whether a DCO should be granted i.e. not material to the planning process. The principle of community benefits and material considerations has been settled in case law, with particular reference to the Court of Appeal judgement of *Wright v Forest of Dean and Resilient Energy Serverndale Limited* [2017] EWCA Civ 2102.
- 3.63 Further consideration is given to Planning Obligations in the context of development plan policy issues raised by Blaby District at Section 5 of this Planning Statement.

Emissions

- 3.64 The NPS states:

*‘Transport will play an important part in meeting the Government’s legally binding carbon targets and other environmental targets. As part of this there is a need to shift to greener technologies and fuels, **and to promote lower carbon transport choices.**’* (emphasis added) (paragraph 3.6)

- 3.65 This statement of wider Government policy has increasing force with the announcement of the 6th Carbon Budget (April 2021) to reduce carbon emissions by 78% by 2035 – so as to bring the UK more than three quarters of the way to achieving net zero by 2050.

Safety

- 3.66 The NPS refers to *‘the UK’s railways are amongst the safest in the world and safety performance continues to improve’* (paragraph 3.11). Rail schemes should *‘improve safety where the opportunity exists’*. This policy objective is not solely confined to the *‘risks of passenger and workforce accidents’*, but extends to the consideration of safety at crossings of the railway with the PROW network (paragraph 4.72). HNRFI delivers safer crossings over the railway within the provision of new pedestrian bridge at the Outwoods; closure of surface crossings and diversion of PROW. These works are set out in the Public Rights of Way Appraisal and Strategy (document reference 6.2.11.2 APP-192).

Major Accidents and Disasters

3.67 ES Chapter 19: *Major accidents and disasters* (document reference 6.1.19 APP-128) considers the likely effects of HNRFI in relation to the risk from major accidents and disasters. The assessment refers to documents to accompany the application which explain the provision to be made during the construction and operational phases of HNRFI, so as to avoid or reduce vulnerability to accidents and disasters. These documents comprise:

- Construction Environmental Management Plan (document reference 17.1 APP-359)
- Construction Traffic Management Plan (document reference 17.6 APP-364)
- Site Waste and Materials Management Plan (document reference 17.3 APP-361)

Technology

3.68 The Government will continue to monitor the potential benefits and risks associated with new and emerging technologies. However, it is stated:

‘Whilst advances in technology are important, they are not expected, in the foreseeable future, to have a significant impact on the need for development of the national networks.’ (paragraph 3.14)

Sustainable Transport/Accessibility

3.69 The Government is committed to providing people with options to choose sustainable modes of transport, ES Chapter 8: *Transport and Traffic* addresses these considerations. The Government expects applications to improve access, wherever possible on and around national networks by designing and delivering schemes that take account of accessibility by all users.

3.70 A Sustainable Transport Strategy and Plan (STS) has been prepared (Part 15 the Transport Assessment) (document reference 6.2.8.1). The key points of the STS are:

- *‘The X6 service between Leicester and Coventry presents the best service to encourage modal shift from the car. Existing services will need to be extended to cover the 6am and 10pm shifts and there may be need for additional capacity during the day for the 2pm shift change, subject to demand.’*
- *Demand Responsive Transport from Hinckley and the surrounding villages will allow employees to access the HNRFI at specific times of day without the reliance on fixed route services.*
- *The site accessibility on foot is limited due to its location. Walking improvements focus on accessibility of bus stops and the internal site layout include direct and safe walking routes towards them.*
- *Cycling to the site is a viable alternative to car use. Improvements to the cycle infrastructure focus on the following connections:*
 - *Cycle lanes on the A47 and the new link road;*

- *Local links to the eastern villages, Barwell and Earl Shilton;*
- *Links to Hinckley town centre and railway station;*
- *Links to Nuneaton via the A47 (proposals are part of Transforming Nuneaton programme).*
- *Bike/E-bike share scheme to be considered as part of the Site Wide travel Plan.*
- *Car sharing and car club options are to be promoted as part of the Travel Plan process.'*

Road Tolling and Charging

3.71 These considerations which form part of the Government's policy on the national networks, are considered not relevant to the provision of a SRFI.

Assessment Principles

3.72 Section 4 of the NPS sets out Assessment Principle in accordance with which applications relating to national networks infrastructure are to be decided.

Environmental Impact Assessment

3.73 The application for development consent order of HNRFI is accompanied by an Environmental Impact Assessment which has considered the likely significant environmental effects and subsequent mitigation strategies to avoid or lessen the potential adverse impacts.

3.74 The NPS recognises that it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised and the reasons why this is the case. As has been explained, the precise size of buildings cannot be determined at this stage because buildings will be constructed to bespoke occupier requirements. The 'Rochdale Envelope' approach provided by the Parameters Plan (document reference 2.12 APP-047) provides the ability to construct buildings to meet occupier requirements within the limits of defined parameters.

Habitats Regulation Assessment

3.75 Prior to granting a DCO, the Secretary of State must under the Habitats Regulations consider whether it is possible that the project could have a significant effect on *'the objectives of a European site, or on any site to which the same protection is applied as a matter of policy, either alone, or in combination with other plans or projects'* (paragraph 4.22).

3.76 ES Chapter 12: *Ecology and Biodiversity* (document reference 6.1.12 APP-121) states:

'No part of the Main Order Limits are covered by any internationally important statutory designations and there are no such designations within a 15km radius' (paragraph 12.88).

3.77 A shadow Habitat Regulation Assessment has been undertaken (sHRA). The sHRA has

found that the Proposed Development ‘*will not give rise to likely significant effects on any internationally designated sites, either alone or in combination with other plans or proposals*’ (ES Chapter 12, paragraph 12.93).

Alternatives

i. Site selection

- 3.78 The NPS sets out the requirements for the consideration of alternatives, namely:
- *‘The EIA Directive requires projects with significant environmental effects to include an **outline of the main alternatives studied by the applicant** and an indication of the main reasons for the applicant’s choice, taking into account the environmental effects. Emphasis added.*
 - *There may also be other specific legal requirements for the consideration of alternatives, for example, under the Habitats and Water Framework Directives.*
 - *There may also be policy requirements in this NPS, for example the flood risk sequential test and the assessment of alternatives for developments in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB).’ (paragraph 4.26)*
- 3.79 ES Chapter 4: *Site selection and evolution* (document reference 6.1.4 APP-113) explains how TSH identified the site for a SRFI following an assessment of potential sites. The NPS refers at paragraph 4.27 to ‘*all projects should be subject to an options appraisal*’. The NPS acknowledges (Footnote 61) that investment decisions on strategic freight interchanges will be made in the context of a commercial framework. TSH commenced its option appraisal arising from the findings of the early stages of the Leicester and Leicestershire Strategic Distribution Study 2014 which established there was a significant shortfall in the provision of rail related logistics sites. Consultants were then instructed to identify alternative sites where a SRFI might be suitably located.
- 3.80 The Logistics Demand and Supply Assessment (document reference 16.2 APP-358) explains that the physical requirement for an SRFI, make it challenging to find suitable sites. Much of the country’s railway infrastructure was built in early Victorian times using the river valleys to minimise constraints with topographical gradients. The Nuneaton to Leicester railway track was built higher than the surrounding land which remains in the floodplain. Land lying within the floodplain would not be suitable for the built development within a SRFI. Hence, a location comprising an extensive area of floodplain can be quickly discounted by the private sector in considering potential alternative locations.
- 3.81 A developer has to have substantial confidence in his decision-taking that there is a reasonable prospect that the necessary consents will be secured; and that the site will suit potential occupiers as a location to invest in new buildings and attract the investment in the railport. (TSH, at this stage of the planning process, has secured substantial interest from one of the leading freight port operators, a response to their confidence in HNRFI as a freight interchange and the market hinterland it will serve).
- 3.82 The NPS clearly anticipates that private sector developers will bring forward a network of SRFIs recognising that the number of locations will be limited (paragraph 2.56). No limits are set on the number of SRFIs that may be developed. As such private sector developers do not undertake the depth of alternative site analysis as may be undertaken for a

development when only one form of development (or very few in numbering) is likely to be undertaken e.g., in selecting a site for a nuclear power station.

3.83 Furthermore, a private sector developer will take a decision not to proceed with an individual site if a particular circumstance is not suitable. There is no need for all circumstances to be fully evaluated prior to excluding a site from the selection process. The site for the SRFI was selected as the preferred location for the following reasons (ES Chapter 4, Site Selection and Evolution (document reference 6.1.4 APP-113), paragraph 4.132 states:

'Having identified a preferred location, the Applicant has tested a range of technology, design and layout options for the site, having regard to the following requirements identified in Chapter 4 of the NPS, including:

- *criteria for 'good design' for national network infrastructure (NPS pp. 36-37);*
- *climate change adaptation (NPS pp. 37-39);*
- *pollution control and other environmental protection regimes (NPS pp. 39-41);*
- *the identification and mitigation of potential statutory nuisances (NPS p.41); and*
- *safety, security and health (NPS pp. 41-44).*

3.84 The selection of the site as the preferred location for a SRFI is explained at ES Chapter 4, Site Selection and Evolution (document reference 6.1.4 APP-113), (paragraph 4.129):

'Aside from its low flood risk, Option 7 was considered to offer an optimum balance of advantages, including:

- i. an ample area of open level land;*
- ii. sufficient at-grade rail frontage for rail connections to the main line, and the ability to accommodate trains up to 775m in length;*
- iii. the potential for direct road access to the strategic highway network from M69 Junction 2, with scope to add southbound slips to the Junction;*
- iv. separation from existing residential settlements sufficient to avoid significant adverse effects on noise and visual amenity after mitigation;*
- v. a comparatively low level of environmental constraint, with no designated features of landscape, ecological or cultural heritage interest inside the site;*
- vi. a location within the LLEP's designated South-West Leicestershire Growth Area'.*

3.85 The Statements of Common Ground on Planning Matters have addressed alternative sites. Agreement has been reached with Blaby District and Hinckley and Bosworth Borough that:

1. Chapter 4 of the submitted Environmental Statement (document reference 6.1.4) appropriately outlines the Alternative locations studied and has provided indication by the Applicant as to the reasons for the selection of HNRFI.
2. It is agreed that the 'Executive Summary of the Leicester and Leicestershire Strategic Distribution Sector Study' published November 2014 identified a requirement of around 115 hectares of new land for rail – served by logistics sites.

3. The Applicant has set out the alternative considerations in the evolution of design of HNRFI on the main HNRFI site by reference to the issues identified at paragraph 4.133 of chapter 4 of the Environmental Statement (document reference 6.1.4).

3.86 There are no matters of disagreement relating to alternative sites.

3.87 Leicestershire County Council (LCC) is in agreement with Point 1 above. Matters of disagreement with LCC comprise:

1. Whether the Applicant has set out the alternative considerations in the evolution of the design of HNRFI on the main HNRFI site by reference to the issues identified at paragraph 4.133 of chapter 4 of the Environmental Statement (document reference 6.1.4).
2. The County Council in its role as the Local Highway Authority has concerns regarding the design of the access and egress to the site, the access road and proposed bridge, having regard to the 'Criteria for 'good design' for national network infrastructure' in the NPS (4.28 to 4.35).

ii. Scheme and Evolution

3.88 The Design and Access Statement (DAS) (document reference 8.1 APP-349) describes the scheme evolution for HNRFI with the preliminary version of the illustrative master plan being prepared at the beginning of 2018. Figure 6 in the DAS illustrates masterplan A. The principal features of the masterplan are listed at paragraph 4.3.1.

3.89 A revised illustrative masterplan Figure 7 was prepared for the first round of informal public consultation in autumn 2018. The principal change comprised an increase in building footprint to c640,000 sq. metres, with units identified in the south west corner of the site.

3.90 A further iteration of the masterplan was prepared, Figure 9 in the DAS, illustrates the provision of a number of smaller units positioned 'end-on' to the railport. (In the earlier iteration the long frontages of building faced the rail port).

3.91 Following the first round of public consultation an illustrative masterplan was prepared for evaluation with a substantial change in the location of the railport. The railport was positioned centrally within the main HNRFI site as shown on Figures 9 and 10.

3.92 DAS Figure 11 shows the illustrative masterplan presented for the statutory consultation. The principal changes to the illustrative masterplan are described at paragraph 5.3.5 - notably the return of the railport to its original location alongside the Leicester to Hinckley railway. This revision was made for the following reasons:

- *'Locating the Railport in the central area of the site was physically difficult to achieve due to the gradient across the site. The layout was constrained in respect of the provision of road access to buildings between the Railport and the railway, and individual buildings could not be rail-served. Access roads would have to pass between buildings and railways, negating the benefits of raiiside locations.'*
- *Access by rail to a centrally located Railport would require two parallel railway lines*

with a tight semi-circular radius at the northern end of the HNRFI. When rolling stock is hauled around a tight circle of track the differential rotation of the inner and outer wheels can cause sticking and sliding that results in ‘wheel squeal’ and a higher potential to derail wagons. The Applicant reviewed methods available to reduce or avoid wheel squeal. Common remedies include the use of rubber dampeners or wheel lubrication, as well as the erection of tall acoustic fences on the outside of the curve, before it was concluded that wheel squeal is simply best avoided if possible. A northern siding was retained on the masterplan but with a better layout and a much-reduced length of curve as part of a ‘head shunt’, which permits rail access into buildings.

- *The consolidation of the main freight handing area in rail sidings parallel to the railway has the advantage of allowing trains to enter and leave the site in a single in or out movement, whether heading in the direction of Nuneaton or Leicester. In contrast, with the Railport located in the centre of the Site, trains arriving from or departing to the direction of Leicester would need to make a double movement (e.g., a forward movement southbound into a holding siding parallel to the main railway and then a reverse movement backwards into the Railport, and vice versa), an inherently inefficient arrangement’.*

3.93 Following consideration of the responses to the statutory consultation the illustrative masterplan has been further refined with the following changes:

- i. *‘In response to comments received from Natural England and LUC (Landscape Consultant to Hinckley and Bosworth Borough Council and Blaby District Council) and whilst a parameter, and not directly illustrated on the masterplan, under the proposed DCO parameters, the proposed maximum building height (including the photovoltaics), has been reduced with the maximum proposed height now being 28m compared with 33m previously, as measured from ground level.*

This, along with a further reduction of building heights within the northernmost and southernmost areas of the Proposed Development, improves the overall ability to mitigate medium range views from Earl Shilton, Barwell and Elmesthorpe and results in a benefit in reducing the level of landscape and visual effects. There were no other notable changes in the nature of potential environmental effects across all other topics.

- ii. *In response to the comments received from LUC and the Public Consultation, the north western boundary has been extended by between 12.5 and 17.5m from the network rail ownership boundary. This provides an area for greater depth of woodland planting along the north western boundary. This improves the effectiveness of landscape mitigation, improves the amenity route for the PRoW and provides a greater sense of a landscaped setting to the HNRFI.*

This resulted in a benefit in the nature of ecology and landscape and visual effects. There were no other notable change in the nature of potential environmental effects across all other topics.

- iii. *In response to the comments received from LUC and the Public Consultation, an additional 15m landscaped screening buffer to the west of the Container Returns area, this creates a screened buffer between the Main HNRFI Site and Burbage*

common and provides a greater sense of separation.

This change resulted in a benefit in the nature of ecology and landscape and visual effects. There were no other notable change in the nature of potential environmental effects across all other topics.

- iv. As part of the consultation with Natural England, there was a request to change the illustrative waterbody design from one balancing pond to four, for improved ecological design within the new amenity area.*

This resulted in a benefit in the nature of ecology and surface water and flood risk effects. There were no other notable change in the nature of potential environmental effects across all other topics. Whilst the detail is still not confirmed this will be secured as a DCO Requirement and through the Landscape Ecology Management Plan (Document Reference 17.2).

- v. As a direct request from the Applicant to illustrate how the Main HNRFI Site could demonstrate greater opportunity to link the units to the Railport where a direct rail connection could not be illustrated, there has been the introduction of a connection from the Railport to the main internal estate road in order to provide greater intermodal connectivity across the park. This will allow for containers to be transported via the private internal estate road network, utilising lorries or tugmaster trailers.*

There were no notable change in the nature of potential environmental effects across all topics as a result of this update.

- vi. As a direct request from the Applicant to illustrate improved connectivity between the onsite footpath and cycleway network and the proposed public footpath and bridleway network, an additional link between units 02 and 03 was added. Whilst the detail is not confirmed the Applicant would seek to control the detail through a Design Code.*

This resulted in a benefit in the nature of land use and socio-economic effects. There were no other notable change in the nature of potential environmental effects across all other topics'.

3.94 The Parameters Plan (document reference 2.12 APP-047) secures the revisions as illustrated on the Master Plan (document reference 2.8 APP-043).

- i. Height of buildings*
- ii. Deeper landscaping to the north of the railway*
- iii. Deeper landscaping to the west of the container return area*
- iv. provision of 4 new water bodies will be made in the interests of ecological enhancement within the amenity area south of the A47 Link. This provision will be secured through the landscaping requirement and the requirement to achieve a Net Biodiversity Gain.*
- v. The new pedestrian/cycle link as shown between buildings illustrated as 02 and 03 on the masterplan This will be secured through the provisions of the PRow*

Strategy (document reference: 6.3.11.14 APP-298 Figure 11.14).

- vi. A vehicular connection between the rail port and the internal estate road (north of the A47) remains for illustrative purposes. The provision of this link is not submitted as a requirement.

Criteria for 'good design' for national networks infrastructure

3.95 The NPS states that *'applicants should include design as a integral consideration from the outset of a proposal'* (paragraph 4.28). *'Visual appearance should be a key factor in considering the design of new infrastructure'* (paragraph 4.29). The NPS continues:

'Applying "good design" to national network projects should therefore produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.' (paragraph 4.29)

3.96 In the context of SRFIs, the NPS states:

'It is acknowledged however, that given the nature of much national network infrastructure development, particularly SRFIs, there may be a limit on the extent to which it can contribute to the enhancement of the quality of the area.' (paragraph 4.30)

3.97 The qualities of a good design are described as being:

'A good design should meet the principal objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts. It should also mitigate any existing adverse impacts wherever possible, for example, in relation to safety or the environment. A good design will also be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into account capital cost, economics and environmental impacts.' (paragraph 4.31).

3.98 To this effect the NPS states:

'Applicants should be able to demonstrate in their application how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. The Examining Authority and Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.' (paragraph 4.35)

3.99 The 'ultimate purpose' of HNRFI (paragraph 4.35) is the storage and distribution of goods at an inter-modal location, where good access is available both to the Strategic Rail Freight Network and the Strategic Road Network (SRN) - in the public interest of the economic and environmental benefits that rail freight delivers. At HNRFI, a large area of land is available bounded by the two strategic transport networks, with the railway infrastructure to the west, and road infrastructure to the east. Both strategic networks have limitations as to where suitable access can be provided.

- 3.100 With increasing automation in the handling of goods, volumetric efficiency is an important consideration for the installation of stacking systems. Hence the requirement for buildings to be tall, rather than low level and expansive. Such is the height of these buildings that there is an inevitability of significant landscape effects across the host landscape character areas namely: LCA1 Aston Flamville Wooded Farmland and LCA6 Elmesthorpe Floodplain, as well as the Main HNRFI site and the A47 Link Road corridor (ES Chapter 11, Landscape and Visual Effects (document reference 6.1.11 APP-120)).
- 3.101 Landscaping including tree planting cannot realistically obscure buildings of the proposed scale, or the components of an inter-modal railport. The LVIA has established that there would be significant adverse residual effects at year 15 from 27 representative viewpoint locations demonstrating the landscape mitigation is effective in reducing effects from some locations (ES Chapter 11, Landscape and Visual Effects, paragraph 11.189 (document reference 6.1.11 APP-120)). With mitigation, there are no residual significant visual effects on the most sensitive receptors in Burbage Common and Woods Country Park, the landscape mitigation serving to screen the Proposed Development from views as it matures.

Climate Change Adaptation

- 3.102 In designating the NPS, the Secretary of State had to have regard to the ‘*desirability of mitigating and adapting to climate change*’ (Section 10(3)(a) of the Planning Act 2008). The NPS states:

‘New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the provision of green infrastructure.’ (paragraph 4.38).

- 3.103 ES Chapter 18: *Energy and Climate Change* (document reference 6.1.18 APP-127) has been prepared to assess the likely significant effects of energy and climate change, both upon, and from, HNRFI during the construction and operational phases. The ES concludes that the impacts of climate change arising during the construction phase of HNRFI would be managed through the Construction Environmental Management Plan (CEMP).
- 3.104 The CEMP (document reference 17.1 APP-359) includes best practice measures to reduce emissions during the construction phase including:

‘A Construction Environmental Management Plan (CEMP) supports the planning application for HNRFI, which would be agreed by the local authority. The CEMP will include all best practice measures. Best practice mitigation measures should be included in the CEMP to reduce emissions during construction, including from construction plant, for example:

- *training employees in how to handle machinery to reduce GHGs;*
- *switching off machinery and vehicles when not in use;*

- *regular maintenance of machinery to ensure the work efficiently;*
- *using electric or alternative low/zero carbon emission machinery where possible;*
- *reducing water consumption where possible;*
- *reducing landfill waste production, by increasing opportunities for recycling and planning material use;*
- *implementing a travel plan to reduce the impact of employee business travel (e.g., car sharing schemes or similar); and*
- *using efficient vehicles and machinery where possible’.*

3.105 All buildings will be designed to achieve net zero buildings. The updates to the DAS (Ref: 8.1 APP-349) and Design Code (Ref: 13.1 APP-354) confirms the agreement of the Applicant to construct buildings to BREEAM Excellent standards. Paragraph 18.285 of the ES Chapter 18 Energy and Climate Change document reference 6.1.18 APP-128 sets out the measures which should be implemented appropriately during the operational phase to respond to climate change. ES Chapter 18 concludes (paragraph 18.306):

*‘...Considering the commitments to design and mitigation that have been made by TSH, it is concluded that such measures are ‘fully consistent with applicable existing and emerging policy requirements and good practice design standards for projects of this type’. Furthermore, though HNRFI would result in a net residual effect of approximately 208.16 ktCO₂e per annum, it is considered that this would not inhibit commitments necessary to achieve the UK’s trajectory towards net zero as they represent less than 1% of both the representative target for 2036 and the total UK’s 6th Carbon Budget, which constitutes a **non-significant minor adverse impact’.***

3.106 The Market Needs Assessment describes the market HNRFI will serve. ES Chapter 18 *Energy and Climate Change* document reference 6.1.18 APP-128 (paragraph 18.308) states that following the consideration of the embedded mitigation measures (set out at Appendix 18.8) there will be no significant effects arising from the resilience of HNRFI to climate change.

Pollution control and other environmental protection regimes

3.107 The NPS provides guidance upon the role of pollution control and other environmental protection regimes within the land use planning system. The Examining Authority and the Secretary of State are required to focus on whether the development itself is an acceptable use of land, and on the impacts of that use, working on the assumption that in terms of control and enforcement, the relevant pollution control regime will be properly applied and enforced (paragraphs 4.48 – 4.56).

3.108 The Secretary of State must be satisfied that ‘*development consent can be granted taking full account of environmental impacts*’ (paragraph 4.55) and how such impacts may be mitigated or limited have been considered (paragraph 4.58). Further information on the potential sources of nuisance is addressed at paragraphs 5.81 – 5.89 of the NPS under the topic heading ‘*dust, odour, artificial light, smoke, steam*’.

3.109 In the case of potentially polluting developments, it is necessary to ensure that:

- *‘the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and*
- *the effects of existing sources of pollution in and around the project are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.’*

3.110 These considerations are addressed within the following ES chapters:

- 3: Project description (document reference 6.1.3 APP-112)
- 9: Air quality (document reference 6.1.9 APP-118)
- 10: Noise and vibration (document reference 6.1.10 APP-119)
- 11: Landscape and Visual effects (document reference 6.1.11 APP-120)
- 14: Surface water and flood risk (document reference 6.1.14 APP-123)
- 16: Geology, soils and contaminated land (document reference 6.1.16 APP-125)
- 17: Materials and Waste (document reference 6.1.17 APP-126)

3.111 The NPS states that the Applicant should assess any likely significant effects on amenity from emissions of odour, dust, steam, smoke and artificial light. The form of development for HNRFI does not give rise to any significant environmental effects in terms of odour, smoke and steam emissions.

3.112 Appendix 9.3 (document reference 6.2.9.3) of ES Chapter 9 *Air Quality* document reference 6.1.9 APP-118 provides a dust assessment. The assessment concludes that, in accordance with IAQM guidance, with the implementation of mitigation measures (set out in Chapter 9), the residual impacts from the construction phase are considered to be *‘not significant’*.

3.113 A detailed assessment has been undertaken of road traffic emissions in the construction and operational phases of HNRFI which are not predicted to lead to any exceedances of the relevant air quality objectives. The impacts on local air quality from rail emissions as a result of the operational development are deemed to be negligible and *‘not significant’*. No exceedances of non-critical level have been predicted as a result of emissions associated with the proposed *‘back-up’* CHP. Table 9.42 from *ES Chapter 9 Air Quality* (document reference 6.1.9 APP-118) sets out the summary of environmental effects from HNRFI on air quality.

3.114 A Lighting Strategy (document reference 6.2.3.2 APP-132) has been prepared and will be secured as a requirement of the DCO including further details of lighting design. Lighting during the construction period will be controlled via the CEMP (document reference 17.1 APP-359) and phase specific CEMPs, which will similarly be secured as a requirement of the DCO. Existing residents who live adjacent to the Main HNRFI site (particularly those to the north and west on Burbage Common Road) and those living close to the site access (including th

Gypsy and Traveller community and occupiers of the mobile homes) would be more sensitive to construction lighting due to the proximity, direction and type of receptor. Mitigation measures for construction include directional lighting.

3.115 HNRFI will necessarily operate on a 24/7 365 days a year basis. Satisfactory levels of lighting will be required to enable safe operation of the railport and safe loading and unloading within the service yards. Some level of lighting will necessarily be required during hours of darkness within the logistics buildings and site perimeters. The provision of lighting within the office part of the buildings will be typically more noticeable than internal lighting within the warehouse areas. The provision of efficient lighting systems within the office areas will ensure that lighting is switched off when there is no requirement. The lighting strategy will address the principles for external lighting within the railport, service yards and roadways. Necessarily, the development of a SRFI will have a significant effect in terms of lighting. The Landscape Strategy minimises these effects while ensuring operational efficiency and safety for workers and visitors to HNRFI.

Common Law nuisance and statutory nuisance

3.116 The NPS states that it is important that possible sources of nuisance under Section 79(1) of the Environmental Protection Act 1990 are considered, and how they may be mitigated or limited. A Statutory Nuisance Statement V3 has been prepared document reference 14.1 APP-355. An assessment has been made in the context of potential emissions, lighting and noise. The conclusion is reached that no statutory nuisance will arise from the construction or operation of HNRFI.

Safety

3.117 Road Safety and safety on the railways is addressed at NPS paragraphs 4.60 – 4.73. An objective assessment of the impact of the proposed development on railway crossings is undertaken within ES Chapter 8: *Transport and traffic* (document reference 6.1.8 APP-117). Table 8.26 of Chapter 8 sets out the modifications proposed to these level crossings including diversions of the PRoW; a permanent closure of two PROWs and the construction of a pedestrian bridge over the railway (at Outwoods). These works are all proposed in the interests of maintaining safety for users of the PRoW network

3.118 The NPS states:

‘The Secretary of State should not grant development consent unless satisfied that all reasonable steps have been taken, and will be taken to:

- *minimise the risk of deaths or injury arising from the scheme; and*
- *contribute to an overall improvement in societal safety levels;*
- *noting that railway developments can influence risk levels both on and off the railway networks.’ (paragraph 4.72)*

3.119 The design of HNRFI has paid due regard to these considerations, including the impact of existing PROW network which crosses the Hinckley to Leicester railway.

Security considerations

3.120 This Planning Statement has been prepared pursuant to the provisions of Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended, as comprising ‘*any other documents considered necessary to support the application*’. The Planning Statement has been prepared to accompany the application for a Development Consent Order for a Nationally Significant Infrastructure Project (NSIP) namely a Strategic Rail Freight Interchange (SRFI). The Applicant Tritax Symmetry (Hinckley) Ltd (‘TSH,’ or ‘the Applicant’) refers to the Proposed Development as HNRFI.

3.121 HNRFI is considered not to be ‘critical’ infrastructure for the purposes of national security considerations.

Health

3.122 The NPS states:

‘National road and rail networks and strategic rail freight interchanges have the potential to affect the health, well-being and quality of life of the population. They can have direct impacts on health because of traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluting water, hazardous waste and pests.’ (Paragraph 4.79)

3.123 An applicant is required to identify measures ‘*to avoid, reduce or compensate for adverse impacts as appropriate*’ – including the cumulative impact on health (paragraph 4.82). These considerations are addressed in ES Chapters 8: *Transport and traffic document reference 6.1.8 APP-117; 9: Air quality document reference 6.1.9 APP-118; 10: Noise and vibration document reference 6.1.10 APP-119; 11: Landscape and visual effects document reference 6.1.11 APP-120, Socio-economics and 20: Cumulative effects document reference 6.1.20 APP-129*. Careful design and the implementation of mitigation measures during construction and operation of HNRFI ensure that significant adverse impacts for health and wellbeing will not arise.

Strategic rail freight interchanges

3.124 The NPS provides specific guidance on SRFIs under the following headings:

- Rail Freight Interchange Function
- Transport Links and Location Requirements
- Scale and Design

Rail Freight Interchange Function

3.125 Specific guidance is provided in the NPS on which may be summarised as follows:

*‘Rail freight interchanges are not only locations for freight access to the railway but also locations for businesses, capable **now or in the future**, of supporting their commercial activities by rail.’* Therefore from the outset a RFI should be ‘*developed in*

a form that can accommodate both rail and non-rail activities'. (Paragraph 4.83). (Emphasis added).

- SRFIs should be *'appropriately located relative to the markets they will serve, which will focus largely on major urban centres, or groups of centres and key supply chain routes'* (paragraph 4.84). This guidance should be read alongside the guidance at paragraph 2.45 and 2.56 of the NPS.
- Good road access as this will *'allow rail to effectively compete with, and work alongside, road freight to achieve modal shift to rail'* (paragraph 4.84). In satisfying this location requirement it is recognised that *'it may be that countryside locations are required for SRFIs'*.
- Adequate links to the road and rail networks are essential, as a minimum a SRFI should ideally be located on a route with a gauge of W8 or more or be capable of enhancement to a suitable gauge (paragraph 4.85). This guidance should be read alongside the guidance at paragraphs 2.45, 2.54 of the NPS.
- SRFIs *'tend to be large scale commercial operations, which are most likely to need continuous working arrangements. By necessity they involve large structures, buildings and the operation of heavy machinery. In terms of location therefore they often may not be considered suitable adjacent to residential areas or environmentally sensitive areas. National Parks, the Broads and AoNBs... However, depending on the particular circumstances involved, appropriate mitigation may be available to limit the impact of noise and light'* (paragraph 4.86).
- *In recognition that a SRFI can provide many benefits for the local economy, the existence of an available and economic local workforce is an important consideration in locating a SRFI* (paragraph 4.87).'

3.126 The HNRFI satisfies all the locational requirements identified in the NPS. In summary form:

- 1) HNRFI is appropriately located relative to the market it will serve as explained in the Market Needs Assessment (document reference 16.1 APP-357).
- 2) HNRFI is located at the centre of the UK strategic rail freight network (NPS paragraphs 2.45, 2.54, 4.84).
- 3) HNRFI is provided with good road access by virtue of its proximity to the strategic road network – M69 J2 (NPS 4.84)
- 4) HNRFI is located on the Felixstowe to Nuneaton strategic freight route, of which the Hinckley to Leicester railway forms part, which has been cleared to W10 gauge. (Network Rail's Intermodal Sector rail network is shown at page 21 of this Statement).
- 5) HNRFI satisfies the requirement 'good connectivity' with the SRN and the Strategic rail freight network. (NPS, paragraph 4.85, 2.54. The Market Needs Assessment has explained the market that HNRFI will serve (NPS paragraph 2.56). Typical commodity types are identified (NPS paragraph 4.85, 2.54, 2.56)
- 6) HNRFI is a large-scale commercial operation needing continuous working arrangement on a 24/7, 365 day a year basis. HNRFI will involve large scale

buildings, and the operation of heavy machinery in the railport. The ES assessments on noise (Chapter 10) and landscape visual effects (Chapter 11) identify 'appropriate mitigation measures'. (NPS paragraph 4.86).

- 7) HNRFI will bring many benefits to the local economy which are described in the ES at Chapter 7: *Land use and socio-economic effects* (document reference 6.1.7 APP-116). During the construction phase of 10 years it is projected there will be 460 on-site jobs per annum. Taking into account the 'displacement' and 'multiplier effects' (explained in ES Chapter 7) it is projected that the net additional employment from the construction of HNRFI (on-site jobs direct) and offsite induced employment) will be 737 jobs (ES Chapter 7, Table 7.14) the construction phase will result in an additional 293 jobs created off-site per annum. Total FTE jobs in construction for 10 years is projected to be 628 jobs per annum (Table 7.9). The majority of these jobs will be in businesses linked to the construction sector.
- 8) Table 7.9 (in the ES) identifies the possible occupational split of employment on-site (FTE). A lower density assumption is the provision of up to 8,400 jobs. The net additional on-site and off-site employment from the operation phase of HNRFI is estimated to be between 10,400 and 12,900 jobs (on-site direct employment plus offsite employment induced by operational employment). (ES Chapter 7, Table 7.17, (document reference 6.1.7 APP-116)).

Transport links and location requirements

- 3.127 The Market Needs Assessment (document reference 16.1 APP-357) includes a Midlands context to the need for a framework of SRFIs (Section 5) and draws upon the conclusions in the recently published Future of Freight Plan, and the White Paper, *The Williams Shapps Plan*. These documents do not constitute planning policy which remains extant within the NPS 2014. The conclusions from these reports point in one direction only and endorse the currency of the policies in the NPS, namely that there is further need for a network of rail freight facilities to meet the needs of the modern logistics sector, and to respond to the underlying policy objective to transfer the movement of goods from HGVs to rail.
- 3.128 The Future of Freight Plan identifies the vision for the freight and logistics sector that is:
 - Cost efficient
 - Reliable
 - Resilient
 - Environmentally Sustainable
 - Valued by Society
- 3.129 The provision of SRFIs such as HNRFI for the intermodal transfer of goods – and its unique additional opportunity to function as a hub SRFI (described at paragraphs 1.6 to 1.7 in the Market Needs Assessment document reference 16.1 APP-357) is consistent with this vision.

3.130 The NPS acknowledged that as ‘*technology develops ultra-low emission vehicles (ULEVs) including pure Electric vehicles, plug-in hybrids and fuel cell electric vehicles will play and an increasing role in the way we travel*’ paragraph 3.7.

3.131 The Market Needs Assessment (document reference 16.1 APP-357), explains (paragraph 3.27) that:

‘The use of electrically powered HGVs is operationally more viable in short distance use, based at rail terminals, than for long-distance hauls, due to the downtime when charging’.

Scale and Design

3.132 Section 6 of the Market Needs Assessment (Document Ref: 16.1 APP-357) is titled the ‘Market for HNRFI’. The Assessment explains the business market for HNRFI and its relationship with other committed and planning SRFIs. The Assessment states at paragraphs 6.8 – 6.11:

‘HNRFI is not being developed to take market share from other terminals or SRFI developments. It will provide a terminal in line with Midlands Connects plans, that will serve the Coventry to Leicester and Magna Park market within a c20 mile radius of the rail terminal; with an ability to readily serve deep-sea and short-sea ports without the need to route through Birmingham. HNRFI includes rail served buildings on site and the potential for rail connected buildings.

H NRFI most accessible of the Midlands terminals enabling it to act as a hub for smaller ports and regional terminals, critical for the expansion of intermodal rail freight across other regions, as well as the most efficient connections to the major deep sea and short sea ports for the core product flows for its immediate market area.

Its location within the Midlands region enables a network of rail terminals to work together allowing each to be used for the most efficient local distribution by electric HGV and increase the overall transfer of more freight to rail from long haul HGV.

In terms of onward distribution, the rail element is one leg, with the next being either into an adjoining warehouse on the SRFI development, or into the surrounding region. For HNRFI, having worked with terminal operators with road haulage services³⁷, the optimal maximum distance for the road leg is c20 miles / 45 minutes drive time’

3.133 Paragraph 6.12 explains how HNRFI and other SRFIs serve the Midlands market.

- *‘West Midlands Interchange, will serve the Black Country, Southern Staffordshire*
- *Hams Hall will serve north Birmingham and along the M42, to Solihull.*
- *Landor St will serve Central Birmingham,*
- *BIFT will serve Tamworth and North,*

- *HNRFI will serve Coventry through to Leicester South, including Magna Park for deep sea / east coast, west coast and domestic time sensitive flows. East Midlands Gateway will serve Leicester North, Nottingham and Derby*
- *DIRFT will serve Northants Fast Moving Consumer Goods National Distribution Centres and Magna Park for short sea, domestic and Channel Tunnel flows.*
- *Northampton Gateway will serve a similar market to DIRFT’.*

3.134 The present technological limitation on the use of EV HGVs is considered to be ‘both an important and relevant consideration’ (Section 102(4)(d)) in the need for an expanded network of SRFIs. An expanded network of SRFIs in the Midlands with an economy equivalent to the size of Denmark (Market Needs Assessment, document reference 16.1 APP-357 paragraph 5.11) will provide a greater opportunity by reason of geographical spread, for the short road-based leg of cartage to be undertaken by EV HGVs. In short form, the imperative to decarbonise transport calls for more SRFIs to be developed, not less.

3.135 Paragraph 6.12 of the Market Needs Assessment document reference 16.1 APP-357 states:

‘this network of rail terminals is critical to maximise the ability of the region to move more long haul freight by rail and allow the short haul cartage to be undertaken by EV HGVs.

3.136 The Market Needs Assessment (document reference 16.1 APP-357), paragraphs 6.13 - 6.15 states:

- *Hinckley NRFI is critical to grow the key import and export markets for rail serving the Midlands, particularly deep sea which cannot be readily served by DIRFT or Northampton Gateway, and which it can do so exceptionally efficiently without all the constraints of Water Orton and the legacy rail connections of the Birmingham rail terminals. The deep sea ports need high volumes of freight to be moved by rail as the most efficient mode of hinterland transport. With a move to EV HGV’s, the charge time required makes it critical for the Midlands in particular (as it has no coast) to have a high capacity of rail freight access to replace long haul HGV moves, as we move to a Net Zero carbon infrastructure.*
- *The ability of HNRFI to operate as a rail hub for other regions is of national importance and cannot be replicated elsewhere in the Midlands region.*
- *Midlands Connect identifies the importance of having warehousing developments associated directly with rail terminals at SRFI’s and HNRFI will help fulfil this need. It is the only such terminal capable of being delivered to suit occupiers with significant deep sea volumes, which also has the capability to act as a national hub, making connectivity for occupier’s and local businesses, exceptional.*

3.137 The Market Needs Assessment demonstrates that HNRFI is exceptionally well located for businesses to access intermodal facilities and is ‘appropriately located relative to the

market it will serve (NPS paragraph 4.84).

3.138 HNRFI has access to a strategic rail freight railway which has been cleared to W10 gauge. (NPS paragraph 4.85). The link to the SRN is a direct connection onto the M69 Junction 2 which is reformatted for the provisions of south facing slips so as to function as an ‘all-ways’ grade separated motorway junction.

3.139 ES Chapter 7: *Land Use and Socio-Economic Effects* (document reference 6.1.7 APP-116) has considered the availability of a workforce within the local authority administrative areas listed at paragraph 7.17 ES Chapter 7, Table 7.7 identifies the labour market within the Study Area. Table 7.8 identifies youth unemployment within the Study Area, amounting to some 17,812 persons a higher youth unemployment rate than the average for England. Paragraph 7.127 considers the future labour market, stating:

‘According to the Jobseekers’ Allowance data (June 2022) published by the ONS, there are 1,250 individuals claiming JSA in the study area who usually work as labourers in building and woodworking trades, and in other construction trades. A degree of unemployment is expected to enable the job market to function, enabling workers to search or transition between roles.’

3.140 It is concluded that HNRFI is located where an available and economic workforce is available (NPS paragraph 4.87).

Scale and Design

3.141 The investment in the installation of infrastructure in bringing forward a national network of this scale raises consideration of the NPS provisions at paragraphs 4.88 – 4.89. The NPS is to be read as a whole, and specifically that *‘some degree of flexibility is needed when schemes are being developed in order to allow the development to respond to the market requirements as they arise’* (NPS paragraph 2.45).

3.142 The guidance at paragraph 4.83 is to be read along with the guidance relating to **Scale and design** which states (paragraph 4.88):

‘Applications for a proposed SRFI should provide for a number of rail connected or rail accessible buildings for initial take up, plus rail infrastructure to allow more extensive rail connection within the site in the longer term.’

3.143 The provision of paragraphs 4.88 – 4.89 have been given detailed consideration by the Examining Authority in the examination of other SRFIs including East Midlands Gateway, Northampton Gateway, and West Midlands Rail Freight Interchange. The Secretary of State’s decision taking on the West Midlands Interchange SRFI represents the most up to date consideration of the approach to these paragraphs of the NPS.

3.144 The Secretary of State in his decision-making on the West Midlands Interchange (WMI) did not depart from the Examining Authority’s approach as to the meaning of ‘rail

connected'; 'rail served' and 'rail accessible' buildings. This approach has been followed with the HNRFI.

3.145 The Secretary of State in his Decision Letter for WMI of the 4th May 2020 stated (paragraphs 28 – 30):

'28. The Secretary of State notes the Examining Authority's recommendation at ER 12.3.1 that he may wish to satisfy himself on the appropriate approach to be taken to the interpretation and application of the objectives and requirements with regards to SRFI proposals set out in paragraphs 4.83 and 4.88 of the NPSNN. The Secretary of State has considered the interpretation of the wording of paragraphs 4.83 and 4.88, and notes the Applicant has placed great weight on the approach taken in the East Midlands Gateway Rail Freight Interchange ("EMGRFI"). It is further noted that whilst the weight to be given to that decision is a matter for the decision maker, that decision has not been challenged in the courts and is therefore a material consideration (ER 7.3.5). The Secretary of State has also considered the Applicant's late representation dated 13 December 2019 that places further weight on the approach taken in the Northampton Gateway Rail Freight Interchange ("NGRFI") decision.

29. The Secretary of State has considered the approach taken in the EMGRFI decision in that "the interpretation of these NPSNN requirements must allow for the realities of constructing and funding major projects such as this" and that it is "entirely reasonable" that a commercial undertaking should seek to generate income from the warehousing before the railway become operational. The Secretary of State agrees with the Examining Authority that the approach indicated in these statements of the EMGFI decision is consistent with the evidence submitted to this Examination of the Proposed Development as to the conditions needed to establish and operate a viable freight rail service as part of an SRFI development (ER 7.3.6).

30. The Secretary of State notes the Examining Authority's conclusion on compliance with the NPSNN set out at ER 5.6.48 to 5.6.54. The Secretary of State considers that the "less rigid interpretation" of paragraphs 4.83 and 4.88 of the NPSNN would be the correct approach as that adopted in the EMGFI decision (ER 5.6.50 and 5.6.51). He further notes that paragraph 2.45 of the NPSNN recognises that with respect to SRFIs a "degree of flexibility is needed when schemes are being developed, in order to allow the development to respond to market requirements as they arise" (ER 5.6.45). The Secretary of State considers that the Proposed Development is substantially compliant with the NPSNN requirements for SRFIs when they are considered as a whole (ER 5.6.54). The Secretary of State also agrees with the Examining Authority that the proposed rail requirements in the draft DCO would provide a great deal of confidence that the rail facilities would be delivered as soon as is reasonably possible (ER 5.6.52 and 5.6.53).'

3.146 It is acknowledged that the circumstances relating to WMI may be particular to that proposal (and indeed to East Midlands Gateway). In respect of HNRFI the infrastructure costs are, but not unusually for a major development project of the scale of a SRFI (60 hectares), financially burdensome at the commencement of the project. A commercial reality for developers is to achieve an early return on 'upfront' investment within the phasing of major development projects, which acknowledges the existence of policy, technical and environmental constraints at the earliest opportunity. The prospective

railport operator has further stated that it is beneficial for the operation of the railport if co-located occupiers are present to take up the facilities at the railport as soon as it becomes operational.

- 3.147 A distinct site-specific characteristic of HNRFI is that the railway infrastructure lies on the west side of the development, and the access point to the SRN on the south-eastern extremity of the site. Necessarily road infrastructure and services need to be delivered to the railport in order to become operational for occupiers. The proposed phasing of HNRFI is set out at Table 3.9 ES Chapter 3, *Project Description*. (Document reference 6.1.3 APP-112)

Rail connected / rail served / rail accessible buildings

- 3.148 With reference to the Parameters Plan, HNRFI Development Zones D1, D2, E1, E2 and B3 have the ability to be ‘rail connected’. Development Zones B1, B2 are regarded as being ‘rail accessible’ if development takes place in conjunction with Development Zone B3 in circumstances where a building occupies Development Zone B in its entirety, or rail-served if developed separately. All buildings at HNRFI would be ‘rail served’. The movement of containers between the railport and all ‘rail served buildings’ would typically be by HGVs or Tugmasters with skeleton trailers to move containers and swap bodies between the warehouse loading bays and intermodal terminal.
- 3.149 The scheme has been designed to accommodate Rail Connected buildings with a rail chord, headshunt and reception sidings, with rail connections into or directly alongside the warehousing. These can be for very specialised uses, using dedicated rail wagons going from platform to platform, with a matching facility elsewhere (such as for paper reels, metal coil and potentially, express rail using converted passenger carriages). They can also be used for curtain sided swap bodies.
- 3.150 Those building adjoining the rail terminal could alternatively be ‘Rail Connected’ with the main terminal utilising gantries or reach stackers in their own yards, served by gantries or reach stackers from the terminal yard, without the need to use HGV’s or Tugmasters to move containers.
- 3.151 All of the Rail Connected buildings are by design also Rail Accessible, as they are also capable of being Rail Served, using HGVs or Tugmasters.
- 3.152 The provision for Development Zone B to be ‘rail connected’ in addition to Development Zones D and E would allow for up to 355,629sq metres of logistics floorspace to be ‘rail connected’. This amounts to some 55% of the total ground floor floorspace of HNRFI. By way of illustration only, the approved SRFI at West Midlands Interchange allowed for development zones A1 and A2 (of that scheme) to be rail connected. This amounted to some 20% of the proposed ground floor floorspace.
- 3.153 The policy statement, in paragraph 4.88 may be disaggregated as follows:

- ***Applicants for a proposed SRFI should provide for a number of rail connected or***

accessible buildings for initial takeup, plus rail infrastructure to allow more extensive rail connection within the site in the longer term.

- 3.154 The Applicant considers that it would be reasonable for construction (and occupation) to take place within construction Phase A for up to 105,000 sq metres of ground floor floorspace. This would amount to some 16% of the proposed total ground floorspace at HNRFI. Occupiers would then be able to use the railport upon becoming operational.
- 3.155 The Applicant puts forward as a requirement of the DCO that no additional floorspace would be permitted for occupation until the Phase 1 of the railport has become operational in the event of any slippage in the development programme beyond the control of the Applicant. A requirement in the DCO precludes occupation of any warehouse until the provision of new highway infrastructure comprising the M69, J2 south facing slips, and the A47 is made available for use by all vehicles.
- 3.156 From a commercial development perspective, the first phase of construction is likely to be within Development Zone A which is located close to the point of access to HNRFI (from M69, J2). However, the initial phase of building construction could be located elsewhere on HNRFI to suit occupier demand.
- 3.157 Upon the railport phase 1 becoming operational development Zone E would be rail connected with the ability of containers to be delivered directly between the railport and a warehouse by reach stacker. On completion of the railport Phase 2 development zones D and E could alternatively be rail connected by gantry crane. A rail connection through the provision of a dedicated rail siding to meet an occupier's requirement, for example in the handling of express freight could be provided in the construction Phase A on development Zone B.
- *Plus rail infrastructure to allow more extensive rail connection within the site in the longer term.*
- 3.158 The Parameters Plan [document reference 2.12] shows more extensive rail connection as described at paragraph 4.89 above.
- ***The initial stages of the development must provide an operational rail network connection and areas for intermodal handling and container storage.***
- 3.159 Construction Phase A includes the Network Rail connections and all associated offsite rail connection works. In short form freight trains can load and off load with Phase 1 of the railport operational. Phase 1 railport comprises (ES Chapter 3 document reference 6.1.3 APP-112, paragraph 3.109 - 3.114):

'The initial build will be based on four 775 m intermodal trains a day which are diesel hauled. To achieve this, a secure site with space for the completed Railport will be created. The Railport will be fenced for security and will incorporate ancillary office, maintenance, mess room accommodation and car parking for Railport staff. It will be lit to enable 24-hour operation, using lighting designed to minimise light pollution.

The initial build intermodal freight yard will be operated by reach stackers, which will enable the unloading of the two closest sidings to the temporary container stacks.

The rail infrastructure to support this will require the construction of two intermodal sidings, together with a runaround for locos, with fuel and cripple sidings and both connections to the mainline. These will be designed so that trains can enter the Railport at a safe and appropriate speed, minimising the time that each train occupies the mainline.

The loco runaround allows a train to arrive in either direction, be uncoupled, and depart in the direction it came from to work on other duties.

The container loading slab will be a minimum length of the maximum 775 m length train running along most of the length of the sidings at the north western side of the site. In this area containers would be stored, loaded and unloaded onto trains using free-moving reach stacker vehicles.

Empty containers will be stacked in a separate area using reach stackers to accommodate a mix of 40 foot and 20 foot containers handled by the Railport’.

3.160 Provision for empty containers will be made within Railport Zone H (Parameters Plan) which will be completed during Construction Phase E. The height of the containers is to be controlled by a requirement of the DCO, while tree planting on the embankment becoming sufficiently established to provide screening.

- ***It is not essential for all buildings on the site to be rail connected from the outset, but a significant element should be.***

3.161 The DCO requirements provide for development zones D1, D2, E1, E2 to be rail connected from the outset when logistics buildings are constructed within these development zones. The amount of floorspace will be rail connected, amounts to a ‘significant element’ of the total development. The Parameters Plan will safeguard the route for a rail chord to be provided to enable a rail connected building(s) to be constructed on Development Zone B3 in response to occupier demand. (As stated, depending on the scale of building required this could include extending into Development Zones B1 and B2).

3.162 Access for the transporting of containers will be available between logistics buildings and the rail port using a HGV or Tugmaster vehicle for the distance involved. As acknowledged by the Examining Authority (WMI) the use of Tugmasters would involve additional loading and unloading, but this is standard practice at SRFIs and does not negate the cost benefits to warehouse occupiers of co-location with the railport. (ExR 56.25)

3.163 The Illustrative Master Plan document reference 6.2.8.2 APP-160 demonstrates that Development Zones A, B1, B2, C1 and C2 could be accessed to / from the rail port either via a Tugmaster vehicle crossing the roundabout on the A47 with the railport access to the south or via a direct link from the main estate road into the port. The provision in the illustrative Masterplan for a link between the estate spine road and the railport (north of the A47 Link) will provide additional convenience for potential occupiers of HNRFI in accessing the railport. Depending upon the final form of site layout for Development Zone

A, Tugmaster vehicles might travel a short distance along the A47 Link to access the rail port.

- 3.164 All policy statements should be interpreted objectively in accordance with the language used, read as always in the proper context (Tesco v Dundee 2012). It is considered the provisions within Construction Phase A satisfactorily meet the guidance issued at NPS paragraph 4.88. The Parameters Plan (document reference 2.12) demonstrates that a ‘significant element of the logistics buildings at HNRFI to be rail connected’ within the meaning given by the Examining Authority in the report on WMI – and as endorsed in the decision taking by the Secretary of State.
- 3.165 The capacity requirements sought in NPS paragraph 4.89 are met by HNRFI. Phase 1 of railport within Phase A of construction will provide the capacity for the railport to handle 4 trains up to 775m per day. The expectation for intermodal freight at HNRFI as expressed in the Market Needs Assessment (document reference 16.1 APP-357) is that up to 16 trains up to 775m could be handled each day during the operations of HNRFI (paragraph 2.20.2).

Generic impacts

- 3.166 Section 5 of the NPS states that some environmental impacts will be relevant to any national networks infrastructure, whatever the type. This section of the Planning Statement considers each of these impacts and draws from the assessment in the relevant ES Chapter. The assessment of the impact of the HNRFI has followed the assessment principles identified in the NPS, and the requirements of the Scoping Report issued by the Planning Inspectorate.

Air Quality

- 3.167 The NPS requires the applicant’s assessment on air quality impacts to describe (within the environmental statement) (paragraph 5.7):
- *‘existing air quality levels;*
 - *forecasts of air quality at the time of opening, assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme; and*
 - *any significant air quality effects, their mitigation and any residual effects, distinguishing between the construction and operation stages and taking account of the impact of road traffic generated by the project.’*
- 3.168 ES Chapter 9: *Air Quality* document reference 6.1.9 APP-118 addresses these considerations. The ES identifies mitigation measures specific for demolition, earthworks, construction and ‘trackout’ (meaning the potential for dust from mud on the wheels of vehicles leaving the site during construction) (Table 9.41).
- 3.169 During the operational phase, the provisions of a Sustainable Transport Strategy forming part of the Travel Plan will come into effect and will benefit air quality. A Travel Plan (document reference 6.2.8.2 APP-159) has been prepared to accompany the DCO application. The provisions of the Travel Plan will further reduce road traffic emissions associated with the operational phase of the HNRFI. ES Chapter 9 Paragraph 9.183

identifies a range of mitigation measures to reduce road traffic emissions.

3.170 The traffic data provided for the Air Quality Assessment document reference 6.2.9.6 APP-168 (AQA) includes cumulative traffic flows for the lower case detailed within ES Chapter 8: *Transport and traffic* (document reference 6.1.8 APP-117). Therefore, no additional cumulative road traffic emissions impact have been undertaken. Table 9.42 of ES Chapter 9: *Air quality* (document reference 6.1.9 APP-118) summarises the environmental impact of the HNRFI on air quality. The residual effects of the operational phase, after mitigation, are all considered to be 'not-significant'.

Carbon Emissions

3.171 The Government's carbon budget includes policies to reduce carbon emissions. The 'ultimate' purpose of HNRFI is the storage and distribution of goods at an intermodal location (in the public interest of economic and environmental benefits). The Future of Rail Freight Plan states that *'rail freight trains currently emit around ¼ of the Co2e¹⁴ emissions of HGVs per tonne mile travelled'*. (This statistic is sourced from BEIS Greenhouse Gas Reporting Conversion Factors 2021). As stated, it is estimated that HNRFI will annually save 83 million miles travelled by HGVs resulting in a substantial reduction in carbon emissions.

Biodiversity and ecological conservation

3.172 The Applicant's assessment is required to set out any likely significant effects on (NPS paragraph 5.22):

- Internationally, nationally and locally designated sites of ecological or geological importance
- On protected species
- On habitats and other species identified as being of principal importance for the conservation of biodiversity
- The full range of potential impacts on ecosystems.

3.173 No land within the DCO boundary is covered by any internationally important statutory designations, and there are no such designations within 10km of the Main HNRFI Site. The Main HNRFI is not covered by nationally or locally important statutory designations. There are 4 designated SSSIs and 1 Local Nature Reserve (LNR) within 5km of the Main HNRFI Site. Burbage Wood and Aston Firs SSSI and the overlapping Burbage Common and Woods LNR are located immediately adjoining the Main HNRFI Site and the A47 link corridor. The SSSI and LNR are considered an Important Ecological Feature (IEF) of national value.

3.174 A Biodiversity Impact Assessment has been undertaken (Appendix 12.2, document reference 6.2.12.2APP-198) as part of ES Chapter 12 – *Ecology and Biodiversity* (document reference 6.1.12 APP-121). A 10% net gain in biodiversity is to be achieved through an offsetting scheme, such as biodiversity enhancement on land that may be acquired by the Application close to HNRFI, or through the Environment Bank. A requirement in the DCO

⁴ Co2e means the number of metric tons of Co2 emissions with same global warming potential as one metric tonne of another greenhouse gas

will secure this biodiversity enhancement.

- 3.175 Within 3km of the centre point of the Main HNRFI Site are 13 local wildlife sites, two being the Main HNRFI Site, namely Field Rose Plantation and Elmesthorpe Plantation Hedgerow. Burbage Common and Woods as a Local Wildlife Site (LWS) lies adjacent to the western boundary of the Main HNRFI Site. Borrow Pit Grassland lies adjacent to the southern boundary of the Main HNRFI site. Two LWS, Billington Rough and Hay Meadow lie 100m and 250m to the north of the railway respectively within 3km of the Main HNRFI Site are 13 (cLWS) and 60 potential LWS (pLWS). Seven of the pLWS are located within the Main HNRFI Site.
- 3.176 The ES Chapter 12, *Ecology and Biodiversity* (document reference 6.1.12 APP-198) includes a full description of habitats within and adjoining the Main HNRFI Site, which mainly comprises arable, improved and semi-improved grassland, buildings and hardstanding, marshy grassland and tall ruderal vegetation. These habitats are considered to be of negligible and site-level ecological importance.
- 3.177 Table 12.8 in ES Chapter 12, *Ecology and Biodiversity* (document reference 6.1.12 APP-198) provides an Ecology Assessment Summary. The appraisal describes the effect of HNRFI on individual ecological features during the construction and operational phases. Consideration is given to cumulative effects and the impact on climate change. The nature of the effect is described with an assessment of its significance, prior to mitigation. The mitigation measures are summarised, enabling a conclusion to be reached as to residual effect and the significance of that effect. No significant effects on biodiversity are identified.

Waste Management

- 3.178 The HNRFI will inevitably result in a significant amount of construction and demolition waste being produced during the construction process. The principal objective of sustainable waste and material resource management is to use materials more efficiently, thereby preventing and reducing the amount of waste generated and minimising the amount of waste that requires final disposal to landfill.
- 3.179 ES Chapter 17: *Materials and Waste* (document reference 6.1.17 APP-126) of the ES describes the waste arising during the construction process including excavation process, including excavation wastes; demolition wastes and construction wastes. Waste output when buildings are occupied during the operational phases of the development are estimated on a typical weekly arisings basis.
- 3.180 A design principle for the earthworks is to achieve development plateaux that achieve a cut and fill balance for subsoil to minimise the generation of soils as a waste. Offsite disposal volumes are assumed to be minimal. Table 17.18 in ES Chapter 17 (document reference 6.1.17 APP-126) sets out the assessment of the construction impacts in tabular form. The significance of the construction impacts arising from demolition and site preparation works is assessed as being 'slight'. The generation of construction waste is considered to be 'neutral' in significance.
- 3.181 Table 17.19 in ES Chapter 17: *Materials and Waste* (document reference 6.1.17 APP-126) sets out in tabular form the assessment of the operational impacts in terms of waste. The conclusion is that the effect is 'slight'. ES Chapter 17 refers to the measures which will be implemented to collectively mitigate the impacts identified from both the use of materials

and the management of waste in relation to the construction of HNRFI.

3.182 ES Chapter 17: *Materials and Waste* (document reference 6.1.17 APP-126) concludes:

'It is inevitable that there will be a requirement to import material particularly where large quantities of engineering graded material are required and for the production of concrete. Reuse and recycling material has minimised the volume of material imported, and the Main HNRFI Site is well served with a number of quarries in the near vicinity. The importation of material is therefore not expected to have a significant impact on the supply of aggregates with the impact assessed as slight adverse.'
(Paragraph 17.128)

3.183 Waste generated during the construction of HNRFI which cannot be re-used, will have to be taken off-site. The Main HNRFI Site benefits from a range of waste facilities in close proximity. With the adherence to the Site Waste and Material Management Plan and the associated re-use of material, a small proportion of any earthwork material sent to a waste transfer station, would be sent to landfill, reducing the impact to a negligible significance (paragraph 17.118).

Civil and military aviation and defence interests

Coastal Change

3.184 HNRFI does not have any impacts on these interests.

Dust, odour, artificial light, smoke, steam

3.185 With the implementation of mitigation measures for inclusion in the CEMP, the impact of the construction phase dust emissions is considered 'not significant' in accordance with IAQM guidance (ES Chapter 9: *Air Quality* document reference 6.1.9 APP-118 , paragraph 9.202).

3.186 In the operational phase the road traffic assessment concludes that the impact of the development on local air quality at identified human receptors is predicted to be 'negligible' and 'not significant' in accordance with IAQM and EPUK guidance (ES Chapter 9 *Quality* document reference 6.1.9 APP-118, paragraph 9.204).

3.187 Chapter 12: *Ecology and biodiversity* document reference 6.1.12 APP-121 has considered the findings in the ES Air Quality Chapter, document reference 6.1.9 APP-118 (ES Chapter 9) as to the effect of the Proposed Development on the deposition of nutrients within Burbage Wood and Aston Firs SSS1 and Burbage Common and Wood LNR. The assessment has concluded HNRFI would not give rise to any additional deposition during the operational phase (paragraph 12.188).

Flood Risk and Surface Water Drainage

3.188 ES Chapter 14: *Surface Water and Flood Risk*, document reference 6.1.14 APP-123 Paragraph 14.44 addresses surface water and flood risk, and has identified the potential effects of the HNRFI as being:

'The assessment of potential effects of the Proposed Development on surface water

and flood risk considers the following for both construction and operational phases:

- contamination arising from drainage;
- fluvial flood risk, both in terms of impacts to the Proposed Development and changes to flood risk in the surroundings or to downstream receptors as a result of the Proposed Development;
- changes to the surface water runoff regime and associated downstream flood risks;
- the effects of regular discharge of surface water, during operational use, on the water quality of downstream receiving waterbodies; and
- potential impacts on the demand of the local potable water network and on foul drainage infrastructure.'

3.189 The effects associated with the construction phase of the HNRFI are considered to be 'direct temporary and short to medium term duration' (ES Chapter 14: *Surface Water and Flood Risk*, document reference 6.1.14 APP-123 paragraph 14.127). The likelihood of any residual impact following the implementation the mitigation measures set out in Chapter 14 is likely to result in a negligible effect (paragraphs 14.158 - 14.176). The mitigation measure will ensure that no land beyond the Main HNRFI Site would be at an increased risk of fluvial and surface water flooding. No cumulative adverse impacts have been identified with other committed developments, as such developments would adhere to the same principles to reduce the risk of flooding on and offsite.

3.190 ES Chapter 14, *Surface Water and Flood Risk* document reference 6.1.14 APP-123 concludes that the likelihood of any residual impacts following the implementation of the mitigation measures likely to be negligible or minor beneficial in significance (paragraph 14.177).

3.191 The majority of the DCO site lies within Flood Zone 1 (low probability of flooding). ES Figure 14.2 shows a small proportion of the Main HNRFI Site adjacent to the northern boundary is located within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding). This flood risk is associated with the Thurlaston Brook Tributary. The Environment Agency Flood Zone Map for planning shows that A47 Link Road will cross areas of Flood Zone 2 and Flood Zone 3, again associated with the Thurlaston Brook Tributary. In respect of the off-site highway works, only one (B6) has the potential to affect surface water and flood risk.

3.192 The FRA and Drainage Strategy assesses the fluvial flood risk, including the works to the off-site highway works. The Planning Practice Guidance (Paragraph 031 Reference ID 7-031-20140306) states that '*the flood risk assessment should be credible and fit for purpose. Site specific flood risk assessments should always be proportionate to the degree of flood risk and make optimum use of information already available.*' (Emphasis added).

3.193 The Main HNRFI Site extends to some 268 hectares. As such it is perhaps not unexpected that part of the site area includes land within Flood Zone 3. The Parameters Plan demonstrates that the area of land identified within Flood Zone 3 is kept free of built development, and forms part of the structural landscaping for the HNRFI. The built development for HNRFI is steered away from Flood Zone 3 to land primarily within Flood Zone 1. No added risk is caused by the development to flood risk beyond the site. The consideration of alternative sites revealed all sites comprised land within Flood Zone 3.

Land within Flood Zone 3 was identified as being more extensive in the other potential locations compared to the preferred location. HNRFI is sequentially preferable in minimising the inclusion of land within Flood Zone 3.

- 3.194 The A47 Link Road crosses a number of small watercourses to connect onto the B4468 Leicester Road. In applying the principle of the sequential test, the A47 Link cannot be steered away from crossing Thurlaston Brook that flows through the land to the west of the railway. The road will be elevated upon an embankment above the floodplain so that it can be operational during times of flood. Open Culverts (and wildlife corridors) will be provided beneath the road to preserve hydraulic connectivity and convey flood flows into downstream channels.
- 3.195 In applying the Exceptions Test, it is submitted that:
- a) The proposed development provides substantial socio-economic benefits to the community across a wide area and responds to a national infrastructure need, where the need is ‘compelling’
 - b) The proposed development provides wider sustainability benefits to the community in providing new highway infrastructure to address the transport effects of the HNRFI and contributes to the national agenda to achieve a net zero freight and logistics sector by 2050.
 - c) The development will make a substantial contribution to economic growth
 - d) The provision of the A47 Link on an embankment will remain safe over its lifetime, and will not increase flood risk elsewhere.
 - e) The development of the HNRFI has accounted for 30% increase in rainfall on top of the 100 year river flow as a consequence of climate change, and has attenuated surface water run off to existing greenfield run off rate. The attenuation of storm water will reduce flood risk overall, through the provision of improved drainage.
- 3.196 It is submitted that HNRFI satisfies on a proportionate basis, both the Sequential Test and Exceptions Test.
- 3.197 The assessment undertaken in ES Chapter 14 *Flood Risk and Surface Water* document reference 6.1.14 APP-123 has applied baseline modelling to existing watercourses. Mitigation is identified to ensure that no land outside the Main HNRFI Site would be at an increased risk of fluvial and surface water flooding. Any residual impacts with the implementation of mitigation measures will be minor beneficial in significance due to the general decrease in flows in higher return period events improving the situation off-site.
- 3.198 The surface water drainage strategy including the use of sustainable drainage systems (SuDS) will reduce surface water runoff rates and direct any pluvial flow paths towards a positive drainage system. Overall, HNRFI will provide a betterment in regard to water quantity control, particularly for the higher period events. By restricting the volume of rainfall generated by the natural catchment of flows leading to existing watercourses HNRFI will help reduce the likelihood and severity of flooding downstream of the Main HNRFI Site and the A47 Link Road.

Land stability

- 3.199 This impact does not raise considerations for HNRFI.

The historic environment

- 3.200 NPS Paragraphs 5.126 – 5.127 set out the required assessment to include a description of the significance of any heritage asset affected, including any contribution made by their setting. The NPS states that the level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The likely significant impacts of the Proposed Development on cultural heritage (archaeology and built heritage) are considered at ES Chapter 13: *Cultural Heritage* (document reference 6.1.13 APP-122).
- 3.201 The assessment has identified one scheduled monument; seven listed buildings, and one Conservation Area as sensitive receptors to the HNRFI. The assessment concludes the following effects during the operational phase.
- **Elmesthorpe Church Scheduled Monument (SM)**
Noticeable change in the setting of the asset. Negligible change to the significance of the SM. Permanent minor adverse effect on the asset of high sensitivity (paragraph 13.173).
 - **Grade II listed Wentworth Arms PH Elmesthorpe**
No more than a negligible magnitude of effect (paragraph 13.177)
 - **Grade II Listed Church of St Mary Barwell**
Noticeable change in the setting of the asset. small change to the significance of the listed church. Permanent minor adverse effect on the asset of high sensitivity (paragraph 13.179).
 - **Grade II Listed Church of St Mary Elmesthorpe**
Permanent minor adverse effect on the asset of high sensitivity (paragraph 13.182)
 - **Grade II* listed church of St Simon and St Jude, Earl Shilton**
Noticeable change in the setting expected to result in negligible change to the significance of the asset. Permanent minor adverse effect on the asset of high sensitivity (paragraph 13.185).
 - **Grade II listed church of All Saints, Sapcote**
Noticeable change in the setting of the asset expected to result in negligible change to the significance of the listed church (paragraph 13.188).
 - **Grade II listed church of St Michael**
Noticeable change in the setting expected to result in negligible change to the significance of the listed church. (paragraph 13.191).
 - **Grade II listed church of St Catherine, Burbage**
Noticeable change in the setting of the asset with no more than a small change to the significance of the asset. (paragraph 13.194).
 - **Aston Flamville Conservation Area**
No more than a negligible magnitude effect result in a permanent negligible adverse significance of effect (paragraph 13.197)
- 3.202 The assessment concludes that the effect of the HNRFI on the significance of designated heritage assets comprises ‘less than substantial harm’ in the context of national planning policy in the NPPF (paragraph 208). ‘Great weight’ is to be given to the conservation of

designated heritage asset. National planning policy requires the decision-taker to consider whether the public benefits from the development outweigh the level of harm to the significance of the designated heritage assets, giving ‘considerable importance and weight’ to the conservation of the designated heritage assets.

- 3.203 The HNRFI requires the total loss of three farmsteads which are considered to represent non-designated heritage assets within the meaning of the NPPF, paragraph 209. These non-designated buildings are considered to be of low sensitivity.
- 3.204 The assessment refers to the mitigation to the effect upon the designated heritage assets through the provision of landscaping to reduce the impact of the proposals through change to the setting of these assets. Setting in itself is not a heritage asset. The Glossary to the NPPF acknowledges that the extent of a setting is not fixed and may change as the asset and its surroundings evolve. In this case HNRFI would result in change to the surroundings to the assets. While the Courts have concluded that there is no requirement to establish a level of harm within the category of harm (substantial/less than substantial harm) the PPG; as a matter of policy guidance, states: ‘*Within each category of harm... the extent of the harm may vary and should be clearly articulate*’ (paragraph 18 Ref ID: 18a-018-20190723). The assessments undertaken enable this understanding of the impacts.
- 3.205 The ‘less than substantial harm’ to the significance of the designated heritage assets, and the total loss of three non-designated heritage assets is to be taken in to the planning balance which is addressed in Section 6 of the Planning Statement.

Landscape and visual impacts

- 3.206 ES Chapter 11: *Landscape and visual effects* (document reference 6.1.11 APP-120) has been prepared in response to the Secretary of State’s comments set out in the Scoping Opinion dated December 2020 (document reference 6.2.6.2 APP-136); the response from consultees; and the assessment requirements for applicants as set out in the NPS.

- 3.207 In respect of landscape impacts the NPS states:

‘Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation where possible.’ (paragraph 5.149)

- 3.208 In terms of the visual impact of a NSIP, the NPS states:

‘The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development.’ (paragraph 5.158)

- 3.209 ES Chapter 11: *Landscape and Visual Effects* (document reference 6.1.11 APP-120) sets out the approach that has been taken in undertaking a Landscape and Visual Impact Assessment (LVIA) of the HNRFI. The conclusions from the LVIA are that (paragraphs 11.186 - 11.188):

‘The LVIA baseline report (ES Appendix 11.1, document reference 6.2.11.1) provides a

preliminary appraisal of the baseline conditions against which landscape and visual effects can be considered as the design of the Proposed Development.

There would be significant adverse landscape effects during construction, at year 1 and at year 15 across the host LCAs, LCA1: Aston Flamville Wooded Farmland and LCA6: Elmesthorpe Floodplain as well as the Main HNRFI Site and the A47 Link Road Corridor. These effects are unavoidable given the nature of the scheme. Whilst mitigation has been shown to be effective in creating a softened development and one where Green Infrastructure is an integral part of the design, large-scale built development and a Link Road are so very different in character to a rural agricultural landscape that no amount of mitigation could reduce this effect.

There would be significant adverse visual effects during construction and at Year 1 from 30 of the representative viewpoint locations which represent various receptor groups, principally users of PRow throughout the local area’.

- 3.210 The NPS acknowledges that because of the built form of a SRFI ‘*there may be a limit on the extent to which it [a SRFI] can contribute to the enhancement of the quality of the area’* (paragraph 4.30). The NPS states in reference to mitigation for landscape and visual effects:

*‘Reducing the scale of a project or making changes to its operation can help to avoid or mitigate the visual and landscape effects of a proposed project. **However, reducing the scale or otherwise amending the design or changing the operation of a proposed development may result in a significant operational constraint and reduction in function.** There may, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in scale or function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape effects outweigh the marginal loss of scale or function.’* (paragraph 5.159). (Emphasis added).

‘Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design (including choice of materials), and landscaping schemes, depending on the size and type of proposed project. Materials and designs for infrastructure should always be given careful consideration.’ (paragraph 5.160)

- 3.211 The changing needs of the logistics sector support the provision of buildings up to 28m in height (26m to eaves), so as to increase volumetric efficiency in the stock holding of goods in response to the potential occupier requirements. In response to the statutory consultation the building heights have been reduced by at least 2m. The buildings heights on some of the development zones have been reduced by 5m.
- 3.212 The Parameters Plan (document reference 2.12 APP-231) submitted with the application will control the maximum heights of the buildings within development zones. The Parameters Plan establishes that the tallest buildings would be located within the central part of the Site. Development Zones B2 and D2 are considered appropriate for a building height up to 28m. The maximum building heights to ridge (metres above finished ground level) as shown on the Parameters Plan are:

Plot A	22m
Plot B1	22m
Plot B2	28m
Plot B3	22m
Plot C1	22m
Plot C2	25m
Plot D1	22m
Plot D2	28m
Plot E1	25m
Plot E2	22m

3.213 Table 3.1 in the ES sets out the schedule of parameters for the development zones including:

- The maximum number of buildings in each development zone
- Maximum internal built footprint
- Maximum building height measured to roof ridge/highest point in metres above ordnance datum (AOD)
- Maximum building heights to ridge (metres above finished ground level)

3.214 It is submitted that the mitigation measures proposed during the demolition and construction phase (paragraph 11.140) and within the operational phase (both embedded mitigation and additional mitigation) (paragraphs 11.146) minimise the landscape and visual effects of the HNRFI and thus the residual landscape and visual effects do not outweigh the benefits of the project. HNRFI has been designed carefully taking into account the potential impact of large scale buildings, and the railport on the landscape. The objective to ‘avoid or minimise’ harm to the landscape with the provision of mitigation has been achieved in the design of HNRFI.

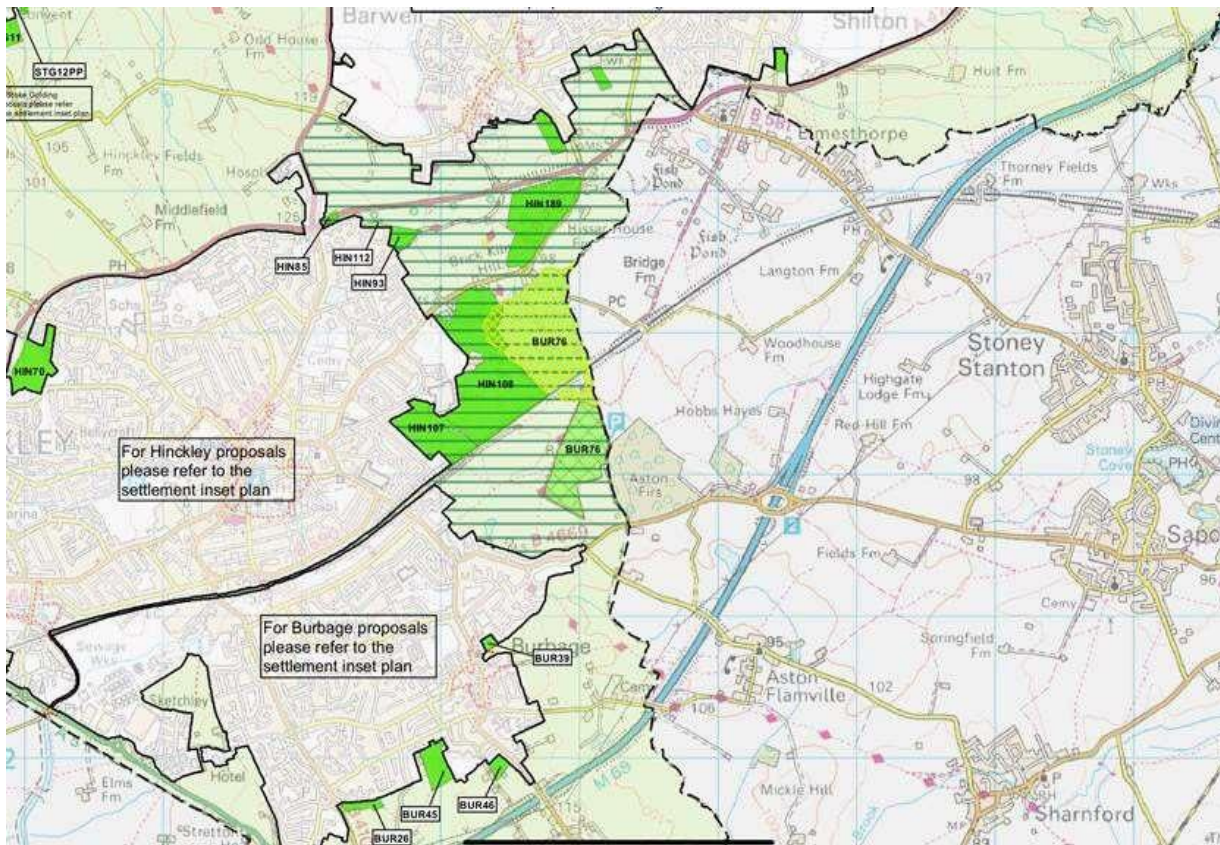
Land use including open space green infrastructure and Green Belt

3.215 The Applicant is required by the NPS to identify existing and proposed land uses near the project, and effects of replacing an existing development or use of the site with the proposed development. An assessment should be undertaken as to whether the proposal would preclude new development proposed in the development. None of the land within the Order Limits lies within the Green Belt.

3.216 No proposals have been identified in development plan (either in Blaby District or Hinckley and Bosworth Borough) which would be precluded by the HNRFI. The Main HNRFI Site is not notated on the Proposals Map within Blaby District for development, and comprises open countryside. The Borough Wide Policies Map for the Hinckley and Bosworth Site Allocations and Development Management Policies DPD identifies the land between the administrative boundary of Blaby District and the B4468 being part of a Green Wedge between the urban edge of Hinckley and Burbage and Barwell.

3217 An extract from the Proposals Map (Site Allocations and development Management Policies DPD for Hinckley and Bosworth) below identifies the extent of the Green Wedge designation. The DPD states:

‘Areas of green wedge primarily seek to guide the development form of urban areas. The presence of a green wedge helps to maintain settlement identity whilst providing green infrastructure links, between settlements as a ‘green lung’ and recreational resource.’ (paragraph 3.43)





- 3.218 The illustrative Landscape Strategy (document reference 6.3.11.20 APP-304) (ES Figure 11.20) illustrates how the land within the DCO limits to the west of the Hinckley to Leicester Railway will be landscaped and provide recreational opportunity on land adjoining Burbage Common (south of the A47 Link). The underlying purpose of the Green Wedge to maintain the separate identity of settlements is safeguarded by these proposals.
- 3.219 The illustrative Landscape Strategy (document reference 6.3.11.20 APP-304) considers the impact of the HNRFI on the existing PROW network, and identifies proposed diversions to maintain the continuity of routes for walking, cycling and horse riding. Access for horse riders between existing equestrian establishments and Burbage Common is provided in the re-routing of the bridleway around the perimeter of the Main HNRFI Site, following the closure of Burbage Common Road.
- 3.220 It is considered that the proposals for diversion of public rights of way provide suitable alternative arrangements. The closure of two public rights of way (U52/6; U52/7) which comprise surface crossings of the railway is considered appropriate in the interests of safety (NPS paragraph 4.72). The Applicant’s assessment of existing PROW is shown on Figure 11.13. Figure 11.14 shows the proposed PROW strategy. The explanation to the

PRoW Strategy is set out at Appendix 11.2 in the report titled *Public Rights of Way Appraisal and Strategy* (document reference 6.2.11.2 APP-192).

- 3.221 The key recommendations of the Strategy have been incorporated into the Proposed Development and comprise (paragraph 1.96):
- Provide new permissive shared use routes to create direct access across the Proposed Development on the Main HNRFI Site;
 - 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;
 - 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;
 - 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: and
 - Create a new area of Informal Open Space (IOS) within the Main HNRFI Site and A47 Link Road, connected to Burbage Common and Woods Country Park to provide additional recreational provision.
- 3.222 The strategy acknowledges that the Proposed Development inevitably requires closure of PRoWs, within the Main HNRFI site; some loss of amenity on diverted routes, and reduced amenity during construction (paragraph 1.97). The PRoW Strategy includes provision for an area of Informal Open Space (22 hectares) as an extension to Burbage Common and Woods Country Park, as part of the mitigation package.
- 3.223 ES Chapter 11: *Landscape and visual effects* (document reference 6.1.11 APP-120) has considered the impact of the proposal on the quality of agricultural land. The Soils and Agricultural Land Quality Report (Appendix 11.3 to ES Chapter 11) (document reference 6.2.11.3 APP-193) confirms that the Main HNRFI Site and the land required for the A47 Link, together with the adjoining Burbage Common is primarily subgrade 3b agricultural land quality (83%). 1% of the land comprises land within grade 3a – being ‘best and most versatile agricultural land’.
- 3.224 The development of a SRFI requires at least 60 hectares of land. The extent to which best and most versatile land is required to accommodate HNRFI is considered not to be significant. The loss of 1% of the site – amounting to some 2.68 hectares is not significant in terms of economic or other benefits of best and most versatile agricultural land.
- 3.225 Sports England responded to the Statutory Consultation drawing attention to national planning policy for the protection of playing fields from being ‘built-upon’ (NPPF paragraph 103), and its Playing Fields Policy and Guidance 2018.
- 3.226 The development of HNRFI requires very limited incursions on land currently defined as playing fields (Town and Country Planning (Development Management Procedure

(England) Order 2015). Sport England has confirmed by email correspondence dated 10th October 2023 that Sport England has no objections to HNRFI.

Land at Hinckley Town Cricket Club, (Leicester Road Sports Ground) and Leicester

Road Stadium (Leicester Road Football Club)

3.227 The DCO requires full and permanent possession of two parcels of land identified as Plot 7 and Plot 9 on HNRFI Land Plan Sheet 1 of 8 (document reference 2.20A APP-058). These plots of land are required for the construction of the proposed roundabout at the junction of the A47 Link Road with Leicester Road. The plots of land do not form part of a 'playing pitch' as defined in the 2015 Order (referenced above).

3.228 At the time when the final design of roundabout is determined some of the land within the Plots 7 and 9 may be returned to the former condition. In that some 'playing field' land is required to be 'built on' it is acknowledged that there is a tension with the provision of the NPPF paragraph 99. The extent of the incursion is in it's a material consideration for the planning balance.

Land at Hinckley Academy and John Cleveland Sixth Form Centre

3.229 The Outwoods railway crossing is presently an uncontrolled level crossing. Network Rail requires this surface crossing to be closed in the interests of public safety. Circumstances may arise where a freight train, awaiting entry into HNRFI, obscures vision of trains running on the other line creating a safety hazard. The proposal is to replace the surface crossing with a pedestrian bridge. Land is required from the playing field belonging to The Hinckley School temporarily during the construction process for the purpose of facilitating access that may be required in the construction of the bridge abutment on the west side of the railway. The land will be restored to the former condition upon completion of these works. The land required does not require a playing field to be built-on.

3.230 The temporary possession of land to enable construction of Highway works (roundabout on the Leicester Road, and the pedestrian bridge over the railway – both on land beyond a playing pitch) does not involve land being 'built upon' in the context of the provision of the NPPF paragraph 103.

Noise and Vibration

3.231 ES Chapter 10: *Noise and vibration* (document reference 6.1.10 APP-119) considers the potential effects of noise and vibration impacts associated with construction excluding construction traffic of HNRFI. The NPS states that the Secretary of State should not grant development consent unless satisfied that the proposals will meet the following aims:

- Avoid significant adverse impacts on health and quality of life from noise as a result of new development;
- Mitigate and minimise other adverse impacts on health and quality of life from noise from the new development, and

- Contribute to improvements to health and quality of life through the effective management and control of noise where possible.

3.232 The noise assessment undertaken in the ES concludes:

'With the proposed mitigation in place it is considered that the effects of construction noise and vibration would be reduced at existing NSRs' to between temporary, minor adverse significance and temporary moderate adverse significance at worst' (paragraph 10.343).

3.233 The assessment in the operation phase concludes (paragraph 10.345 – 10.348)

'Noise from HGV movements loading/unloading operations and service yard areas, including SRFI operations

3.234 *It is considered that with the proposed mitigation in place, and considering the context, in accordance with BS 4142, the residual effect is likely to be permanent, minor adverse.*

Noise from fixed plant, equipment and break-out noise

3.235 *Noise level limits were derived at the nearest NSRs. Provided that these limits are achieved, the residual effect is likely to be permanent, minor adverse at worst.*

Noise from off-site rail movements

3.236 *The predicted noise impact from additional rail movements indicates that there will be, at worst, a permanent, minor adverse effect at NSRs and mitigation is not required. Therefore, the residual effect remains at permanent, negligible adverse.*

Vibration from off-site rail movements

3.237 *Following a vibration survey of the existing line, it is considered that the resultant effect as a result of the train movements on the sidings, would be permanent, negligible adverse.*

Off-site road traffic noise impacts

3.238 *The predicted noise impact from development generated traffic with mitigation in place, indicates that there will be between a minor adverse and negligible adverse effect at the majority of NSRs during the daytime in the short-term. The noise impact at NSR1 indicates that there will be a major, adverse effect from development generated road traffic with mitigation in place in the short-term.'*

3.239 The following conclusions are reached in the assessment for the construction phase (paragraphs 10.357 - 10.359).

'Based upon a preliminary quantitative assessment of potential noise during the construction phase, it is considered that, at worst, temporary, major adverse effects could arise without mitigation at the nearest existing NSRs. Such impacts

should be minimised where possible by adopting best practicable means through the CEMP, in order to specifically identify potential impacts and appropriate

mitigation based upon site specific information as the project progresses. With appropriate mitigation in place, residual effects would be reduced to temporary, moderate adverse at worst for existing NSRs.

The effects of construction vibration will need to be managed through the CEMP, based upon specific details of the construction works required once available.

The effects of construction traffic are predicted to be temporary, negligible adverse at worst for existing NSRs'.

3.240 The mitigation measures identified during the construction phase will include (paragraph 10.276):

- *Ensure all processes are in place to minimise noise before works begin and should ensure Best Practicable Means in accordance with the Control of Pollution Act are being achieved throughout the demolition and construction programme.*
- *Ensure that modern plant is used, complying with the latest European Commission noise emission requirements.*
- *Selection of inherently quiet plant where possible.*
- *Use of hoarding around the area where works are being undertaken, where practicable, to assist in the screening of noise generation from low-level sources.*
- *Detailed foundation design, and the associated methodology remains subject to intrusive ground investigations, to be undertaken at the appropriate time. If required, piling should be undertaken in accordance with best practice, as agreed with the relevant parties ahead of commencement of the works. The residual effect would be negligible due to negligible magnitude of effect of a low sensitivity resource and not a significant effect*
- *Use of rotary bored rather driven piling techniques, where appropriate.*
- *Off-site pre-fabrication to be used, where practical.*
- *All plant and equipment to be used for the works to be properly maintained, silenced where appropriate, operated to prevent excessive noise and switched off when not in use.*
- *Plant to be certified to meet relevant current legislation as defined by BS 5228 standards.*
- *All Contractors to be made familiar with current legislation and the guidance in BS 5228 (Parts 1 and 2), which should form a prerequisite of their appointment.*
- *Loading and unloading of vehicles, dismantling of site equipment such as scaffolding or moving equipment or materials around the site to be conducted in such a manner as to minimise noise generation and where practical to be conducted away from NSRs.*

- *Careful consideration should be given to planning construction traffic haul routes within the Site and along local roads close to existing sensitive receptors, to minimise reversing movements and to minimise the number of construction vehicles during peak traffic flows on local roads. Construction traffic will be managed by the contractor under the Construction Traffic Management Plan (CTMP); and,*
- *Noise complaints should be reported to the Contractor and immediately investigated.*

3.241 The effects of construction vibration will be managed through the CEMP (paragraph 10.358). The effects of construction traffic are predicted to be temporary negligible adverse at worst for existing NSRs (paragraph 10.359).

3.242 For the operational phase of HNRFI, the assessment has concluded (paragraphs 10.361 - 10.363):

'For noise associated with HGV deliveries including SRFI operations, library data for HGV movements, loading/unloading activities and rail movements has been used, together with assumptions regarding operations, building layout and usage. With appropriate mitigation in place, including acoustic barriers, the residual effect would be a permanent, minor adverse at worst.

Noise level limits have been derived at the nearest NSRs for fixed plant and equipment to achieve. Provided that these limits are achieved, the resultant effect is likely to be permanent, minor adverse at worst.

The predicted noise impact from additional rail movements indicates that there will be, at worst, a permanent, minor adverse effect at NSRs and mitigation is not required.'

3.243 The vibration survey concludes that the resultant effect as a result of train movements on the sidings would be 'permanent negligible adverse' (paragraph 10.364).

3.244 The tranquility assessment has considered the change in noise levels and the absolute noise level at Burbage Common Woods, Aston Firs and Freehold Woods. The assessment concludes that there would be a 'permanent minor adverse effect at worst' (paragraph 10.365).

3.245 Tables 10.65 and 10.66 provide a summary of the effects of HNRFI on the noise, environment the proposed mitigation. HNRFI with the proposed management plans will meet the aims 'within the context of Government policy on sustainable development' that are set out at NPS paragraph 5.195.

Impacts on Transport Networks

3.246 Chapter 8: *Transport and Traffic* (document reference 6.1.8 APP-117) sets out the approach that has been taken to consider the effects of operational and construction traffic (including maintenance) on the local road network. A Transport Working Group (TWG) has been established between TSH and the relevant highway authorities and representation from Blaby District Council and Hinckley and Bosworth Borough Council. The objectives of the TWG are set out at paragraph 8.9 of the ES. The assessment has

considered the Planning Inspectorate's comments in the EIA Scoping Opinion dated December 2020 (Table 8.1), and consultation feedback from the TWG; local authorities, and statutory consultees (Table 8.2). Consideration has been given to the comments received from the local community during the two rounds of informal consultation.

- 3.247 ES Chapter 8: *Transport and Traffic* (document reference 6.1.8 APP-117) explains the extensive consultation that has taken place with the relevant highway authorities. Two rounds of informal public consultation have been undertaken, which revealed that the traffic impacts of HNRFI are a major concern. Transport modelling has been undertaken as requested by the highway authorities. The output of the modelling has led to the provision of the 'A47 Link', and the identification of a number of off-site junctions where highway improvements are proposed. The approach to decision-taking is to ensure that the applicant has taken reasonable steps to mitigate these impacts. On this basis '*appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure*' (NPS paragraphs 5.213 – 5.214).
- 3.248 It is entirely to be expected that the local community will be concerned as to the potential consequences of HNRFI in terms of the increase in traffic on the local highway network, especially the movement of HGVs. Such concern is generally typical with all major scale development projects, especially commercial developments which give rise to movement by HGVs.
- 3.249 The Applicant has taken into account all consultation responses received during the statutory consultation with local authorities' consultees and the community. The Consultation Report, describes how the application has been informed and influenced by the responses received during the statutory consultation, outlining any changes made as a result. However, there must be substance to any public comment, rather than amounting to unsupported assertion to justify any amendment to the proposals.
- 3.250 A particular concern for the local community during the informal stages of consultation relates to the routing of HGV traffic associated with the Main HNRFI Site. A HNRFI HGV Route Management Plan and Strategy and Report (document reference 17.4 APP-362) has been prepared. The strategy includes measures for occupiers of the Main HNRFI Site including the Terminal Operator to monitor and enforce the Route Management Strategy with a two stage process of Management Interventions and Private Penalty System.
- 3.251 Chapter 8: *Transport and Traffic* (document reference 6.1.8 APP-117) considers the residual environmental impacts for the construction phase and operational phases of the HNRFI. A package of sustainable transport measures are to be provided, as set out at paragraph 8.315. It forms no part of national planning policy to promote the convenience of commuters travelling by car. The fact HNRFI will generate additional car movement on the surrounding highway network in the peak hours is not in itself a reason for refusing consent.
- 3.252 The position of TSH is that the traffic impacts of the HNRFI can be accommodated on the wider highway network through:
- i. The construction of the south facing slips onto M69, J2 to create an 'all-ways' Junction.

- ii. The encouragement of sustainable transport modes, including enhanced bus provision, improved pedestrian crossing facilities, new cycle lanes and footways to HNRFI.
- iii. The construction of the A47 Link Road between M69 J2 and the B4468 Leicester Road – which is to be completed at the point of opening the south-facing slips.
- iv. Off-site highway mitigation provided at some ten locations listed at Table 8.28.

3.253 A summary of the mitigation measures response to the impacts is set out at Table 8.32. It is considered that the Applicant has proposed mitigation measures that are sufficient to reduce the impact on existing transport infrastructure to an acceptable level. HNRFI satisfies the considerations raised for decision-making in the NPS (paragraphs 5.211 - 5.214). The 'residual cumulative impacts on the road network will not be 'serve' (NPPF paragraph 111).

3.254 The NPPF (105) recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. SFRIs are necessarily large sites which require suitable access to the rail network, and to be close to major trunk roads (NPS-NN paragraph 2.45). NPS -NN paragraph 4.84 refers to 'good road access'.

3.255 The LIR issued by Hinckley and Bosworth Borough Council acknowledges that '*the development [HNRFI] is very close to the existing settlements of Hinckley, Shilton and Barwell*' (paragraph 9.3). In their Written Representations (paragraph 7.5) HBBC refers to the '*site locational adjacency to the nearby urban settlement.*' This locational proximity to centres of urban population enhances the opportunity for access by sustainable transport modes - including by bus, cycling and walking – than would occur if the SRFI was located more remotely to existing urban areas.

Water Quality and Resources

3.256 The potential effects of the Proposed Development on hydrogeology are assessed at ES Chapter 15, *Hydrogeology* (document reference 6.1.15 APP-124). The conclusion is reached that the potential effects from the construction and operational phases of the Proposed Development will be negligible to slight adverse following the implementation of appropriate mitigation.

3.257 ES Chapter 14: *Surface water and flood risk* (document reference 6.1.14 APP-123) assesses the impact of the development on surface water quality during the construction and operational phases. Without mitigation the potential impact of pollutants during the construction phase is considered moderate adverse. In the operational phase, without mitigation, the effect of contamination – most likely to be caused by vehicle usage – is considered to be minor adverse.

3.258 Mitigation of this risk during the construction phase will be achieved through the provisions of the CEMP. In the operational phase management measures will be responsible for the cleaning and maintenance of proposed oil receptors which would mitigate against the potential impact of contaminated surface run-off entering the drainage system. A maintenance schedule for the proposed SuDS measures will also be prepared to ensure that the effectiveness of the proposed stages of water quality

treatment remains for the lifetime of HNRFI

- 3.259 A preliminary Water Framework Directive Assessment (WFD) (document reference 12.1 APP-353) has been prepared to support the ES. The Assessment identifies mitigation measures that will be incorporated to improve the wider water environment and prevent deterioration in water body status. Overall, the assessment of the scheme under the WFD has concluded that, subject to implementation of the mitigation and design principles described above, the proposals are unlikely to result in a deterioration in the current ecological status of the Thurlaston Brook and Soar Secondary Combined ground waterbody, nor is it likely to compromise progress towards achieving good status.

SECTION 4 - OTHER NATIONAL POLICY CONSIDERATIONS

Overarching National Policy Statement for Energy (NPS EN-1) July 2011.

- 4.0 The Proposed Development incorporates roof mounted photovoltaic arrays with a generation capacity of up to 42.4 MW providing direct electricity supply to the building or exporting power to battery storage in the energy centre. The energy centre is designed to be ready for 100% hydrogen in the Grid gas supply will provide an additional electrical generation capacity of up to 5MW. HNRFI will provide an installed capacity of 47.4MW if electricity generation. This capacity does not reach the threshold of NSIP. The DCO if made in the form submitted does not purport to authorise the construction of a generating station with a capacity of 50MW or more since section 115(1) Planning Act 2008 differentiates between development for which development consent is required (i.e., a generating station with a capacity in excess of 50 MW), and associated development. Nevertheless, a Requirement is proposed in the DCO to limit the capacity of the energy generation to below 50MW to make this clear on the face of the DCO]
- 4.1 The NPS sets out (part 2) Government policy on energy and energy infrastructure development which is generally applicable to the considerations for development generating less than 50MW. Similarly, the underlying need for and the urgency of need for new electricity NSIPs has a general application for projects generating less than 50MW. In short form, more renewable energy is needed in the interests of reaching ‘net zero’ by 2050, and in achieving greater energy security. HNRFI will contribute to these policy objectives in making effective use of roof space for the installation of PV panels. Other measures within the proposals including the promotion in the use of electrically powered vehicles including the opportunity for electrically powered HGVs (to undertake the short-leg journey between HNRFI and the market it serves) will contribute to the decarbonisation of transport from the Proposed Development.

Draft overarching National Policy Statement for Energy (EN-1) September 2021

- 4.2 The current thinking of the Government is set out in the draft revision to NPS-EN1. The Government’s objective for the energy system are to *‘ensure our supply of energy always remains secure, reliable, affordable, and consistent with net zero emissions in 20560...’* (paragraph 3.2.1). The installation of PVs using the roof space of buildings at HNRFI remains consistent with the current thinking of the Government concerning the needs for significant amount of new large-scale energy infrastructure.

The Carbon Budget Order 2021

- 4.3 The Government issued the sixth carbon budget for the period 2033 – 2037 in line with the level advised by the Committee on Climate Change. The Committee recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect bringing forward the UKs previous 80% target by nearly 15 years.
- 4.4 The Committee concluded that the Sixth Carbon Budget can be met through four key steps comprising:

1. Take of low carbon solutions
2. Expansion of low carbon energy supplies
3. Reducing demand for carbon intensive activities
4. Land and greenhouse gas removals

45 HNRFI responds to all of these steps in the provision of:

- Zero carbon building
- The provision of intermodal facilities to transfer goods by rail omitting 83m miles by HGV annually
- The provision of substantial renewable energy through the PB installation
- Extensive new mixed woodland planting to remove CO2 and deliver wider environmental benefits (NGB).

46 These policy considerations and provisions are matters ‘both important and relevant to the decision taking for HNRFI (S104 (2)(d) of The Planning Act 2008).

Draft National Policy Statement for National Networks March 2023

47 It is considered that HNRFI is consistent with the Draft NPS. The consistency of HNRFI with the Draft NPS adds further weight in favour of the application for a DCO. The draft NPS endorses the Government’s conclusion that there continues to be a compelling need for an expanded network of SRFIs – as stated in the existing NPS.

48 The ‘*drivers of need for SRFIs*’ reflects the significant evolution of the logistics sector since the NPS for National Networks was designated in 2015. As explained in the Market Needs Assessment document reference 16.1 APP-357) and this Planning Statement, HNRFI offers a unique opportunity due to its location on the strategic rail freight network to not only serve its own market but to also operate as a ‘rail hub’, capable of aggregating mixed loads to and from smaller regional terminals and ports. This would considerably enhance the commercial viability of freight train services for smaller regional terminals and ports, and thereby help to establish a national network of SRFIs in accordance with Government policy, as set out in the Draft NPS (paragraph 3.102-3.108)

49 The Planning Statement and Market Needs Assessment (document reference 16.1 APP-357) have appropriately responded to the contention raised by some interests during the consultation stages of HNRFI (non-statutory and statutory) that sufficient provision has been made for SRFIs within the Midlands Region. The application submission explains the market which HNRFI will serve and the markets served by committed operational SRFIs within the Midlands. The position taken by the Applicant is aligned with the Draft NPS (paragraph 3.103) that commitments to date for SRFIs do not fully meet the Government’s ambitions for rail freight growth. Midlands Connect - Our Freight Routemap for the Midlands (published August 2022) recognises that if it is to be successful, the region requires additional SRFI capacity. (Market Needs Assessment paragraph 5.25). The study

'Warehousing and Logistics at Leicester and Leicestershire; managing growth and change' (April 2021) reveals 16 needs for a SRFI. The local authorities accept that HNRFI would not adversely impact upon the operational viability of existing or committed SFRIs.

- 4.10 Paragraph 4.86 of Draft NPS provides welcome policy clarity to the issues raised in the NPS-NN at paragraph 4.88 concerning the timing of rail network connection which has been scrutinised in the examination of other SFRIs by the Examining Authority and the Secretary of State. This Planning Statement and the ES Chapter 3 Project Description (Document Reference 6.1.3 APP-112) describe the phasing of the rail port and warehouse construction. The approach taken in the HNRFI is consistent with Draft NPS.
- 4.11 The Applicant has been working collaboratively with Network Rail to understand the time frame for the delivery and commissioning of the rail network connection. An operational rail connection for HNRFI will be brought forward in a 'timely manner' (Draft NPS paragraph 4.86).
- 4.12 The Applicant considers that the Design and Access Statement (Document Reference 8.1 APP-349), and the consideration of 'alternatives' as explained in ES Chapter 4 Site Selection and Evolution (Document Reference 6.1.4 APP-113), demonstrate the evolution of good design for HNRFI. The Applicant has appropriately considered the functionality of the design to meet future occupier demands, sustainability and the aesthetics of the development within the locality.
- 4.13 The development team of specialist consultants have worked collectively in the evolution of the design for HNRFI to meet the four design principles identified by the National Infrastructure Commission comprising Climate, People, Places and Nature. In the evolution of the design for Hinckley National, the scheme has been amended and refined including:
- Revisions to the highway proposals to minimise the requirement for new road construction.
 - Buildings to be constructed to net zero carbon, in line with the UK Green Building Council Net-Zero Buildings Framework.
 - Reducing the height of the warehouse buildings.
- Increasing structural landscaping.
- Safeguarding land in an open land-use between Burbage Common and HNRFI – with public rights of access.
 - Providing a strategy to achieve a 10% Biodiversity Net Gain.
 - Provision for renewable energy generation primarily through the provision of roof mounted PV panels.
 - Identifying a palette of external colouring to the warehouse buildings to reduce visual

impact.

- The closure and diversion of five unmanned rail crossings to improve rail safety

4.14 The Applicant has anticipated, in the design process for HNRFI, the emerging policy requirement for national networks to deliver a Biodiversity Net Gain (BNG). The strategy to achieve a 10% BNG is explained in the Biodiversity Impact Assessment Calculations (Document Reference (6.12.2)).

4.15 In the context of the proposed transitional provisions set out in the Draft NPS, it is considered that the DCO application has anticipated and addresses the substantive changes within the emerging policy.

SECTION 5 – DEVELOPMENT PLAN CONSIDERATIONS

- 5.0 ES Chapter 5: *Relevant law and policy* (document reference 6.1.5 APP-114) identifies relevant local planning policy within Blaby District and Hinckley and Bosworth Borough.
- 5.1 The HNRFI site is not allocated for any form of urban development within the development plan for Blaby District nor Hinckley and Bosworth Borough. The land is identified as lying entirely within the open countryside beyond existing settlement boundaries. In this respect there is a conflict with the provisions of the development plan. The conflict is considered to be of limited weight in the planning balance in that:
- The development plan does not have primacy for the determination of an application for a NSIP
 - The primary policy basis for the determination of a National Networks NSIP is the NPS
 - The NPS establishes a critical need for a network of SRFIs.
 - The NPS acknowledges that due to ‘transport link and location’ requirements ‘it may be that countryside locations are required for SRFIs’. (NPS paragraph 4.84).
 - The Local Authorities Leicestershire County Council; Blaby District Council, and Hinckley and Bosworth Borough Council have acknowledged in the preparation of Statements of Common Ground that the scale and locational requirements for SFRI could not be accommodated within the limits of a built-up area within Blaby District or Hinckley and Bosworth Borough. Leicestershire County Council accepts the need for a SFRI to be located in South Leicestershire.
 - For the reasoning explained in the Logistics Demand and Supply Assessment (LDSA) (document reference 16.2 APP-358) and the Market Needs Assessment (document reference 16.1 APP-357) it is considered that the need for SFRI to address the evolving needs of the logistics sector is of greater significance since the NPS was published in 2014.
 - More recent reports issued by the Government emphasise the need to transfer the movement of goods from road to rail in the interests of addressing climate change, and the promotion of economic growth.
- 5.2 In undertaking the environmental and technical assessments of the impacts of HNRFI, the individual chapters of the ES have identified relevant local planning policy considerations. These policy considerations principally support the development management function of the local planning authorities. It is considered that essentially the underlying purposes of these policies are essentially addressed by the ‘Generic Impacts’ identified in the NPS. (Chapter 5).
- 5.3 The purpose of the Green Wedge (Policy 6 Hinckley/Barwell/Earl Shilton/Burbage) is to *‘protect the separation of the three settlements helping to protect their individual identities and provide easy access from the urban areas into greenspaces, contribution towards the quality of life for residents in these urban areas’*.

- 5.4 Policy 6 identifies a range of ‘land uses’ which will be acceptable in the Green Wedge including recreation and forestry. The setting aside of land to the south of the A47 Link to provide for biodiversity enhancement, tree planting, and permissive access as an extension to Burbage Common, is consistent with the underlying purpose of Policy 6.
- 5.5 The construction of the A47 Link necessarily will have a visual effect upon this area of land. The A47 Link will not harm the fundamental purpose of the Green Wedge. The individual identifies of the three settlements will be preserved. The A47 Link will not be perceived as contributing towards any form of visual or physical coalescence of these settlements. The clear definition of leaving one settlement and the entering of another will be maintained. The conflict with Policy 6 is confined to the fact the construction of the A47 Link is not included within the identified range of land uses. For the reasons explained this level of conflict is considered to be of very limited consequence. The underlying purpose of Policy 6 is preserved. Street lighting is not proposed along the Link Road through the Green Wedge to the west of the railway bridge.
- 5.6 The Blaby District LIR (REP1-055) lists a range of policies from the Local Plan Core Strategy – Adopted 2013. This Planning Statement has not sought to address statements of policy from development plans which are effectively covered by the NPS-NN being the primary basis for decision taking. The reference to Policy 6 in the Hinckley and Bosworth Borough Core Strategy is an example of a development plan provision that is local in context and not addressed by the NPS-NN.
- 5.7 In the LIR Blaby District Council (BDC) refer to Policy CS12 ‘*Planning Obligations and Developer Contributions*’. At LIR paragraph 6.8 it is stated, ‘*The Proposed Development will be required to provide infrastructure (or a contribution) to meet the needs of the community and mitigate any adverse impacts of development.*’
- 5.8 Policy CS12 does not require the mitigation of any adverse impacts. A statement of planning policy can not make lawful the requirements for Planning Obligations which must satisfy the test of set out Regulation 122 of the CIL Regulations 2010.
- 5.9 In a policy context, the NPS-NN states at paragraph 2.51 that:
- ‘for development such as SFRIs it is likely that there will be local impacts in terms of land use and increased road and rail movements, and it is important for the environmental impact at these locations to be minimised.’*
- 5.10 The approach taken in the design of the HNRFI has been to minimise the residual impacts. Some adverse impacts will remain which are to be weighed in the balance with the merits of HNRFI. (S104 C7). BDC has not advanced evidence to justify any Planning Obligations other than the provision of Skills and Training Strategy.
- 5.11 All policy statements should be read in their proper context. The supporting text to updated Policy CS15 (Local Plan Delivery) DPD 2019 states (paragraph 2.4):

'New residential development is required to contribute to open space, sport and recreation.'

- 5.12 The supporting text is silent on commercial development. In extensive discussion on Planning Obligations, BDC has not once suggested that the Reg 122 tests for a planning obligation are engaged by HNRFI for the provision of additional sporting and recreational facilities. Policy CS15 is considered to be an irrelevant planning policy.
- 5.13 BDC refers to in the LIR to Policy CS21 Climate Change Strategy at paragraph 18.1. The Council has not submitted this document to the Examination.
- 5.14 The Council's *'Climate Change Strategy'* 2020-2030 has a Foreword issued by Councillor Terry Richardson. An overarching aim includes Travel and Transport. The stated aim is to *'reduce the environmental impact of travel and transport across the District.'*
- 5.15 The *purpose* of a LIR is a statement of *'positive, neutral and local impacts'* (NSIP Advice Note 1 paragraph 4.6). None of the Local Authorities in their Local Impact Reports acknowledge that HNRFI has a positive impact locally, in contributing to the reduction of carbon emissions by reason of the transfer of goods from road to rail. (HBBC does not even mention Climate Change within its LIR).
- 5.16 The NPS-NN makes clear that *'the transfer of freight from road to rail has an important part to play in a low carbon economy and is helping to address climate change'* (paragraph 2.53). This *'important role'* forms an integral component of the conclusion that there is a *'compelling need'* for an expanded network of SRFIs (NPS-NN 2.53).
- 5.17 This benefit from the transfer of goods from road to rail clearly has a local impact, which disappointedly is ignored by all three authorities, albeit all three authorities have published Climate Change Strategies. The Leicestershire Net Zero Carbon Roadmap states under the theme 'Road Transportation' (page 9) *'While the decarbonisation of HGVs is of national significance, it is also a relevant focus area for Leicestershire given the significance of the logistics sector to the regional and local economy'*. [Emphasis added] The communities within Leicestershire benefit, even when considering the benefit from HNRFI at a national scale.
- 5.18 Maritime, the preferred rail port operators for HNFRI (and operators of the East Midlands Gateway; Hams Hall and BIFT state that the optimal maximum distance for the road is circa 20 miles/45 minutes' drive time (Document ref 16.1 paragraph 6.11). The distance goods are conveyed by HGVs is reduced by the locational proximity of HNRFI to the business market it will serve.
- 5.19 In the Statement of Common Ground on 'Planning Matters' the following matters realign the Development Plan have not been agreed with the local authorities.

Leicestershire County Council

1. Although it is accepted that the NPS is the primary basis for making decisions on

development consent applications for national networks, nationally significant infrastructure projects, LCC consider 'greater weight' must be given to the policies and proposals in the relevant development plan documents.

2. The development of HNRFI could adversely impact on committed or consented operations for minerals extraction or waste management.
3. To protect the aims, objectives and strategy of the Leicestershire Minerals and Waste Local Plan (September 2019) and the planning permission granted for a lateral extension to the mineral workings at Croft Quarry in early 2022 the ability for Croft Quarry to remain rail served with four trains in and out of the quarry in a 24 hour period is sought.

Blaby District Council

1. That the Planning Statement, ES or other documents give a sufficiently detailed consideration of the Development Plan documents. The Applicant considers the application has had due regard to these policies.

HBBC

1. The Planning Statement, ES or other documents do not give a detailed consideration of the Development Plan documents.
2. Whether the provision to the south of the A47 Link Road with the proposals for 22.62 hectares of open space adjoining Burbage Wood amounts to some 25% of the area of land comprised of Burbage Common and Wood. Such provision is consistent with the strategic interventions supported by Policy 20 'Green Infrastructure' with the adopted Core Strategy to *'increase the size of the site to increase both the community value and biodiversity holding capacity and improve access to the site potentially for pedestrians and cyclists.'*
3. HBBC consider that in order to meet this policy their proposal would need to clearly demonstrate that the community value for cyclists and pedestrians can be improved while also increasing the biodiversity holding capacity, ensuring that each is dealt with independently and by making improvements for pedestrians and cyclists their proposals will not have a detrimental impact on biodiversity.
4. Whether the Parameters Plan is consistent with the guidance in the Good Design SPD.
5. Whether the extent to which the construction of the A47 is in conflict with the provision of Core Strategy Policy 6 Green Wedge, and the weight to be applied to such conflict.
6. Whether in order to consider the visual impact of the proposed link road on the Green Wedge, illustrative elevational details are required.
7. Whether in consequence of the proximity of the HNRFI to Burbage Wood and Aston Firs SSSI which is designated as a Local Wildlife Site BUR76, *'HNRFI will have a detrimental impact and thereby be in conflict with Policy DM6 of the 2016 Adopted Site Allocations and Management Policies DPD which aims to protect nationally and internationally designated sites.'*
8. Whether in abutting the eastern edge of land forming part of Burbage Common and

Wood which is designated an area of Natural and Semi Natural Open Space (BUR76) the proposal is in conflict with Policy DM9 of the 2016 '*Adopted Site Allocations and Management Policies DPD*' which aims to protect and enhance such sites.

SECTION 6 LLEP ECONOMIC GROWTH STRATEGY 2021-2030

- 6.0 This is a non-statutory plan, and its provisions are included to provide a framework for the LPAs within the County, when preparing their Local Plans. The Strategy sets out ambitious objectives and priorities for the period 2021-2030. The Strategy highlights a vision for sustainable growth (P2).
- 6.1 The Economic Strategy refers to the features of Leicestershire in being:
- UK's central logistics hub
 - Providing some of the best sites in the UK for logistics businesses in the most central and accessible locations in the UK.
- 6.2 The Strategy identifies 4 Strategy Pillars, namely
- i. Productive
 - ii. Innovative
 - iii. Inclusive
 - iv. Sustainable
- 6.3 Priority 1 of the Productive pillar includes supporting growth in key sectors – including logistics (p21)
- 6.4 Priority 2 of the Sustainable pillar includes:
- Provide more employment sites and premises for growth – includes logistics (p66)
- 6.5 Priority 4 of the Sustainable pillar refers to logistics as the:
- *'Local success story'* and the need to incorporate alternatives to fossil fuels and adopt the latest innovations and methods of working.
 - It is stated *'The ending of ICE HGVs from 2040 clearly presents significant challenges to the logistics sector.'* (p46).
- 6.6 In consequence Priority 2 of Sustainable pillar of the strategy is to *'improve rail infrastructure and services.'* It is stated (Long Term 2021-2030) the Strategy is: *'to support greater use of rail freight transport.'*
- 6.7 HNRFI is considered to be consistent with the Economic Strategy.

SECTION 7 – NATIONAL INFRASTRUCTURE STRATEGY NOVEMBER 2020

- 7.0 The National Infrastructure Strategy seeks to readdress the failure of past Governments to invest in the UK regions and nations. The Prime Minister’s Forward refers to quality of the nation’s infrastructure falling behind other countries as a consequence of this lack of investment. The desired ‘renaissance’ in investment is to be sourced from both public and private investment.
- 7.1 The Strategy sets out the case for infrastructure investment stating:
- ‘High quality infrastructure is crucial for economic growth, boosting productivity and competitiveness. It helps connect people to each other, and businesses to markets, forming a foundation for economic activity. Infrastructure acts as a direct ‘input’ for businesses, which rely on energy, transport and waste collection to operate. Well developed transport and digital networks allow businesses to grow and expand, enabling them to extend supply chains, deepen labour and product markets, collaborate, innovate and attract inward investment. These ‘agglomeration’ effects are particularly powerful in city regions, where high quality infrastructure can play a substantial role in boosting productivity. But they also apply more broadly.’*
- 7.2 The Strategy articulates the benefits from infrastructure investment under the following chapters:
- 1.) Recovery and rebuilding the economy.
 - 2.) Levelling up the whole of the UK.
 - 3.) Decarbonising the economy and adapting to Climate Change.
 - 4.) Supporting private investment.
 - 5.) Accelerating and improving delivery.
- 7.3 These objectives endorse the policy provisions of the NPS-NN for SFRIs which are to be delivered by the private sector within a commercial framework.
- 7.4 In so far as the NPS-NN does not directly reference ‘Levelling Up’ HNRFI will address the compelling need for an expanded network of SRFIs and meet the identified shortfall within the sub-regions for rail related warehousing. It is accepted by the local authorities that this need ‘emerges from the mid 20s’ - which is now.
- 7.5 The Market Needs Assessment (document reference 16.1A APP-357) has identified the local business market which HNRFI will serve. HNRFI will not ‘consume the lunch’ of an existing or committed SRFI, but will contribute to the requirement for an expanded network of SRFIs.
- 7.6 Furthermore – and considered to be a unique role – HNRFI can serve as a national rail hub, *‘consolidating loads from different ports in the east, into train loads for running into terminals in the west, including Wales and the South West, as well as the North West and Scotland (and vice versa) also benefits other nation states.’* (Market Needs Assessment, paragraphs 5.35-5.36, document reference 16.1A APP-357). This opportunity promotes a key component of

the National Infrastructure Strategy for *'connecting nations and regions'*.

- 7.7 The primary market for HNRFI will be through Felixstowe, London Gateway, and the Northern Ports/Regions. (Market Needs Assessment paragraph 5.33, document reference 16.1A APP-357), HNRFI will promote a key component of the Strategy of *'connectivity for a trading nation'*.
- 7.8 It is submitted that the projected private sector investment by the Applicant in HNRFI of some £0.8billion (Funding Statement paragraph 7.1, document reference 4.2A, APP REP1-007); the location of HNRFI within the East Midlands providing substantial new job opportunities, and the connectivity of HNRFI with other UK nations and regions and the deep sea ports, is wholly aligned with the underlying aims of the National Infrastructure Strategy.

SECTION 8 – THE REQUIREMENTS OF THE EQUALITY ACT

The following text is taken from the Applicant’s response to the ExA Q1 ref. Council 1.9.3

- 8.0 As detailed in Section 1.24 of the *‘Health and Equality Briefing Note’* (HEBN) (document reference: 6.2.7.1C APP-137), and Section 1.7 of the *‘Equalities Impact Assessment Statement’* (EIAS) (document reference 6.2.7.2C REP3-014), the Equality Act 2010 replaces previous anti-discrimination legislation to simplify and strengthen the law to tackle discrimination and inequality.
- 8.1 A key part of this (Section 149) sets out a Public Sector Equality Duty that requires all public bodies to play their part in making society fairer by having due regard to:
- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and,
 - foster good relations between people who share a protected characteristic and people who do not share it.
- 8.2 Put simply, this means that through active consideration (i.e. due regard), all public sector decision making is primed to identify and prevent discrimination; consider existing inequality; advance equality; and, tackle prejudice for the following protected characteristics:
- age;
 - disability;
 - gender reassignment;
 - marriage and civil partnership (but only in respect of eliminating unlawful discrimination);
 - pregnancy and maternity;
 - race – this includes ethnic or national origins, colour or nationality;
 - religion or belief – this includes lack of belief;
 - sex; and
 - sexual orientation.
- 8.3 Overall, the Public Sector Equality Duty is intended to support good decision-making. It encourages organisations to understand how different people will be affected by their activities. This helps to ensure projects being delivered are appropriate and accessible to all, and meet different people’s needs.
- 8.4 With regard to the effects of HNRFI on residents of the Aston Firs and Land south of Leicester Road Traveller sites, all protected characteristics have been considered for all health pathways (i.e. activities with the potential to influence health, be they permanent residential receptors or visitors and users of Public Rights of Way or Burbage Common).

- 8.5 As an example, and as detailed on Page 10 of the 'EIAS' (document reference 6.2.7.2B REP3-014) for changes in noise and vibration, age and disability protected characteristics have been broadly identified for heightened sensitivity to environmental change, and then considered by receptor and phase. The relative mitigation has then been considered, and an appraisal provided testing for any unlawful discrimination; opportunity to advance equality, or foster good relations.
- 8.6 In this instance, age and disability formed the key focus of the protected characteristics explored, as being a Gypsy or Traveller does not in itself present a disproportionate sensitivity. It would be the relative sensitivity to noise experienced as a consequence of age and disability (and associated burdens of poor health and vulnerability) that might prime a disproportionate health impact associated with-noise (i.e. there is no health evidence to suggest a gypsy is more vulnerable to noise, but there is for age and disability).
- 8.7 On the above basis, and as detailed in the 'EIAS' (document reference 6.2.7.2B REP3-014) conclusion, none of the potential environmental or socio-economic changes discriminates; and that all mitigation measures implemented to avoid and reduce significant effects are relevant to all population groups, including those with protected characteristics.
- 8.8 There are a limited number of residual effects which are considered to be significant; where this is the case, no disproportionate or differential effects exist across the affected receptors.
- 8.9 The results of the assessment reiterates how due regard has been taken during the planning process, that there is no significant health impact to any community, and no discrimination or disproportionate impact to any protected characteristic.

The Health and Equalities Briefing Note

- 8.10 The HEBN (document reference: 6.2.7.1C APP-137) is intended to summarise how and where health and equality matters have been inherently assessed and addressed within the EIA, and provides additional narrative to set potential changes and risk into context.
- 8.11 It draws from and builds upon pertinent technical disciplines protective of the environment and health, so naturally applies a source pathway receptor approach, where each of the supporting technical disciplines considers topic specific sensitive receptors, and then the distribution and assessment of significance from any change directly attributable to the proposed development accordingly. -
- 8.12 With regard to the Traveller site south of the Leicester Road, and users of Aston Firs, each of these receptors are identified in the pertinent technical disciplines, most notably, air quality, noise and transport for construction and operational activities, and assessed and addressed accordingly. The Gypsy and Traveller site at Aston Firs is identified Noise Sensitive Receptor NSR15, and the site off Leicester Road as NSR28 (Figure 10.1 Noise Sensitive Receptor Locations (document reference 6.3.10.1 APP-270))
- 8.13 It should be stressed that both the Travelling Community and users of the Caravan Park have been assessed as permanent residential receptors, irrespective of any nomadic transition of plots or seasonal use.

- 8.14 As an example, for air quality, in Appendix 9.4 document reference 6.2.9.4 APP-166 ([Air Quality Road Traffic Emissions assessment - Existing Sensitive Human Receptor Locations – Construction Phase and Operational Phase](#)), Receptors R43-R45 are the Caravan Park users on Smithy Lane, and Receptor R219 is the Traveller Site off Leicester Road. These are then assessed to air quality objective thresholds protective of health, and then the highest change in annual mean concentration for NO₂, PM₁₀ and PM_{2.5} were then further tested in the health and equality briefing note.
- 8.15 As detailed in Section 1.108, the changes in concentration are considered to be negligible in air quality terms and the relative change in concentration and exposure remains order of magnitude lower than is required to quantify any measurable adverse health outcome on local communities.
- 8.16 Similarly for noise and vibration, Table 10.14 detailed in the Noise and Vibration Chapter (document reference 6.1.10 Revision 07 APP-199) includes NSRs 15, 16 and 17 which are the Caravan Park users on Smithy Lane and NSR 28, which is the Traveller Site located off Leicester Road (B4668). These receptors have been identified as permanent residential receptors.
- 8.17 The potential noise and vibration impacts have been assessed at these receptors externally in garden areas and internally through an open window, which is the weakest element of the façade, in line with the defined guidance.
- 8.18 NSRs 15, 16, 17 and 28 are located closest to the proposed A47 link road, and mitigation in the form of acoustic barriers are proposed where significant impacts are predicted. With this mitigation in place, no significant impacts are anticipated.
- 8.19 On the above basis the pertinent technical disciplines consider topic specific receptors, including users of Aston Firs and Land south of Leicester Road Traveller sites, provide an appropriate assessment protective of health, and the Health and Equality Briefing Note document ref 6.2.7.1 APP-137 provides a concise summary. The potential for disproportionate risk to protected characteristics has been further considered in the Equalities Impact Assessment Statement document reference 6.2.7.2C.

The judgement of the Court of Appeal in *Smith v SSLUHC & Ors* [2022] EWCA Civ 1391.

- 8.20 The Applicant has considered the impact of HNRFI upon the residents at the Aston Firs Gypsy and Traveller Site – which is managed by Leicestershire County Council – on the basis the residents are ‘gypsies and travellers’ with the meaning set out at Annex 1 Glossary to Planning Policy for Traveller Sites 2015.
- 8.21 In accordance with the law, the Applicant has considered the impact of HNRFI upon the residential amenity enjoyed by the residents of the Aston Firs Gypsy and Traveller Site and the site off Leicester Road, fairly and comparably with the level of residential amenity to be enjoyed by members of the settled community. In short form without discrimination.
- 8.22 The Judgement of the Court of Appeal in *Smith V SSLUHC & Ors* [2022 EWCA Civ 1391] was

in relation to the definition of Gypsies and Travellers in the Planning Policy for Traveller Sites, where depending on their personal circumstance might cease to pursue a nomadic lifestyle.

- 8.23 The concern was for indirect discrimination against ‘elderly’ and ‘disabled’ Gypsies and Travelers as the policy wording was more broadly termed as those Gypsies and Travelers that might cease to pursue a nomadic lifestyle due to ‘health needs or old age’.
- 8.24 Amongst other items, the Court of Appeal found that there was no proper justification for that discrimination, and that the judgement for future decision-making will depend on the particular circumstance of the case. In this instance, the case has no bearing on HNRFI, where Gypsies and the Travellers are considered in their entirety, and are identified as sensitive receptors in relevant Chapters of the ES (*‘Air Quality’* document reference 6.1.9 APP-118, *‘Noise and Vibration’* document reference 6.1.10 APP-119 and *‘Transport and Traffic’* document reference 6.1.8 APP-117). The Traveller site is not impacted regardless of the residents’ intent to peruse a nomadic lifestyle or not, and wider protected characteristics that fall within this community group and the wider communities are still considered (age, sex, disability sexual orientation and preference, race, religion etc). The Equality Impact Assessment Statement (document reference 6.2.7.2B, REP3-014) is a useful resource to explore the potential influence on all protected characteristics directly attributable to what has been proposed, and as a means to test the Public Sector Duty and Equality Act.
- 8.25 In summary, the judgement of the Court of Appeal in *Smith v SSLUHC & Ors* is not pertinent to, or affected by HNRFI, where all credible change in environmental and socio-economic circumstance have been considered for all protected characteristics, including those in Aston Firs Gypsy and Traveller Site and the Travellers’ site off Leicester Road.

SECTION 9 PLANNING BALANCE

- 9.1 Necessarily, new built development cannot be provided on land that is mainly undeveloped without having a significant impact upon the character and appearance of that land. This inevitability of an adverse impact is especially applicable to the provision of a SRFI by virtue of the scale, form and extent of the development (in excess of 60ha).
- 9.2 The Government recognises the inevitability of such impacts in national policy, stating: *‘for developments such as SRFIs, it is likely that there will be local impacts in terms of land use and increased road and rail movements and it is important for the environmental impacts at these locations to be minimised’*. (National Networks NPS paragraph 2.51)
- 9.3 The NPS states that *‘subject to the detailed policies and protections in the NPS and the legal constraints set out in the Planning Act, there is a presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in this NPS’*.
- 9.4 The NPS establishes a *‘compelling need for an expanded network of SRFIs’* (paragraph 2.56). This compelling need is considered to be further endorsed by more recent reports issued by the Government promoting decarbonisation of transport within the logistics sector through increased modal shift from road to rail. The Market Needs Assessment (document reference 16.1 APP-357) has identified the market which HNRFI will serve and how this market hinterland relates to the markets served and to be served by other committed SRFIs.
- 9.5 The assessments that have been undertaken in the Environmental Statement identify mitigation measures under each environmental and technical topic. The assessments conclude that with the implementation of the mitigation measures there will remain some residual impacts arising both during the construction and operational phases of HNRFI.
- 9.6 The NPS makes clear that criteria for ‘good design’ include considerations of functionality, fitness for purpose, sustainability and cost (Paragraphs 2.9; 4.33). TSH has reduced the scale of the buildings in response to the comments received during the statutory consultation. It is considered that any further reduction in scale would result in *‘significant operation constraint and function’* (NPS paragraph 5.159). Reference has been made to the need for volumetric efficiency in the storage and distribution of goods in response to the changing needs of the logistics sector.
- 9.7 The form and scale of a SRFI (with large scale buildings) inevitably results in significant residual adverse landscape and visual effects. Strategic landscaping, and consideration of the appearance of buildings, can minimise these effects – but will never totally screen these effects. The NPS acknowledges that *‘for developments such as SRFIs, it is likely that there will be local impacts in terms of land use’* (paragraph 2.51). Further reduction in scale of buildings should be avoided. In order to ensure HNRFI serves the operational needs of the logistics sector for efficiency in the movement of goods. It is submitted that, as demonstrated within the ES, these impacts will be minimised. The Logistics Demand and Supply Assessment estimates that 86% of occupier demand will be for large scale B8 units (document reference 16.2 APP-358).
- 9.8 The local authorities accept that a site for a SRFI can not be identified from within an existing urban area. The NPS-NN acknowledges (paragraph 4.84) that locational requirements for a SRFI may need a countryside location. In consequence there will be an inevitable loss

of greenfield land, and land that is presently in agricultural use. The loss of Best and Most Versatile agricultural land amounts only to 2.68 hectares of land – circa 1% of the site area.

- 9.9 A ‘less than substantial harm’ has been identified to the significance of some designated heritage assets – which is to be given ‘*considerable importance and weight*’ in decision-taking. It is concluded that the level of ‘less than substantial harm’ is demonstrably outweighed by the public benefits which HNRFI will deliver as summarised at paragraph 3.175 (in the context of the NPPF paragraph 208). A total loss of non-designated assets will occur with the demolition of the farmhouses and the existing railway bridge. The total loss of these non-designated assets is a matter for the planning balance. Other residual impacts of minor adverse significance have been identified in the ES, Chapter 13, *Cultural Heritage* (document reference 6.1.13 APP-122).
- 9.10 As explained at ISH4 and in response to the Landscape Design Review prepared by LUC on behalf of Blaby District Council, the loss of a single Veteran Tree (T486) is unavoidable. This loss derives from the engineering requirements in the design of the rail port, which determines the levels for the development zones on the Parameters Plan. The loss of T486 is partially compensated by the deadwood from felling being placed in natural areas to benefit wildlife. The Woodland Management Plan (Requirement 31) will include management for the two retained Veteran Trees (T835 and T854).
- 9.11 The concerns raised by Sport England at the statutory consultation stage have been resolved (Ref Sport England email to the Planning Inspectorate dated 10th October 2023).
- 9.12 Necessarily by reason of a countryside location being required, opportunities to maximise sustainable transport solutions will not be the same as might be available with an existing urban area (Framework 105). HNRFI is located adjacent to the substantial urban area of Hinckley and Bosworth, and close proximity to SUEs at Barwell and Earl Shilton. The Sustainable Transport Strategy and Plan (document ref: 6.2.8.1 APP-153) sets out the measures proposed to provide a genuine choice of transport modes.
- 9.13 The NPS acknowledges that SRFIs will necessarily give rise to ‘*increased road and rail movements*’ (paragraph 2.51). The planning issue is whether the increase in traffic movement can be accommodated on the surrounding highway network, with the provision of improvements to the network (M69 J2; A47 Link and off-site highway works) without resulting in a ‘*residual cumulative impact which would be ‘severe’*’ (NPPF, paragraph 115). The conclusions reached in the Environmental Statement are that the proposals are satisfactory in the context of the provisions of the NPS (NPS 5.213).
- 9.14 Necessarily by reason of a countryside location being required, opportunities to maximise sustainable transport solutions will not be the same as might be available in an existing urban area (NPPF paragraph 105). HNRFI is located adjacent to the sustainable urban area of Hinckley and Bosworth, and in close proximity to SUEs at Barwell and Earl Shilton. The Sustainable Transport Strategy and Plan document reference 6.2.8.1A Rev 5 REP 3-016 sets out the measures proposed to provide a genuine choice of transport modes.
- 9.15 The Government concludes that there is a ‘*compelling need*’ for an expanded network of SRFIs in response to Government policy which is encapsulated at paragraph 2.53 of the NPS, namely:

'The Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities. The Government therefore believes it is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change.'

- 9.16 This 'compelling need' is reinforced by the strategy and vision set out in the Future of Freight Plan 2022. The Plan states:

'The plan establishes government and the sector's joint ambition and commitment to a long term, cross-government and cross-modal approach to deliver our vision of a Freight and logistics sector that is cost efficient, reliable, resilient, environmentally sustainable and valued by society'.

- 9.17 The three local authorities accept – through evidence base commissioned by the local planning authorities within the Leicester and Leicestershire Economic Partnership area, that there is a need for a SFRI to address the shortfall in the provision of rail served warehousing in the period upto 2041. The Statement of Common Ground in Planning Matters entered into by the local authorities acknowledges that this need emerges from the 'mid 2020s'.
- 9.18 HNRFI would timely address this need – as anticipated through the NPS-NN – through a commercial framework, and in circumstances where, because of the locational requirements, the, *'number of locations suitable for SRFIs will be limited, which will restrict the scope of developers to identify viable alternative sites.'* (NPS-NN para 2.56)
- 9.19 In this stage of the planning process the identification of the preferred rail port Operator is unusual – and is testament to the commercial confidence of HNRFI as a viable location. The reports issued by the Government since publication of the NPS that seek to promote increase inter-modal movement of goods from road to rail amount to matters that are 'both important and relevant' to the decision on HNRFI (Act Section 104 (2)(d)). These reports add weight to the need for HNRFI. The emerging draft NPP-NN 'reboots' the national need for an expanded network of SRFIs. HNRFI is considered to be consistent with this emerging policy guidance.

Access, Layout and Appearance

- 9.20 The Department of Transport Policy Paper titled *'Development Options for a Rail Freight Growth Target to 2050'* (20th December 2023) has established a rail freight growth target (RFGT) of at least 75% freight moved to rail by 2050. The RFGT is derived from Option 2 which relies upon assumed private sector spend principally in the development of new SFRIs. It is submitted that HNRFI is in principle wholly aligned with this Policy Paper – lending further weight in favour of the granting of a DCO
- 9.21 HNRFI is consistent with the Leicester and Leicestershire Economic Strategy that seeks to achieve greater use of rail freight transport in response to the local growth success story of the 'logistics' sector in Leicestershire County, and in addressing the significant

challenges faced by logistics in response to requirements for more sustainable movement of goods.

- 9.22 The Market Needs Assessment (document ref: 16.1 APP-357) and Environmental Statement Chapter 7: *Land Use and Socio Economic Effects* (document ref 6.1.7A REP3-155) have established the economic benefits that will arise from HNRFI. HNRFI is estimated to result in the transfer of good from road to rail amounting to some 83m miles per annum.
- 9.23 The proposed private sector investment of some £0.8 billion in new national infrastructure will enhance connectivity with other UK nations and regions and the deep sea ports. The investment is wholly aligned with the underlying aims of the National Infrastructure Strategy.
- 9.24 A consolidated Note has been prepared of the *'Benefits of HNRFI to the Local Community'* (Document Reference 18.10 REP3-075) under the headings of:
- Invest in the National Network of SRFIs
 - Creating Jobs
 - Generating Value
 - Environmental Benefits
 - New road and rail infrastructure
- 9.25 It is considered that the benefits of HNRFI will substantially outweigh the adverse residual impacts that have been identified. As such, the *'presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in this NPS'* (NPS paragraph 4.2) applies to HNRFI. This conclusion is reached in response to the statutory consultation and the amendments made to the project. HNRFI satisfies all the locational design, environmental and technical issues identified in the NPS.