

Tritax Symmetry (Hinckley) Limited

## **HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE**

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### **The Hinckley National Rail Freight Interchange Development Consent Order**

Project reference TR050007

### **Applicant's response to deadline 3 submissions [Part 1 - BDC]**

Document reference: 18.13

Revision: 01

**9 January 2024**

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Planning Act 2008

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

### BDC Comments on Deadline 3 Submissions

Response Number	Matter	Applicant's response	LUC comment on Applicant's response	Applicant's Response
<b>Ecology</b>				
<b>1</b>	BDC does not consider that the Applicant has fully explored opportunities to microsite the development footprint and associated peripheral works around features such as mature trees and hedgerows, resulting in an unnecessary loss of habitat and habitat fragmentation.	<p>The nature of an SRFI necessitates a plateau to be created within the development footprint. As such, opportunities for habitat retention are unavoidably limited in the first instance.</p> <p>The large-scale operational nature of the development does not lend itself to the retention of pockets of ecology, as these would be inevitably isolated from similar habitat and surrounded by hardstanding, limiting their ecological value overall.</p> <p>Habitat has therefore been retained where possible and where feasible (i.e. where a plateau is not required, such as the A47 Link Road land at the very peripheries of the site). Any habitat losses have been fully accounted for, with appropriate mitigation proposed.</p>	Further joint design comments are being submitted by BDC and HBBC at Deadline 3.	<p>The Veteran Tree (T486), identified within the Arboricultural Impact Assessment, document reference: 6.2.11.4, APP-194) and similarly the other landscape features within the main development site, cannot be retained in their current location, and their loss is unavoidable to achieve the Applicant's need to deliver an SRFI scheme based upon the Parameters Plan (document reference: 2.12A), with the engineering of the site levels and the flexibility required within the development plateaus that has informed it.</p> <p>By way of further explanation, the HNRFI proposal, and the Parameters Plan (document reference: 2.12A) that has been prepared, have defined the vertical parameters of the scheme based upon an engineering review and design that started with the rail element of the works and the connection to the existing Felixstowe to Nuneaton line. This has the least flexibility in terms of its vertical alignment and geometry, and therefore defined the levels for the Railport, the development plateaus where a direct rail connection can be attained and the other development zones.</p> <p>The engineering design for the site, also took into account the need to create development plateaus that provide flexibility in the ultimate position of the boundaries of the individual development plots, and the location of the infrastructure that serves them.</p> <p>There was also a need to tie into the existing levels around the perimeter of the site; have a scheme that worked on creating a cut/fill balance for the earthworks to avoid the need to remove material from site.</p> <p>This all means that the existing levels around the Veteran Tree and other features cannot be maintained.</p>

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				<p>Within smaller scale developments, where smaller, non-rail connected, buildings are more appropriate, there is a greater ability to respond to the existing site levels. However, the requirements of an SRFI, with the provision of a rail terminal and larger building footprints, mean that significant level changes within the terminal itself or the buildings and their plots are not acceptable if they are to operate effectively.</p> <p>Also, and notwithstanding the engineering impacts, and using the principles of the 'Rochdale Envelope' as a guide for the Parameters Plan (resubmitted at deadline 4, document reference: 2.12A), given that all the details of the development are not yet confirmed, limits of deviation have also been set out within the development zones, to allow for the movement of specific parameters to provide the required flexibility when responding to individual occupier enquiries. In short, this means that the Veteran Tree and other features could also end up being in the ideal location for a new building, service yard or highway.</p>
2	BDC consider that further assessment should be undertaken to establish impacts on species such as bats from light spill.	The applicant does not agree that further assessment is necessary to establish impacts on bats. Potential impacts on bats have been discussed further within the Applicant's response to Relevant Representations (document reference: 25 Sensitive 18.2) and the Applicant's response to Written Representations, (document reference: 18.3).	Agreed through SoCG that further information will be provided within the CEMP and method statements pertaining to bats and lighting. Requirement 31 also stipulates that: 1. No phase of the authorised development may be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The report and schemes submitted and approved must be in accordance with the lighting strategy (document reference 6.2.3.2) and include the following;	The CEMP (document reference: 17.1A) has been updated, and forms part of the Applicant's deadline 4 submissions, to include further lighting measures to avoid significant lighting impacts on bats. As agreed in the SoCG, the detailed phase specific CEMPs (Requirement 7) will include phase-specific lighting to be approved by the relevant planning authority. Additionally, the EMMP (document reference 17.5, APP-363) includes species-specific preconstruction measures (paragraphs 3.7 - 3.49) and construction measures (3.50 - 3.63).

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3			<ul style="list-style-type: none"> <li>a. a layout plan with beam orientation;</li> <li>b. an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance;</li> <li>c. a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and</li> <li>d. measures to avoid glare on surrounding railway and highways. The approved lighting scheme must be implemented and maintained as approved by the relevant planning authority during operation of the authorised development and no external lighting other than that approved under this requirement may be installed.</li> </ul>	
<b>Impact A: Burbage Common and Woods Local Nature Reserve</b>				
4	BDC consider that the hedgerows, treelines and individual trees between the Proposed Development and Burbage Common and Woods LNR provide vital commuting and foraging opportunities for bats.	The potential impacts on bats are covered in the Applicant's response to Relevant Representations (document reference: 18.2) and the Applicant's response to Written Representations, (document reference: 18.3) and is currently an as yet unresolved matter of draft the SoCG submitted at Deadline 2.	Version 6 of the SoCG agrees in principle that further detail will be provided, including appropriate mitigation measures and a revised iteration of the CEMP.	<p>The CEMP (document reference: 17.1A) has been updated, and forms part of the Applicant's deadline 4 submissions, to include further appropriate mitigation measures for bats.</p> <p>The mitigation measures in respect of bats are also agreed within the SoCG (ref, Matters Agreed 22), subject to further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge. These appropriate measures will be detailed in the phase-specific Ecological Mitigation and Management Plans (Requirement 20).</p>

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5	BDC consider that despite proposed mitigation, there remains a risk of significant disturbance and degradation for Burbage Common and Woods LNR.	<p>There will be no direct impacts on Burbage Common and Woods LNR. The parameter plans demonstrate that off-site woodland habitats will be significantly buffered (at least 25m but up to 50m in most instance). As acknowledged by BDC, these wide buffers will go some way to mitigating indirect impacts to the LNR. The creation and management of these buffers will be sympathetic to such off-site habitats, and will be undertaken within input from Natural England and Hinckley and Bosworth Borough Council (HBBC).</p> <p>The strategy established within the Woodland Management Plan (WMP) (document reference: 6.2.12.4A, APP- REP1-015) ensures that the construction and operation of the authorised development will be undertaken in such a way that off-site woodland habitat will be protected. The woodland creation, management and maintenance measures outlined within the WMP (a detailed version of which is secured at Requirement 33) are designed to fully mitigate any potential adverse impacts to off-site woodland which may arise through the construction and operational phases of the development.</p>	It is considered that due to the sensitivity of the woodland, buffers should be consistent and greater than 25m.	<p>The construction and operational buffers to woodland have been agreed with Natural England and are in line with Natural England and Forestry Commission guidelines. The proposed buffers are 25m minimum, and typically greater.</p> <p>A revised Illustrative Landscape Section plan is submitted as part of the Applicant's D4 submissions (Figure 11.17, document reference 6.3.11.17A) and shows indicative buffer widths in key locations, including:</p> <ul style="list-style-type: none"> <li>- Section A-A - The A47 Link Road and Amenity Area (approximately 320m wide buffer at shown location between DCO boundary and development footprint);</li> <li>- Section B-B - The Railport Returns Area and Western Amenity Area (approximately 305m wide buffer at shown location between DCO boundary and closest area of development);</li> <li>- Section D-D – South-eastern Boundary with M69 (approximately 70m wide corridor at shown location);</li> <li>- Section E-E – South-eastern Boundary with M69 (North) (approximately 30m wide buffer at shown location)</li> <li>- Section H-H – South-eastern boundary with Freeholt Wood (approximately 45m between Freeholt Wood and A47 link road at closest point).</li> </ul>
6	BDC consider that it is currently unclear as to how offsite Biodiversity Net Gain (BNG) will offset the loss of habitat while maintaining habitat connectivity.	Requirement 30 will ensure the development delivers a 10%. Whilst BNG assessments are ongoing, current calculations show there is sufficient scope to deliver net gains on site, with options to deliver additional through off-site solutions.	As per SoCG further detail is required regarding refinement of the on-site calculations and confirmation of the off site BNG proposals.	A meeting was held between the Applicant, BDC and HBBC on 20.11.23 in which BNG and the Applicant's approach was discussed. Following the meeting, revisions to the metric have been made and the updated metric is submitted at Deadline 4 (document reference: 6.2.12.2A).
7	BDC considers displacement of walkers and dog walkers to be likely, resulting in increases in recreational pressure at Burbage Common & Woods which could result in a negative impact on	It is acknowledged that the proposed development would result in a change to the local network of footpaths. Displacement would be limited, since the proposals would provide new, safe routes including broad natural green ways within which a shared use bridleway would be routed providing off- road access to Burbage Common and Country Park from Burbage Common Road North. Within the centre of the site permissive shared footpath/cycleways would be routed alongside the main internal road system within broad tree-lined avenues with verges.	No further comment	Noted

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	<p>local ecology, predominantly as a result of the creation of desire lines, littering and general heavy recreational use year round but particularly during the warmer months.</p>	<p>As above, the strategy established within the Woodland Management Plan (WMP) (document reference 6.2.12.4A, REP1-015) ensures that the construction and operation of the authorised development will be undertaken in such a way that off-site woodland habitat will be protected. The woodland creation, management and maintenance measures outlined within the WMP are designed to fully mitigate any potential adverse impacts to off-site woodland which may arise through the operational phases of the development, including access management.</p> <p>Discussions with off-site management bodies and surveys of off-site woodland will inform a detailed WMP (secured via Requirement 33). These talks/surveys aim to identify any existing pressures (including recreational) and how they can be appropriately managed from within the development site. It should be noted that initial talks with HBBC have been undertaken on site at Burbage Woods and Aston Firs SSSI (with Natural England), with no existing access issues identified.</p>		
8				
9	<p>BDC consider that further information is needed regarding the landscape buffer and the BNG provision proposed by the Applicant as the details currently available do not adequately assess or mitigate the operational impacts of the Proposed Development.</p>	<p>This has been addressed within the Applicant's response to BDC's Written Representations (document reference: 18.3).</p>	<p>SoCG and Hearing discussions reached a point of agreement pending further detail on appropriate mitigation measures, however clarity is sought on the consistency of buffer widths and dark corridors for bats.</p>	<p>A revised Illustrative Landscape Section plan is submitted as part of the Applicant's D4 submissions (Figure 11.17, document reference 6.3.11.17A) and shows indicative buffer widths in key locations, including:</p> <ul style="list-style-type: none"> <li>- Section A-A - The A47 Link Road and Amenity Area (approximately 320m wide buffer at shown location between DCO boundary and development footprint);</li> <li>- Section B-B - The Railport Returns Area and Western Amenity Area (approximately 305m wide buffer at shown location between DCO boundary and closest area of development);</li> <li>- Section D-D – South-eastern Boundary with M69 (approximately 70m wide corridor at shown location);</li> <li>- Section E-E – South-eastern Boundary with M69 (North) (approximately 30m wide buffer at shown location)</li> <li>- Section H-H – South-eastern boundary with Freeholt Wood (approximately 45m between Freeholt Wood and A47 link road at closest point).</li> </ul>

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<b>Impact B: Aston Firs SSSI</b>				
10	BDC considers displacement of walkers and dog walkers to be likely, resulting in increases in recreational pressure and negative impacts at Aston Firs SSSI.	As agreed with Natural England through the SoCG, significant increases in recreational pressure on the SSSI are considered unlikely. In any event, talks with relevant management bodies are underway, and seek to ensure appropriate management of on-site habitat provision to help effectively manage access. Such management measures will be secured in the detailed WMP (Requirement 33) and subject to local authority sign off. The southern section the SSSI is not publicly accessible, and so it is considered that no access issues will likely arise.	No further comment.	Noted
11	BDC consider that the risk of degradation from soil compaction/encroachment by machinery or pollution events at Aston Firs SSSI have not been adequately assessed. Any loss of ground flora/tress would be significant given the level of protection the SSSI holds.	As agreed with Natural England through the SoCG, the proposals will come forward in line with Natural England's and the Forestry Commissions adopted guidance, development and woodland/ancient woodland, including necessary measures to avoid impacts on off-site woodland through degradation from soil compaction/encroachment by machinery or pollution events.	No further comment.	Noted
<b>Impact C: Ancient Woodland, PAWS and Ancient and Veteran Trees</b>				
12	BDC consider that increased hard standing and built structures, proposed drainage and SuDS attenuation features may be overwhelmed, and increased overland flow could cause flood water and excess nutrients to inundate the woodland during periods of heavy rainfall.	The proposed development includes drainage infrastructure that will manage surface water within the development to the required design standard – this includes consideration of future climate change. The Lead Local Flood Authority has confirmed that the proposed scheme is at an acceptable level of surface water flood risk and that the proposed scheme will seek to appropriately mitigate surface water flood risk within Leicestershire in line with best practice guidance.	No further comment.	Noted

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13	BDC consider that degradation from construction works will have a negative impact on retained woodland and trees.	As agreed with Natural England through the SOCG process, the detailed CEMP secured via Requirement 7 will include defined operational and construction buffers in line with Natural England and Forestry Commissions standing advice. Through the Natural England SoCG, the Requirement 7 wording is being updated to include specific reference to a dust management plan and the 'highly recommended' measures set out in table 9.40 and 9.41 of chapter 9 of the environmental statement (Air Quality) (document reference: 6.1.9, APP-118).	No further comment.	Noted
14	BDC do not consider the loss of 0.4ha of broadleaved plantation woodland to be temporary due as it will not be reinstated within two years.	The loss of 0.4ha of plantation woodland is currently deemed to be minor adverse (i.e. negative), but also reversible. Large areas of new woodland are proposed across the site which will negate any significant impacts associated with woodland loss.	It should be noted that the time taken to reach the required target condition and the time taken for trees to establish, will result in a delay in the restoration of this habitat type from an ecological/arboricultural and biodiversity net gain perspective.	As per the meeting held between BDC, HBBC and the Applicant on 20/11/2023, the metric takes account of temporal factors, which is why the 'score' of woodland creation is capped within the biodiversity net gain metric. The target condition is therefore considered from a biodiversity net gain perspective. From an ecological perspective, the establishment period will have an impact, but not a significant or non-reversible one.
15	As concluded in the Ecology Statement of Common Ground it is agreed that it may be possible to microsite around mature/veteran trees rather than lose these important landscape and ecological features.	This has not been agreed within the Ecology SoCG. As outlined above in response 54 above, and as addressed in the Design Review, whilst some flexibility exists, retaining individual trees within central parts of the site is not considered possible.	We expect further assessment and consideration of microsite opportunities, particularly with regard to mature or veteran trees due to their significance and sensitivity. Veteran trees are considered 'irreplaceable habitats'.	Please refer to response 1.
		<b>Impact D: Hedgerows</b>		
16	BDC consider that the severance and fragmentation of habitats through loss of hedgerows and the time taken to reach target condition for those enhanced or replaced habitats is considered to be a significant, adverse impact.	The potential impacts on fragmentation and severance have been discussed further within the Applicant's response to BDC's Written Representations (document reference: 18.3).	Further assessment is to be undertaken by the applicant regarding hedgerow habitats for both on and offsite BNG as agreed through the SoCG.	As agreed through the SoCG, the updated BNG metric submitted at deadline 4 (document reference: 6.2.12.2A) accounts for off-site hedgerows.



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17	BDC consider it unclear how hedgerow enhancement or creation will be managed and monitored for the required 30 year period.	The principles for hedgerow enhancement are listed at paragraph 5.10, and the principals for hedgerow creation are discussed at 5.12 – 5.21 of the LEMP (document reference: 17.2, APP-360). Monitoring and Management are dealt with at paragraphs 5.40 and 5.41. Detailed LEMPs are to be secured via Requirement 20, (Landscape Ecological Management Plan) with each requiring LPA sign off.	Further assessment is to be undertaken by the applicant regarding hedgerow habitats and their full assessment and consideration in the on and offsite BNG calculations. The applicant is to confirm how offsite creation of hedgerows will be secured, managed and monitored in the long term. As agreed through the SoCG, a further iteration of the LEMP is required as per the Requirements.	A meeting was held between the Applicant, BDC and HBBC on 20.11.23 in which BNG and the Applicant's approach was discussed. Revisions have been made to the metric and are submitted at deadline 4 (document reference: 6.2.12.2A).
18	BDC require further detail with regard to the proposed additional hedgerow creation or enhancement that is expected to be achieved through partnering with the Environment Bank to enable BDC to assess whether these proposals adequately mitigate the impacts on existing hedgerows.	There is a commitment to 10% net gain in hedgerow habitat, 7% of which will be delivered within the Main Order Limits. It is anticipated that any shortfall will be delivered through offsite land in the locality. Where this cannot be achieved, credits will be sought through the Environment Bank, discussion have taken place with the Environment Bank confirming that they can provide appropriate credits (Requirement 30 Biodiversity Net Gain).	The next iteration of the metric and associated surveys and reporting should establish the required offsite deficit, the location in which these habitats will be created or enhanced and the mechanism via which they will be delivered, either through the Environment Bank or another delivery partner. Details of the final assessment of BNG and long term monitoring and management is required which should be reviewed by a suitably qualified ecologist.	This is agreed. Requirement 29 will necessitate a detailed version of the BNG metric. An updated version of the BIA has been submitted at deadline 4 (document reference: 6.2.12.2A).
19	BDC consider that further assessment of the impact upon bats from habitat fragmentation and light spill onto retained and enhanced hedgerows should be undertaken.	Potential impacts on bats have been discussed further within the Applicant's response to BDC's Written Representations (document reference: 18.3).	It has been agreed that future iterations of the lighting strategy will be produced in accordance with Requirement 31. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.	No further comment.
<b>Impact E: Watercourses</b>				
21	The IP consider that the loss of permanent water bodies will reduce the availability of habitat to aquatic species and therefore, represents an undervalued irreversible, negative impact.	As outlined within the Relevant and Written Representations, the applicant is continuously working to minimise on site losses and maximise gains. BNG assessment of watercourse is ongoing to minimise losses/maximise gains (as per the draft SoCG submitted at Deadline 2).	The RCA and supporting report should detail how post development condition will be achieved which must be reviewed by a suitably qualified ecologist (SQE).  Further clarity is therefore required as to how 'moderate' condition of the watercourse will be achieved and the management and monitoring, in line with the BNG condition sheets, that will be	The BNG strategy (Requirement 29) will involve a detailed BNG metric. An updated iteration of the metric is included within the revised Biodiversity Impact Assessment (document reference: 6.2.12.2A) (submitted at deadline 4). The BIA also includes further detail on the River Corridor Assessment and on how target condition will be achieved.

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			undertaken in order to ensure this is possible.	
<b>22</b>				
<b>23</b>	BDC consider that buffer planting or vegetated swales would be beneficial to reduce the likelihood of pollutants entering the watercourse and further hindering the enhancement of the rerouted stream.	Agreed.	No further comment.	Noted.
<b>Impact F: Impacts Upon Species</b>				
<b>24</b>	BDC consider that details of some mitigation are unclear, and until further information is provided BDC must adopt a precautionary approach, concluding that there will be negative impacts upon species	Not agreed as set out in the draft SoCG submitted at deadline 2.	As agreed through the SoCG the amended Ecological Mitigation Management Plan requirement (21), set out below: 1. Subject to paragraph (3) no phase shall commence until a detailed ecological mitigation and management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed ecological mitigation and management plan must be in accordance with the principles: set out in the ecological mitigation and management plan and must: a. apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians; b. ensure that mitigation and compensation measures have demonstrable and measurable outcomes, which are monitored and reported on; c. create alternative habitats to an agreed form to compensate for the loss of irreplaceable	A meeting was held between the Applicant, BDC and HBBC on 20.11.23 in which the revised wording was discussed. This is currently a matter for the SoCG, and it is anticipated that the Applicant will apply further revisions to the Requirement wording for BDC/HBBC review.

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			<p>habitats; and</p> <p>d. provide continuity of habitat creation through the phases of development to ensure that habitat types that are lost as a result of a phase are created as part of the landscape provisions associated with that phase</p> <p>2. Any detailed ecological mitigation and management plan approved under paragraph (1) must include an implementation timetable and must be carried out as approved in writing by the local planning authority.</p> <p>3. If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the relevant planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to paragraph (1). A phase for which a notification has been given in accordance with this subparagraph must not commence until the relevant planning authority has confirmed in writing that not no ecological mitigation and management plan is required for that phase.</p> <p>4. Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitable qualified person or body.</p>	

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25	<p>BDC considers that retaining connectivity of habitats is under explored within the application; the lighting strategy is brief and unsupported by appropriate surveys to determine effects on the surrounding/retained habitats. Therefore, BDC request a more detailed assessment in respect of ES Chapter 13 and the supporting BNG assessment which appropriately follows the mitigation hierarchy.</p>	<p>Not agreed. Potential impacts from lighting on bats and the potential effects of fragmentation have been accounted for within the assessment. Further information has been added within the Applicant's response to BDC's Written Representations (document reference: 18.3), and updated lighting plans demonstrate the limited light spill that the proposals achieve. The BNG assessment follows the mitigation hierarchy, and works are ongoing to improve gains. An updated Ecology and Biodiversity chapter is therefore not considered necessary.</p>	<p>See response 71.</p>	<p>The detailed lighting strategy will be produced in accordance with Requirement 30 (as per BDC response 71). No further comment.</p>
26	<p>BDC consider the impact on bats is negative but has the potential to be neutral in the long term if the key habitats being lost (hedgerows and woodland) are successfully established/managed/monitored in the long term.</p>	<p>Agreed.</p>	<p>No further comment.</p>	<p>Noted</p>
27	<p>The IP consider that Great Crested Newts (GCN) should be included as an Important Ecological Feature (IEF) with particular mitigation to be proposed during construction (e.g. with an appropriate precautionary method of working within suitable habitats).</p>	<p>The assessment work and proposed mitigation in relation to GCN is considered proportionate. However, it has been agreed that GCN will be included as an IEF on a precautionary basis. Detailed CEMPs will include precautionary working measures when working in proximity to off-site ponds. As outlined in the EMMP (document reference 17.5, APP-363, paragraphs 3.46 – 3.48) sensitive working methodologies are to be employed in respect of GCN (and amphibians generally). Detailed iterations of the CEMPs (as secured via Requirement 7) will specifically account for any off-site ponds within the local area for which survey access was not possible, with working methodologies devised on that basis.</p>	<p>No further comment.</p>	<p>Noted</p>

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28	BDC state that it is unclear within the application documents as to the dimensions of proposed s.	Specific dimensions for buffers have not been provided, as they range across the site. However, as is demonstrated within the Landscape Strategy (ES Figure 11:20, document reference 6.3.11.20, APP-304), open space is provided at the site boundaries (most notably to the west). Given retained features are almost exclusively at the site perimeter, this shows the extent of buffering to be delivered.	Clarity is sought as to the extent of buffers, particularly where dark corridors and sensitivity for bats is most notable.	<p>A revised Illustrative Landscape Section plan is submitted as part of the Applicant's D4 submissions (Figure 11.17, document reference 6.3.11.17A) and shows indicative buffer widths in key locations, including:</p> <ul style="list-style-type: none"> <li>- Section A-A - The A47 Link Road and Amenity Area (approximately 320m wide buffer at shown location between DCO boundary and development footprint);</li> <li>- Section B-B - The Railport Returns Area and Western Amenity Area (approximately 305m wide buffer at shown location between DCO boundary and closest area of development);</li> <li>- Section D-D – South-eastern Boundary with M69 (approximately 70m wide corridor at shown location); <ul style="list-style-type: none"> <li>- Section E-E – South-eastern Boundary with M69 (North) (approximately 30m wide buffer at shown location)</li> </ul> </li> <li>- Section H-H – South-eastern boundary with Freeholt Wood (approximately 45m between Freeholt Wood and A47 link road at closest point).</li> </ul>
29	Badger surveys identified two setts that will be completely lost as a result of the Proposed Development; a subsidiary sett and an outlier sett. As no main sett has been recorded, a replacement sett will not be required unless pre- construction surveys identify any. The Applicant also acknowledges the loss of foraging habitat and disruption to foraging habitat during construction.	Agreed.	No further comment.	Noted

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	<p>Opportunities are presented within the creation of new habitats and enhancement of retained habitats, to improve foraging habitat for badger.</p>			
30	<p>BDC state that for each species precautionary working method statements will be required as well as greater detail regarding mitigation, monitoring, management and protocols such as stopping works should be provided within the CEMP.</p>	<p>Detailed CEMPs will include precautionary method statements for reptiles and amphibians, with other species considered where appropriate on a phase-by-phase basis. This is not considered appropriate for invertebrates, given the common and widespread species the site is considered to support.</p>	<p>No further comment.</p>	<p>Noted</p>
31	<p>Overall, the impact on GCN is negative however this is subject to further surveys and assessment using the 500m buffer as agreed through the Statement of Common Ground. With respect to Birds, the overall impact is negative due to the loss of breeding/nesting habitat for arable farmland birds. It should be noted that this directly links to the BNG assessment and the loss of linear/area habitats and the</p>	<p>As above (response number 77) GCN will be considered an IEF on a precautionary basis. The 500m methodology has been used in survey work to date, and it is acknowledged that the text regarding the 250m methodology in the Ecology Baseline (document reference: 6.2.12.1, APP-197) is incorrect. The proposed landscape strategy will include habitats of benefit to GCN, including a number of ponds. Overall impacts on birds are not considered significant following the proposed mitigation. The EMMP (document reference: 17.5, APP-363) details the appropriate measures for badgers, including contractor briefings, vegetation clearance, exclusion measures, monitoring and sett destruction. Detailed CEMPs will include monitoring and mitigation measures for badgers where appropriate, with finer aspects of monitoring and mitigation dealt agreed with Natural England through the licencing process.</p>	<p>No further comment – addressed via SoCG.</p>	<p>This matter is addressed via the SoCG. Detailed CEMPs will have regard to off-site ponds.</p>

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	<p>potential to retain and enhance habitat suitable for breeding and wintering birds. With respect to badgers the overall impact is neutral, subject to further assessment and monitoring during construction. Monitoring and mitigation for badgers will need to be adequately reflected in a revised CEMP.</p>			
<b>Impact G: Biodiversity Net Gain</b>				
32	<p>BDC does not consider that the BNG calculations are compliant with planning policy requirements or the aims of the Environment Act 2021 on the basis that the proposed partnership with the Environment Bank has not yet been established and is it not clear how BNG proposals will be achieved. BDC state that a full and complete Biodiversity Impact Assessment (BIA) report should provide an assessment of the proposed offsite BNG provision.</p>	<p>The BNG strategy is compliant with national planning policy in that the application identifies and pursues opportunities for securing measurable net gains for biodiversity. Until 2025, the 10% net gain for NSIPs will not be in force. Talks with the environment bank are ongoing but until the detailed BNG has been completed, the precise credit requirement will not be known. The BNG strategy, secured via Requirement 30 is sufficient to ensure a 10% net gain is met.</p>	<p>The point regarding mandatory BNG is not deemed to be valid given the likely commencement of works post 2025. Further assessment, survey and reporting is required to adequately assess on and offsite BNG as well as assess the suitability of a proposed partnership with the Environment Bank.</p>	<p>A meeting was held between the Applicant, BDC and HBBC on 20.11.23 in which BNG and the Applicant's approach was discussed. An updated iteration of the metric is included within the revised Biodiversity Impact Assessment (document reference: 6.2.12.2A) (submitted at deadline 4).</p>

Response Number	Matter	Applicant's response	LUC comment on Applicant's response	Applicant's Response
33	BDC consider that further assessment is required, including establishing the remaining deficit of biodiversity units, in order to adequately assess the units required for further offsite BNG.	As outlined within the SOCG and Written and Relevant Representations, further assessment is ongoing. Talks regarding the securing off-site land is also ongoing. The precise amount of deficit units will not be known until detailed BNG assessments have been undertaken. However, the principal of gains has been demonstrated within the BIA (document reference 6.2.12.2, APP-198). Requirement 30 ensures 10% will be delivered.	As per response number 82.	A meeting was held between the Applicant, BDC and HBBC on 20.11.23 in which BNG and the Applicants approach was discussed. An updated iteration of the metric is included within the revised Biodiversity Impact Assessment (document reference: 6.2.12.2A) (submitted at deadline 4).
34	BDC state that the need for a phased assessment approach needs to be further explored as the phased construction phase may result in habitat being created/enhanced in advance of loss, improving the overall BNG score.	Agreed.	No further comment. Agreed.	Noted
<b>Impact B: Potential Impacts on Human and Ecological Receptors</b>				
35	BDC state that increases in ambient pollutant concentrations will be experienced at a number of human and ecological receptors within BDC and the wider assessed areas.	Acknowledged; however these increases are predicted to be negligible in accordance with relevant guidance and the current relevant air quality objectives.	See comments on air quality.	A meeting was held between the Applicant, BDC and HBBC on 20.11.23 in which Air Quality Impacts on Freeholt Wood were discussed. Following this the Applicant a revised Illustrative Landscape Section plan is submitted as part of the Applicant's D4 submissions (Figure 11.17, document reference 6.3.11.17A) which shows indicative buffer widths in key locations. The figure now also includes a section next to Freeholt Wood.
36	BDC has concerns regarding the predicted impact on the Free Holt Ancient Woodland located immediately adjacent to the new link road, where a percentage change relative to the lower critical load (10 kg N ha-1 year-1) of up to 1.4% is predicted.	The Air Quality ES Chapter (document reference: 6.1.9, APP118) provided the changes in nitrogen deposition at the Freeholt Ancient Woodland and the significance of these impacts were considered in Ecology ES Chapter 12 (document reference: 6.2.12, APP-121). The Ecology and Biodiversity Chapter states that although there will be some increase at ecological receptors (including Freeholt Wood) above 1% of the critical load, these do not exceed an increase of more than 1% of the current baseline deposition without the HNRFI. Therefore, these increases would not be considered significant in EIA terms. The figure of 10 kg N ha-1 year-1 on woodland habitat is taken from Air Pollution Information System (APIS)	See BDC's Written Statement of oral case at ISH3 on this matter.	A meeting was held between the Applicant, BDC and HBBC on 20.11.23 in which Air Quality Impacts on Freeholt Wood were discussed. Following this the Applicant has provided a revised Illustrative Landscape Section plan submitted as part of the Applicant's D4 submissions (Figure 11.17, document reference 6.3.11.17A) which shows indicative buffer widths in key locations. The figure now also includes a section next to Freeholt Wood which shows an indicative buffer width of approximately 45m between Freeholt Wood and A47 link road at closest point.



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	<p>Whilst the default value for woodland habitats is considered to be 10 kg N ha<sup>-1</sup> year<sup>-1</sup>, there is increasing evidence that this figure is not sufficiently robust, with the critical load for key components of woodland ecosystems likely closer to 5- 6 kg N ha<sup>-1</sup> year<sup>-1</sup>. Therefore, the predicted impact is likely to be worse than that outlined in the Air Quality ES Chapter 9 [APP-118], and there is the potential for irreversible, major, adverse negative impacts on this ancient woodland.</p>	<p>who are considered the authority on matters of air quality on natural habitats. It is therefore considered appropriate to use the 10kg figure for the purposes of assessment. It is considered that the removal of arable land (and therefore, a large source of nitrogen) from the northern boundary of Freeholt Woodland would be of great benefit. It is also noted that the Air Quality ES Chapter (document reference: 6.1.9, APP-118) modelling shows that the overall levels of nitrogen deposition at Freeholt Wood (and indeed all ecological receptors) all decrease from the opening year to the full operational year (accounting for improvements in technology). In addition, the ancient woodland will be buffered by new woodland and scrub planting and so any initial exposure to increased nitrogen is considered temporary/reversible as new planting matures and screens the woodland.</p>		<p>Designs shown on Figure 11.17 are indicative at this stage however in terms of Freeholt Wood, a 22m buffer is anticipated between the DCO boundary and the bridleway. This will comprise a woodland planting, transitioning into scrub and then grassland. Beyond the Bridleway will be a further 18m of woodland planting on an embankment, further screening the ancient woodland from the A47.</p> <p>The species composition of the Freeholt Wood screen planting will comprise tree and shrub species which are known to have properties which help disperse emissions and reduce atmospheric nitrogen deposition. The species will also be selected to be complimentary to the existing species composition of Freeholt Wood, with preference to those of local provenance. To this end, further engagement with HBBC is anticipated.</p> <p>It is also anticipated that trees will be provided in a range of sizes (standards, feathered and multi-stem). Shrubs will be provided as pot grown, barefoot transplants and whips.</p>
37	<p>In general, BDC agrees with the position stated in respect of important ecological features within the Order Limits. However, the level of importance afforded to various protected species is not agreed, with them generally being undervalued. This includes: - Bats should not only be afforded 'Local' importance.</p>	<p>As per CIEEM EIA guidelines, "Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds or an otter population within a catchment. When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline." This guidance is referred to at paragraph 1.55 of the Ecology Baseline (document reference: 6.2.12.1, APP-197). When a particular species is a national priority species or declining at a national level, it does not automatically make the population recorded of</p>	<p>As per SoCG this is agreed in principle. Further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.</p>	<p>No further comment.</p>

Response Number	Matter	Applicant's response	LUC comment on Applicant's response	Applicant's Response
	<p>- Breeding birds, such as lapwing and skylark, are considered to be higher than 'District' importance.</p> <p>- Otters are considered to be higher than 'District' importance. All former European Protected Species should be of 'National' level importance irrespective of their presence within the Main Order Limits.</p>	<p>that level of importance, unless it makes up a significant proportion of the local/county/national/international wintering/breeding/migratory population. In other words, the level of protection or conservation status of a particular species is not necessarily synonymous with its importance in EIA terms.</p> <p>In the context of Lapwing (for example), the Leicestershire and Rutland Bird Report 2020 classifies Lapwing as an 'Abundant winter visitor/ uncommon migrant breeder'. Breeding Bird Surveys estimated 2 - 5 pairs of breeding lapwing utilising the site. This is not considered to be of any greater significance than district level, as these are not regionally or nationally significant numbers when considered in the context of wider population data.</p> <p>Similarly, the bat assemblage recorded within the Main Order Limits is typical of an urban edge farmland site in central England, with common and widespread generalist species accounting for the vast majority of foraging and commuting activity. Survey data to date suggests the buildings on site support day roosts supporting low number of common species. The assemblage is therefore only of local value.</p>		
38	<p>The Applicant's Ecological Report (document 6.2.12.1) states that baseline information is presented for the Main Order Limits and that other areas within the DCO limits are 'typically of negligible ecological importance'. However no data is presented to support this assumption. It appears that Phase 2 surveys were only conducted within the Main Order Limits and not the full DCO Order Limits. BDC queries the ability to assume 'negligible importance' without undertaking surveys</p>	<p>As stated within the Ecology Baseline (document reference: 6.2.12.1, APP- 197), the Main Order Limits includes the Main HNRFI Site, contiguous areas to the north-west, south and east, respectively to contain the corridor of a proposed link road that would cross the Leicester to Hinckley railway and connect to the B4668/A47 Leicester Road (the 'A47 Link Road'), the proposed works to M69 Junction 2 and a section of the B4669 Hinckley Road towards the village of Sapcote. The DCO Site does include additional non- contiguous areas of land which will be subject to highway enhancements, traffic management measures, and pedestrian level crossings. An extended Phase 1 survey was undertaken on the 14 April 2022 of the additional areas included for the highways works, A review of the proposals for these non-contiguous areas found them to be ecologically insignificant, given that they typically involve development of already developed areas.</p> <p>Where impacts on semi-natural habitats are required (i.e. the construction of the pedestrian footbridge across the railway), impacts to habitat will be temporary in nature, and will not significantly impact protected species (e.g. no impacts to trees with bat roost potential, commuting bats, badger setts etc). As such, no Phase 2 surveys are proposed in these areas. Update habitat walkover surveys are scheduled for 2024/2025 and will include all areas where the proposals will impact semi-natural habitats. Management Plans (i.e. CEMP</p>	<p>No further comment. Agreed that updated surveys (pre-construction) will cover all land affected by the development.</p>	<p>No further comment.</p>

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		(document reference: 17.1, APP-359) secured by Requirement 7 will ensure appropriate working methodologies for any removal of habitat to ensure no adverse impacts on protected species.		
39	BDC disagrees with the grading of importance to habitats and species, which appears to be based on their abundance within the order limits as opposed to their status or level of protection	<p>As per CIEEM EIA guidelines, "Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds or an otter population within a catchment.</p> <p>When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline". This guidance is referred to at paragraph 1.55 of the Ecology Baseline (document reference: 6.2.12.1, APP-197).</p> <p>When a particular species is a national priority species or declining at a national level, it does not automatically make the population recorded of that level of importance, unless it makes up a significant proportion of the local/county/national/international wintering/ breeding/migratory population. In other words, the level of protection or conservation status of a particular species is not necessarily synonymous with its importance in EIA terms.</p> <p>In the context of Lapwing (for example), the Leicestershire and Rutland Bird Report 2020 classifies Lapwing as an 'Abundant winter visitor/ uncommon migrant breeder'.</p> <p>Breeding Bird Surveys estimated 2 - 5 pairs of breeding lapwing utilising the site. This is not considered to be of any greater significance than district level, as these are not regionally or nationally significant numbers when considered in the context of wider population data. Similarly, the bat assemblage recorded within the Main Order Limits is typical of an urban edge farmland site in central England, with common and widespread generalist species accounting for the vast majority of foraging and commuting activity. Survey data to date suggests the buildings on site support day roosts supporting low number of common species. The assemblage is therefore only of local value.</p>	<p>The CIEEM EclA guidance states that 'where protected species are present and there is the potential for a breach of the legislation, those species should always be considered as 'important' features. On this basis, reducing the impact based on the number of a particular species does not reduce the likelihood of a breach of legislation.</p> <p>Adequate mitigation measures are required, with full methodologies and precautionary working methods included within the Ecological Mitigation and Management Plan. It is agreed (through the SoCG) that updates will be made prior to submission of these documents pre-construction, as per the DCO requirement, these should be fully reviewed by a Suitably Qualified Ecologist (SQE) prior to discharge by the local authority.</p>	No further comment.
40	There is a general disagreement with the assigning of value to	As outlined within the Ecology Baseline (document reference: 6.2.12.1, APP-197), the majority of the Main Order Limits is of only limited (Negligible or Site-level) intrinsic nature	Agreed in line with Applicant's comments as per SoCG.	No further comment.

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	ecological receptors – this is heavily based on presence within order limits rather than based on national decline/legal protection.B	conservation importance, comprising mainly arable grassland, arable land, improved grassland, species- poor semi-improved grassland and built areas. Other habitats, including the network of ponds, a stream, mature standard trees, boundary hedgerows and woodland have been assigned Local or higher-level intrinsic nature conservation value.		
41	Furthermore, there is a lack of consideration to habitat fragmentation during the operational phase, including the provision of only one relatively narrow corridor in a north-east/south- west direction. Further assessment of the impact habitat fragmentation will have on bats needs to be undertaken.	The assessment of the likely impacts includes fragmentation. As per paragraph 12.151 of the Ecology and Biodiversity chapter (document reference: 6.2.12, APP-121), the Proposed Development has been designed to incorporate the hedgerow network and minimise its fragmentation where possible, particularly around the perimeters. It is acknowledged in the assessment that the direct loss and fragmentation of the existing hedgerow network is considered to be of high magnitude and extent, with appropriate mitigation proposed on that basis. Currently the net gain calculations show a 7.12% net linear gain, before any local or off-site solutions have been implemented. Future iterations of the Net Gain metric will ensure 10% net gain in hedgerow units will be achieved - a significant factor in terms of alleviating fragmentation impacts.	As per SoCG this is agreed in principle, with further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.	No further comment.
42	There is a general lack of detail provided for long term ecological management plans.	The existing LEMP (document reference: 17.2, APP-360 is only outline in nature, with a detailed LEMP(s) secured via Requirement 19. Sufficient detail will therefore be provided at the detailed design stage.	SoCG did not clarify this point, however it is agreed in principle that further detail will be provided within the future iterations of the LEMP as per the Requirements. It is not agreed that complex habitat types have been identified and the potential need for bespoke agreements reflected in the LEMP. LUC recommend that this be reflected in the revision to the LEMP.	As noted in the original comment, the Applicant proposes phase specific, detailed LEMPs which are secured through Requirement 19. The Applicant has updated the outline LEMP as part of the D4 submissions (document reference 17.2A) which now reflects that detailed LEMPs will be produced with reference to the Defra Metric Habitat Condition Assessments.
43	BDC requires drafting amendments to Requirement 21, the Council's proposed drafting provided in the version of the DCO appended to the WR	The wording of Requirement 21 is being reviewed.	No further comment.	Noted

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44	Applicant committed to delivering 10% BNG however mechanisms for calculating and securing the implementation are unclear	Requirement 30 is written in a 'Grampian style' – and accords in the planning guidance for the use of planning conditions (PPG – paragraph 09 Reference ID: 21a-009-2014306) in the context that the full BNG commitment may not be achieved on land that is presently within the control of the Applicant. Discussions are ongoing to secure off site BNG credits locally and discussions have also taken place with the Environment Bank in relation to their BNG credit system.	As per previous comments, Requirement 30 is agreed, however further on and offsite assessment is required as well as confirmation of the agreement to be held with the Environment Bank.	Further on and off-site assessment and talks with the Environment Bank is ongoing, and are in light of the latest Biodiversity Impact Assessment Calculations (document reference: 6.2.12.2A) (submitted at deadline 4).
45	In terms of the BNG, it is difficult to provide any meaningful comment as the mapping associated with the BNG has not been provided. Mapping should be included within the metric 3.1 and associated reporting. This also links the Biodiversity Improvement Area and Landscape Enhancement Management Plan that also need to be provided for full review	Figure 12.3 (document reference: 6.3.12.4, APP- 309) shows the pre-development site. The Post development BIA Plan is provided at Annex 2 of the Biodiversity Impact Assessment Calculations (document reference: 6.2.12.2, APP-198). The illustrative Landscape Strategy (document ref.: 6.3.11.20, APP-304) and illustrative. Landscape Sections (document reference: 6.3.11.17, APP-301 and 6.3.11.18, APP-302) show the proposed landscape mitigation.	Mapping should be included within the Metric and BNG creation and enhancement signposted between the mapping and the Metric within the assessor comments. Full revisions to mapping will be required once all BNG assessments of pre and post on and offsite units are complete.	As above and as agreed within the SoCG, the BNG Strategy (Requirement 29) will necessitate a detailed BNG which will include revised mapping and appropriate signposting.
46	The Council understands the Applicant has committed to delivering 10% BNG in relation to the Scheme and that the Scheme may have to comply with the BNG requirements of the Environment Act 2021. The Scheme as proposed fails to clearly demonstrate and secure 10% BNG, including its long term management, and further mitigation is	Requirement 30 will ensure the development delivers a 10% net gain. Whilst BNG assessments are ongoing, current calculations show there is sufficient scope to deliver net gains on site, with options to deliver additional through off-site solutions.	Agreed with regard to Requirement 30.	No further comment.

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	required in this respect.			
47	It is proposed that through partnering with the Environment Bank, further area habitat and linear river units will be achieved in order to meet the 10% requirement. This, however, has not yet been established nor is it clear how these proposals will be achieved.	The Applicant has committed to delivering 10% however, and the mitigation hierarchy has been followed. Where gains cannot be provided on site, they will be delivered through other land in the Applicants control in the local vicinity. Where a shortfall remains, this will be dealt with by obtaining off-site credits. Opportunities to maximise gains and minimise losses are still being explored. Conversations with the environment bank are ongoing.	As per previous comments, further assessment of off site BNG and confirmation of the discussion and agreement with the Environment Bank is to be evidenced.	Further on and off-site assessment and talks with the Environment Bank is ongoing, in relation to the latest Biodiversity Impact Assessment Calculations (document reference: 6.2.12.2A) (to be submitted at deadline 4).
48	The need for a phased assessment approach needs to be further explored, as it is intended that the Proposed Development will be constructed in phases, therefore it may be possible that habitat could be created or enhanced in advance of loss, thus improving the overall BNG score and providing greater enhancements for biodiversity.	This is agreed and will be explored further through the SoCG process. The key open space provision will be delivered within the initial phases of the project, effectively meaning that over the proposed 10-year construction period, planting may be delivered up to 9 years in advance.	No further comment.	No further comment.
49	BDC considers that light spill onto retained and enhanced hedgerows has the potential to have significant adverse, long term effects on	The lighting technical note appended to the draft BDC SoCG submitted at Deadline 2 demonstrates that light spill have been kept to a minimum. The vast majority of open space will be maintained as dark, allowing continued commuting opportunities post development. Whilst some light spillage occurs at the railway and railway bridge (considered unavoidable given the nature of a SRFI), lux levels are	Requirement 31 wording regarding lighting is agreed. As full light spill assessments have not as yet been undertaken, the impact on dark corridors currently used by bats is under developed. Given the current usage of the land within the red line boundary (e.g.	It is now agreed in the SOCG V08 'that future iterations of the lighting strategy will be produced in accordance with the Requirements. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.'

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	species, in particular bats. The current lighting strategy is brief and unsupported by appropriate surveys to determine the effect of the proposed development on the surrounding/ retained habitats. Further assessment and surveys need to be undertaken to adequately understand the potential impacts light spills will have on bats and to subsequently inform a robust mitigation package.	generally low, and still allow commuting opportunities for bats (with the northern edge of the railway at 1lux or below). The bat assemblage which utilise the site are not typically light sensitive, and so low levels of light does not preclude continued opportunities for the local bat population. No further assessment is deemed necessary. Where newly provided or retained habitats are subject to lighting, it is considered that any impacts will be off- set by the quantum of habitat provision, most of which will be retained as dark corridors.	largely arable), the impact of a lit development in its place needs to be further explored and mitigated appropriately within the Ecological Mitigation and Management Plan.	The mitigation measures in respect of bats are also agreed within the SoCG (ref, Matters Agreed 22), subject to further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge. These appropriate measures will be detailed in the phase-specific Ecological Mitigation and Management Plans (Requirement 20).
50		<i>Response number not in use</i>		

#### Health

#### Comments on Applicant's response to Local Impact Report and Written Representations

The tables below set out Icen's comments on the Applicant's response to Blaby District Council's Local Impact Report and Written Representations with respect to health matters.

51	BDC consider the Proposed Development to result in negative impacts to numerous health determinants.	BDC state that the proposed development has the potential to impact upon determinants of health (i.e. factors that influence health), but does not establish or provide any evidence of any actual health impact, and does not present any evidence that would contradict that provided or infer any gap in the assessment submitted. In contrast, the DCO investigates, assesses and addresses all credible environmental and socio-economic change directly attributable to the proposed development, and provides a Health and Equality Briefing Note (document reference: 6.2.7.1A) to aid transparency and set potential hazard and risk into context.	Stakeholders have repeatedly raised the request for a Health Impact Assessment at every stage of the DCO process and this view is still held.	<p>A HIA and Population and Health Chapter were scoped out by PINS through the formal EIA scoping process.</p> <p>Although this was the case, recognised HIA experts have formed the Health and Equality Briefing Note, the latest iteration of which is submitted at deadline 4, (document reference: 6.2.7.1C) to aid in communicating how and where health has been assessed, focussing on environmental precursors to any health outcome.</p> <p>As stated in the ExA's section 51 advice dated 27 September 2023 there is no obligation to submit a full HIA on the basis that this was scoped out.</p> <p>No assessment gap has been presented by any party, and no evidence of a health impact identified.</p>
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Response Number	Matter	Applicant's response	LUC comment on Applicant's response	Applicant's Response
				<p>No party, including BDC have commissioned a HIA to inform their Local Impact Report.</p> <p>While we acknowledge BDC's reporting preference for a voluntary, non-regulatory process, it does not change any of the credible health pathways assessed and addressed through the agreed scope and regulatory assessment process.</p>
52	<p>BDC consider the Wards chosen for the Applicant's assessment of health and wellbeing impacts has underrepresented the areas of Narborough and also Hinckley and Earl Shilton.</p>	<p>The wards study area has been selected based on the DCO Order Limits, the composition of which is referenced in multiple places throughout the Health and Equalities Briefing note. For clarity, the ward study area comprises the wards of: Croft Hill; Hinckley de Montford; Burbage St Catherine's &amp; Lash Hill; Stanton &amp; Flamville; Barwell; Broughton Astley Primethorpe &amp; Sutton; Cosby with South Whetstone; Lutterworth West; Ullesthorpe; and Revel and Binley Woods. Please note however, that this health baseline was included in the voluntary Health and Equality Briefing Note (document reference: 6.2.7.1A) for additional context, and supplements the topic specific baseline for each of the overlapping technical disciplines in the DCO, tailored to topic specific hazard characteristics, distribution profile and receptor sensitivity. There is no question that each of the technical disciplines within the DCO are appropriately scoped to investigate, assess and address the specialist topics they cover, protective of the environment and health.</p>	<p>While we consider that it would have been more appropriate for the baseline area selected for the health baseline to include Narborough, Hinckley and Earl Shilton for the reasons stated in the LIR, when completed, no substantial or material differences in the data outcomes have been identified.</p>	<p>On the basis that it is agreed that no substantial or material differences on the data outcomes have been identified, this matter can be closed out.</p>
53	<p>BDC consider it is presently unclear as to the quality of the proposed alternative open space which will be provided.</p>	<p>The applicant acknowledges that good quality open space is beneficial to health and wellbeing and notes the importance of delivering this within the new publicly accessible green space.</p>	<p>Further clarification is required from the applicant on how the good quality open space will be achieved by the new open space provision and how this might be secured in perpetuity.</p>	<p>The access to the open space proposed as part of the development is set out in the LEMP submitted at Deadline 4 (document reference: 17.2A), which is secured by Requirement 19.</p>



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54	<p>BDC consider there has been a lack of analysis around the qualitative nature of replacement rural open space bridleways, and that the user experience will change from encountering a natural aesthetic to an urban one with most of the proposed routes being adjacent to roads.</p>	<p>The reprovision of a bridleway that will now pass through an urban setting will not materially impact access to physical activity or mental wellbeing on the basis that several nearby alternative routes which also pass through natural settings exist and can be used if that is the preference.</p>	<p>Clarification is required on how the conclusion of no material impact to physical activity or mental wellbeing has been achieved. No analysis which examines alternative routes has been provided. It is argued that qualitative assessment, informed by consultation would be appropriate.</p>	<p>We would encourage BDC to review the Public Rights of Way Appraisal and Strategy (document reference: 6.2.11.2, APP-192).</p> <p>This first maps out all the relevant PRow's and bridleways, but also explains and summarises the results of a PRow use survey, and ES Figure 11.13 (document reference: 6.3.11.13, APP-297) grades each PRow.</p> <p>As detailed in the Public Rights of Way Appraisal and Strategy, consultation was included, most notably with LCC Highways and the PRow officer at LCC, while a number of other statutory and non-statutory consultees were also consulted in relation to the PRow Strategy. Full details of this are provided in the Consultation Report (document reference: 5.1, APP-091 – APP-107).</p> <p>Table 1.3 provides a summary of the PRow use followed by narrative on they form of use, and quality of route. It should be noted that the existing PRow routes on site experience limited use at present with most of the recreational activity in the area focussed within Burbage Common and Woods Country Park, which will remain unchanged.</p> <p>While some PRow will be stopped up and/or diverted, diversions and alternative routes have been established as part of the PRow Strategy. Furthermore, there are several good quality PRow which exist locally that are unaffected. Most notably, these include the PRow which pass through Aston Firs and Burbage Common.</p> <p>It should also be noted that there is not currently an off-road bridleway route that crosses the site, other than V29 that connects the motorway overbridge to the M69 Junction which is heavily influenced by the presence of the Motorway. All other equestrian use is via Burbage Common Road which is shared with vehicles. The change is not from a straight natural aesthetic to an urban one, particularly as the new route is set within a broad green corridor up to 70m wide with woodland, scrub and meadow planting.</p>

Response Number	Matter	Applicant's response	LUC comment on Applicant's response	Applicant's Response
55	BDC state that there has been no analysis within Appendix 7.1 of the Environmental Statement [APP- 137] of the commuting patterns and how active travel will be incorporated into the Proposed Development.	The use of active modes of transport for commuting is promoted by the applicant through design. for further information please see Section 8.315 of Chapter 8 of the ES (Framework Travel Plan and Smarter Travel Measures) (document reference: 6.1.8, APP-117).	It is not evident how the use of active modes of transport for commuting will impact the health of residents in the surrounding area.	<p>It is important to note that this is not a residential development, where the public realm within the order limits is designed to facilitate operational safety, remove and manage environmental impacts and support a healthy work environment for staff.</p> <p>Design and the provision of infrastructure to encourage active modes of transport is therefore limited to staff traveling to and from the proposed development, of whom would include local residents.</p> <p>Details of which are provided in Section 8.315 of Chapter 8 (document reference: 6.1.8, APP-117) of the ES Framework Travel Plan and Smarter Travel Measures (document reference: 6.2.8.2B). Cycle provision is in line with BREEAM excellent standard, which includes provision for lockers, showers and cycle parking within the units themselves.</p> <p>There is limited impact (adverse or beneficial) on the health of residents in the surrounding area that will not work at the proposed development, as they are not expected to commute to the site actively or otherwise.</p>
56	BDC state that given no traffic flow information has been provided as part of the air quality assessment, any stated impacts on the human receptors cannot be verified or relied upon.	<p>The Health and Equalities Briefing note (document reference: 6.2.7.1A) does not seek to repeat the traffic flow data relied upon for the air quality assessment, instead providing cross references where appropriate.</p> <p>Please note however, that the air quality assessment demonstrates compliance with air quality objectives protective of the environment and health, and as noted in the Health and Equality Briefing Note, both the concentration and exposure remains orders of magnitude lower than is required to quantify any measurable change in local health outcome (when considering the Committee on the Medical Effects of Air Pollutants risk ratios). No evidence has been provided by any party that contradicts these findings or indicate a gap in the assessment.</p>	BDC's statement of common ground sets out that the traffic information received is not sufficient.	<p>The comment relates to the sufficiency of the transport assessment and the need to update the air quality and health assessment should the underpinning data significantly change.</p> <p>This is true of all interdependent technical assessments.</p>
57	BDC suggest that mitigation should ensure quality open space provision: The Landscape plan should include Burbage	The Applicant is discussing this matter further with the relevant planning authority Hinckley and Bosworth Borough Council.	The consideration of this matter is welcomed.	Discussions are currently underway with HBBC with regard to management of the proposed extension land to the Country Park and potential improvements to facilitate improved public access.

Response Number	Matter	Applicant's response	LUC comment on Applicant's response	Applicant's Response
	Common to ensure that the quality of the open space is improved from the Open Space Assessment's current assessment of being below the target of 80%.			
58	BDC suggest that a signage and wayfinding strategy should be proposed in around the Proposed Development to mitigate community severance's health impact by promoting pedestrian safe movements – to encourage active travel and foster a sense of belonging.	Agree and details of this will be secured by Requirement 4 Detailed Design Approval	Agreement on this matter is welcomed and considered appropriate.	Noted

**Response to Combined Written Representations**

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 response?	Applicant's Response
59	<p>Within the DCO Appendix 7.1 Health and Equalities Briefing Note, the applicant has presented some of the national and local legislative and policy requirements pertinent to the assessment of health and equality. However, the Leicestershire 2022-2032 Joint Health and Wellbeing Strategy (JHWS) has not been included in this analysis. This is a key health focused document that provides an overview of the current health and wellbeing of the County as well as send the overarching vision for the health of the County's residents and the strategic priorities.</p>	<p>The JHWS is not included in the legislative and policy review section of the Health and Equality Briefing Note, as it is not legislation or policy. The health and wellbeing baseline included in the Health and Equalities Briefing Note (document reference 6.2.7.1A) does however apply the data which will have informed the JHWS and presents a consistent message on local health circumstance.</p>	<p>While the JHWS might not be legislative or policy, it is a key document that identifies the strategic priorities to improve health and wellbeing outcomes and impact on the wider determinants of health for Leicestershire and therefore provides relevant and appropriate local context to inform assessment of health impacts.</p>	<p>The original question was why the JHWS was not included in the legislative and policy review. It is agreed that the JHWS is not legislation or policy.</p> <p>It is agreed that the JHWS provides useful context to local health circumstance, priority and need, and that the underpinning information applied in the JHWS is also noted in the Health and Equality Briefing Note baseline (document reference: 6.2.7.1C). This was discussed during the development of the Health Statement of Common Ground, where no significant health issue or gap that might alter the findings of the assessment has been established by any party.</p> <p>Nevertheless, the key priorities in the Leicestershire JHWS 2022-32 are outlined below, with responses provided on their relevancy to the proposed development. Where relevant, a further statement on how the proposed development either supports or at the very least does not adversely influence the priority is provided:</p> <ul style="list-style-type: none"> <li>• 3. Strategic Priorities Across the Life Course: not relevant on the basis that this priority largely focusses on new-borns and children, referring specifically to breastfeeding, immunisation, maternal mental health, caesarean sections, school readiness, education.</li> <li>• 4. Staying Healthy, Safe and Well: relevant and refers to the wider determinants of health (the cause of causes), of which the scope of the Health and Equalities Briefing Note is based upon. The assessment provided in the Health and Equalities Briefing Note draws from and builds upon inter-related technical disciplines (environmental and socio-economic) to reach a conclusion on the resultant health and wellbeing impact.</li> <li>• 4.1.1. Building Strong Foundations: refers primarily to employment and use of active modes of transport to commute to work. The proposed development would provide a net increase in employment during both construction and operation, and encourages commuting by active modes of transport through provision of on-site showering facilities and secure cycle storage.</li> <li>• 4.1.2. Enabling Healthy Choices and Environments: refers to smoking, diet, exercise, alcohol use or poor sexual health. The only relevant theme is exercise (for employees only) which is addressed in the point above.</li> </ul>

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 response?	Applicant's Response
				<ul style="list-style-type: none"> <li>• 5. Living and Supported Well: not relevant on the basis that this priority focusses on living independently in older age, of which the proposed development does not influence.</li> <li>• 6. Dying Well: not relevant on the basis that this priority focusses on access to health care for older people, of which the proposed development does not influence.</li> <li>• 7.1. Improved Mental Health: the proposed development would provide net additional long-term employment which will aid more people into work and contribute to better mental health locally. Furthermore, the facilities on site support a good working environment for employees (such as wellbeing zones).</li> <li>• 7.2. Reducing Health Inequalities: the proposed development would provide net additional long-term employment which will aid people into work and contribute to better health and wellbeing locally.</li> <li>• 7.3. Covid-19 Recovery: the proposed development will not materially influence Covid-19 prevalence, but does support economic recovery and resilience through improved regional logistics.</li> </ul> <p>On the above basis, the proposed Development does not materially impact or hinder the delivery of any of the strategic objectives, quite the opposite. It supports the development and retention of local employment, increases regional logistics capabilities and builds economic resilience, key to addressing socio-economic inequality, and associated burdens of poor health.</p>

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 response?	Applicant's Response
60	<p>The Council believes that the baseline study area used by the applicants is flawed due to the geographical boundaries of the study area excluding some key communities – for example Hinckley and Burbage (see below).</p>	<p>It is important to firstly recognise that each technical discipline within the DCO has a topic specific baseline, including topic specific sensitive receptors. This is necessary, as the hazard characteristics, environmental circumstance, distribution and exposure characteristics vary between the individual technical disciplines. The Health and Equality Briefing Note (document reference: 6.2.7.1A) draws from all of the present technical disciplines and their associated baselines to inform the both the geographic scope of the study area, but also the data selected (appropriate to the health hazards and exposure pathways). The health baseline provided in the Health and Equality Briefing Note does not replace that provided in the overlapping technical disciplines, but compliments it, to provide additional context.</p>	<p>It is acknowledged that each DCO topic has defined a specific baseline and identified specific sensitive receptors and this approach has not been contended in the context of health. While there are disagreements with the extent of the study area selected to provide the baseline within the Health and Equality Briefing Note, when running an alternative study area no substantial or material differences in the data outcomes have been identified.</p>	<p>On the basis that it is agreed that no substantial or material differences on the data outcomes have been identified, this matter can be closed out.</p>
61	<p>The Council considers that the study area should have been based on 12 Middle Super Output Areas (MSOAs) comprising Blaby 007, Blaby 010, Blaby 012, Harborough 004, Hinckley and Bosworth 006, Hinckley and Bosworth 007, Hinckley and Bosworth 009, Hinckley and Bosworth 010, Hinckley and Bosworth 011, Hinckley and Bosworth 012, Hinckley and Bosworth 013, Hinckley and Bosworth 014 (see below).</p>	<p>As explained in the Health and Equality Briefing Note (document reference: 6.2.7.1A), the study area has been selected based on the DCO Order Limits, the composition of which is referenced in multiple places throughout the Health and Equalities Briefing note. For clarity, the ward study area comprises the wards of Crook Hill; Hinckley de Monnord; Burbage St Catherine's &amp; Lash Hill; Stanton &amp; Flamville; Barwell; Broughton Astley-Primethorpe &amp; Sutton; Cosby with South Whetstone; Lutterworth West; Ullesthorpe; and Revel and Binley Woods. Again, please note that this complementary context to that already provided in each of the technical disciplines, were a</p>	<p>While there are disagreements with the extent of the study area selected to provide the baseline within the Health and Equality Briefing Note, when running an alternative study area no substantial or material differences in the data outcomes have been identified.</p>	<p>On the basis that it is agreed that no substantial or material differences on the data outcomes have been identified, this matter can be closed out.</p>

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 response?	Applicant's Response
		discipline- specific baseline is provided, geared to the hazard characteristics, distribution and relive receptor sensitivity.		
62	Further, the Council considers that insufficient regard has been given to identify vulnerable groups who will be affected by the proposal – the gypsy and traveller community located to the south of the development site; older people (using the Council's study area over 20% of the population are over 65) and people suffering from poor mental health (within the study area GP data indicates a higher than average problem with mental health, including depression).	Each technical discipline provides an appropriate baseline and receptor sensitivity to inform the assessment. The traveling community are noted as receptors, as are all present residential receptors, where nationally recognised assessment protocols are then applied to protect the environment and health.	The initial comment stands. It is acknowledged that the traveling community are noted receptors in certain technical assessments but not all of the relevant areas for example, Socio-economics. As per the Health Impact Assessment Spatial Planning Guidance (as referenced in paragraph 1.42 in the updated Appendix), the need to identify characteristics is important to understand how sensitive population groups or areas are to the impact of a development project. The appendix has not included analysis on these groups.	It is agreed that the traveling community are considered in all relevant technical assessments.  The only example presented where the traveling community have not explicitly been identified as a sensitive receptor is in the Socio-economic technical assessment. This is because there is no socio-economic impact on the travelling community, where the construction and operation of the proposed development does not alter their economic activity, or access to income or employment.  Proportional assessments are needed to focus on significant items, prevent reporting from becoming unwieldy, aid transparency and facilitate the decision-making process.  The Health and Equality Briefing Note (document reference: 6.2.7.1C) signposts and provides additional narrative on local health circumstance, relative sensitivity and protected characteristics where there is a credible change in environmental and socio-economic circumstance.  No party has evidenced any significant impact on health or equality.
63	Lack of adequate sports facilities included as part of the development which in an employment space of this size would help promote employee well-being, enhancing physical and mental health;	Noted.	Mitigation to overcome this shortfall to be agreed and secured.	Provision of sports facilities for employees goes beyond the scope and focus of the project. The provision of PRow within/around the site, which includes wellbeing zones, is sufficient to promote employee wellbeing and enhance physical and mental health.
64	Based on the QoF NHS Digital data, half of the GP practices surrounding the Development Site have higher than the national average prevalence of obesity. Providing secure, convenient, and open/green space could lead to more physical activity and reduce levels of obesity along with heart disease, strokes and other ill-health problems that are associated with both sedentary occupations and stressful	The proposed development does not materially impact opportunities for physical activity or recreation, and the mitigation seeks to manage any potential disruption that might alter user experience (including alternative green space).	The initial comment still stands.	It is noted that the initial comment still stands. However, please note that the comment by itself does not present any evidence of a health impact. At most it indicates that GP practice level data (with a very wide practice catchment area) shows that half of the GP's surrounding the proposed development have a level of obesity prevalence that is higher than the national average, while the other half of GP's surrounding the proposed development do not.

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 response?	Applicant's Response
	<p>lifestyles. The proximity of the development to Burbage Common and Woods is likely to reduce their awareness as a recreational resource and exacerbate the existing health related issues.</p>			<p>No analysis of the underlying complex lifestyle/behavioural and socio-economic factors to obesity prevalence is provided beyond access to green space, and no impact on access or accessibility to recreation, physical activity or green space has been identified.</p> <p>Instead, the comment infers that proximity alone to Burbage Common and Woods would significantly modify healthy behaviour patterns and exacerbate obesity levels and associated chronic health conditions.</p> <p>In contrast, as detailed in the Public Rights of Way Appraisal and Strategy (document reference: 6.2.11.2, APP-192), surveys have been conducted on current use frequency and type, consultation has been conducted with LCC Highways and the PRow officer at LCC, as have a number of other statutory and non-statutory consultees to inform the diversion, upgrade and re-provision of PRow to continue and further promote use and physical activity.</p> <p>No evidence of a significant health impact has been presented by any party.</p>
65	<p>As expressed above although the proposal will provide 22ha of new publicly accessible green space south of the proposed link road, which will be provided with permissive public access, the quality of the proposed space is questioned. This is important as good quality open space enhances community wellbeing by offering areas for recreation, relaxation and social interaction which contribute to physical and mental health. Overall, based on the information provided by the applicant there is a limited understanding of how the adverse effects on Burbage Common will impact residents' use of the open space.</p> <p>The Council is concerned about the impact on existing healthcare facilities and whether they are able to accommodate the potential increase in usage arising from the</p>	<p>The re-provision of a bridleway that will now pass through an urban setting will not materially impact access to physical activity or mental wellbeing on the basis that several nearby alternative routes which also pass through natural setting exist and can be used if that is the preference.</p>	<p>Clarification is required on how the conclusion of no material impact to physical activity or mental wellbeing has been achieved. No analysis which examines alternative routes has been provided.</p> <p>It is argued that qualitative assessment, informed by consultation would be appropriate.</p>	<p>It is recognised that the proposed development will result in change, and the Council is concerned with the quality of upgraded, alternative and new PRow and recreational space. However, as set out in the Landscape ES Chapter, impacts on Burbage Common will be very limited, particularly once new access routes are in place. Planting will be planted in the enabling phase of the development forming a filter once phases start to be built out further limiting visual effects.</p> <p>There is therefore no material change in access or accessibility to health care, and no material change in opportunities for physical activity that might impact on physical or mental health burdens. This means there is no change in health care demand directly attributable to what is proposed.</p> <p>The final item raised is in relation to increased health care demand from construction and operational staff. It is important to note that the NHS Budget is generated from National Insurance and Tax, and then allocated locally on a per head basis. This means that changes in health care demand are typically from where there is a rapid and</p>



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	<p>construction and operations jobs. The applicant has stated the inclusion of such analysis has not been completed based on it being “not considered material on the basis that 70% of operational jobs could be relocated from existing, functionally sub- optimal distribution premises in the Leicester and Leicestershire Enterprise Partnership (LLEP) area.” This comment is at odds with a far lower displacement assumption of 25% for operational jobs in Chapter 7: Land Use and Socio-Economic Effects of the ES table 7.13. Impacts are therefore not readily clear.</p>			<p>significant increase of people into an area where the funds are collected, but the local budget allocation can take time to catch up, as can the provision of care.</p> <p>This is not the case for the proposed development, where, as noted in the socio-economic assessment, the area is already a net exporter of construction staff, and a high proportion of staff on the site will be from within the area, already paying into the NHS and already allocated in the local NHS budget.</p> <p>Once operational, the proposed development does not change any aspect of local demography that might alter local health care capacity or demand (number, composition, age). To clarify, there is no loss of or creation of any new homes, and staff typically live in proximity to permanent employment.</p> <p>In short, the proposed development does not include any aspect that might modify local demography or alter health burdens, removing any credible impact on local health care capacity or demand. For more information on this, please refer to the Health and Equalities Briefing Note.</p>
66		<p>Health care is funded through national insurance and tax, and in simple terms, is then allocated on a per head basis. Changes in local health care demand, capacity and funding are therefore a function of population growth. As stated in the Socio-economic Chapter of the ES, the local area is a net exporter of construction staff and can accommodate the construction phase with no material change in demography, or associated change in local health care demand or capacity. Once operational, the proposed development does not alter local demography, with no change in population size or structure. On this basis, there is again, no change in associated health care demand or capacity. The project does however sustain local construction employment, and</p>	<p>Response dependent on the outcome of the socio-economic comments and how local employment has been considered.</p>	<p>The comment is undefined, linked to one of the supporting technical disciplines that the health and equality briefing note is dependent upon.</p> <p>Should the socio-economic assessment be modified, so too will the health and equality briefing note accordingly.</p> <p>However, please note that the <i>“response is not dependent on the outcome of the socio-economic comments on how local employment has been considered”</i>.</p> <p>To clarify, as stated, health care is funded through national insurance and tax, and allocated locally based on population count.</p> <p>The proposed development will not alter national insurance or tax, and neither provides housing that would see population growth via inward migration, or alter natural population growth.</p>

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 response?	Applicant's Response
		<p>generates direct, indirect and catalyst income and employment opportunities vital to local commerce and helps sustain natural population growth that occurs with or without the proposed development.</p>		<p>The proposed development has no material influence on population demography, health care demand, NHS budget generation, local budget allocation or capacity.</p> <p>A far more significant source of local population growth and associated health care demand would be from residential development; but this would be subject to its own CIL or planning contribution where appropriate.</p>
67	<p>Discouraging car use and providing opportunities for walking and cycling can increase physical activity help prevent chronic diseases, reduce the risk of premature death, and improve mental health. However, as expressed above the Council does not consider the applicant has gone far enough in ensuring that a significant enough modal shows occurs from reliance on the car to more sustainable means of accessing the site, including walking and cycling.</p>	<p>Agreed, this is why, as detailed at Para 8.315 of Chapter 8 (Transport and Traffic), a Draft Framework Site Wide Travel Plan- (Appendix 8.2 of the same chapter) is being developed alongside the TA and in accordance with the guidelines in the DfT documents – ‘Good Practice Guidelines: Delivering Travel Plans through the Travel Plan Process’. The Travel Plan includes complementary measures to encourage walking, cycling, bus and car sharing as modes of transport. These are focused into key measures for consideration, several of which are included below:</p> <ul style="list-style-type: none"> <li>• Cycle to Work Scheme: Investigate impending a cycle to work scheme where employees will be able to enter a salary sacrifice scheme for employees to purchase a bike at a discount.</li> <li>• Personalised Travel Planning: All employers will offer personalised travel planning to all staff, to be undertaken by the associated travel plan coordinator.</li> <li>• Car Sharing and Car Club Participation: The Travel Plan Co-ordinator will promote existing car sharing services such as <a href="http://www.shareacar.com">www.shareacar.com</a>. This type of site does not require members to necessarily have a car as some existing members will offer in exchange for a contribution towards fuel costs.</li> <li>• Car Parking Management System.</li> </ul>		<p>An updated Sustainable Transport Strategy was submitted at Deadline 3 (document reference: 6.2.8.1A, REP3-016) and further refinements to this strategy have been made and an updated version is submitted at Deadline 4 (document reference: 6.2.8.1B). This includes further detail on Active Travel and Public Transport modes.</p>

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 response?	Applicant's Response
		<ul style="list-style-type: none"> <li>Reducing the need to travel: Where possible technology will be used to enable staff to work from home with the potential for telephone and video conferencing facilities to aid the reduction of travel to customers, suppliers, and partners.</li> <li>Subsidised bus transport for employees to encourage greater bus use.</li> </ul> <p>The Travel Plan will be monitored against Travel Plan Targets and managed to ensure measures are effective. We would again welcome Hinckley and Bosworth Borough Council to comment and inform the development of the Travel Plan to ensure it "goes far enough".</p>		

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
<b>Impact A: Landscape Character</b>				
68	BDC consider that the proposed design is not sensitive to its landscape context, in terms of scale, massing, local vernacular or general materiality.	As set out in ES Chapter 11 (document reference: 6.1.11A, AS- 025), in the draft BDC under landscape SoCG and Tritax Symmetry's response to LUC's Design Review, the main HNRFI development site has been defined by the Parameters Plan and it is inevitable the creation of an SRFI, in an environment that has been used for agricultural purposes, will create a new aesthetic and character that is not in accord with the existing character and vernacular.	Agreed that there will be a large number of residual long-term significant landscape and visual effects (as set out within the draft SoCG). Further joint design comments are being submitted by BDC and HBBC at Deadline 3.	These matters are as agreed through the SoCG.
69	BDC consider that mitigation of long-term/permanent significant effects would require a change in the Proposed Development including reducing the development footprint/height and providing a more substantial landscape scheme.	The form of the development is dictated by its function and the market demand for this type of facility. It is agreed that there are significant long terms effects as set out in ES Chapter 11 (document reference: 6.1.11A, AS-025) and the draft BDC SoCG submitted at Deadline 2. The Landscape Strategy shows the proposed landscape	Agreed that there will be a large number of residual long-term significant landscape and visual effects (as set out within the draft SoCG).	These matters are as agreed through the SoCG.

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
		mitigation, which includes substantial new tree planting and an extension to Burbage Common and Woods.		
70	BDC considers the long-term significant landscape impacts will affect a wider area than those identified in the LVIA. These landscape and visual receptors are identified in the statement of common ground, and for BDC include; Elmesthorpe and Sapcote Settlement Character Areas, and Photo Viewpoints 1 (PRoW Users), 2 (PRoW Users), 35 (PRoW Users), 44 (Country Park Users) and 53 (Church Users).	Not agreed as set out in the draft BDC SoCG (document reference: 19.1) submitted at Deadline 2.	Discrepancy noted – it is now agreed that there will be long-term significant visual effects at Photo Viewpoints 1, 2, 35 and 53 (draft SoCG to be updated). Other points not agreed, as set out within the draft SoCG.	These matters are as agreed through the SoCG.
71	BDC understand that the scale of the Proposed Development means that the Landscape Strategy (ES Figure 11:20, document reference 6.3.11.20) does not fully mitigate effects but does seek to reduce effects.	<p>Agreed that some significant effects remain. It is acknowledged that the proposed development would result in a change to the local network of footpaths. The proposals would provide new, safe routes including broad natural green ways within which a shared use bridleway would be routed providing off- road access to Burbage Common and Country Park from Burbage Common Road North. Within the centre of the site permissive shared footpath/cycleways would be routed alongside the main internal road system within broad tree-lined avenues with verges.</p> <p>The proposed development site has been defined by the parameter plans and it is inevitable the creation of an SRFI site, in an environment that has been used for agricultural purposes will create a new aesthetic and character that is in discordance with the existing character and vernacular.</p>	Agreed that a large number of significant effects remain, as set out within the draft SoCG. In regard to the local network of footpaths the amenity of users of these footpaths would be significantly changed, as noted in the LIR. The existing views across open farmland would be replaced in most cases by views of large-scale industrial development, which would create an urbanised character.	These matters are as agreed through the SoCG

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
72	BDC considers the separation distance between the built development and the Burbage Common and Woods Country Park is not 'generous', achieving natural separation (as stated) but creates a pinch point (25 m) which crosses into Burbage Common Local Wildlife site. This is a particular concern given the proposed lighting columns.	The Landscape Strategy includes woodland and tree planting which maintains good visual separation with Burbage Common and Woods Country Park as demonstrated in the Photomontages, Figure 11.16 (document reference: 6.3.11.16, APP-300). Lighting column will likely be visible from some locations as illustrated by Photomontage PVP3 based on the outline Lighting Strategy (document reference: 6.2.3.2, APP- 132).	No further comment.	
73	BDC welcome the planting of a new Western Amenity Area but believe that the proposed A47 Link Road will be a dominant feature affecting the amenity of future users to the extent that it is unlikely to offer any further attraction over what is currently there.	The new amenity area is designed to extend the access area, allow for a greater level of biodiversity and some alternative habitat experience to the existing Country Park. It will enhance the recreational offering in the area with opportunity for educational/activity trails.	No further comment.	
74	BDC consider that the broad roadside green verges within the Proposed Development are what would be expected as part of any landscaping scheme for development.	Agreed	No further comment	
75	BDC consider that the corridor along the western boundary with the diverted bridleway and footpath is relatively narrow and located between the development and the M69 and so does not replace the rural amenity provided by the existing rights of way.	Not agreed that this is relatively narrow, being 50-70m wide along its length. The rural amenity cannot be replaced in this location given the development. However, improvements in surfacing, road and rail crossing safety and additional amenity open space is designed to mitigate for this loss.	The diverted bridleway corridor, situated between the M69 Motorway and the proposed large-scale industrial development, will be perceived as narrow in comparison to the open character of views across surrounding farmland currently experienced by users of the existing bridleway. Improved surfacing and road and rail crossings will not mitigate the loss of visual amenity.	There is not currently an off-road bridleway route that crosses the site, other than V29 that connects the motorway overbridge to the M69 Junction which is heavily influenced by the presence of the Motorway. All other equestrian use is via Burbage Common Road which is shared with vehicles. The change is not from a straight natural aesthetic to an urban one, particularly as the new route is set within a broad green corridor up to 70m wide with woodland, scrub and meadow planting. Whilst this does not offer a long view, the richness of the habitat and planting along the route will offer some mitigation for the loss of longer views over open countryside.
76	BDC consider that the replacement of networks of PRoW across the rural landscape with pavements and cycleways running along large main roads will present an entirely different urbanized character.	It is acknowledged that the proposed development would result in a change to the local network of footpaths. The proposals would provide new, safe routes including broad natural green ways within which a shared use bridleway would be routed providing off- road access to Burbage Common and Country Park from Burbage Common Road North. Within the centre of the site permissive shared footpath/cycleways	As noted above, we do not consider the PRoW corridors to be 'broad'. The rural amenity experienced from the existing PRoW network will be replaced by one dominated by large-scale industrial development.	This is a matter of perspective – agreed they do not replicate open fields and there will be loss of rural character but from the point of view of most PRoW a 50-70m wide green corridor is very broad and will provide a good degree of separation from the development and a sense of being within a natural environment 'route'.

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
		would be routed alongside the main internal road system within broad tree-lined avenues with verges. The proposed development site has been defined by the parameter plans and it is inevitable the creation of an SRFI site, in an environment that has been used for agricultural purposes will create a new aesthetic and character that is in discordance with the existing character and vernacular.		
77	BDC consider that the landscape strategy has been designed to fit around the perimeters of the development rather than working with the natural landscape context.	The Applicant's response to this is set out in the response to LUC's Design Review (document reference: 18.4.1).	Further joint design comments are being submitted by BDC and HBBC at Deadline 3.	Noted
78	BDC consider that the Proposed Development does not reflect the local distinctiveness of the area where the proposed design is visually generic, to the detriment of the local area contributing to an erosion of local character.	The Applicant's response to this is set out in the response to LUC's Design Review (document reference: 18.4.1).	Further joint design comments are being submitted by BDC and HBBC at Deadline 3.	Noted
79	BDC consider the scale of the built form out of proportion when compared to the urban grain within the locality, whereby the massing and orientation of the built form erodes the existing character of the Site.	The Applicant's response to this is set out in the response to LUC's Design Review (document reference: 18.4.1).	Further joint design comments are being submitted by BDC and HBBC at Deadline 3.	Noted
<b>Impact B: Visual Impact</b>				
80	BDC consider the Zone of Theoretical Visibility (ZTV) (ES Figure 11.8, document reference 6.3.11.8) to show potential views of the Proposed Development extending to at least 4km east of the Site, including significant effects in views west from Croft Hill looking across the low-lying vale. The area from which there will be views of the development extends to almost 100 Km <sup>2</sup> and the area where these views are deemed to have significant impacts extends to about 15km <sup>2</sup> .	This is a misrepresentation of the ZTV. The ZTV is based on topography and does not allow for the effects of vegetation and built form. It is used by landscape architects as a guide to 'test' where views might be possible. There will be no views of the development across much of the area. The representative viewpoint locations identify locations where there are opportunities for views and in many instances this is a limited area where an opening or local high point allows a view.	The extent of visual effects is larger than just the PVPs selected. We would challenge the statement that 'there will be no views of the development across much of the area'; due to the height and scale of the proposed development it will be a dominant visual presence across much of the surrounding landscape, as demonstrated by the large number of residual significant visual effects (as agreed within the draft SoCG).	Intervening topography, vegetation and built form combine such that whilst the development will be openly visible from some areas in close proximity to the development, beyond 1km, opportunities for views are much more limited as demonstrated by the findings of the Landscape and Visual Impact Assessment.
81	BDC consider the scale of the development means that, in the majority of views, mitigation is inadequate and will result in many/far reaching significant visual effects.	Visual Impacts are agreed as set out in ES Chapter 11 (document reference: 6.1.11A, AS-025) and the draft SoCG submitted at Deadline 2.	No further comment	Noted

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
82	BDC consider that in the ridge top settlements of Barwell and Earl Shilton, the characteristic long views out across the vale will be blocked in the middle ground by the development which breaches the skyline and results in a solid vertical 'wall' with loss of the sense of space and the wider rural landscape continuing across the vale.	There are only two public locations in Barwell where views can be obtained across the Vale. As illustrated in Proposed Photomontages PVP 25 and PVP26, (document reference: 6.3.11.16, APP-300) whilst the development will be visible, there remains longer views beyond the development maintaining as sense of prospect. These are assessed as part of ES Chapter 11 (document reference: 6.1.11A, AS-025) and agreed in the SoCG.	Whilst there may be some longer views to beyond the proposed development (we note that the Photomontage from PVP 25 shows part of the development obstructing views beyond), this would not lessen the impact on characteristic views. Residual significant visual effects from these locations agreed within the draft SoCG.	As noted, these views are as agreed within the SoCG
83	BDC consider that for the small linear ridge village of Elmesthorpe the scale of the development will be a permanent solid development backdrop extending across the whole range of view, with the rectilinear roofscape dominating the skyline.	Views from Elmesthorpe are largely well contained by built form and vegetation. Photomontages PVP19, 53, 48, 49 and 50 illustrate the locations where the development will be visible and these are assessed as part of ES Chapter 11 (document reference: 6.1.11A, AS-025) and agreed in the SoCG.	Elmesthorpe is located on a low ridge and its linear form means that it has a physical and visual relationship with the surrounding landscape. Whilst not captured by the agreed PVP locations, there are locations along Station Road from where glimpsed views are available between properties across the surrounding open farmland. The introduction of the proposed development would fundamentally alter the rural character of the village, as demonstrated by the residual significant effect reported for PVP 19, 49 and 50 (as agreed within the draft SoCG).	Noted
84	BDC consider that views for people using local rights of way across a large area of up to 15km2 will be affected, noting that there is one significant effect identified at Croft hill some 4 km distance.	As noted above opportunities for views do not extend across the whole ZTV area but are limited to local high points such as Croft Hill beyond 1km distance.	Due to the height and scale of the proposed development it will be a dominant visual presence across much of the surrounding landscape as demonstrated by the large number of residual significant visual effects (agreed within the draft SoCG).	Intervening topography, vegetation and built form combine such that whilst the development will be openly visible from some areas in close proximity to the development, beyond 1km, opportunities for views are much more limited as demonstrated by the findings of the Landscape and Visual Impact Assessment.
85	BDC consider that the Proposed Development is of such a size and scale that it will be a constant presence for people moving around the area (on local rights of way and roads).	The development will generally be visible within the immediate vicinity (1km of the Main HNRFI Site). As noted above, views do not extend across the whole ZTV area but are limited to local high points.	See previous comment.	Intervening topography, vegetation and built form combine such that whilst the development will be openly visible from some areas in close proximity to the development, beyond 1km, opportunities for views are much more limited as demonstrated by the findings of the Landscape and Visual Impact Assessment.

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
86	BDC consider that significant long term negative residual effects (during the day and night time) will be experienced at a greater number of viewpoints than identified in the LVIA.	The viewpoints are representative of what will be seen in the local area and are not intended to cover every possible view of the development. However, in this instance, many more views than would normally be selected have been included such that there is no general location where a public view might be experienced that isn't represented by a viewpoint. Given the considerably lower number of viewers at night, the selection is considered appropriate. Viewpoints were agreed with LCC Landscape officer representing BDC at the time of the assessment as described in ES Chapter 11 (document reference: 6.1.11A, AS- 025).	We agree with the use of representative viewpoints and that these are not intended to cover every possible view. However, it should be noted that the extent of visual effects is larger than just the viewpoints selected (e.g. significant effects are reported for PRow users at PVP 17 and similar significant effects would be experienced along almost all of the PRow between Billington Rough and Burbage Common Road, not just where the viewpoint is located). See comments on night-time PVPs within BDC's Written Statement of oral case at ISH3. We would question why night-time visual effects on the local community/residents have not been assessed as they have been for the daytime scenario (as shown on Figure 6.3.11.11 and set out in Table 11.24 of the Applicant's LVIA).	Intervening topography, vegetation and built form combine such that whilst the development will be openly visible from some areas in close proximity to the development, beyond 1km, opportunities for views are much more limited as demonstrated by the findings of the Landscape and Visual Impact Assessment.  Night-time effects on the local community are considered through the selection of night-time viewpoints. Night-time view PVP19 is taken from within the village of Elmesthorpe, Night-time view PVP22 is taken from the edge of the village of Stoney Stanton and Night-time View PVP25 is taken from the village of Barwell. These views were all agreed at the consultation stage. A number of comments have been made with regard to the night-time assessment methodology by BDC as part of written representations which have been addressed but this matter was not raised at that time.
<b>Visual Mitigation Measures</b>				
87	BDC consider that despite mitigation planting for most views, the size and scale of the development means that it remains well above the treeline at year 15 and in the longer term.	Agreed, however proposed boundary planting will be effective in screening much of the development over the longer term.	The upper parts of the proposed development (e.g. roofline and gantries) will remain visible above proposed vegetation in the long-term, reflected in the large number of residual significant visual effects reported (set out within the draft BDC SoCG submitted at Deadline 3).	These matters are as agreed within the SoCG
88	BDC consider that the height (28m) and scale of the development means that planting along boundaries such as the 'meandering woodland' on earth bunds north of the railway line (e.g. Photoviewpoint 17) or the 'green' corridor to the south adjacent to the M69 (e.g. Photoviewpoint 9) is not effective in screening or filtering views of the development.	Not agreed, the boundary planting will be very effective at screening views of much of the development over the longer term, particularly the lower active zone where movement of trains, HGV's and containers would otherwise be a distracting feature in views from the surrounding area.	See comment above.	These matters are as agreed within the SoCG

**Table 1.3: LUC comments on Applicant's response to BDC's Written Representations**



Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
89	The scale and proposed built form of the Proposed Development will have a major, permanent, adverse effect on landscape character and visual amenity of the surrounding environment. These impacts are not solely constrained to the Site and the rural character of the surrounding landscape and villages and the wider area will change as a result of the bulk and scale of the development.	As noted in LIR BDC (response 32) it is acknowledged that there will be significant residual effects on the local landscape character. The proposed development site has been defined by the parameter plans and it is inevitable the creation of an SRFI site, in an environment that has been used for agricultural purposes will create a new aesthetic and character that is in discordance with the existing character and vernacular.	Agreed that there will be a large number of residual long-term significant landscape and visual effects (as set out within the draft SoCG). Further joint design comments are being submitted by BDC and HBBC at Deadline 3.	These matters are as agreed within the SoCG
90	The Proposed Development will cause significant long term negative residual effects on the character and fabric of the Site, the character area within which the Site is located, adjacent character area and in relation to the character and fabric of the A47 link road. The Council's LIR identifies the specific landscape character areas that will be adversely affected.	As noted in LIR BDC (response 32) it is acknowledged that there will be significant residual effects on the local landscape character. The proposed development site has been defined by the parameter plans and it is inevitable the creation of an SRFI site, in an environment that has been used for agricultural purposes will create a new aesthetic and character that is in discordance with the existing character and vernacular.	See comment above.	Noted and as agreed with the SoCG
91	SoS required under NPSNN (para 5.157) to consider whether the proposed development has been designed carefully taking account of environmental effects on the landscape and siting, operational and other relevant constraints to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation. Fails to satisfy these requirements.	Landscape considerations have been a part of the design evolution since the land was first considered for development by TSH in 2016. The impact on the landscape has been considered at various stages including the initial extent of the development and the scale of detail of the design. Over 22ha of publicly accessible green space would be delivered adjacent to Burbage Common and Woods Country Park. In addition, Green Infrastructure corridors up to 50m wide and more are provided around the boundaries of the development to maintain green connectivity across the site and provide buffering to adjacent woodland. The Green Infrastructure proposals are illustrated on the Illustrative Landscape Masterplan (document reference 6.3.11.20). Overall Green and Blue Open Space accounts for approximately 28% of the Main HNRFI Site and A47 Link Road Corridor. The scale of the project has been reduced following consultation, the heights of the units being reduced by 2- 5m (7-18%) when compared with the PEIR Stage. This is	See comment above.	Noted and as agreed with the SoCG

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
		<p>described in the DAS (document reference 8.1).  Reducing the height of the units to the revised heights does not pose an operational constraint but it reduces flexibility in terms of potential end users. Additional planting and creation of natural green space has been included to the south of the A47 Link Road to extend the area of public open space and provide additional mitigation for users of Burbage Common and Woods Country Park.</p>		
92	<p>There will be significant long term negative residual effects on a large number of visual receptors, footpath (PRoW) and road users, visitors and recreational receptors including to the Country Park, Church users. These locations are identified in the Council's LIR. The Applicant has undertaken an independent assessment of the effect of the Proposed Development in ES Chapter 11 Landscape and Visual effects (document reference 6.1.11A, APP-120) which acknowledges the residual effects on relevant receptors.</p>	<p>The Applicant has undertaken an independent assessment of the effect of the Proposed Development in ES Chapter 11 Landscape and Visual effects (document reference 6.1.11A, APP-120) which acknowledges the residual effects on relevant receptors.</p>	See comment above.	Noted and as agreed with the SoCG
93	<p>The landscape mitigation measures set out in the LVIA and Landscape Strategy will not adequately mitigate these effects such that they will remain significant in the long term. The landscaping proposed by the Applicant is simply not sufficient to enable assimilation into the countryside setting. BDC's views on the inadequacy of the proposed mitigation are set out in chapter 11 of the LIR.</p>	<p>It is simply not realistic to expect that a strategic rail freight interchange can be fully assimilated into the countryside and fulfil the function it is designed to deliver. The design and finishes can be used to soften the effect and landscaping to partially mitigate it. For the avoidance of doubt, however, the Applicant does not accept the assertion that landscape mitigation is inadequate.</p>	See comment above.	Noted and as agreed with the SoCG
94	<p>The scale of residual impacts indicate that the Proposed Development represents an overdevelopment of the Site. Changes to the parameter plans and a comprehensive package of wider landscaping enhancement is necessary to mitigate these impacts to an acceptable level</p>	<p>Landscape considerations have been a part of the design evolution since the land was first considered for development by TSH in 2016.  The impact on the landscape has been considered at various stages including the initial extent of the development and the scale of detail of the design.  It is acknowledged that there would be significant adverse residual effects on identified representative landscape and visual receptors, as noted at paragraphs 11.189, 11.190 and 11.191 in the</p>		No further comment

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
		Summary and Conclusion of Chapter 11: Landscape and Visual Effects of the ES (document reference: 6.1.11, APP-120).		
95	It is unclear why the Applicant has proposed a 'Landscape Ecological Management Plan', secured by Requirement 20 of the dDCO, together with a 'Landscape Scheme' that is secured under Requirement 22. The Applicant should be asked to explain the rationale for this and consider whether these Requirements could be combined.	The Landscape scheme and LEMP are two separate sets of documents that provide connected, but separate sets of information.	No further comment	No further comment
96	The parameter plan outlines a primary development zone too large for its context and relies on insufficient fringe areas to adequately buffer the development. To improve the quality the parameter plan, illustrative landscape masterplan and dDCO requirements should be revisited. BDC considers the items listed in 7.8.1-7.8.5 warrant further discussion and consideration.	<p>The design of HNRFI has evolved as an iterative process with advice from a specialist team of consultants and through engagement with stakeholders, informal and formal consultations with the local community.</p> <p>Chapter 2 identifies a range of design objectives including:</p> <ol style="list-style-type: none"> <li>1. Be functional: HNRFI is designed to function to the specific requirements of a SRFI as a component of national infrastructure.</li> <li>2. Support mixed uses and tenures: This objective is not well related to a SRFI.</li> <li>3. Include successful public spaces: the thrust of this objective is directed at neighbourhoods in a living environment rather than a SRFI which will not function to attract social activities and avid life.</li> <li>4. Have distinctive character. HNRFI will have a distinctive character as a SRFI – the design details will be approved by the relevant Local Authority.</li> <li>5. Be attractive: the details of HNRFI will be attractive representing an efficient business environment.</li> <li>6. Encourage ease of movement: the layout of HNRFI will enable efficient movement within the park.</li> </ol> <p>Chapter 7 refers to the success of commercial developments that take a 'campus' approach developing a holistic and integrated environment of integrated streets, spaces and buildings. That is the purpose of the Design Code (document reference: 13.1, APP-354). It is submitted</p>	<p>Agreed that there will be a large number of residual long-term significant landscape and visual effects (as set out within the draft SoCG).</p> <p>Further joint design comments are being submitted by BDC and HBBC at Deadline 3.</p>	Noted and as agreed with the SoCG

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
		that care needs to be applied to the provisions of a Design Guide where the principles are clearly not focused upon the form and character of a SRFI – which necessarily will comprise very large scale buildings primarily functioning for logistics. That is not to say the development will not be of high quality with good design, and extensive areas of landscaping. The scale of development will create its own identify on the edge of Hinckley urban area.		
97	BDC also requests the Applicant provides a range of off-site local enhancements and improvements to the surrounding area that are secured through planning contributions secured via the S106 agreement. It is imperative that the detail of any such scheme is agreed to offset the impact of the Proposed Development on the locality.	While the Applicant considers the design that is proposed to be appropriate, it is willing to discuss concrete proposals that BDC wishes it to consider.	See comment above	Detailed S.106 discussions have taken place with the local authorities and a revised draft of the Heads of Terms and S.106 Agreement has been submitted at Deadline 4 (document reference: 10.1A).
98	The visual impacts of the proposed development would not outweigh its limited benefits in accordance with NPSNN (para 5.158)	This is a matter for the ExA to determine. Clearly the Applicant's position is that the benefits of the Proposal far outweigh the impacts it would have.	No further comment	No further comment
	<b>Socio- economics</b>			
99	BDC recognise that there will be Positive impacts related to employment creation in the wider area, increased business rate receipts and general GVA during both construction and operation.	Noted and agreed		No further comment.
100	BDC recognise that there will be neutral impacts on the current demand for housing to meet employee requirements during operation.	Response on housing is provided by the applicant in RR-0134 of 18.2 Applicants Response to Relevant Representations (document reference: 18.2, REP1- 026) and is further tested in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2.	Noted	No further comment.
101	BDC recognise that there will be negative impacts related to the scale of the Proposed Development which could cause the rate of demand for labour to experience a step change, which could create challenges for the local labour pool with the risk of demand outstripping supply and leading to an increase in commuting.	Response to this matter is provided in RR-0134 of 18.2 Applicants Response to Relevant Representations (document reference: 18.2, REP1-026) and in Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2.	Noted	No further comment.

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
102	BDC has concerns regarding the extent to which socio-economic benefits will be experienced within BDC, the accuracy of the assessment of these benefits undertaken by the applicant, and the adequacy of the proposed mitigation and other measures to support these local benefits.	Specific comments on concerns are provided below.	Noted	No further comment.
103	The IP recognise that the 461 Construction Workers on site per annum will be a benefit to the local economy and support the local construction sector in a range of occupations.	Noted and agreed	Noted	No further comment.
104	BDC state that it would have been more appropriate for the study area to be based on a drive distance of 30km rather than a radius of 30km (as used for the operation assessment gravity model. By using a 30km radius, the assessment fails to take into account the connectivity of key routes of the M69, A5 and M1. Considering that typically 14% of construction workers travel beyond 30km and due to the inaccuracies in the drive distance mapping, BDC consider the estimated leakage of 0% to be unrealistic and local employment benefits overstated.	Response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio- Economic Effects section submitted at Deadline 2.	Noted. Note sensitivity scenario provided in doc ref 19.2 at 5% leakage. Consider that 10% would be more appropriate as per LIR.	This matter is now agreed in the draft BDC SoCG in the Land Use and Socio- Economic Effects.
105	BDC are uncertain of the type of construction workers or skills required for the proposed development, suggesting this hinders the development of a training and skills programme by preventing the programme being able to target identified skills shortages.	Not agreed. A response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2.	Noted.	No further comment.
106	BDC estimate that the construction GVA benefits for Leicester and Leicestershire are estimated as £17,839,140m per annum for the ten-year construction period, based on an average GVA per worker of £49,830 (HENA 2022). Despite this, BDCC has concerns regarding the extent to which these benefits will be experienced within BDC.	BDC provides an estimate of construction GVA. This should be treated with caution as it is based on 2018 information for all sectors and not for the construction sector. It is therefore not comparable with the GVA estimates of Environmental Statement Chapter 7: Land Use and Socio-Economic Effects (document reference: 6.1.7, APP-116). The ES captures the construction effects in the local economy in terms of construction jobs. The approach used in this matter to calculate the GVA is based on the number of construction jobs and the average GVA per worker. Response to this matter in terms of skills is provided under Matters not Agreed in the draft BDC SoCG	Noted.	No further comment.

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
		in the Land Use and Socio- Economic Effects section submitted at Deadline 2.		
107	<p>BDC acknowledges that the location of jobs is developed using a trip model based on worker densities at output area level, aggregated up to districts. It is of note that the TRIP model selects the future worker locations based on a criteria which excludes higher Occupations 1-3. However the 'Environmental Statement Volume 1: Chapter 7: Land Use and Socio-Economic Effects' in table 7.15 suggests these higher occupations will make up 33.3% of employees. If this were the case then a different TRIP pattern would be established, which draws into doubt conclusions arising from Chapter 7 in the ES.</p>	<p>The Trip Distribution model has been tested by the Leicestershire County Council Network Data Intelligence team and signed off by the LCC development management team. It is considered robust. This is also included in the draft LCC SoCG (document reference: 19.3) under Matters Agreed.</p>	<p>Applicant response does not address the issue identified, which is that there are two contradictory assumptions about the occupational levels for the development, one for the TRIP model and one in the wider ES assertion on job types.</p>	<p>Table 7.15 of Environmental Statement Chapter 7: Land Use and Socio- Economic Effects (document reference: 6.1.7, APP-116) is based on data of job distribution by occupation for each industrial sector published by ONS (Annual Population Survey, 2019).</p> <p>The Trip Length Distribution (TLD) targets used for the HNRFI distribution are based on the journey to work data (Census 2011) for Magna Park and DIRFT, and the general match of the HNRFI distribution to the TLD targets is reasonable. Magna Park and DIRFT are anticipated to employ people in Occupations 1-3 as evidenced in the 2011 Census and therefore their journey to work length is also considered.</p> <p>The 'in scope population' which excludes occupations 1-3 is only used as weights in the gravity mode process. This process results in more trips from zones with higher proportion of people within the 'in scope population' and a similar travel distance to the proposed development.</p> <p>Environmental Statement Chapter 7: Land Use and Socio- Economic Effects (document reference: 6.1.7, APP-116) uses the Trip Distribution model to define the relevant study area by selecting the Local Authorities that intersect with high employee trip density areas as per Paragraph 7.16 of Environmental Statement Chapter 7: Land Use and Socio-Economic Effects (document reference: 6.1.7, APP-116) capturing either the same or a wider area with the Trip Distribution model.</p> <p>Due to higher occupations (1-3) being factored in the journey to work data used, and the study area, used in Environmental Statement Chapter 7: Land Use and Socio- Economic Effects (document reference: 6.1.7,</p>

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
				APP-116) covering the same or a wider area the conclusions of the chapter are not affected by this matter.
108	BDC estimate that 53% (3,339 to 4,134) of workers would be residents based in Leicester and Leicestershire. Some of the additional multiplier jobs will also be taken by residents in Leicester and Leicestershire.	BDC provides an estimate of workers anticipated to be residents based in Leicester and Leicestershire. This should be treated with caution as it is a proxy based on current information from ONS Business Register and Employment Survey and the Annual Population Survey.	Noted.	No further comment.
109	BDC estimate that direct additional GVA per year (due to additional operational on-site jobs) is £247 million to £305 million per annum based on the average GVA per worker per annum in the LLEP (2020) for Storage and Distribution of £39,135 (ES chapter 7 table 7.18). The GVA can be attributed to the workplace base of Blaby.	Noted and agreed.	Noted.	No further comment.
110	Using a national GVA per jobs of £54,613 (HENA 2022 table 2.3) BDC estimate the benefits of the national off-site jobs as being £109m to £137m per annum. Some of these will be in the Leicestershire area.	Noted. This estimate should be used with caution as it is based on 2018 prices and therefore not in line with the direct additional GVA.	Noted.	No further comment.

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
111	BDC compares the wages referenced for logistics nationally (£30,700 per annum) to that of warehousing and support activities for transportation in the East Midlands (£26,884 per annum) and wholesale trade in the East Midlands (£27,092 per annum), stating that given the comparatively low sector pay for the future operational wages at the proposed development it is likely that fewer employees will reside in the borough and Leicestershire, which will reduce positive impacts reposted, increase negative impacts reported in the ES (including on traffic/transport).	The earning comparison includes inconsistencies as it compares earnings from HENA based on 2020 data and Annual Survey of Hours and Earnings (ASHE) 2021 data. Based on 2021 ASHE annual earnings of full time employee jobs the two sectors (Wholesale and retail trade and repair of motor vehicles and motorcycles and Warehousing and support activities for transportation) in East Midland have slightly higher £26,341-£27,666 earnings and a lower gap with Blaby resident-based (£29,137) and workplace-based earnings (£30,592) shown in Table 7.10 of Environmental Statement Chapter 7: Land Use and Socio- Economic Effects (document reference: 6.1.7, APP-116). Using the 2021 earnings as a proxy for future wages at the Proposed Development should be treated with caution given the higher earning growth rate (32%) that the transportation and storage sector has in comparison with the all sectors growth rate (27%) in United Kingdom between 2010 and 2022 (ASHE Time Series of Selected estimates, 2022). This does not affect the applicant's conclusions on positive employment effects stated in the ES.	Noted.	No further comment.
112	BDC stress the importance of an Employment and Skills Strategy for the operational phase in order to maximise the local benefits and reduce commuting.	Response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio- Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities.	Noted.	No further comment.
113	The IP consider that the impact on housing is considered to be negligible. The only conditions where this may not be the case are if (i) the profile of worker specialisms does not fit the current profile, and (ii) the worker requirements are concentrated in particular years rather than spread evenly over the ten years. BDC state that further information on this matter would be anticipated in due course to develop the Skills and Employment Strategy.	Response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio- Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities.	Noted.	No further comment.



Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
114	BDC recognise that it is unlikely that the operation of the Proposed Development would generate additional pressure on the Leicester and Leicestershire housing market area. However, this does not negate the need to ensure that residents are properly trained and skilled to meet the operational skills requirements.	This is also tested in Matters not Agreed in the draft BDC SoCG in the Land Use and Socio- Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities.	Noted.	No further comment.
115	BDC consider that there are likely to be housing affordability implications for HNRFI workers. This increases the likelihood of incommuting from urban areas such as Leicester as well as Rugby and Coventry where housing is relatively affordable.	Response on Impact on wages is applicable to this matter alongside the response to RR-0134 of 18.2 Applicants Response to Relevant Representations (document reference: 18.2, REP1-026) regarding housing affordability.	Noted.	No further comment.
116	BDC supports the Applicant's indication that nearly half of jobs could be fulfilled by future unemployed persons, thus reducing the demand for workers in newly forming households. However, suggests that these figures need to be treated with caution as it cannot be assumed with any degree of confidence that several thousand currently unemployed persons would fill the roles at the Proposed Development.	Response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio- Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities.	Noted.	No further comment.
117	BDC states that there appears to be a misalignment between the operational employment study impact area (para 7.17) and the housing market area (table 7.23). With no apparent attempt to reconcile this difference, the conclusions arrived at in the ES regarding the impact of demand for workers on housing is in question (stated as a minor adverse effect in table 7.26) however work undertaken in this report as above suggests that the conclusions are likely to be incorrect.	Justification for the selection of the HMA is provided in paragraph 7.19 of Environmental Statement Chapter 7: Land Use and Socio- Economic Effects (document reference: 6.1.7, APP-116).	Applicant response does not address the issue identified. The applicant coalesces the HMA and the employment impact area, assuming jobs generated will spread across the HMA. However the TRIP model for jobs is a different area to the HMA and this mis alignment is not rectified.	The Applicant has provided Appendix D Market Update Note (document reference: 18.8.4, REP2-075) in relation to the alignment of the Housing Market Area definition and the operational employment study area as a late submission for Deadline 3 providing further justification.
118	BDC state that whilst the effect on employment within the wider area is considered beneficial, the likely employment requirements of the Proposed Development as it progresses towards operation could have significant negative impacts for resourcing staff or particular skills in the area. This is compounded by the operational employment and housing impacts specified above. BDC consider that these impacts must be sufficiently mitigated through a robust employment, skills and training programme for	It is noted that the benefits of employment opportunities are acknowledged. BDC advise that to mitigate against the demands on resourcing staff and skills a robust skills and training plan is required, this is currently being worked through with the Local Authorities as part of S106 discussions.	Noted	No further comment.

Response Number	Matter	Applicant's Response	LUC Comment on Applicant's Response	Applicant's Response
	the construction and operational phases. BDC considers the Applicant's proposals in respect of skills and training contained in Schedule 2 to the draft Section 106 Agreement are not sufficient and BDC's Written Representation contains details of the additional obligations which are sought from the Applicant.			

**BDC and HBBC combined Written Reps**

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 Response	Applicant' Response
119	Construction assumptions regarding displacement and use of 'average' years employment rather than spend profile.	Response to this matter is provided under Matters not Agreed in the draft HBBC SoCG with under Land Use and Socio-Economic Effects, (document reference 19.2).	Noted	No further comment.

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 Response	Applicant' Response
120	Operational assumptions regarding leakage and displacement.	See above	See above	No further comment.
121	Inadequate analysis of types of construction skills required and the current local skills profile.	See above	Noted	No further comment.
122	Unrealistic assumptions regarding ability to fill future vacancies from local unemployed.	See above	Noted	No further comment.
123	The use of the 2017 Housing and Economic Development Needs Assessment (HEDNA) when a more up to date 2022 version is available and this consequently fails to take account of the scale of other economic growth in the area.	See above A response to this matter is provided under Matters not Agreed in the draft LCC SoCG under Land Use and Socio- Economic Effects (document reference 19.3).	Noted	No further comment.
124	Insufficient analysis of the development's impact on the local housing market and whether future housing delivery will be sufficient to support employment growth associated with the development.	See above	Noted	No further comment.
125	It is concerning that when considering the impact of construction, average levels of employment across the 10 year build period has been used rather, than a full spend profile, which means the housing market impact is inaccurate. There is limited analysis of the skills required, the availability of labour, and impact on health service provision and whether there are any housing affordability implications, including greater demand for shared accommodation.	A response to this matter is provided under Matters not Agreed in the draft LCC SoCG under Land Use and Socio-Economic Effects (document reference 19.3). The applicant has also responded to the is matter as part of RR-0731 (document reference: 18.2, REP1- 033).	Noted	No further comment.
126	Positive impacts related to employment creation in the area and general Gross Value Added (GVA) during both construction and operation.	Noted and agreed	Noted	No further comment.
127	Neutral impacts on the current demand for housing to meet Proposed Development employee requirements during operation.	See response to BDC LIR for further detail (document reference 18.4) (response number 13).	Noted	No further comment.
128	Negative impacts related to the scale of the Proposed Development which could cause the rate of demand for labour to experience a step change, which could create challenges for the local labour pool with the risk of demand outstripping supply posing recruitment difficulties for local businesses.	See response to BDC LIR for further detail (document reference 18.4)	Noted	No further comment.
129	Whilst the overall socio-economic impacts of the Proposed Development may be positive for the wider region, many of these benefits will not be experienced in BDC's area.	It is agreed that there is some uncertainty on the absolute level of positive socio-economic impacts that will be experienced in the BDC area.	Noted	No further comment.

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 Response	Applicant' Response
130	Whilst the operational effect on employment within the wider area is considered beneficial in terms of job creation, the likely employment requirements of the Proposed Development in operation could have negative impacts for resourcing staff or particular skills in the area.	See response to BDC LIR for further detail (document reference 18.4) (response number 31).	Noted	No further comment.
131	There is a strong possibility that the Proposed Development would lead to the movement of people between different companies and sectors. BDC therefore consider that the strain in resourcing skilled workers would mean that the benefits of employment generation will be largely conferred upon those outside the District who are likely to travel by car, this highlights the need for a robust Skills and Training Programme and sustainable travel plan.	The applicant has considered the movement of people between different companies and sectors with the application of displacement. Further justification is provided in Table 7.16 of the Environmental Statement Chapter 7: Land Use and Socio-Economic Effects (document reference: 6.1.7, APP-116). The displacement level used is agreed with BDC as per the draft BDC SoCG under Land Use and Socio-Economic Effects. The skills and training strategy is currently being worked through with the Local Authorities as part of S106 discussions. Response to this matter is also provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities. Further development of the Sustainable Transport Strategy is to be submitted at Deadline 3.	Noted	No further comment.
132	It is imperative that the Applicant implements a robust employment, skills and training programme, the current proposals are not sufficient. Specific comments on Skills and Training measures (set out in page 9 of the WR). BDC considers the implementation of an effective Employment and Skills Strategy is essential to ensure the realisation of the employment benefits of the proposed development and avoid some of the potential negative socio-economic impacts identified. BDC considers that the strategy would be best secured via the S106 Agreement. This together with appropriate oversight vis the formal stakeholder group, should provide the necessary flexibility and improve the deliverability of the strategy without compromising the ambitious targets necessary due to the identified impacts.	The Applicant remains in discussion with the local authorities as on the provisions of the Skills and Training Programme. The Applicant is awaiting a response from the Local Authorities on the latest draft document. The Applicant has emphasised to officers at the Local Authorities that Obligations can not be entered into which the Applicant can not fulfil, in short form because the Applicant is not able to prescriptively enforce provisions such as the number of apprenticeships, upon future occupiers. The Applicant is hoping that the Local Authorities response will be proportionate and display greater understanding of the Applicant's control over future employment provisions such as	BDC, HBBC and LCC provided the applicant with a document covering the principles we wish to see in the draft employment, skills and training obligations. For completeness, an up to date version of this document is appended to this response at Appendix 1.	The Work and Skills plan has been agreed and is included as part of the S.106 submitted at Deadline 4 (document reference: 10.1A)

Response Number	Original Comment	Tritax Deadline 2 response	Deadline 3 Response	Applicant' Response
	This will have implications for requirement 32.	apprenticeships and training programmes.		
133	No provision is made to address skills and training in the HBBC area.	The Employment and Skills Strategy is an evolving document. The Applicant accepts that a Framework and Skills Programme is an appropriate requirement, or alternatively it may be addressed as a Planning Obligation. The Applicant awaits the response of the local authorities to the proposed content of the strategy. The Applicant will then consider such proposals in the context of the lawful provisions of Requirements/Planning Obligations.	Please see the above response.	

Applicants Response to BDC Representations on the dDCO

Response Number	Provision	BDC Comments	Revised drafting proposed by BDC	Applicant's Response
1	Art 5 (Authorisation of use)	<p>It is unclear how this article operates in relation to article 42 (Operation and use of railways) and there appears to be a degree of overlap between these provisions.</p> <p>Article 5 authorises the undertaker and any persons authorised by the undertaker to operate and use that part of the authorised development comprised in Works Nos. 1 to 7 inclusive. Works Nos. 1 and 2 include various railway works and the rail freight terminal.</p> <p>Article 42 provides that "The undertaker may operate and use the railway comprised in the authorised development."</p> <p>It is therefore unclear whether 'persons authorised by the undertaker' may operate and use the railway comprised in the authorised development (as suggested by article 5), or whether such use is limited to 'the undertaker' by article 42.</p> <p>As the identity of persons falling within the second limb of the definition of 'the undertaker' in article 2 is not known at this stage, we suggest the more limited scope of article 42 should take priority and article 5 should be amended as shown.</p>	<p>5. Subject to the provisions of this Order and to the requirements, the undertaker may operate and use that part of the authorised development comprised in Works Nos. 1 to 7 inclusive for the purposes of a rail freight terminal and warehousing, any purposes for which such parts of the authorised development is designed and for any purposes ancillary to those purposes.</p>	<p>This drafting is required so that future operators are able to benefit from the warehousing and rail freight terminal and so the reference to persons authorised by the undertaker cannot be removed.</p>
2	Art 7 (Benefit of Order)	<p>For the reasons set out below, article 7(2) should be extended to specify that the benefit conferred by certain other provisions of the order is limited to Tritax Symmetry (Hinckley) Limited.</p>	<p>2) Tritax Symmetry (Hinckley) Limited, has the sole benefit of the provisions of -a) Part 5 (powers of acquisition); b) article 22 (protective works to buildings); and c) article 23 (authority to survey and investigate the land), unless the Secretary of State consents to the transfer of the benefit of those provisions</p>	<p>The Applicant is unable to agree to this amendment as there may be a need for persons other than the Applicant to exercise these powers. For example, where the rail freight terminal operator needs to undertake protective works to a building due to the operational of the terminal, it will need to use the Article 22 power to do so.</p> <p>These powers may also be required by statutory undertakers when undertaking works required as a result of the authorised development.</p> <p>Both powers are subject to compensation provisions in favour of the owner or occupier of the relevant land in the event they are exercised. Article 22 itself is required for the benefit of third parties and there is no reason to further restrict it.</p>
3	Art 9 (Street works)	<p>The activities listed in art 9(1)(e) to (i) go well beyond the model provisions and should be deleted.</p>	<p>9.—(1) The undertaker may for the purposes of the carrying out of the authorised development, enter on so much</p>	<p>The Applicant needs the ability to carry out all such works in streets and so the removal of sub-paragraphs (e)-(i) cannot be agreed.</p>

Response Number	Provision	BDC Comments	Revised drafting proposed by BDC	Applicant's Response
		<p>The Applicant's draft explanatory memorandum states that <i>"the inclusion of this Article in the draft DCO provides a statutory right to undertake street works within the specified streets and means that the undertaker will not need to obtain a separate licence from the street authority under the New Roads and Street Works Act 1991."</i></p> <p>The drafting of this article represents a misunderstanding of the scope of 'street works' in the 1991 Act. The activities listed in art 9(1)(e) to (i) do not fall within the definition of 'street works' in section 48 of the 1991 and therefore do not require (and would not be capable of being consented by) a street works licence under the 1991 Act.</p> <p>'Street works' are defined in s. 48 of the 1991 Act as:</p> <p><i>"works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence—</i></p> <p><i>(a) placing apparatus, or</i>  <i>(b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it,</i>  <i>or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street)."</i></p> <p>The drafting of the model provision reflects this and expressly provides a statutory right to carry out works which involve placing apparatus in streets.</p> <p>The Applicant's drafting goes well beyond this and seeks to provide a statutory right to undertake works outside the scope of 'street works' covered by the 1991 Act. This creates uncertainty as to whether article 9 is intended to confer an express authorisation to carry out works such as the construction of bridges and</p>	<p>of any of the streets specified in Schedule 3 (streets subject to street works) as are within the Order limits and may—</p> <p>(a) break up or open the street, or any sewer, drain or tunnel under it;</p> <p>(b) tunnel or bore under the street; (c) place apparatus in the street;</p> <p>(d) maintain apparatus in the street or change its position;</p> <p>(e) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e)</p>	<p>This approach is consistent with other made DCOs (for example article 9 of The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022/1369 includes the ability to construct a bridge over a street.</p>

Response Number	Provision	BDC Comments	Revised drafting proposed by BDC	Applicant's Response
		<p>tunnels which may or may not be included with the scope of the authorised development described in Schedule 1 to the dDCO.</p> <p>The fact that equivalent drafting may have been included in previous DCOs is not a reason for perpetuating this misunderstanding. The deletion does not affect the scope of works authorised by the DCO or the powers conferred in relation to alterations to streets. The matters covered by article 9(1)(f) to (i) are expressly authorised by article 10(1) so the deletion does not affect the undertaker's ability to carry out those works.</p>		
4	Art 10 (Power to alter layout, etc., of streets)	<p>The power in article 10(1) should be subject to the consent of the relevant street authority, rather than the highway authority. The power in art 10(1) applies to 'streets' which are defined by reference to s. 48 of the New Roads and Street Works Act 1991.</p> <p>'Streets' for the purposes of the 1991 Act may not necessarily be public highways. Accordingly, the appropriate person to consent to the exercise of the power in art 10(1) is the street authority; a term which is already defined in the draft DCO – again by reference to the 1991 Act.</p> <p>Where a street is a maintainable highway, the street authority is highway authority. But if a street is not a highway, the street authority is the authority, body or person liable to the public to maintain or repair the street or, if there is none, any authority, body or person having the management or control of the street – see s.49 of the 1991 Act.</p>	<p>(2) The powers conferred by paragraph (1) must not be exercised without the consent of the relevant street authority but such consent must not be unreasonably withheld and if the relevant street authority has received an application for consent to exercise powers under paragraph (1) accompanied by all relevant information and fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application is submitted with all relevant information, it is deemed to have granted consent.</p>	<p>This is agreed and the Applicant has amended the DCO to include this wording.</p>
5	Art 22 (Protective works to buildings and structures)	<p>This power should be amended so that it can only be exercised (a) by Tritax Symmetry Limited; and (b) within the Order limits. As drafted the article provides a power of entry onto any land regardless of whether that land is within the Order limits. The Applicant has provided no justification for this. Furthermore, following commencement of the works on the Main Site, the power could be exercised by any person who has an interest in the relevant part of that site. Accordingly, as drafted, this article provides a power of entry</p>	<p>22(1) - Subject to the provisions of this article, the undertaker may at its own expense carry out the protective works to any building or structure lying within the Order limits which may be affected by the authorised development as the undertaker considers necessary or expedient</p>	<p>As above, the Applicant does not consider that it is appropriate to restrict the use of this power to Tritax alone.</p> <p>In relation to the amendment proposed, the Applicant notes that this is a standard provision and the Applicant does not consider it unreasonable to include so as to enable it to do protective works if required.</p> <p>A similar provision is included in The Boston Alternative Energy Facility Order 2023/778 and The Drax Power (Generating Stations) Order 2019/1315 and the Applicant does not consider that the proposed amendment is necessary.</p>



Response Number	Provision	BDC Comments	Revised drafting proposed by BDC	Applicant's Response
		onto unspecified land, but persons who are currently unknown. This is clearly unacceptable. Whilst the article provides that compensation is payable by the undertaker for loss or damage caused by the exercise of this power, this liability is not subject to the guarantee in article 40. The article should be amended as shown.		
6	Art 23 (Authority to survey and investigate the land)	BDC submits that the powers conferred by this article should be restricted to Tritax Symmetry (Hinckley) Limited. See the suggested amendment to article 7. The liability to pay compensation under this article should also be subject to the guarantee in article 40. See suggested amendment to that provision.	See amendments to articles 7 and 40.	Article 23 is required for the benefit of third parties and there is no reason to further restrict it in this way.
7	Art 34 (Temporary use of land for carrying out the authorised development)	<p>Article 34(3) is not justified and should be deleted.</p> <p>The new wording requiring the giving of such period of notice "as is reasonably practical in the circumstances" is not sufficient to overcome BDC's objections to this provision.</p> <p>There would need to be very special justification for a power of entry onto land without notice. It is clearly not appropriate for this power to be available simply because the undertaker identifies "a potential risk to the safety of the matters listed in sub-paragraph (3). There is no clarity in the drafting as to what such 'a potential risk to the safety' of these matters might constitute. What is a risk to the safety of the environment? The provision gives the undertaker complete discretion to determine this.</p> <p>The provision is clearly not appropriate and should be deleted.</p>		This is a standard provision and is necessary to ensure that the Applicant can properly and safely deliver the authorised development by enabling it to take action in the event of a potential safety risk. It is not feasible to define such risks as such an approach could restrict the Applicant from being able to take necessary actions to put right a dangerous situation.
8	Art 35 (Temporary use of land for maintaining the authorised development)	Article 35(9) should be deleted for the same reasons given above in relation to article 34(3).		As above, this is a standard provision and is necessary to ensure that the Applicant can properly and safely deliver the authorised development by enabling it to take action in the event of a potential safety risk. It is not feasible to define such risks as such an approach could restrict the Applicant from being able to take necessary actions to put right a dangerous situation.

Response Number	Provision	BDC Comments	Revised drafting proposed by BDC	Applicant's Response
9	Art 40 (Guarantees in respect of payment of compensation)	The guarantee in respect of compensation should be extended to all articles which impose an obligation to pay compensation.	40.—(1) The undertaker must not exercise the powers conferred by the provisions referred to in paragraph (2) in relation to any land unless it has first put in place a guarantee or alternative form of security approved by the relevant planning authority in respect of the liabilities of the undertaker to pay compensation under this Order in respect of the relevant power in relation to that land. (2) The provisions are— (a) article 12 (temporary closure of streets) (b) article 22 (protective works to buildings); (c) article 23 (authority to survey and investigate the land) (d) article 25 (compulsory acquisition of land); (e) article 26 (compulsory acquisition of land - incorporation of the mineral code); (f) article 27 (compulsory acquisition of rights); ( (g) article 30 (private rights); (h) article 31 (rights under or over streets); (i) article 34 (temporary use of land for carrying out authorised development); (j) article 35 (temporary use of land for maintaining authorised development); and (k) article 36 (statutory undertakers).	The Applicant does not agree with the proposed amendment to include Articles 12, 22 and 23 in the guarantee provisions. To the extent that any compensation is payable under these Articles, it cannot be quantified until the powers are exercised. Article 40 is intended to secure compensation for the use of the Applicant's compulsory powers of acquisition (with such compensation being capable of being quantified) rather than being to secure compensation under the wider DCO powers.
10	Art 43 (Operational land for the purposes of the 1990 Act)	The scope of this provision was queried by the ExA in its initial comments on the dDCO included in the Rule 6 letter. BDC does not accept the Applicant's response that "it is considered prudent for this provision to relate to all land within the Order limits" and is concerned that this provides an unreasonably wide area over which permitted development rights that could be exercised over the whole site in future. The ability to exercise permitted development rights should only apply to land that can properly be regarded as 'operational land' within the definition in s. 263 of the TCPA 1990 (i.e. land which is used for the purpose of carrying on their undertaking; and land in which an interest is held		The Applicant has considered this point however, as set out in the Applicant's Post hearing submission ISH1 and CAH1 [Appendix C Applicant's Updated Responses to the ExA's Initial Observations on Drafting of dDCO] (document reference: 18.1.3, REP1-020) it is considered prudent for this provision to relate to all land within the Order limits and limits of deviation approach to defining the authorised development given that it is likely that the spatial extent of rail related land would not simply be confined to the area of the tracks themselves.

Response Number	Provision	BDC Comments	Revised drafting proposed by BDC	Applicant's Response
		for that purpose). The Applicant should be asked to reconsider this point.		
11	Art 45 (Defence to proceedings in respect of statutory nuisance)	There is overlap and duplication between 45(1)(d) and the other sub-paragraphs of article 45(1). The drafting should be clarified as shown.	45.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990 (summary proceedings by persons aggrieved by statutory nuisance) in relation to a nuisance falling within section 79(1) of that Act (statutory nuisances and inspections therefore) no order may be made, and no fine may be imposed, under section 82(2) of that Act if - (a) the defendant shows that the nuisance— (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974; or (ii) is a consequence of complying with a requirement or any other provision of this Order and that it cannot reasonably be avoided; or (b) the defendant shows that the nuisance is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided.(2) Section 61(9) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of the premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.	This Applicant has incorporated the suggested amendments in the latest version DCO save for the deletion of sub-paragraph (d).  The Application is of the view that sub-paragraph (d) (now sub-paragraph (c) in the latest DCO) is required as it is not covered or duplicated elsewhere.
12	Schedule 2 Part 1 Requirement 8 (travel plan)	The Applicant's revised drafting provides that monitoring of the occupier-specific travel plans will continue for 5 years. It does not provide that the measures set out in those plans have to continue beyond that period. BDC's sees no reason why the implementation of the occupier-specific travel plan should cease after 5 years.	(2) Prior to each and every occupation of an individual warehouse unit an occupier-specific travel plan is to be submitted to, and approved in writing by, the relevant planning authority. Each occupier-specific travel plan must be in accordance with the framework travel plan. Each occupier must comply with their occupier-specific travel plan from not	The Applicant has updated the dDCO to reflect this amendment, this revised dDCO is submitted at deadline 4 (document reference 3.1C).

Response Number	Provision	BDC Comments	Revised drafting proposed by BDC	Applicant's Response
			less than three months of the date on which they first occupy the relevant warehouse unit for the duration of the occupation of the relevant warehouse by that occupier. Each occupier must monitor the operation of the occupier specific travel plan for a period of five years from the date of first occupation of the relevant warehouse (or until the cessation of occupation of that warehouse if earlier).	
13	Requirement 10 (Rail)	BDC's position remains as set out in the Council's written representation. It is not correct for the Applicant to claim that agreement had been reached with BDC over the wording of this requirement – See Applicant's Comments on Written Representations [Appendix A – Applicant's Response to BDC Written Representation Appendix 6] Document reference: 18.3.1.	(1) The rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated rail infrastructure must be constructed and available for use prior to the occupation of any of the warehousing. (2) No rail infrastructure may be removed which would impede the ability of the rail freight terminal to handle four intermodal trains per day unless otherwise agreed in writing by the relevant planning authority.	The Applicant notes BDC's position regarding this Requirement. Requirement 10 has been drafted so as to permit some initial occupation, but the majority of occupation will only be able to take place once the rail terminal can become operational and effectively replicates Paragraph 4.89 of NPS for the use of rail freight as well as the approach taken in other Railfreight DCOs such as The West Midlands Rail Freight Interchange Order 2020/511 and The Northampton Gateway Rail Freight Interchange Order 2019/1358 (as amended).  As such, the approach to drafting Requirement 10 reflects both the policy position and that taken in other made DCOs and is sufficient to secure delivery of the rail port. It is not reasonable to require the rail infrastructure to be delivered prior to occupation.
14	Requirement 11 (Container stack height)	BDC's position remains as set out in the Council's written representation. The reason why the maximum height of the stack of the container returns area should be limited to 14.5 meters is because the proposed mitigation planting would not be effective in mitigating landscape and visual effects in the long-term if a container stack height of up to 20.7 metres was permitted.	(1) The height of any stack of containers within the container storage area approved pursuant to the details submitted in accordance with requirement 2 must: (a) not exceed 8.7 metres from finished floor level prior to the fifth anniversary on the date on which the container storage area first comes into use; and (b) not exceed 14.5 metres from finished floor level at any time thereafter. (2) The height of any stack of containers within the returns area approved pursuant to the details submitted in accordance with requirement 2 must: (a) not exceed 8.7 metres from finished floor level prior to the fifth anniversary of the date on which the returns area first comes into use; and (b) not exceed 14.5 metres from finished floor level at any time thereafter.	The Applicant is unable to agree to BDC's exact wording but is proposing to amend the requirement as follows: (1) The height of any stack of containers within the container storage area approved pursuant to the details submitted in accordance with requirement 4(2) must; a. Not exceed 8.7 metres from finished floor level prior to the 2nd anniversary on the date on which the container storage area first comes into use; and b. Not exceed 11.6 metres from finished floor level prior to the 3rd anniversary. c. Not exceed 14.5 metres from finished floor level at any time thereafter. (2) The height of any stack of containers within the returns area approved pursuant to the details submitted in accordance with requirement 4(2) must: a. Not exceed 8.7 metres from finished floor level prior to the fifth anniversary of the date on which the returns area first comes into use; and b. Not exceed 14.5 metres from finished floor level at any time thereafter.
15	Requirement 16	Construction hours on Saturday should be limited to 07:00 to 13:00.	16.—(1) Construction works relating to the	As confirmed in the Applicant's Written Statement of Oral Case ISH5 (document reference: 18.912, REP3-077), the Applicant's

Response Number	Provision	BDC Comments	Revised drafting proposed by BDC	Applicant's Response
	(construction hours)	<b>For Deadline 3, BDC will separately provide an update on the discussions with the Applicant on this requirement in response to Action Point 117.</b>	authorised development must not take place on Sundays, bank holidays nor otherwise outside the hours of 07:00 to 19:00 on week days and 07:00 to 13:00 on Saturdays.	position is that the hours set out in the Requirement are required in order to maximise the available day light, particularly in situations where extensive civils works are being carried out. As such, this amendment cannot be agreed, however, as discussed at ISH5 the Applicant is open to considering whether a phased requirement could be agreed.
16	Requirement 31 (Lighting)	The revised wording included in Revision 4 of the dDCO is agreed.		Noted
17	Schedule 2 Part 2	BDC's position remains as set out in the BDC's Written Representation.	See BDC's Written Representation.	Further discussions have taken place with BDC on proposed amendments to Schedule 2 Part 2. The dDCO has been updated and is submitted at Deadline 4 (document reference: 3.1C)
18	Throughout the Schedules	In accordance with the guidance on statutory drafting, the paragraph numbering in each Schedule to the dDCO should be continuous, rather than restarting at 1 for each Part.		The Applicant notes the Advice Note, but having reviewed various other DCOs the Applicant notes that there is no consistency of approach, for example, The Hornsea Four Offshore Wind Farm Order made as recently as July 2023 does not use sequential numbering in its protective provisions schedule. The Applicant is content to adopt the approach in Advice Note 15 if required by the ExA but proposes that sequential numbering is added in the final version of the DCO to be submitted. This is because the protective provisions are each negotiated in isolation and given the need to ensure cross-referencing is accurate, this is best done at a time when there are no further changes required to the protective provisions.