

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Applicant's response to deadline 3 submissions [Part 2 - HBBC]

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Planning Act 2008

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

No.	Matter	Applicants Deadline 2 Response	Hinckley & Bosworth BC Response	Applicants Response
	Planning			
1	<p>HBBC refer to two nearby sustainable urban extensions (SUE) awaiting determination at Barwell and Earl Shilton and which are covered by the adopted Barwell and Earl Shilton Area Action Plan 2014 due to their size and proximity to the north of the application site. The AAP proposed sustainable urban extensions to the south east of Earl Shilton for up to 1600 homes and 4.5Ha of employment land (the site adjoins the A47 and relies on vehicular access from it to serve the majority of the development) and to the west of Barwell for up to 2500 homes and 6.2Ha of employment land.</p>	<p>These applications are at an early stage in their respective application processes. It is assumed they will adopt a similar approach to design, assessment and mitigation of effects as the HNRFI Application. They have been accounted for in the agreed planning and Infrastructure log for traffic modelling and both sites have been included in ES Chapter 20 Cumulative Effects (document reference:6.1.20, APP-129), and where relevant are assessed in the respective topic chapters, as set out in Appendix 20.1, (document reference: 2.2AA, APP- 226).</p>	<p>The applications are not necessarily at an 'early stage' in the application process. The Earl Shilton SUE comprises applications awaiting determination for:</p> <p><i>Outline application to include up to 1,000 dwellings (C3) up to 5.3 hectares for employment uses comprising a mix of B2, B8 and E(g) uses, a primary school/education uses (F1), retail floor space (E) and hot food takeaway (Sui Generis) as part of a mixed use local centre/community hub (E/F1/F2/C3) - 21/01511/OUT</i></p> <p><i>Outline application to include up to 500 dwellings, a primary school / education use (Class F1), retail (Class E), community hub (Class E/F1/F2), hot food takeaway (Sui Generis), accesses from Mill Lane and Astley Road and infrastructure including; public open space, SUDS, landscaping, the provision of associated infrastructure and ancillary works. - 23/00330/OUT</i></p> <p><i>Residential development for 81 dwellings with provision of access, open space and associated infrastructure - 20/01225/FUL</i></p> <p>The Barwell SUE comprises:</p> <p><i>Outline application including access for up to 2,500 new residential dwellings (use class C3), an employment zone for general industrial buildings (use class B2) and storage and distribution warehouses (use class B8) providing up to 24,800 sqm, sports pitches, pavilion building and changing rooms (use class D2), areas of formal and informal open space, children's play areas, landscaping, allotments and public realm works, provision of hydrological attenuation features, pedestrians and cyclists connections, new infrastructure and services as necessary to serve the development and a new community hub area comprising a primary school (use class D1), a local health care facility (use class D2) or, in the alternate, a family public house/restaurant (use class A3/A4) and local retail and commercial units (use class A1, A2, A3, A4 and A5) up to a maximum floor space of 1,000 sqm (EIA development) - 12/00295/OUT</i></p>	<p>The revised Sustainable Transport Strategy submitted at Deadline 4 (document reference: 6.2.8.1B) has been amended to account for population catchments which include the Barwell and Earl Shilton SUEs. This includes for identified routes for active travel modes.</p>
2	<p>HBBC refer to the following relevant policies of the Core Strategy: Policy 1 – Development in Hinckley; Policy 2 – Development in Earl Shilton; Policy 3 – Development in Barwell; Policy 4 – Development in Burbage; Policy 5 – Transport</p>	<p>Policy 1 is not relevant and refers to measures to support the role of Hinckley as a sub-regional centre – including allocation of land to meet development needs.</p> <p>Policy 2-4 applies a similar approach to Policy 1 in supporting the role of</p>	<p>Policy 1 is relevant inasmuch as it makes reference to policies 20 and 5:</p> <p><i>“To ensure development contributes to Hinckley’s character and sense of place and that the town’s infrastructure can accommodate the new development, the council will: Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving Burbage Common and Woods, Hinckley Town Centre,</i></p>	<p>In so far as HNRFI will deliver an extension to Burbage Common and Country Park (22ha) amounting to enlargement of some 25%, this provision is consistent with the policy aspirations of Policy 20 to <i>‘deliver strategic green infrastructure.’</i></p>

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	<p>Infrastructure in the Sub Regional Centre; Policy 6 – Hinckley/Barwell/Earl Shilton/Burbage Green Wedge; Policy 20 – Green Infrastructure.</p>	<p>Hinckley as the sub-regional centre. However HNRFI is not located in Earl Shilton, in Barwell or in Burbage.</p> <p>Policy 5 identifies a range of transport interventions to support additional development in and around Hinckley. The policy has no direct relevance to HNRFI.</p> <p>Policy 6 Green Wedge – the impact of HNRFI on Policy 6 has been addressed in the Planning Statement 3.188-3.189 (document reference: 7.1, APP-347) paragraphs) Policy 20 Green Infrastructure makes reference to the Green Wedge where strategic interventions are to be supported.</p> <p>Policy 24 Sustainable Design and Technology – this responds to residential development, schools, hospitals and office developments.</p> <p>From 2016 the policy seeks development to achieve BREEAM Excellent, where appropriate, as is proposed for HNRFI.</p> <p>It is considered that other than Policy, which 6 relates to Green Wedge, none of the policies in the Core Strategy raise distinct matters to those set out in the NPS-NN</p>	<p><i>Harrow Brook Corridor, Disused Railway Line (Nuneaton – Shenton Station), and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge will be implemented....</i></p> <p><i>Deliver safe, high quality cycling routes as detailed in Policy 5 with particular focus on the routes to Hinckley town centre and schools, existing and proposed residential and employment areas, community and leisure facilities, the Hinckley railway station and bus station and into the countryside to provide an alternative to car travel and encourage physical exercise”</i></p> <p>Policies 2-4 similarly cross reference policies 20 and 5.</p> <p>Policy 5 is relevant in that it aims to make sure there are suitable connections between Hinckley, Barwell and Earl Shilton and the current Sustainable Transport Strategy fails to offer sufficient and suitable connectivity between those settlements and the proposed development.</p>	
3	<p>The Good Design SPD is divided into two parts, part two focusses on specific village identity and features and is not relevant to the determination of this application. Part one, however, deals with the approach and objectives to achieving good design and is relevant to the determination of this application and should be considered alongside the guidance in the NPS and other national design guidance. In particular chapters 1 (Planning and Design Process), 2 (Design</p>	<p>The SPD properly referenced design as a process rather than an end product. 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. Chapter 2 identifies a range of design objectives including: 1. Be functional: HNRFI is designed to function to the specific requirements of a SRFI as a component of national infrastructure. 2. Support mixed uses and tenures: This objective is not well related to a SRFI.</p>	<p>The applicant's submission addresses a 'campus approach' without duly recognising the significance of mixed-uses, and public spaces for communal purposes, a stance that appears incongruent.</p> <p>Concerning the unique character of the SRFI, the National Design Guide asserts "a response to how today's lifestyles could evolve in the future," should be a consideration, which has not been adequately attended to by the current scheme.</p> <p>The notion of the development being deemed 'attractive' is inherently subjective, and not an assertion the Council would agree with based on our landscape design assessment when measuring this against the characteristics of good design.</p> <p>The idea that the development provides ease of movement</p>	<p>The HBBC response takes specific points from the recently received Deadline 3 combined response, prepared by LUC on behalf of BDC and HBBC, dated 09.11.23, and issued to the Applicant on 17.11.23.</p> <p>Additional landscape design detail within the Design Code in response to commentary received from HBBC and BDC on design matters. The Design Code (document ref: 13.1 A PP-354)/DAS (document reference: 8.1 APP-349):</p> <ul style="list-style-type: none"> Update to the illustrative masterplan, locating the new bus stop on the northern side of the new A47 link road to be closer to the units and avoid the

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	Objectives) and 7 (Commercial Development) are relevant.	<p>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. 4. Have distinctive character. HNRFI will have a distinctive character as a SRFI – the design details will be approved by the relevant Local Authority.</p> <p>5. Be attractive: the details of HNRFI will be attractive representing an efficient business environment. 6. Encourage ease of movement: the layout of HNRFI will enable efficient movement within the park. 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 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.</p>	<p>only considers the needs of the development itself -as discussed ‘inside the park’. The development necessitates rerouting of existing public footpaths, and will increase road traffic to the M69 and overall results in a loss of amenity for the local area.</p> <p>As stated by the applicant, the development proposes to create its own sense of place based on the image the applicant has chosen to be most appropriate for the site, this new character apparently disregarding the current landscape character areas.</p> <p>This approach does not align with guidance set out within both national or local policy and would not be considered best practice for any development.</p> <p>The Council has no doubt that the development will have its own strong identity within the local area, however this is at odds with its context and create a tension that we would not deem as appropriate. Due to the consistent approach described by the applicant within the development over a large area it will not be distinct within itself at the ‘human scale’ and would likely become monotonous.</p> <p>This does not align with good design or encourage natural wayfinding and will rely heavily on signage. Retention of some of the landscape features such as the veteran tree, existing hedgerows or brook are opportunities missed to give the development a strong sense of place that is both rooted to and respects the current environment. Equally the applicant may have chosen within the design code to celebrate and reinforce local character, which unfortunately is not the case.</p>	<p>majority of those using the service having to cross the A47 link road.</p> <ul style="list-style-type: none"> • Confirmation that the colouration of the PV panels on the roofs of the building will be chosen to closely match the roof colour. • Confirmation that the HGV parking areas within the development will be ‘EV Ready’ with the ductwork installed to allow for future use by the occupiers. • Confirmation that the illustrative scheme positively incorporates the various Policy requirements (NPPF, paragraph 110, Circular 01/22 from National Highways and National Policy Statement for National Networks (2014), paragraphs 3.16 and 3.17) to prioritise methods of active travel, provision of public transport facilities and access for people with disabilities or mobility issues.
	Landscape & Visual Impact			
4	HBBC highlighted the landscape character of the site in the context of the landscape in the Borough. It is indicated that whilst low-lying, the site is open and visible from long views from surrounding higher land. Views from Barwell and Earl Shilton highlighted as being impacted in the middle ground views. Views from Elmesthorpe highlighted as	The Applicant notes comments on landscape character. Visual Impacts from higher ground are agreed as set out in ES Chapter 11 (document reference: 6.1.11, APP-120) and the SoCG. 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	Whilst there may be some longer views beyond the proposed development from Barwell and Earl Shilton (although 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. Elmesthorpe is a 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	The extent of effects on views from Elmesthorpe and surrounding villages is now largely agreed between the parties within the SoCG. The point about additional glimpsed views between properties demonstrates the applicant’s judgement that there are very few meaningful locations where the development is visible in Elmesthorpe. Given the size, scale and proximity of the development to Elmesthorpe, the impact on village character is therefore limited.

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	dominating the backdrop to the village	reference: 6.3.11.16, APP-300) whilst the development will be visible, there remain longer views beyond the development, maintaining a sense of perspective. These are assessed as part of ES Chapter 11 (document reference 6.1.11, APP-120) and agreed in the SoCG. 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: 6.1.11, AS- 025) and agreed in the SoCG	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 Landscape SoCG).	
5	HBBC states that the height (28m) and scale of the development means that planting along boundaries 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.	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 (as agreed within the draft SoCG).	Yes, this is agreed noting however that planting does serve to screen and filter the majority of the development.
6	HBBC believes that these visual effects will be experienced at a greater number of viewpoints than identified in the LVIA. The overall impact of the development on the landscape and visual amenity is negative.	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.	The use of representative viewpoints and that these are not intended to cover every possible view is agreed. 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).	The ES does not suggest that this is the case. It clearly sets out the receptors with significant effects in Tables 11.17, 11.19 and 11.21 (document reference 6.1.11A).
	Ecology & Nature Conservation			
7	HBBC requests further detail regarding hedgerow creation/enhancement that is expected to be achieved through partnering with the Environment Bank.	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 off-site land in the locality. Where this cannot be achieved, credits will be sought through the Environment Bank.	Further assessment is to be undertaken by the applicant regarding hedgerow habitats for both on and offsite BNG as agreed through the SoCG.	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 Calculations (document reference: 6.2.12.2A) submitted at deadline 4. This includes considerations of off-site hedgerows previously omitted from the calculations.
8	HBBC is unclear on the dimensions of proposed buffers which are to be provided as	Specific dimensions for buffers have not been provided, as they range across the site. However, as is	SoCG and Hearing discussions reached a point of agreement pending further detail on appropriate mitigation measures, however further clarity is sought on the consistency of buffer	A meeting was held between the Applicant, BDC and HBBC on 20.11.23 in which Air Quality Impacts on Freeholt

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	mitigation around the proposed retained/enhanced habitats	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.	widths and dark corridors for bats.	<p>Wood were discussed. Following this 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"> - Section A-A - The A47 Link Road and Amenity Area (approximately 320m wide buffer at shown location between DCO boundary and development footprint); - 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); - Section D-D – South-eastern Boundary with M69 (approximately 70m wide corridor at shown location); - Section E-E – South-eastern Boundary with M69 (North) (approximately 30m wide buffer at shown location) - Section H-H – South-eastern boundary with Freeholt Wood (approximately 45m between Freeholt Wood and A47 link road at closest point).
9	Long term operational impacts on designated sites, such as pollution and potential water inundation on adjacent ancient woodland and broadleaved woodland habitats, including the potential for nutrient enrichment impacts on ground-level flora requires further and more detailed analysis due to the potential negative impacts.	The operational environmental impacts on off-site woodland have been assessed in detail as set out below. The Air Quality ES Chapter (document reference: 6.1.9, APP-118) provided the changes in nitrogen deposition at the Free Holt 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. It is considered that the removal of arable land (and therefore, a large source of nitrogen) from the	Residual concerns were raised at ISH3 regarding the potential impacts on the Ancient Woodland at Freeholt wood, as the stated nitrogen deposition levels are significantly above critical levels presently, thus any change, given the sensitivity of the habitat, can have a detrimental impact on the woodland. The Council's concern remains around the fact that this scheme will result in additional traffic impacts and a new heavily trafficked HGV access route, therefore the Council requests further detail relating to the assessment of the impacts upon the woodland both through construction and operation and detail such as incremental distance contributions from the boundary of all relevant roads, including the new access link. The Council also seeks clarity as to how the road modelling has been undertaken to understand the impacts on the woodland. It is not clear whether the A47 link road has been modelled in conjunction with the existing B road and the Council disagrees that because the critical load levels are already high, that a small change will not be impactful on such a sensitive habitat, surrounded by heavily trafficked roads.	<p>Road modelling calculations adjacent Freeholt Wood have been provided through the latest SoCG.</p> <p>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 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 (as per point 8 above).</p> <p>Designs shown in 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</p>

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		<p>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 improved 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>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 at the detailed design stage.</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>
10	<p>HBBC 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. HBBC 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>Consent is anticipated prior to 2025, and therefore the proposals are not yet subject to the Environment Act mandatory 10% net gain.</p> <p>The BNG strategy (Requirement 29) will involve a detailed BNG metric and so further survey and reporting is assured. 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>
11	<p>HBBC is unclear as to how offsite BNG and the provision of a green amenity area as an extension to Burbage Common will offset the loss of habitat while maintaining habitat connectivity.</p>	<p>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. Green corridors at the site boundary will maintain connectivity across the site.</p>	<p>Agreed regarding Requirement 30. However, as per the ISH3 comments, further assessment and clarification is sought regarding offsite BNG and the securing of long term management and monitoring via an appropriate delivery mechanism. In particular there are outstanding concerns regarding offsite BNG and dual usage for public access and recreation. Where habitat units, such as species rich grassland, are created offsite, these should be managed, monitored and maintained in accordance with the BNG condition sheet prescriptions. In order to achieve 'moderate' or 'good' condition, habitats should have minimal damage from humans or animals, meaning that areas of bare earth as a result of permissive paths or recreation activities and regular dog fouling and trampling, will reduce the likelihood of these created habitats achieving their desired condition within 30 years. Assurances are sought as to how offsite BNG will be managed to ensure</p>	<p>No updates to report re off-site land arrangements although discussions are ongoing with the Environment Bank and other brokers.</p> <p>The detailed Landscape and Ecological Management Plans (Requirement 19) will be written in light of the BNG condition assessment sheets, to ensure management is in line with target conditions. Monitoring and remedial actions will be triggered if habitats are not developing as required. Any adverse impacts from recreational usage (dog fouling, trampling) are unlikely to be significant, subject to appropriate management, especially given no significant increases in footfall are anticipated.</p>

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			created habitats achieve their desired condition and how they will be protected from degradation.	
12	HBBC state that a full lighting assessment has not been undertaken by the applicant to determine construction/operational impacts on existing, retained and enhanced habitats.	The bat assemblage recorded is considered to be relatively typical for an urban edge farmland site in central England with common and widespread generalist species accounting for the vast majority of foraging and commuting activity. The most commonly recorded bats (Pipistellus pipistrellus, Nyctalus noctula), are not considered to be particularly sensitive to lighting impacts when foraging or commuting. The latest obtrusive light technical note lighting plans (Document reference: 6.2.3.2.1)) demonstrate that light spill has 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 generally low, and still allow commuting opportunities for bats (with the northern edge of the railway corridor at 1lux or below), with new bund planting on the northern edge of the railway providing new commuting habitat. No significant impacts are therefore considered likely. Given the limited light spill on retained and newly created habitat, there is considered to be no significant impacts on birds, otters or badgers.	<p>As agreed in the SoCG the following revised wording in respect of Requirement 31 Lighting is agreed:</p> <p>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;</p> <ul style="list-style-type: none"> a layout plan with beam orientation; an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance; a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and measures to avoid glare on surrounding railway and highways. <p>2. 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.</p> <p>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.</p>	Noted, no further comment.
13	HBBC consider the overall impact to be negative, where the most significant impacts are loss of woodland, mature trees, hedgerows and watercourse and the fragmentation of habitats, particularly in relation to species such as bats, birds and GCN.	The proposed mitigation leaves no residual significant negative impacts. Negative effects have been avoided or reduced through inherent mitigation incorporated into the parameters plan (document reference: 6.3.3.2, APP-231) and Illustrative Landscape Strategy (document reference: 6.3.11.20, APP- 304).	<p>The amended Ecological Mitigation Management Plan requirement (21), set out below, is agreed:</p> <p>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:</p>	Noted, no further comment.

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			<p>apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians;</p> <p>ensure that mitigation and compensation measures have demonstrable and measurable outcomes, which are monitored and reported on;</p> <p>create alternative habitats to an agreed form to compensate for the loss of irreplaceable habitats; and</p> <p>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>2. 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 sub- paragraph 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>3. Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitable qualified person or body.</p>	
	Highways & Transport			
14	HBBC state that there are no bus routes serving the site at present and no suitable bus or cycling access to the railway station	See Sustainable Transport Strategy (document reference: 6.2.8.1, APP-153) for details on bus and sustainable access. This includes details on the X6 and the DRT services.	The X6 service does not serve the site, nor does it serve nearby communities such as Barwell and Earl Shilton. The applicant has not demonstrated that there are any credible proposals to divert the service such that it does serve the site. The DRT service is a time limited DfT trial and its longevity is not guaranteed; the applicant has not demonstrated that the DRT service will provide a sustainable alternative to car usage. The applicant has not demonstrated that there are suitable walking and cycling opportunities which are reasonable alternatives to car usage.	An updated STS (document reference 6.2.8.1A, REP3-016)) was submitted at Deadline 3 with inclusion of further detail on bus and active travel. Following further refinements a revised STS is submitted at deadline 4 (document reference 6.2.8.1B). The Vectare DRT provision will be independent from the DfT trial.
15	HBBC state that there is concern that HGVs will park on local roads due to the increase in HGVs	Discussed on 12/10/23 with LCC HDM HGV Management Strategy to be updated with agreement as far as	As far as the Council can determine from the HGV Management Strategy this issue has not been considered, and has not been discussed with the Council, on whose	The HGV Strategy has been discussed with the members of the TWG. An updated version of the report has been

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	using the area and/or to avoid lorry park charges and that the applicant should set out proposals to reduce or eliminate this.	possible ahead of the decision notice.	residents the problem will fall. We note that while the Strategy in section 4.9 on describes the strict controls on HGV parking on the link road and HNRFI estate itself, there is no indication of how undesirable on-street parking related to HNRFI can be managed; obviously a key concern for local residents, who already report serious issues (see also evidence of HGV fly parking provided by the Council at deadline 3). The Council notes that many HGVs route via the A47 through Hinckley, making on-street parking easily accessible. It is very disappointing that the strategy does not cover this at all and could for example include (1) guidance to tenants and vehicles on this issue (2) a hotline or reporting mechanism for local residents who have concerns; this could lead to checks of registrations against these users and consequent action against the relevant tenant. Such techniques are commonly used by other organisations with off-site parking issues, for example Loughborough University, where students have to register car details and are disciplined for parking in areas that are undesirable. (see https://www.lboro.ac.uk/services/community/managing-issues/parking/).	developed and is submitted at Deadline 4 (document reference: 17.4C). In terms of on-street parking, the site will have controls to ensure tenants have adequate provision and no parking is permitted outside the site boundaries. This will be controlled through on-site management and the Travel Plan Coordinator and will be communicated to all tenants- this is envisaged to be similar to the hotline and communication proposals indicated within the HBBC response. Existing on-street problems are not the responsibility of the HNRFI site.
16	HBBC are concerned about the effectiveness and enforcement of the applicant's HGV Route Management Strategy, specifically: the application of this during the construction phase to ensure vehicles use designated routes; how height checking will be undertaken and that this will also apply to vehicles using the lorry park and on-street parking in the area	Discussed on 12/10/23 with LCC HDM HGV Management Strategy to be updated with agreement as far as possible ahead of the decision notice rail freight terminal; clarification on the use of the link road to the A47 by HGV's.	Despite a number of representations made to the applicant through the Transport Working Group and directly to the applicant on this issue, there has been very little engagement with the Council on this matter; this is of critical importance to the Council as it affects local residents. While the applicant's strategy requires enforcement against tenants, we note that the relationship between landlord and tenant is primarily commercially driven and as such expect there will be many occasions when enforcement against tenants may be against the landlord's interest in retaining these tenants. It would be far better to have this enforcement by an independent authority such as Leicestershire County Council. Elsewhere the Council has noted that the modelling of HGVs using the A47 to and from the site contradicts the provision of the management plan, and there are no proposals for managing off-site HGV parking associated with the site.	A further technical note was submitted at deadline 3 regarding clarification of HGVs on the A47 (document reference 18.6.6, REP3-051). The enforcement regime proposed places the onus on the operators and tenants to ensure that routes are adhered to. This has worked well elsewhere as it is driven by requirements through the DCO and the legal agreements in place. LCC will have oversight, however, they do not have to resource the enforcement of the routing strategy as the site is a private development.
17	HBBC state that it is not clear from the plans if the pedestrian and cycle access proposals are adequate.	In order to demonstrate the pedestrian and cycle provision more clearly, the applicant proposes to produce a series of larger scale plans for consultation with the Local Highway Authority's design team.	As with many other responses by the applicant (see 40, 42, 43, 46 and 47) , and despite early and extensive submissions by the Council to the applicant, the applicant appears to be ignoring the local planning authority on these issues and focuses its engagement solely on the Local Highway Authority. The Council regards this as inappropriate. The County Council has a very wide remit across the county, and the local engagement with the planning authority is also very important given that local issues are vital to the local community and the provisions of the Local Plan. The Council looks forward to meaningful engagement on these issues.	A review of the STS which was submitted at deadline 3 (document reference 6.2.8.1A, REP3-016) included additional active travel provision . This has been further developed with additional design work and a revised STS is submitted at Deadline 4 (document reference: 6.2.8.1B).

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18	HBBC considers that the impact of the proposal on the local and strategic highway network will be negative.	It is the Applicant's view that the development proportionately mitigates its impact on the local and strategic road network.	The Council notes that the proposals are for a nationally significant development with some 8-10,000 jobs and costing in the region of £850m, yet the scheme proposes no mitigation to the core issues on the SRN. As discussed elsewhere the applicant has not analysed in detail the effect on J21 of the M1 (they have on all other SRN junctions, and it is not clear why this particular one has been omitted unless it is to avoid a review of the impact here?). Without this and a proper consideration of possible mitigation, the development impact cannot be comprehensively determined, and it cannot be concluded that the development has mitigated its impact. The information provided so far on modelling of the M69 north of the site (small negative flow with development in the am peak and very small increase in the pm peak) seems very counter-intuitive; what delays are caused by development traffic that wishes to use this road on existing traffic and how could this be mitigated to retain existing traffic on the M69? The Council also notes the contradiction between HGV movements on the A47 and the HGV management strategy which again raises into question the impact assessment and mitigation required.	Additional analysis has been carried out in relation to J21 and specific to the development impacts. Further work on the impact of the STS (document reference: 6.2.8.1B) and Travel Plan (document reference: 6.2.8.2B) as reducing commuter flows across the junction are reported as part of the Deadline 4 submissions.
	Socio-Economics			
19	HBBC consider 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 the latter fails to consider the connectivity of key routes of the M69, A5 and M1. HBBC consider the associated estimated leakage of 0% to be unrealistic and local employment benefits overstated.	Response to this matter is provided under Matters not Agreed V5 HBBC SoCG Land Use and Socio-Economic Effects (document reference: 19.2).	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 HBBC SoCG in the Land Use and Socio- Economic Effects.
	Health			
20	HBBC refers to the potential for direct and indirect impacts on health, well-being and quality of life associated with a range of environmental and socioeconomic changes which can be adverse or beneficial	All credible changes in environmental and social-economic conditions with the potential to influence health have been assessed and addressed within their respective chapter headings, and further communicated in the Health and Equality Briefing Note. No alternative evidence has been provided by any party to question that submitted, or indicate any gap in the assessment provided.	The Rule 17 letter dated 22 nd September requested a Health Impact Assessment to be provided addressing the impacts on human health from the proposed development. However, this had not been submitted by Deadline 2. It is noted that an updated Health and Equalities Briefing Note has been submitted.	Clarity was sought from PINS on the Rule 17 letter, their response, in the form of s51 advice on the 27 th of September was as follows: <i>"there is no obligation for you to submit a full HIA (this was scoped out), however the information may still be relevant, hence why it is attached"</i> . The updated deadline 2 Health and Equality Briefing Note (document reference: 6.2.7.1A, REP2-021), reflects upon and responds to both the Rule 17 Letter and the subsequent correspondence, expanding upon the voluntary HIA process; how all HIA stages were integrated within the regulatory assessment process, delivered by

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				<p>qualified HIA experts acknowledged in much of the UK HIA Guidance.</p> <p>The updated report further reinforces how all credible health pathways have been assessed and addressed.</p> <p>The PINS advice has been placed on the portal as Section 51 advice. However, there was a delay in this section 51 advice being published by PINS. We apologise for any misunderstanding or inconvenience, and would welcome a meeting to discuss if so desired.</p>
21	<p>HBBC state that the Leicestershire 2022-2032 Joint Health and Wellbeing Strategy (JHWS) is a key document that has not been referenced.</p>	<p>A health and wellbeing baseline has been included in the Health and Equalities Briefing note to profile the local population and health circumstance. The data provided in the health and wellbeing baseline has been taken directly from the sources which will have informed the JHWS and present a consistent message on local health circumstance. It should be noted that the health and wellbeing baseline acknowledges that there will be some individuals or groups of people who do not conform to the overall profile.</p>	<p>The JHWS provides evidence of the inequalities and challenges faced by certain communities which has not been adequately addressed.</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, the latest iteration of which is submitted at deadline 4 (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>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"> • 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. • 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. • 4.1.1. Building Strong Foundations: refers primarily to employment and use of active modes of transport

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				<p>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.</p> <ul style="list-style-type: none"> • 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. • 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. • 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. • 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). • 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. • 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. <p>On the above basis, the Proposed Development does not materially impact or hinder the delivery of any of the strategic objectives in the JHWS, quite the opposite. It supports the development and retention of local employment, increases regional logistics capabilities and builds economic resilience, key to addressing existing socio-economic inequality, and associated burdens of poor health.</p> <p>We would be grateful for evidence of any impact on</p>

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				<p>“certain communities” as well as details as to why the Council believes that they have “not been adequately addressed”.</p>
22	<p>HBBC state that the health appraisal fails to identify and discuss the impact the proposed development will have on Burbage Common.</p>	<p>The Health and Equality Briefing Note draws from technical assessments within the DCO pertinent to health, on this basis it focusses on human receptors. Wider technical disciplines focus on Burbage Common itself, and the users of it, most notable Chapters 7 Land Use and Socio- economics, 11 Landscape and Visual Effects, and 12 Ecology and biodiversity.</p>	<p>The updated Health and Inequalities Note states that there will be no measurable health risk in terms of the landscape and visual effects. However, paragraph 1.182 suggests that the health evidence base is insufficient to establish any quantifiable or specific health outcomes or endpoint. It is argued that qualitative assessment, informed by consultation would be appropriate.</p>	<p>The Health and Equalities Briefing Note (document reference 6.2.7.1B, REPP3-012) explored the scientific evidence base on the health effects of visual impacts pertinent to the proposed development, and concludes that the health evidence base is insufficient to establish a causal relationship between changes in view, and any adverse health outcome or endpoint. An updated Health and Equality Briefing Note is submitted at deadline 4 (document reference: 6.2.7.1C).</p> <p>Given the complexity and often subjective nature of visual impacts, coupled with the lack of evidence to establish any measurable health risk, it is necessary to consider the relative change through the appropriate technical discipline.</p> <p>It is agreed that qualitative assessment, informed by consultation is appropriate in this regard, which is why it forms a key part of the pertinent methodology.</p> <p>As an example, the Public Rights of Way Appraisal and Strategy (document reference 6.2.11.2, APP-192) firstly maps out all the relevant PRow's and bridleways, but grades them, and then explains and summarises the results of a PRow use survey for the Burbage Common and Wood (i.e. how many people use it, and how they use it).</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-91 – APP-107).</p> <p>In conclusion, yes, the Health and Equalities Briefing Note sets out how there will be no measurable health risk from changes in landscape and visual effect. This is supported primarily in that there is no scientific health evidence base to establish a causal relationship from changes in view, and that the potential change in view is explored through</p>

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				<p>the pertinent technical discipline, addressed through design and mitigated accordingly.</p> <p>No countervailing evidence of a health impact has been presented by any party.</p>
23	<p>HBBC are not clear what the quality of the new publicly accessible green space provided will be and whether it will be attractive. HBBC note that good quality open space enhances community wellbeing by offering areas for recreation, relaxation and social interaction which contribute to physical and mental health.</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), which is secured by Requirement 19.</p>
24	<p>HBBC considers an absence of any appraisal relating to the provision of a replacement bridleway where the user experience is changed from encountering a natural aesthetic to an urban one. The perceived health impact of such could include reducing physical activity, harming mental wellbeing, disconnecting from nature, and hindering community interaction, impacting overall user experience negatively.</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. Risk perception can only be addressed through the factual investigation and dissemination of robust information, as provided in the DCO.</p>	<p>Clarification is required on how the conclusion of “not materially 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>As detailed in Paragraph 3.1.7 of the Deadline 2 Design and Access Statement (document reference 8.1A, REP2-059), there are a number of public bridleways and public rights of way (PRoW) that cross the site within the Main Order Limits. The masterplan evolved with these routes in mind, and both consultation and assessment has been conducted. It is of note 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. There will therefore be potential improvements to wellbeing in some regard as the route will now be traffic free other than at one crossing point allowing users to enjoy the route without the concern of negotiating passing traffic as is currently the case on Burbage Common Road.</p> <p>In particular, it is recommended to review Appendix 11.2: Public Rights of Way Appraisal and Strategy (document reference 6.2.11.2, APP-192), as this sets out the methodology for the appraisal and survey, but also the extensive engagement on the matter with the LCC Highways and the PRoW officer at LCC.</p>

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				<p>Further consultation and input was provided by the British Horse Society, and the Open Spaces Society.</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</p> <p>Paragraphs 1.78 through to 1.93 explain the potential impact and strategy to ameliorate and mitigate any disruption by specific use.</p> <p>Following the recommendations implemented, the conclusion is that:</p> <p>“PRowS and IOS matters do not represent an ‘in principle’ constraint to development of the DCO Site. Whilst there is a notable closure of routes within the Main HNRFI Site, loss of amenity on diverted routes, and reduced amenity, particularly during the construction period on PRow beyond the Order Limits, the overall PRow Strategy which includes a 22ha extension of IOS adjacent to Burbage Common and Woods Country Park is considered to provide a proportionate mitigation package”.</p> <p>In short, given the survey data indicating the extent and type of use, coupled with alternative options, upgrades and re-provision, there is no severance, or a material change in provision that would materially impact on physical activity.</p>
	Air Quality, Noise & Vibration			
25	HBBC consider that cumulatively, there will be irreversible, major, adverse, negative impacts on the majority of the assessed Noise Sensitive Receptors (NSR) and on the local areas of recreation, such as Burbage Common woods. The operational sound levels of the proposed development throughout the daytime and night-time, are predicted to exceed the	We do not agree with this statement. The results of the noise assessment indicate that at, worst there will be minor adverse impacts at NSRs with mitigation in place as a result of the proposed SRFI. Minor adverse impacts are also predicted as a result of the proposed A47 link road, with mitigation in place. The exception is NSR1, Bridge Farm, where a major adverse impact is predicted as a result of road traffic on the A47 link road in the short-term. Although noise levels fall	[See below]	[see below]

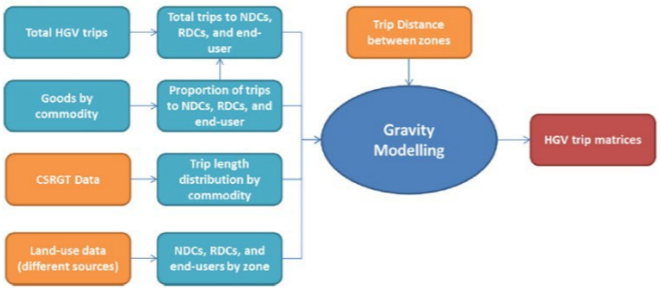
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	prevailing background sound levels by up to 12dB even with mitigation.	between the Lowest Observed Adverse Effect Level and Significant Observed Adverse Effect Level, and noise levels have been mitigated and minimised as far as practicable in line with the Noise Policy Statement for England. Notwithstanding this, BS4142 states that, “where the initial estimate of the impact needs to be modified due to the context, take all pertinent factors into consideration”. Once mitigation is provided and context is accounted for, the residual impacts are predicted to be low.		
			<p>Paragraph 10.36 of the Applicant’s ES Chapter (APP- 119) states: <i>“The effect is determined by the change in noise level, with changes of 3dB being only just perceptible under laboratory conditions. This relates to noise that is continuous and similar in nature to the existing noise, however using the rating level, rather than the specific level, accounts for this”</i>.</p> <p>Paragraph 2.7 of the IEMA noise guidelines states: “For broad band sounds which are very similar in all but magnitude, a change or difference in noise level of 1 dB is just perceptible under laboratory conditions, 3 dB is perceptible under most normal conditions, and a 10 dB increase generally appears to be twice as loud. That is to say that a change of 3dB for broadband noise such as that of road traffic (“noise that is continuous and similar in nature”), would be perceptible under normal conditions, rather than “only just perceptible under laboratory conditions” as stated by the applicant.</p> <p>Furthermore, Para 2.7 of IEMA goes on to state: “These broad principles may not apply where the change in noise level is due to the introduction of a noise with different frequency and/or temporal characteristics compared to sounds making up the existing noise climate. In which case, changes of less than 1 dB may be perceptible under some circumstances.”, i.e., noise of a commercial/industrial nature is likely to be more perceptible.</p>	<p>This is a typographical error within ES Chapter 10 Noise and Vibration (document Reference 6.1.10A, APP-119) Paragraph 10.36 should read as per the following;</p> <p>[...]</p> <p>The effect is determined by the change in noise level, with changes of 3dB being perceptible under most normal conditions.</p> <p>[...]</p> <p>Notwithstanding this, the changes in noise levels are predicted to be less than 3dB with mitigation in place. This is detailed in paragraph 10.299 of the ES Chapter (document reference: 6.1.10, APP-119).</p>
			<p>The applicant claims that “using the rating level, rather than the specific level, accounts for this”. However, the assessment, with mitigation in place, uses the specific level rather than the rating level it claims to use and indeed should be used in accordance with current standards.</p> <p>To expand further, the rating level needs to include for Acoustic Character corrections which should be applied to the specific level to account for, amongst other things, tonality of the specific noise, intermittency of the specific noise, and</p>	<p>BS4142:2014, Section 11 states that ‘when making assessments and arriving at decisions, therefore, it is essential to place the sound in context’.</p> <p>As stated in ES Chapter 10 Noise and Vibration (document reference: 6.1.10, APP-119) Revision 07, Paragraph 10.161, although operations will include activities which are individually intermittent, it is considered that many of these</p>

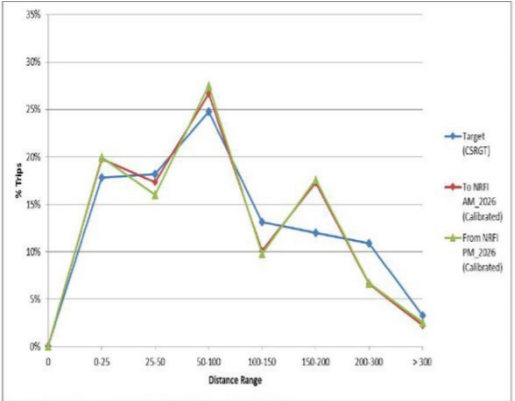
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			<p>impulsivity of the specific noise (noise with different frequency and/or temporal characteristics). These are all characteristics which separate industrial noise sources from broadband sources such as road traffic. However, Paragraph 10.288 of the ES states that: "It is considered that with the proposed acoustic barriers in place, impulsive noise associated with the proposed operations closer to the ground are unlikely to be perceptible. Therefore, no penalty for impulsivity has been included within the following assessment."</p> <p>In actual fact, it would appear that no character correction of any kind has been applied and therefore, the assessment is based on the specific level rather than the rating level as claimed and required under British standards. In any event, there is no justification for the removal of acoustic character corrections with mitigation in place. This approach has disregarded the nature of the sound that is being assessed, and is not an acceptable approach under any circumstances. It leads to a significant underestimation of the predicted impacts and overestimation of the attenuation provided by the bunds, as not only do the values include the attenuation benefits of the bund itself, but also the benefit from the removal of the characteristics, or penalties for want of a better word, that need to be attributed to the noise source, and should be applied to the specific level.</p> <p>The applicant has tried to contextualise this point earlier in the chapter, by stating at Paragraph 10.161 that "Although operations will include activities which are individually intermittent, it is considered that many of these operations will overlap, which will give the impression of the site operating consistently". In other words, because the site is a 24/7 operation, it will become a 'broadband' noise source. Once again, this is in contrast to both the IEMA guidance and more importantly, BS 4142.</p> <p>Referring back to IEMA, particularly, the statement that "3 dB is perceptible under most normal conditions, and a 10 dB increase generally appears to be twice as loud" in reference to broadband noise such as road traffic.</p> <p>These values are important to note, as they highlight the underestimations of impacts made throughout the noise assessment.</p>	<p>operations will overlap, which will give the impression of the site operating consistently.</p> <p>With mitigation in place, it is further noted in paragraph 10.288 that 'it is considered that with the proposed acoustic barriers in place, impulsive noise associated with the proposed operations close to the ground are unlikely to be perceptible. Therefore, no penalty for impulsivity has been included within the following assessment'.</p> <p>BS4142 specifically states that 'The rating level is equal to the specific level if there are no such features present or expected to be present'.</p> <p>Notwithstanding this, a sensitivity test has been undertaken to include a +3 dB penalty for Other Sound Characteristics, in accordance with BS4142, which states the following;</p> <p>'Where the specific sound features characteristics that are neither tonal nor impulsive, nor intermittent, though otherwise are readily distinctive against the residual acoustic environment, a penalty of 3 dB can be applied'.</p> <p>This is provided as part of the Applicant's submissions at deadline 4 (Hinckley NRFI SoCG between the Applicant and Blaby District Council Document Reference 19.1B).</p>
			<p>Paragraph 10.41 of the ES states that "A change of 3dB LAeqT or greater is generally considered to result in a noticeable change" (in contrast to their earlier assertion at para 10.36), which correlates to a 'Medium' impact in</p>	<p>There is a typographical error in Paragraph 10.41, this should read as follows</p>

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			<p>accordance with their IEMA summary in Table 10.9 and the short-term DMRB impact within Table 10.11.</p> <p>Paragraph 10.54 similarly states that “Changes of medium magnitude or above are considered to be significant.”</p> <p>In respect of road traffic impacts and taking the future baseline scenario as a starting point, i.e., considering impacts for all other committed developments but excluding impact from the HNRFI, Paragraph 10.112 of the ES chapter states that “For noise levels to increase by 3dB, which is widely accepted to be just perceptible, there would need to be a doubling of existing flows”.</p> <p>Whilst it is not disputed that a doubling of road traffic would result in a 3 dB increase to ambient levels, it has already been established above that a 3dB increase cannot be described as “widely accepted to be just perceptible”.</p>	<p>‘The effect is determined by the change in noise level, with changes of 1dB being only just perceptible under Laboratory conditions’.</p> <p>In terms of the change in operational noise associated with the HRNFI, the criteria set out in Table 10.13 has been adopted, which states that a change in noise levels between 3 dB and 4.9 dB is an indication of a low impact.</p> <p>Notwithstanding this, the Noise Policy Statement for England goes on to state that;</p> <p><i>‘Of course, taken in isolation and to a literal extreme, noise minimisation would mean no noise at all. In reality, although it has not always been stated, the aim has tended to be to minimise noise as far as is reasonably practical... the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications’.</i></p> <p>Mitigation has been recommended to reduce any noise impacts as much as possible, and when considered within the context of the existing noise environment, significant impacts are reduced.</p>
			<p>Paragraph 10.112 goes on to state that “A review has been undertaken of the traffic data provided by the Transport Consultant, which indicates that there will be a 4dB increase on the B4669 and slip roads associated with the M69, and up to a 6dB increase at the roundabout associated with junction 2 of the M69”.</p> <p>To put that into context, a change of 4dB would correlate to a ‘Medium’ impact in accordance with the IEMA and DMRB guidance, with a change of 6dB representing a ‘High’ impact in the short-term in accordance with DMRB (Moderate and Major respectively if we were to use DMRB terminology).</p>	<p>It should be noted that this is with the proposed development and Junction 2 slips in place.</p>
			<p>With this in mind, it is important to consider sensitive dwellings at these locations. The above demonstrates that even before the HNRFI scheme comes to fruition (future baseline scenario), they will already have experienced noise level increases of up to 6 dB. These increases also need to be considered in relation to cumulative, or in-combination impacts. It should be noted that IEMA guidance references the effect of cumulative impacts at paragraph 7.86 as follows:</p>	<p>The pertinent guidance for assessing and reporting the effects of highways noise and vibration from construction and operation of highways projects is the Design Manual for Roads and Bridges (DMRB). The noise assessment of off-site road traffic has been undertaken drawing on the principles of DMRB.</p>

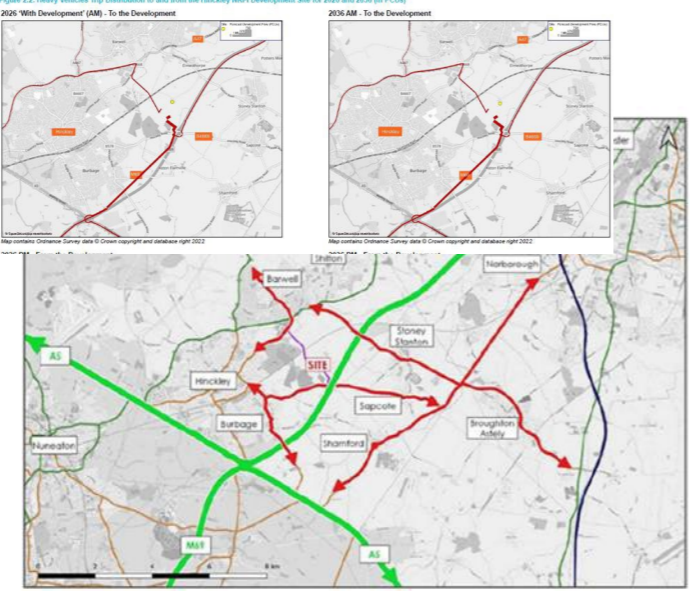
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			<p>“There can be situations when separate, independent proposals are put forward at about the same time and which are going to impact on the same receptors. The various proposals need to be assessed independently, but at some point, there should be liaison between the projects to consider the cumulative impact on the sensitive receptors of all the proposals. The cumulative impact is likely to be of concern for the local planning authority and, of course, those affected by the proposals are unlikely to differentiate between the noise from the different developments. They are simply going to perceive the total change to their noise environment, should all the developments be implemented.”</p> <p>Therefore, one needs to consider the cumulative impact for both the future baseline (4 – 6dB increase), along with the impact of the HNRFI itself, which has not been undertaken.</p>	<p>There is a note in DMRB which is helpful to the situation (p. 20 baseline) that states validation of baseline can be undertaken by comparing modelled noise levels to measured noise levels using corrections to take account of expected changes in traffic levels between the date of monitoring and the date of the baseline.</p> <p>The assessment method within DMRB and adopted is to compare effects against a “without development” future scenario. Ignoring the committed developments would essentially be ignoring part of the future baseline.</p>
			<p>However, we can crudely predict what these impacts may be based on the ‘without mitigation’ impacts presented at paragraph 10.237. It is important to note at this point that the crude approach is due to the lack of tabulated information presented within the ES chapter, i.e., no receptor specific numerical values are provided (which in itself speaks to the overall assessment), and therefore, we can only estimate what the numerical impact is based on the descriptive ‘Major’ effect stated at this paragraph as follows:</p> <p>“The four residential receptors predicted to experience a major adverse effect are located.. [removed for brevity] One receptor within the traveler’s site, along Smithy Lane, nearest to Junction 2 of the M69.. [removed for brevity] Two receptors at the traveler’s site along Leicester Road (B4668)”.</p>	<p>It is worth noting that this is the ‘without mitigation’ scenario, and with mitigation, these impacts are predicted to be reduced.</p>
			<p>This statement suggests, albeit without mitigation, that a Major Impact ($\geq 5\text{dB}$ in accordance with DMRB) would be experienced at two of the locations predicted to experience Medium to Major impacts for the future baseline. Therefore, these receptors would likely experience an increase of $10+\text{dB}$ when considered cumulatively in accordance with IEMA.</p>	<p>It is unclear where this $+10\text{dB}$ has come from but it does not appear to be a correct statement. The ES Chapter provides full detailed of the range of effects.</p>
			<p>It is appreciated that this is based on the ‘without mitigation’ scenario, nevertheless, it highlights the fundamental flaws within the assessment, and would suggest that any benefits associated with the mitigation scenario cannot be relied upon.</p>	<p>We do not agree with this statement. The assessment has been undertaken in accordance with the principles of DMRB, which is the pertinent guidance for assessing noise from highways projects.</p> <p>Notwithstanding this, see response to point 14.</p>
			<p>Finally, a repeated point on LA_{max} levels associated with the gantry cranes. Paragraphs 10.311 and 10.312 indicate that a 10dB reduction has been afforded to the gantry cranes through the provision of mitigation in the form of suitable equipment selection and exhaust silencers, which obviously is welcome. However, this reduction can only be afforded to the rating level of the plant, and not maximum event levels</p>	<p>To clarify, the ‘with mitigation’ maximum noise level assessment does not include a 10dB reduction as a result of plant selection.</p> <p>The ‘with mitigation’ assessment has only considered the benefit provided by the acoustic barriers. Paragraph 10.314 could be reworded as per the below to clarify this point.</p>

No.	Matter	Applicants Deadline 2 Response	Hinckley & Bosworth BC Response	Applicants Response
			<p>associated with, for example, and amongst other things, impact noise associated with container stacking.</p>	<p><i>“10.314 The LAF max level as a result of reach stackers and/or cranes handling containers has been recalculated with the proposed acoustic barriers mitigation in place. The LAF max has been calculated for those receptors where an exceedance of the criteria was predicted. The results are shown below in Tables 10.61.”</i></p> <p>Furthermore, it has since been confirmed that ‘soft dock’ technology will be implemented on the scheme which allows containers to be positioned accurately using cameras and gentle positioning onto stacks and trailers. This is the mitigation strategy for reducing maximum noise levels associated with spreader impact and container placement.</p>
			<p>The applicant has referenced ‘proof of evidence’ presented in Appendix 10.7. However, analysis of the ‘proof of evidence’ shows that there is no evidence of this at all, and the relevant document just states that a 10 dB reduction can be afforded but doesn’t offer any numerical data to verify this claim. Therefore, this reduction cannot be afforded to maximum levels within the mitigation scenario, and subsequently, another mitigation scenario cannot be relied upon.</p>	<p>Detail on this and the 10dB reduction afforded to electric cranes was provided at deadline 3 (document reference: 18.7.6 REP 3-061).</p> <p>In addition, Northampton Gateway Rail Freight Interchange ES Appendix 10.6 “Appendix 8.5 – Summary of assumptions for SRNFI operational activities”) (document reference: 6.2.10.6, APP-185) included electric gantry crane noise data, which presented a sound power level of around 10dB lower than that assumed in this assessment (99dBA compared with 109dBA). Therefore, a 10dB reduction in noise level when considering electric cranes is considered reasonable and achievable.</p> <p>To clarify, the ‘with mitigation’ maximum noise level assessment does not include a 10 dB reduction as a result of plant selection.</p>

Response Number	Applicant's Statement	Summary of Representation	Applicant's Response
1	<p>Transport & Traffic</p> <p>Refer to Applicant's response to Relevant Representations; Appendix A Highways Position Statement (document reference: 18.2.1, REP1- 033) and the Applicant's response to the Hinckley and Bosworth Local Impact Report (document reference: 18.4).</p>	<p>The applicant's response does not address the Council's issue, which was raised very early on in the process at the Transport Working Group. The point remains the same; HGV routing is very important to HBBC, as seen by the use of the A47 to the site, and in relation to movements at J21 of the M1. The strategic modelling used a complex set of assumptions to derive an HGV distribution, (See Figure 13 of the Trip Distribution Note applicant document 6.2.8.1 below)</p>  <p>Figure 13: Proposed Overall Approach to Developing NRFI HGV Matrices</p> <p>However, there will be a wide variation around each of these layered assumptions. No attempt has been made to undertake sensitivity testing or even obtain good local data (for example from DIRFT via mobile phone data) to substantiate the estimates.</p> <p>In addition, it seems that the distribution used contradicts the needs case for the scheme.</p> <p>Applicant doc 16.1 Market Need states the following: It is important to note that the dependence on the Leicester market which is accessible via the congested J21 of the M1 and the statement that 'the optimal maximum distance for the road leg is c 20 miles</p>	<p>The distribution methodology was fully signed off by the Transport Working Group at the time of the modelling inputs. See further comments within Highway Position Statement submitted at Deadline (document reference: 18.2.1, Appendix A, REP1 033) The distribution approach was carried out by the strategic modelling team commissioned through Leicestershire County Council. This took a balanced approach to assessing the traffic for regional and national distribution centres. This is reasonable given that end operators are not known at this time.</p> <p>Mobile phone data from DIRFT has been reviewed, but the information is primarily light vehicles, with anomalous information on HGVs; for example using routes with structural weight restrictions. The data was not reliable for reviewing the HGV distribution compared with the peer-reviewed distribution signed off by the Transport Working Group (document reference: 6.2.8.1, APP-142).</p>

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		<p>6.10 Its location within the Midlands region enables a network of rail terminals to work together allowing each to be used for the most efficient local distribution by electric HGV and increase the overall transfer of more freight to rail from long haul HGV.</p> <p>6.11 In terms of onward distribution, the rail element is one leg, with the next being either into an adjoining warehouse on the SRFI development, or into the surrounding region. For HNRFI, having worked with terminal operators with road haulage services¹¹, the optimal maximum distance for the road leg is c20 miles / 45 minutes drive time.</p> <p>6.12 This means that the Midlands market will primarily operate such that:</p> <ul style="list-style-type: none"> • West Midlands Interchange, will serve the Black County, Southern Staffordshire • Hams Hall will serve north Birmingham and along the M42, to Solihull. • Landor St will serve Central Birmingham, • BIFT will serve Tamworth and North, • HNRFI will serve Coventry through to Leicester South, including Magna Park for deep sea / east coast, west coast and domestic time sensitive flows. <p>However, in the applicant's Traffic Distribution report (applicant document 6.2.8.1), Figure 18 indicates that only 20% of HGV trips from the HNRFI facility are in the 0-25 mile distance range from the facility . This implies that either the distribution is incorrect, or that this particular element of the needs case has not been included in the HGV trip distribution method used.</p>  <p>Figure 18: Observed vs Modelled TLDs: All HGV Movements</p>	
2	Refer to Applicant's response to Relevant Representations; Appendix A Highways Position Statement	These responses do not deal with the issue, which is that the HGV distribution method uses outdated data and that information, using for example mobile phone data from nearby strategic rail freight interchanges such as DIRFT, could have been used to at the least 'sense check ' the distribution used.	Refer

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	(document reference: 18.2.1, REP1- 033) and the Applicant's response to the Hinckley and Bosworth Local Impact Report (document reference: 18.4).		
3	Refer to Applicant's response to Relevant Representations; Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033) and the Hinckley and Bosworth Local Impact Report (document reference: 18.4).	The Council notes that the proposals are for a nationally significant development with some 8-10,000 jobs and costing in the region of £850m but proposes no real connections by cycling to urban Hinckley and the railway station some 3-4km away, and very little improvement to walking and cycling connections to nearby Earl Shilton and Barwell. Public transport proposals to these areas are not adequate. This is critical as the best opportunities of encouraging sustainable transport lies with these nearby settlements in the borough.	The Sustainable Transport Strategy was reviewed and submitted at Deadline 3 (document reference: 6.2.8.1A, REP3-017). Further inputs on Active Travel have now been included in a revised STS submitted at Deadline 4 (document reference: 6.2.8.1B).
4	Relevant Representations; Appendix A Highways Position Statement (document reference: 18.2.1, REP1- 033) and the Hinckley and Bosworth Local Impact Report (document reference: 18.4)	These do not respond to this issue; the applicant at the oral hearing on transport made reference to sustainable transport mitigation reducing any impact on J21 of the M1, it is unlikely to achieve this without appropriate parking controls.	Active management of car sharing, public transport and the travel plan will contribute to the mode shift targets projected for the site. The current models have been assumed with the worst-case mode share for single occupancy car trips through J21. Due consideration of retaining all parking on-site is needed to ensure no impacts on surrounding local roads. As discussed within the Transport Assessment.
	HGV Routing		
5	The route is undesirable, not prohibited. Measures to limit HV traffic on these	Extracts from applicant document Traffic forecasting report:	A revised HGV routing strategy has been produced which clarifies the difference between 'undesirable' and 'Prohibited' Routes, this is submitted at deadline 4 (document reference: 17.4C).

Response Number	Applicant's Statement	Summary of Representation	Applicant's Response
	<p>routes are to be communicated by site management, but they are not to be limited as the connection provides linkage to the A47.</p>	 <p>Above extract from HGV Management Strategy, Figure 4.</p> <p>The Council interprets the applicant's verbal response at ISH2 that this is a mistake, and that HGVs are meant to use the Link road, the B4468 and the A47 to and from the A5. However, this contradicts the text of the report which supports Figure 4. Para 3.11 describes the 'undesirable routes'; including 'c) To / from A5 west via: • Link Road, B4668, A47' – a footnote to this text states that 'Non-standard height HGVs which require more than 4.6m height clearance will be permitted to use the A47 to connect to the A5(W) at Dodwells as a</p>	<p>The recent S106 provision of a lowered carriageway for the Padge Hall Farm development has meant that the Applicant is revisiting the trip numbers on the A5. However, the routing to the A47 is low when compared with the M69- which is the key focus for development traffic. The Transport 2023 Update submitted at deadline 4 (document reference: 18.13.2) contains the modelling outputs and discussion on this point.</p> <p>Importantly the A47 is an A class road, the Leicestershire Network Management Plan https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2020/12/21/Network-Management-Plan.pdf highlights that the route is designated for HGV use. For HGVs heading to regional destinations, there may be some reliance on the A47. Therefore, the route is not designated as prohibited. However, it will be communicated from the operators as being outside of the preferred route choices to and from the HNRFI site.</p>

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		<p>means of avoiding the low bridge'.</p> <p>The HGV management Strategy is a core concern of local residents and businesses and the Council, and it is clear that this confusion over a very important matter will have had an effect on how respondents to the public consultations perceived the scheme and responded accordingly.</p> <p>In the Council's view it is inappropriate to depend on the A47 and B4468 as a core link from the west to a National Strategic Rail Freight Interchange; these vehicles should use the A5 and M69 to and from the site. To do otherwise would mean that while the strategic case of the site depends on SRN access, this is severely compromised from two directions in the west and two North (J21 of the M1).</p> <p>The A47 is an A-road (and the B4468 is a B-road), but is 30mph (or 40mph) for much of its length; it has a shared use walk/cycle path along it and while it has little frontage development, it sits between the main parts Hinckley and new housing and employment areas to the west and the established centres of Barwell and Earl Shilton (as well as growing nearby villages such as Stoke Golding). In addition, the new SUEs (Barwell and Earl Shilton) are to the west of it. It is therefore a key severance element in the urban fabric of Hinckley, and the A47's original function may have been to 'bypass' Hinckley it has now been leapfrogged by development and its nature has changed. The route carries some HGV traffic, and this is expected, as it leads to some key employment areas. However the addition of all north/west bound traffic from the HRNFI will mean a very significant increase in HGVs on the route, to the detriment of the environment of the surrounding communities and the people needing to cross the road, particularly by walking and cycling.</p> <p>The Council notes that in the Traffic forecasting report (applicant document 6.8.1' it states: <i>'3.2.3 For heavy vehicles, a greater proportion of the trips from the west is forecast to route via the A5, turning left at the A5 / A47 Dodwells</i></p>	<p>The Applicant has been working with National Highways to update the Emergency Network Incident Plan, utilising the new infrastructure proposed for the HNRFI site. This is submitted for Deadline 4 (document reference: 17.8.1)</p>

Response Number	Applicant's Statement	Summary of Representation	Applicant's Response
		<p><i>roundabout to continue on the A47 then joining the proposed link road as shown in Figure 3.2. This route is considerably shorter than the M6 and M69 route, and given the higher operating costs for heavy vehicles, this is the more attractive route. In addition, heavy vehicle speeds are lower than those of light vehicles on the M42, M6 and M69 (limited to 60mph), as such heavy vehicles are forecast to route via the A5 rather than the M69.</i></p> <p><i>3.2.4 As shown in Figure 3.3, a small proportion of heavy vehicles is also forecast to route via the A447 Ashby Road to / from the north (approximately 25 vehicle trips on Ashby Road, immediately north of the A47 in the 2036 AM Peak hour). These trips have an origin and destination in locations including Coalville, Ashby-de-la-Zouch and beyond (including Derby). Routeing via the M1 and M69 is approximately 8km longer from Coalville than routeing via Ashby Road. Journey times between the two routes are comparable for light vehicles, however routeing via Ashby Road is faster than routeing via the M1 and M69 for heavy vehicles given the lower motorway speeds. In addition, vehicle operating costs for heavy vehicles are higher per kilometre than light vehicles, making Ashby Road more attractive'.</i></p> <p>It is clear that without effective HGV management, HNRFI HGVs will avoid the SRN and have a greater impact on local roads. The impact on Ashby Road by HGVs is also of concern to the Council.</p> <p>The HNRFI traffic should be required to use the A5 and M69, with local access HGV traffic only being permitted to use the link road to the west.</p> <p>The Council notes that the strategy also indicates (para3.12) that 'In case of an accident on the Strategic Road Network, there will be an emergency plan in place which will include alternative routes to/from the Main HNRFI site. This is likely to make use of the A47 connecting the A5 with the site and the SRN to the north but will be confirmed with the relevant authorities.'</p>	

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		<p>This will have a very significant impact on the A47 and the local communities close by it. We note that the development proposals reduce all residence on the M69 to the north and will impact resilience on the south.</p> <p>The Council awaits with interest the outcome of the ExA request made at ISH2 for the modelling of the impact on the local highway network of a scenario where access to or from the M69 is unavailable.</p>	
	Sustainable Transport		
6	The X6 is operated by Arriva between Coventry and Leicester, these are two significant cities within a short distance from the site and present likely sources of employees at the site. The service is proposed to be enhanced and will enter the site.	The Council requests that evidence is provided to the ExA of the agreement reached with Arriva regarding the re-routing of the X6 service.	There have been extensive discussions with Arriva, further details are included within the further revised Sustainable Transport Strategy which is submitted at Deadline 4 (document reference: 6.2.8.1B).
7	See response to HBBC LIR for further detail (document reference 18.4, response number 41)	The LIR response simply refers back to the Sustainable Transport Strategy which does not address the matter of the DRT being unreliable in the future as it is currently a DfT trial.	The DRT provision is independent from the DfT trial. It is a private service for the site.
8	Table 6 of the Sustainable Transport Strategy (document reference: 6.2.8.1, APP-153) outlines the approach to the bus operation in the areas indicated in Figure 13. This	The Council requests that the ExA be provided with more detail on this matter – what service is to be privately funded by the site and how is that going to be secured into the future?	The STS was substantially updated at Deadline 3 (document reference: 6.2.8.1A, REP3-016) based on stakeholder feedback including additional bus provision and requirements for private funding. Leicestershire will not accept a S106 for bus services. This has been further developed and an updated document is submitted at Deadline 4 (document reference: 6.2.8.1B).

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	service would be privately funded by the site.		
9	See response to HBBC LIR for further detail (document reference 18.4) (response number 41)	The LIR response simply refers back to the Sustainable Transport Strategy which does not address the matter of connectivity to the railway station.	The STS was substantially updated at Deadline 3 (document reference: 6.2.8.1A, REP3-016) based on stakeholder feedback- this has been further developed and a revised document is submitted at Deadline 4 (document reference: 6.2.8.1B).
10	See response to HBBC LIR for further detail (document reference 18.4) (response number 41)	The LIR response simply refers back to the Sustainable Transport Strategy which does not address the matter of walking connectivity to the bus stops.	The STS was substantially updated at Deadline 3 (document reference: 6.2.8.1A, REP3-016) based on stakeholder feedback- this has been further developed and a revised document is submitted at Deadline 4 (document reference: 6.2.8.1B).
	Landscape & Visual Effects		
11	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). Over 22ha of publicly accessible green space would be delivered adjacent to Burbage Common and Woods Country Park.	The proposed development (including the proposed A47 Link Road and overbridge) will be very close to the Country Park. Whilst woodland and the bunding may screen views from some areas of the Country Park, from other areas views of the proposed buildings and lighting columns will remain (e.g. PVP 3).	
12	The boundary planting will be	The upper parts of the proposed development (e.g. roofline and gantries) will remain visible	

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	<p>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.</p>	<p>above proposed vegetation in the long-term, reflected in the large number of residual significant visual effects reported (agreed within the draft SoCG).</p>	
13	<p>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. Green corridors at the site boundary will maintain connectivity across the site.</p>	<p>As per SoCG further detail is required regarding refinement of the on-site calculations and confirmation of the offsite BNG proposals</p>	
	Design		
14	<p>The matter of design and the applicant's response to design is addressed in a detailed document appended to the Local Impact Report response</p>	<p>The design code lacks clarity in any detail of what is being proposed. Additionally, there is not enough detail in the document to comment on how the feedback has shaped the design code. Conversely It is evident that a substantial portion of the modifications to the design code aims to reduce prescriptiveness and introduce greater vagueness.</p>	<p>The Design Code (document reference: 13.1A) as well as the Design and Access Statement (document reference: 8.1, REP2-060) were updated in response to the LUC Landscape Design Review. In addition, a full detailed written response (document reference: 18.4.1, REP2-072) was also submitted at Deadline 2, identifying, how and where the Design Code (document reference: 13.1A) had been updated in response to the comments received, as well as addressing the other points made, in the context of a SRFI proposal.</p> <p>The Design Code (document reference: 13.1A) has been prepared, based in the knowledge that the full detail of the development is not yet known, and rather than being vague and lacking</p>

Response Number	Applicant's Statement	Summary of Representation	Applicant's Response
	<p>as Appendix A (document reference: 18.4.1). Should this work have been presented during consultation and ahead of submission it would have been considered in the proposals, nevertheless the Applicant has considered the recommendations of the Landscape Design Review and has updated the Design Code (document reference: 13.1, APP-354) and Design and Access Statement (document reference: 8.1, APP-349) accordingly.</p>		<p>prescriptiveness, acknowledges that a DCO is being sought on the basis of a Parameters Plan (document reference: 2.12, APP-047) approach, utilising the principles of the Rochdale Envelope. Therefore, the level of detail and information contained within the Design Code is appropriate for an SRFI, given the known level of detail at this time, and that further details of the HNRFI will come forward pursuant to the proposed Requirements, notably, Requirement 4 'Detailed Design Approval'.</p>
	Health		
15	<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</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>

Response Number	Applicant's Statement	Summary of Representation	Applicant's Response
	<p>however apply the data which will have informed the JHWS and presents a consistent message on local health circumstance.</p>		
16	<p>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.</p>	<p>The Council's concern remains. 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.</p> <p>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.</p>	<p>It is agreed that the traveling community are considered in all relevant technical assessments.</p> <p>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 traveling community, where the construction and operation of the proposed development does not alter their economic activity, or access to income or employment.</p> <p>Proportional assessments are needed to focus on significant items, prevent reporting from becoming unwieldy, aid transparency and facilitate the decision-making process.</p> <p>The Health and Equality Briefing Note, updated document submitted at deadline 4, (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.</p> <p>No party has evidenced any significant impact on health or equality.</p>
17	<p>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).</p>	<p>The Council's concern remains that the impact of the development on the attractiveness of the Common and Woods as a recreational amenity will be detrimental and is likely to lead to fewer people using it, thus diminishing the availability of recreational amenities for the local population where there is a greater prevalence of obesity. The Council is concerned about the quality of the additional proposed green space as a recreational resource, both due to its proximity to the HNRFI facility and as it is meant to serve a BNG purpose and public accessibility will therefore need to be very limited compared to the access over the Common.</p>	<p>Access to the open space proposed as part of the development is set out in the updated Design and Access Statement submitted at Deadline 4 (document reference: 17.2A)</p>
18	<p>The re-provision of a bridleway that will now pass through an urban</p>	<p>Clarification is required on how the conclusion of "not materially impact to physical activity or mental wellbeing" has been achieved. No analysis which examines alternative routes has</p>	<p>As detailed in Paragraph 3.1.7 of the Deadline 2 Design and Access Statement (document reference: 8.1A, REP2-059), there are a number of public bridleways and public rights of way (PROW) that cross the site within the Main Order Limits. The masterplan evolved with these routes in mind, and both consultation and assessment has been conducted.</p>

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	<p>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>been provided. It is argued that qualitative assessment, informed by consultation would be appropriate.</p>	<p>In particular, it is recommended to review Appendix 11.2: Public Rights of Way Appraisal and Strategy (document reference: 6.2.11.2, APP-192), as this sets out the methodology for the appraisal and survey, but also the extensive engagement on the matter with the LCC Highways and the PRow officer at LCC.</p> <p>Further consultation and input was provided by the British Horse Society, and the Open Spaces Society.</p> <p>Table 1.3 provides a summary of the PRow use followed by narrative on they form of use, and quality of route.</p> <p>Paragraphs 1.78 through to 1.93, explain the potential impact and strategy to ameliorate and mitigate any disruption by specific use.</p> <p>Following the recommendations implemented, the conclusion is that:</p> <p>“PRowS and IOS matters do not represent an ‘in principle’ constraint to development of the DCO Site. Whilst there is a notable closure of routes within the Main HNRFI Site, loss of amenity on diverted routes, and reduced amenity, particularly during the construction period on PRow beyond the Order Limits, the overall PRow Strategy which includes a 22ha extension of IOS adjacent to Burbage Common and Woods Country Park is considered to provide a proportionate mitigation package”.</p> <p>In short, given the survey data indicating the extent and type of use, coupled with alternative options, upgrades and re-provision, there is no severance, or a material change in provision that would materially impact on physical activity.</p>

HBBC Requirements

Response Number	Current Draft Wording	Proposed Wording	Applicant's Response
1	1. (1) No commencement of construction works <u>are to</u> take place until a written phasing scheme setting out all the phases of the authorised development, has been submitted to and approved in writing by the relevant planning authority.	—(1) No commencement of construction works are to take place on any phase of the development until a written phasing scheme for that phase of the authorised development setting out all the phases of the authorised development, has been submitted to and approved in writing by the relevant planning authority.	The phasing scheme is intended to confirm how each phase of the authorised development is to be delivered and as such, it is not appropriate for this to be provided at the start of a phase as it would not set out the overarching phasing of the authorised development.
2	(a)(o)(p) details of temporary lighting; and (p)(q) shall contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development.	(b)(o)(p) details of temporary lighting; and (p)(q) shall contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development. (r) details of temporary lighting	The addition of temporary lighting was included in the dDCO submitted at Deadline 2 (document reference: 3.1B, REP2-010)
3	1. (1) Construction works relating to the authorised development must not take place on Sundays, bank holidays nor otherwise outside the hours of <u>07:00 to 19:00 on week days and 07:00 to 15:00 on Saturdays</u> .	2. (1) Construction works relating to the authorised development must not take place on Sundays, bank holidays nor otherwise outside the hours of <u>07:00 to 19:00 on week days and 07:00 to 13:00 on Saturdays</u> .	This requirement has now been agreed with HBBC and Saturday working hours will be from 07:00 to 15:00 during the earthworks phase, other phases will have Saturday working hours of 07:00 to 13:00. The dDCO has been updated at Deadline 4 (document reference 3.1C).
4	(1) The authorised development <u>must</u> not commence until a landscape and ecological management plan has been submitted to and approved by the relevant planning authority. The content of the <u>landscape and ecological management plan will</u> —	(1) The authorised development <u>must</u> not commence on any phase of the development until a landscape and ecological management plan for that phase of the development has been submitted to and approved by the relevant planning authority. The content of the <u>landscape and ecological management plan will</u>	The Applicant has updated the dDCO submitted at Deadline 4 (document reference 3.1C) to clarify that the landscape and ecological management plan will be submitted on a phased basis.