

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 3 - LCC]

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9 January 2024

Planning Act 2008

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

Applicant's response to Deadline LCC Deadline 3 submission

Response Number	Summary of Representation	Applicant's Response
	ISH2 – Traffic and Transport	
	1. LCC made the following points in relation to the Agenda items identified below:	
1	i) Agenda item 3a: Traffic modelling: Future construction year: the Examining Authority (ExA) queried whether a future year assessment of 2036 was appropriate given that the development will only just be completed by that date and that it would likely take a number of years for it to become fully operational and as such would a horizon of commencement plus 15 years not be more appropriate, i.e. 2041 by which stage there would be further background traffic growth. The Applicant explained that this date had been agreed with the Highway Authorities. LCC explained that discussions in relation to this issue took place in 2017 when (a) the development proposals were less developed and (b) the applicable policy was ten years from first opening. In that context 2036 was agreed with the Applicant.	Noted- this is as agreed with the Transport Working Group.
2	(ii) Agenda item 3b: Lorry Parking: LCC pointed out that movements across the link road to the lorry park had not been assessed. The Applicant stated that the intention was that the lorry park would be used only by development traffic and that a requirement would be proposed that will require adherence to a scheme which will control access to the lorry park. LCC will comment on the requirement when it is provided by the Applicant.	Noted – the draft Lorry Park Management Plan was submitted at Deadline 3 (document reference: 17.7, REP3-042) and the updated dDCO with the addition of a requirement to secure the lorry park management plan is submitted at Deadline 4 (document reference: 3.1C).
3	(iii) Agenda item 3c: Phasing: LCC confirmed that it regards the trigger in Requirement 5 in relation to the timing of highways infrastructure delivery to be appropriate but the drafting itself of that requirement needs to be clarified.	Noted- it is considered that the gantt chart submitted at Deadline 3 (document reference: 18.6.3, APP-048) provides suitable clarity on the timing of the highways infrastructure such that the requirement does not need to be updated. The Applicant does not consider that the drafting is unclear but would be willing to consider any proposals from LCC to address its concerns.
4	(iv) Agenda item 3e: Furnessing: LCC does not dispute the methodology used by the Applicant. However, the PRTM does not validate for turning movements, and survey data is required for this process. The Applicant is relying on data from 2017. LCC is concerned with the age of the traffic data use to inform the furnessing process. There has been an opportunity post pandemic, certainly post 2021, to review turning movements against updated survey data. There have been changes to the network and in respect of committed development the effect of which needs to be captured.	Further discussion with the TWG was held on 13/11/23 during which it was agreed that the furnessing methodology had been accepted by the respective authorities. Further surveys were carried out in late November on the mitigation junctions to further update the furnessing outputs, this analysis has been set out in the Transport 2023 Update (document reference: 18.13.2).
5	LCC would like to see the surveys and furnessing updated. Travel patterns and turning movements have changed significantly. Indeed, the network has changed in that period which plainly influences turning movements. Without appropriate up to date data, the Applicant may be designing to flows/movements that are no longer occurring in the same way as six years ago.	As above at response 4.
6	(v) Agenda item 3f: Padge Hall Farm: LCC explained that the uncertainty log in PRTM was agreed in 2021. In March 2023 there were resolutions to grant planning permission for the Padge Hall Farm development. LCC understand that the issue of the planning	Following a further meeting on the 13/11/23 post hearing, it was agreed with the TWG authorities that the Padge Hall VISSIM will be updated with outputs from the HNRFI PRTM model run and this is included in the Transport 2023 Update submitted at deadline 4 (document reference: 18.13.2)..

Response Number	Summary of Representation	Applicant's Response
	permission is imminent. Padge Hall Farm will have significant impact on operation of the A5 in that it will draw in high sided HGV traffic (approx. 20% increase) because of the lowering of the carriageway under the Nutts Lane railway bridge.	
7	In addition, it will modify A5/A47 Dodwells roundabout through proposed mitigation works. The Applicant has not considered this in its modelling. LCC have requested a sensitivity test be undertaken in VISSIM in line with the A5 Modelling Protocol. The Padge Hall Farm development also has an impact on M69 J1 that has not been accounted for in either the strategic or local modelling. In LCC's view, the Applicant should be required to do this work.	As above.
8	(vi) Agenda item 3h: M69 J2: the scale of drawings means that LCC have to date been unable properly to check the design and deliverability of the junction and to confirm that it can be delivered within the redline. LCC note that the VISSIM model fails to account for the use of Pegasus crossing. Further, there is a lack of information regarding impact of slip roads on the structural integrity of the existing junction and a lack of safe crossing points over slip roads/connections to local villages.	<p>Updated drawings at a scale of 1:500 were submitted afor Deadline 3 (appended to document reference: 2.29, REP3-005), these drawings have been updated for Deadline 4 (document reference: 2.29A). The note on the link road capacities (document reference: 18.4.2, REP2-073) submitted at Deadline 2 includes a modelling analysis on the Pegasus crossing and the toucan crossing between the roundabouts.</p> <p>There are two structures that form part of M69 J2 roundabout. These are the bridge structures which span over the M69 and form the northern and southern parts of the roundabout circulatory carriageway. While the carriageway construction is under the jurisdiction of LCC, the bridge structures are owned by National Highways (NH) and the applicant has undertaken discussions with NH about the bridges, including obtaining structural records. The new slip roads do not interact with these structures in any way and therefore will not affect their structural integrity. Furthermore, there are no proposals to widen the bridge structures or provide additional lanes over the bridges. The loading on the bridges will therefore be unaffected by the proposals. The applicant will, through the detailed design, continue dialogue with NH and LCC in relation to these structures. Connections to the villages have been reviewed as part of the updated Sustainable Transport Strategy (document reference: 6.2.8.1B).</p>
9	(vii) Agenda item 3i: M1 Junction 21/ M69 J3: There is a fundamental disagreement in interpretation of strategic model outputs between the Applicant and LCC as the Local Highway Authority. The Applicant fails to acknowledge any impact at this junction. LCC explained that so far the applicant has declined to carry out further modelling on this junction despite LCC requests (alongside the other Highway Authorities) to include an unconstrained scenario where it could be established what the actual impact of the development would be at this junction.	Additional modelling was discussed in a meeting 13/11/23. For M1 J21 development traffic has been mapped on to base background traffic to understand a realistic development impact. Modelling an unconstrained junction would not present how the junction operates in the real world and how it would operate with the development traffic . Further assessment has been carried out on the impact of the Sustainable Transport Assessment, Travel Plan and S106 proposals from Lutterworth East SUE (Signed May 2022) this additional modelling is submitted at Deadline 4 in the 2023 Transport Update (document ref 18.13.2)
10	LCC confirmed that it only seeks the Applicant to address its own impacts at this junction, and not to mitigate against an existing problem. The junction is already constrained and the strategic model shows development traffic using the junction and displacing other traffic onto the Local Road Network (LRN).	Noted- as above.
11	The Applicant should look to mitigate its effects on the junction in order to "attract back" the displaced modelled traffic. This would potentially reduce the need for mitigation elsewhere on the LRN but the Applicant has simply failed to engage in this fundamental part of	<p>As above.</p> <p>Mitigation assessment has examined the impacts at over 45 junctions and modelled where the impacts are significant. The constrained nature of M1 Junction 21/M69 Junction 3 mean that options to proportionately mitigate impact are very limited.</p>

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	<p>the process. That said, LCC is aware that a scheme of mitigation has been designed for this junction by the Applicant (it was presented to LCC's archaeologist for consideration of its impact on a significant archaeological features), but this scheme has not been shared with LCC in its capacity as the Local Highway Authority. Without a scheme of mitigation here, the consequences show an impact at 45 junctions on the LRN and the associated requirements for assessment (which remains incomplete) and mitigation.</p>	<p>Drawings referred to by LCC here were not submitted as part of the DCO nor shared with the TWG. This was part of the early land referencing process where a number of additional areas were looked at on a precautionary basis for land referencing as well as understanding any time constrained survey work such as archaeological assessment rather than technical proposals.</p>
<p>12</p>	<p>(viii) Agenda item 3j: A47 Link Road Junctions: LCC indicated that the PRTM outputs suggest access junctions will operate over capacity on implementation and that no junction capacity assessments have been carried out for the link road junctions nor has there been any reporting of model outputs for fully dualled link road.</p>	<p>As reported, operational capacity models carried out for the junctions contain a greater level of detail and are reported within the Transport Assessment and the Link Road Capacity Assessment (document reference: 18.4.2, REP2-073). There are no capacity issues identified.</p> <p>A sensitivity using a dualled link was input to the PRTM at LCC's request, however this has never formed part of the submitted proposals.</p>
<p>13</p>	<p>(ix) Agenda item 3k: Sapcote: The two-way flows through village appear to double. LCC has requested select link analysis to be reported upon. It is not clear at all how the limited mitigation proposed will address the additional flows. A gateway feature (which is not appropriate where it is flow and not speed which is the issue), a zebra crossing, planters and seating outside the shop and moving the offline bus stop into the carriageway will not properly or at all address a doubling of HGVs on what is identified by the Applicant in its HGV Routing Strategy as an undesirable route.</p>	<p>Additional Select Link Analysis data has been run through the PRTM as agreed with LCC and this is submitted at Deadline 4 (document reference: 20.2). Further detail is included in a note submitted at Deadline 3 specifically around HGV impacts (document reference: 18.6.6, REP3-051). It should be noted that the increase in HGV traffic within the village of Sapcote is not traffic originating from the development but rather re-routeing background traffic (as a result of the opening of the south facing slip roads at M69 J2) resulting in an equivalent reduction in HGV traffic on routes elsewhere. In addition, the growth of this traffic is forecast to happen over a number of years as a result of the growth of background traffic on the network.</p> <p>In the absence of any LCC guidance on the reduction of traffic in villages, the applicant has utilised the Traffic in Villages Toolkit (promoted by Dorset County Council) whose approach has been accepted by Warwickshire County Council in relation to the Coventry Giga-factory scheme. The toolkit aims to preserve and enhance the character of rural communities through the use of design led initiatives to increase driver awareness, reduce vehicle speeds and increase journey times to make through routes less desirable. The applicant is producing a technical note in support of this approach which it will share with the local authority in due course. This work has identified a number of potential measures that could be introduced to achieve the stated principles of the Toolkit within Sapcote, and the applicant has selected the mitigation proposed in the centre of Sapcote as it believes this to be the most effective at enhancing the pedestrian environment and addressing additional safety concerns within the village. As noted in the HGV Management Plan and Route Strategy (Document Reference 17.4B) the applicant intends to put in place measures to monitor and manage HGV traffic in the village of Sapcote in future as well as enabling the implementation of further measures to reduce the attractiveness of this route and enhance the pedestrian environment of the village.</p> <p>The measures proposed have been subject to an interim stage 1 Road Safety Audit which is included in deadline 4 along with the applicant's response report. The measures proposed have been updated in line with the response report and design specific discussions held with LCC about the potential for loading and waiting vehicles and to improve visibility for pedestrians at the crossing point. Updated mitigation proposals, as well as detailed vehicle tracking data is included in the revised geometric design strategy record report (document reference 2.29A rev 2) submitted at Deadline 4.</p>
<p>14</p>	<p>(xi) Agenda item 3m: Narborough Level Crossing: the proposed development increases barrier down time and will have an impact on all users of the LRN. In respect of pedestrians and cyclists this will increase delay at a crossing with a stepped footbridge i.e., cyclists must dismount and carry their cycles across the footbridge or wait for the barrier to lift, and those with mobility problems are unable to</p>	<p>The Applicant was responding to the ExA's request and secured the video recording at the earliest opportunity, in order to provide at least an initial output for Deadline 2 (document reference: 18.5.1, REP2-076). The complete week's analysis has been provided at Deadline 3 (document reference: 18.6.8, REP3-053). This includes examples for working week-days-the weekend and school holiday week-days. The train movements do not change because of the school half-term.</p>

Response Number	Summary of Representation	Applicant's Response
	cross until the barrier is lifted. LCC do not consider that the impact of the additional downtime on traffic has been adequately assessed. The Applicant has commissioned a video survey, but LCC is concerned that this does not reflect normal traffic conditions as it was carried out, at least partially, in half term. The timing of the survey was not discussed with LCC	A highway impact note (document reference: 18.6.8, REP3-053) was submitted at Deadline 3 to forecast the traffic impacts on the local highway in connection with the increased train movement through Narborough. This includes data provided by the Applicant's rail consultant. Further surveys were commissioned to understand existing highway queuing towards the B4114 and routes further away from the Level Crossing following the meeting with highway authorities on 13.11.23. This updated data has fed into the review of the highway impact note which is submitted at deadline 4 (document ref:18.6.8A)
15	(xii) Agenda item 3q: HGV Routing and Enforcement: at present the HGV Routing Strategy does not appear to LCC to clearly require HGVs to avoid undesirable routes. The only actual restriction in the Strategy relates to weight restrictions which exist in any event and do not require the Strategy to implement. The Applicant needs to clearly set out how HGVs will be prevented from using undesirable routes and how this will be enforced. At present there is no clear mechanism for monitoring and enforcement.	An updated HGV routing strategy was discussed with LCC during a meeting on 13.11.23. This clarified specific points in relation to the HGV routing and undesirable/prohibited routes and is to be included in an updated Plan. The amended document was submitted as part of the Applicant's late submission at deadline 3 on 24.11.23 (document reference 17.4B, REP3-161)
16	2. By way of short summary, LCC remained concerned that there is a fundamental disagreement on the interpretation of the model outputs and that there is no commitment from the Applicant to model the impacts of the development and potential mitigation at M1 J21/ M69 J3. Neither is there a commitment to update the surveys to inform the junction modelling.	During a further meeting held with the key highway authorities post hearing on 13.11.23, it was agreed that contemporary surveys will be carried out to assess the mitigation junctions and the furnishing to the 2036 design horizon. See comments above on M1 Junction 21/M69 Junction 3 at response 9.
17	These are fundamental failings in the scheme which it appears the Applicant is not going to address. Without considering mitigation (of the proposed development only) at M1 J21 / M69 J3 the whole approach of mitigation on the LRN is called into question. If mitigation at M1 J21 / M69 Junction 3 allowed traffic to remain on the SRN, works to the LRN junctions may not be necessary.	<p>The Applicant does not agree with this position.</p> <p>Mitigation assessment has examined the impacts at over 45 junctions and modelled where the impacts are significant. The constrained nature of M1 Junction 21/M69 Junction 3 mean that options to proportionately mitigate impact are very limited. See comments above in relation to further review of M1 Junction 21/ M69 Junction 3 at response 9.</p> <p>The assessment at Junction 21 in the 2023 Transport Update submitted at Deadline 4 (document reference 18.13.2) shows a reduction in the overall impact following the introduction of the committed mitigation scheme at J21 for the Lutterworth East Development, this and the reductions from the Sustainable Transport Strategy and Travel Plan measures results in no material impact on all approaches as an impact at the junction from the Development and for the sensitivity test with the development traffic being manually added onto the "WOD" (without development) scenarios.</p>
18	3. Agenda item 5a: Active Travel and response to DfT Circular 1/2022: in LCC's view the Applicant's focus of mitigation has been on road infrastructure and not active travel. The Framework Site Wide Travel Plan lacks commitments to measures and it is unclear how modal shift will be achieved. There are limited proposals for improvements to encourage walking and cycling.	As discussed on the 13.11.23 further assessment and designs of the Active Travel routes have been carried out. This has led to further updates of the STS submitted for Deadline 4 (document reference: 6.2.8.1B).
19	4. Agenda item 5b: Cycling: LCC await the promised larger scale drawings in order to confirm the extent of the Footway/ Cycle provision, but it does not appear to connect to local villages. In LCC's view it should: it is a relatively low-cost way of connecting the development sustainably to parts of the potential work force.	Further review and designs have been undertaken as part of the STS update submitted at deadline 3 (document reference: 6.2.8.1A). This includes costed designs for the STS which is resubmitted at Deadline 4 (document reference: 6.2.8.1B). This includes facilities to surrounding areas based on forecast catchments for active travel.

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20	5. Agenda item 5c: Bus connections: the Bus Strategy relies on the X6 Leicester to Coventry service being diverted to serve the site. However, this service operates with limited stops outside of the City boundaries on a frequency and timetable not conducive to shift working patterns. Details of capacity of the existing service have not been provided and it is unclear if this service was utilised if single deck buses would need to be replaced with double deck buses.	Additional service based data is included within the updated STS submitted at deadline 4 (document reference: 6.2.8.1B). The STS was discussed in detail at the TWG meeting on 13.11.23. The services to the site will coincide with shift change over patterns and capacity of the services is to be enhanced during peak demand. Providers will work with the on-site travel plan coordinator to ensure the routes remain an attractive alternative to private vehicle modes.
21	It is noted that no discussions have taken place with the operator since April 2022. The s106 Heads of Terms includes for a contribution of £500,000 to LCC for provision of the suggested diverted and enhanced service for a limited period of 5 years. This is not something that LCC requested and the Applicant's explanation of the calculation of that figure did not appear robust to LCC.	The Applicant has had further engagement in recent weeks with three separate operators; Arriva, Vectare and Stagecoach. Updates are included in the new STS. The S106 has been updated in light of LCC's comments and is submitted for Deadline 4 (document reference: 6.2.8.1B).
22	In so far as the Applicant also relies on Demand Responsive Transport (DRT), the existing service (Fox Connect) is a trial service and may or may not continue. In any event, LCC do not consider that DRT is the most effective provision for an employment site operating on fixed shift working patterns. Moreover, there appears to be no commitment to providing such a service in either the DCO or the s106 Heads of Terms.	The DRT service provided by Vectare is independent to the current Fox Connect service. The provision is to be privately funded. For the rural outlying villages with no fixed bus service, the DRT presents the most flexible option to being staff to the site across a defined geographical boundary.
23	6. Agenda item 5d: Public Rights of Way: LCC's case on Public Rights of Way is set out in paragraphs 2.103-2.112 of its Written Representation [REP1-152] and these points were articulated during the hearing, they are not repeated here	Noted
ISH3 – Environmental Matters		
7. LCC made the following points:		
24	(i) Agenda item 3d: Emissions and consideration of Boswell v Sec of State for Transport ("Boswell"): In Boswell the High Court found that given that carbon emissions had a global effect, not a local one, and that the UK's national carbon budgets did not have sectoral targets, the Secretary of State for Transport (SoS) had been entitled to assess the estimated carbon emissions from three proposed road schemes near Norwich individually against the national carbon budget, rather than having to compare their combined emissions against the budget. Boswell reflects the orthodoxy that there is no prescribed method of assessing greenhouse gas emissions ("GHG") and that the selection of a comparator to assist in understanding GHG impacts, where the receptor is the global environment and there are not sectoral carbon budgets in England, is a matter of judgment for the assessor. This reflects the findings of the High Court in the Southampton Airport case (GOESA v Eastleigh Borough Council). In the result, there are two key questions for the ExA/SoS in this case	Noted

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25	(1) is the Environmental Statement (ES) adequate on this issue (which is a matter of judgment for the decision maker (LCC is not suggesting that the ES is inadequate in relation to GHG emissions) and	We acknowledge your comment that LCC are not suggesting that the ES is inadequate in relation to GHG emissions.
26	(2) the extent to which this project materially affects the SoS ability to meet their carbon budgets and ultimately, net zero in 2050. The assessment in Chapter 18 of the ES identifies residual annual operational emissions of about 247.36kt CO ₂ e [APP-127, §18.288]. The Applicant states "Considering the commitments to design and mitigation that have been made by TSH, it is concluded by the practitioner that it has been demonstrated that such measures are 'fully consistent with applicable existing and emerging policy requirements and good practice design standards for projects of this type'. Furthermore, in accordance with the significance criteria, a notional residual effect of approximately 247.36 ktCO ₂ e would not inhibit commitments necessary to achieve the UK's trajectory towards net zero as they represent less than 1% of both the representative target for 2036 and the total UK's 6th Carbon Budget, which constitutes a non-significant effect (minor adverse)." This impact needs to be set in context.	<p>To put this impact into context, it is crucial to consider the broader landscape of the UK's carbon budgets and the overarching goal of achieving net zero by 2050. The 247.36 kt CO₂e, deemed as a minor adverse effect, is positioned as a fractional proportion of both the representative target for 2036 and the total carbon budget. The Institute of Environmental Management & Assessment (IEMA) Guide: 'Assessing Greenhouse Gas Emissions and Evaluating their Significance' (Feb 2022, 2nd edition) suggests that for an approach to evaluating the significance of effect "for the very largest-scale developments, those that in themselves have magnitudes of GHG emissions that materially affect the UK's or a devolved administration's total carbon budget" could be to determine "an indicative threshold of 5% of the UK or devolved administration carbon budget in the applicable time period is proposed, at which the magnitude of GHG emissions irrespective of any reductions is likely to be significant. A project that meets this threshold can in itself materially affect achievement of the carbon budget". As it is not defined what constitutes a 'very large-scale development' a much more conservative threshold of 1% was applied as test of significance (para 18.96).</p> <p>The percentage-based analysis therefore suggests that the sectoral and total emissions from the project, even in their residual state, are not substantial enough to significantly impede the UK's progress towards its net-zero commitment as they are considerably lower than the 1% threshold (0.06% of the combined 6th Carbon Budget and 0.34% of the annual target for 2036, the opening year (paragraph 18.235)) (document reference: 6.1.18, APP-127).</p> <p>In conclusion, the assertion is made that the project's residual emissions, while acknowledged as a minor adverse effect, do not pose a significant hindrance to the UK's ability to meet its carbon budgets and attain the overarching goal of achieving net zero by 2050. This conclusion is drawn based on the relative proportionality of the emissions to the established targets and budgets, as well as the adherence to existing and emerging policy requirements and design standards.</p>
27	Meeting carbon budget six is going to be very challenging indeed. This much is clear from the latest advice from the Climate Change Committee. The predicted emissions from this development sit alongside those from other new projects of which there are numerous – just look at the PINS Infrastructure website. When one considers the impact of this scheme, the wider context must not be forgotten, in particular where the receptor is the globe and there is no requirement in that context to consider cumulative effects of specific projects (Boswell). This is not because cumulative effects are irrelevant but because there is no practical way of assessing them where all projects are relevant to that question whatever their location	<p>In assessing the impact of the scheme, we have adhered to the broader context. The reference to Boswell emphasises that while cumulative effects are indeed relevant, we agree there exists a practical challenge in assessing them comprehensively, especially when all projects are deemed relevant to the question of cumulative impact, regardless of their geographical location. As there is no requirement to assess cumulative effects on a project-by-project basis due to the impracticality of such assessments, regardless of their location and given the absence of a sectoral target for rail freight interchanges in the 6th Carbon Budget, it underscores the need to consider individual sectoral targets against the collective target, which has been provided in paragraphs 18.218 and 18.225 (document reference: 6.1.18, APP-127). In the absence of a specific target for rail freight interchanges, the holistic total has been contextualised within the broader carbon budget.</p> <p>The current assessment emphasises a commitment to providing comprehensive and reliable data on carbon emissions associated with HNRFI. This commitment suggests a proactive approach in addressing the growing concerns related to carbon emissions and their impact on climate change as the design evolves. In addition, it is proposed to "pro-actively monitor and identify ways to reduce GHG emissions associated" during operation; "a GHG Reduction Strategy should be drafted at a time considered practicable when a detailed design is available" (paragraph 18.290) (document reference: 6.1.18, APP-127). This is adequately secured through compliance with draft requirement 4.</p>

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28	<p>(ii) LCC also raised the issue of Requirement 10 in this context. The Applicant claims that there will be material benefits in a number of areas including the reduction of emissions from the transfer of freight from road to rail. Although the Applicant explained that the ES had been carried out on worst case approach in relation to modal shift. LCC endorsed that as the right approach in principle for assessing environmental harm under the Environmental Impact Assessment Regulations, but also because the DCO does not require any use of the rail port. Requirement 10 requires the rail port to be delivered before more than 105,000 square meters of warehouse is occupied, it does not secure any particular level of modal shift or use of that facility. The Applicant cannot provide – having been asked a number of times – figures for the amount of freight that will leave the rail port. There is no evidence basis on which the Applicant could assess the impacts of the scheme assuming a level of transfer from road to rail. Simply because, the scheme does not secure any such transfer. The Applicant's position is that the market is there and it would not be making this investment if it did not believe that there was a market. Given that the application is for a SRFI, LCC hopes that the Applicant will consider committing to a level of use of the rail port.</p>	<p>The Applicant is investing in nationally important infrastructure to assist in the move of freight from road to rail, in line with Government policy. It also aligns with the needs of the area, as agreed in the Statements of Common Ground.</p> <p>The Applicant has set out clearly the market for the scheme and the recent experience at East Midlands Gateway, where the take up of rail by the occupiers has been rapid and significant.</p> <p>The persistent request to identify 'the amount of freight that will leave the railport' and for 'commitments from the Applicant to a certain level of use', displays a misunderstanding of how markets work. The Applicant does not control logistics movements, nor the relationship between occupiers and the entirely private movers of freight, either by road or rail.</p> <p>Without further investment in this kind of infrastructure in the UK, there will be no growth in the movement of freight from road to rail, which will become increasingly critical as the alternatives become more strained in seeking to meet Carbon Emission restrictions.</p> <p>As explained in detail on pages 47-49 of the Applicant's Comments on Written Representations [Part 2 of 4 Local Planning Authorities] (document reference: 18.3, REP2-064) the Applicant fundamentally disagrees that this is necessary or appropriate and therefore cannot accept this.</p> <p>Requirement 10 has been drafted so as to permit some initial occupation, but the majority of occupation will only be able to take place once the rail terminal can become operational and effectively replicates Paragraph 4.89 of NPS for the use of rail freight as well as the approach taken in other Railfreight DCOs such as The West Midlands Rail Freight Interchange Order 2020/511 and The Northampton Gateway Rail Freight Interchange Order 2019/1358 (as amended). These DCOs do not secure a level of use of the rail port, and if such a requirement were imposed, this would restrict commercial operations by dictating occupation terms.</p> <p>As such, the approach to drafting Requirement 10 reflects both the policy position and that taken in other made DCOs and is therefore sufficient to secure delivery of the rail port notwithstanding that it is not possible for the Applicant to commit to a level of use.</p>
29	<p>(iii) Agenda item 3e: Construction emissions: LCC raised the issue of construction traffic modelling. LCC has not seen any such modelling. The Applicant said it had been done and undertook to share the construction traffic modelling. LCC will comment on it when it has had the opportunity of reviewing it.</p>	<p>Noted. This formed part of the Applicant's Deadline 3 submission (document reference: 18.6B, REP3-040).</p>
30	<p>(iv) Agenda item 3f: Energy Generation: LCC sought clarity as to whether or not ground source heat pumps would be considered by the Applicant. In its response to LCC's WR, the Applicant said [REP2-064, pp.134 -135] said that ground source heat pumps would be included in future occupiers' energy assessments. Requirement 18 requires detailed energy strategies to be submitted and approved and the Requirement references the submitted Energy Strategy [APP217],</p>	<p>The Energy Strategy (document reference 6.2.18.1A, REP3-024) was updated at paragraph 3.2.1 to reflect the inclusion of Ground Source Heat Pumps for future consideration at the detailed design stage.</p>

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	paragraph 3.2.1 of which states that ground source heat pumps would be unviable. LCC sought to clarify which position was correct. LCC understands the Applicant to have confirmed that ground source heat pumps will be considered.	
REP1-018 Appendix A Employee numbers and Trip Generation Note		
31	The submitted Note does not provide any evidence or justification that the trip generation as identified within the submitted Transport Assessment (REP1-012) remains appropriate. No comparability exercise between proposals at Hinckley NRFI with the five identified "comparable" sites has been undertaken, and no recent survey data has been provided to justify the position, despite sites being built out and occupied. Therefore, the concerns of LCC as identified in our Written Representations (REP1-152 paragraph 2.46) remain. We await the submission of further information by the Applicant.	<p>As the Applicant has maintained throughout, all correspondence the trip generation was fully signed off (Responses to Relevant Representations – Appendix A Highway Position Statement 18.2.1, REP1-033 details the timeline of agreements and LCC signed off the Trip Generation on the 4th of October 2021) and agreed ahead of the PRTM run by LCC and other members of the TWG. Trip rates used were highly robust and considered the range of other sites and methodologies previously accepted under DCO. Whilst the comparable SRFI's are progressing, none are completely occupied and most are still under construction, therefore surveying at this stage would not be appropriate.</p> <p>East Midlands Gateway SRFI - whilst a significant amount of the units are let and partially occupied, the travel plan is successfully reducing single car occupancy and this is used as an example in the Sustainable Transport Strategy for the HNFRI.</p> <p>It should also be noted that a review of build out progress was completed also within the Traffic Generation Note signed off in 2021.</p>
REP2-070 Applicants response to Local Impact Reports (LCC)		
32	The Applicant's response to LCC's Local Impact Report does not correctly cross reference meaning that concerns raised by LCC are not addressed at all, have been inadequately responded to, or have been responded to with irrelevant information. We await the submission of further information by the Applicant at Deadline 3.	<p>The Applicant has reviewed the responses to the LCC LIR, the Applicant has only identified a small number of cross referencing issues and believes that the majority of responses are accurate and correct. In addition, the Applicant's submissions at deadline 3 and deadline 4 further supplement and supersede many responses and cross references.</p> <p>The Applicant did identify that the response to the comment on page 15-16 of document 18.3 incorrectly cross referred to response 39. The Applicant would like to confirm that this response should correctly have cross referred LCC to the document 18.4.2 'Applicant's Comments on Local impact Reports [Appendix B Link Road Capacity Assessment]' where the matters raised are addressed.</p> <p>The Applicant also identified that LIR response 27 contained a missing date and referred to VISSIM, the Applicant can confirm that the date referred to should have been stated to be 16th of April 2021, (TWG Meeting number 6) and the package was in fact PARAMICS not VISSIM as stated in the response.</p>
REP2-074 Applicants comments on Local Impact Reports Appendix C Technical Note Collision Data Review 2020-2023		
33	The submitted Technical Note provides Collision Data missing from the submitted Transport Assessment (REP1-012) i.e., for the latest 5-year period. Whilst it is acknowledged that some missing information has been provided, the format is not helpful, particularly in respect of providing the information to a Road Safety Auditor, and for purposes of checking and drawing conclusions.	The Applicant has prepared a combined report which is submitted at Deadline 4 (document reference 18.4.3A).
34	The Technical Note only includes for the latest 3-year period, meaning there is a need to combine 2 years of information from the Transport Assessment (REP1-012) and 3 years of information from the Technical	As above at response 33.

Response Number	Summary of Representation	Applicant's Response
	Note (REP2-074) to understand the frequency and severity of accidents at a particular location.	
35	Moreover, the locations of accidents for the latest 5-year period have not been plotted on a single plan to allow identification of patterns. Furthermore, the Collision History Study area has not been discussed and agreed with the Highway Authorities. Therefore, the concerns of LCC as identified in our Written Representations (REP1-152 paragraphs 2.37-2.41) remain. We await the submission of further information by the Applicant at Deadline 3.	A single plan is provided as part of the Applicant's submissions at Deadline 4, however, this is very large. Heat maps within Deadline 2 (document reference: 18.4.3, REP2-074) demonstrate the overall cluster patterns. The AOI has been used to inform the clusters and collision review, within the TA and REP2-074 The report has been updated to provide the 5-year analysis in one document as requested. This is submitted for Deadline 4 (document reference: 18.4.3A).
	REP2-006 Hinckley NRFI Bridge Plan – S1-P06	
36	The plan (REP2-006) as submitted does not address LCC concerns in respect of gradients, and how PROW U52 and the access to Bridge Farm will tie in with the link road for all users, nor does the elevation drawing include for the underpass. It also appears that the proposed footway/cycleway deviates in its width. We await the submission of further information, including 1:500 drawings, by the Applicant at Deadline 3.	1:500 plans of the link road were submitted as appendices to the Geometric Design Strategy Record submitted at Deadline 3 (document reference 2.29, REP3-005). Further meetings with LCC enabled the applicant to explain the connection between U52 and the link road as well as agreeing with LCC that cross sections through the new PROW around the boundary of the site at several locations would be produced to demonstrate the available width and how this interfaces with the surrounding infrastructure.
	REP2-061 Hinckley NRFI Design Code	
37	As discussed at ISH2, the revised Design Code (REP2-061) includes for multi storey car parking to be provided in accordance with the needs of end occupiers. It remains unclear how this proposed provision equates with the proposed trip generation for the site (as discussed above), and how this is reconciled with modal shift aspirations as detailed in the Framework Site Wide Travel Plan (App-159). We await the submission of further information by the Applicant at Deadline 3.	A note on the decked car parking and the design code was submitted as part of Deadline 3 (document reference: 18.6.4, REP3-049)
	REP2-076 Hinckley NRFI Narborough Level Crossing Table	
38	As discussed at ISH2, LCC are concerned that the Applicant commissioned a 7-day video survey of "highway activities" at Narborough Level Crossing from 11th October 2023. On the basis that Leicestershire Schools closed for half term on Friday 13th October 2023 it is unclear how representative this data will be. Moreover, it is unclear if cameras were located to establish the full length of queuing at barrier downtimes i.e., Desford Road to its junction with the B4114, Coventry Road, Leicester Road, and Station Road through the village of Littlethorpe. We await the submission of further information by the Applicant at Deadline 3.	The Wednesday prior to the end of term (11 October) was identified as being the worst-case day from the surveys, and initial analysis has been carried out on this basis. A technical note on the forecast changes on highway impact was submitted at Deadline 3 (document reference: 18.6.8, REP3-053). During the Highway meeting on 13.11.23, a further dataset was agreed to be captured in the term time which encompasses the LCC queue location requirements. This updated data has fed into the review of the Narborough Level Crossing Traffic Modelling which is submitted at deadline 4 (document reference: 18.6.8A)
	REP2-010 Draft Hinckley National Rail Freight Interchange Order	
39	As discussed at ISH5 and following a subsequent meeting with the Applicant team on 8th November 2023, LCC welcome the confirmation from the Applicant that the LCC Protective Provisions in the Draft Order are to be amended to reflect the LCC standard s278 and s38 Agreements.	The Protective Provisions relevant to LCC have been amended in the dDCO submitted at Deadline 4 (document reference: 3.1C).

Response Number	Summary of Representation	Applicant's Response
40	As discussed at ISH2 and ISH5 LCC remain concerned that several of the Requirements as drafted in the Order refer to implementation of documents that are not agreed, and that appear to lack basic information e.g., Framework Site Wide Travel Plan (APP-159), Sustainable Transport Strategy and Plan (APP-153), HGV Management Plan and Route Strategy (APP-362). It is understood that the Applicant is to submit revised documents at Deadline 3.	Revised interim documents were submitted at Deadline 3 (document reference: 6.2.8.2A, 6.2.8.1A, 17.3, APP-REP3-018, REP3-016, REP3-039). These documents have been further revised, following discussions with the highway authorities and these are resubmitted as part of the Applicant's Deadline 4 submissions (document references 6.2.8.2B, 6.2.8.1B, 17.3B).
41	In addition, the Applicant has confirmed that future revisions of the Draft Order will include for additional Requirements, including in respect of the management of the proposed lorry park in perpetuity, and clarification in respect of occupation of ancillary office space prior to completion of the Rail Freight Terminal. LCC will continue to liaise with the Applicant in this regard and reserves its right to comment on future revisions of the document when submitted by the Applicant at Deadline 4.	These requirements have been included in the dDCO submitted at Deadline 4 (document reference: 3.1C) .
M69 Junction 2 – historical information in respect of south facing slip roads		
42	Following information kindly provided by a local resident at ISH2, LCC contacted the UK Motorway Archive to establish if they hold any information in respect of why south facing slip roads were not constructed at the M69 J2 when it was built in the 1970's. The Motorway Archive team kindly put us in contact with a Mr John Carrington who was the original Project Manager for the M69 J2 when the feasibility study was carried out between 1968-1969. Mrs Rebecca Henson had a telephone conversation with Mr Carrington, and he advised that the reason south facing slips were not constructed was that there was simply no business case for their provision on the basis that traffic travelling south could find an alternative route to the A5 via Hinckley.	Noted.
43	LCC only hold a copy of the design of the junction, and no other supporting documentation. The full archive documents for M69 J2 are held at the Northamptonshire Records Office. We have made contact with the office to try and obtain a copy of any documentation to support the findings of the telephone conversation but as of the date of this letter we have yet to receive a response. However, LCC have no reason at all to doubt Mr Carrington's recollection of events which is also documented in a book The Motorway Achievement: The Midlands by John Carrington.	Noted
Clarification in respect of Plot 100		
44	As discussed at CAH2, LCC confirms that the road between the B4669 Hinckley Road and Aston Lane within Plot 100 is adopted public highway. The road is covered by a prohibition of motor vehicles order (except for access). A copy of this Order is appended to assist the ExA.	As set out in detail in the Applicant's Written Statement of Oral Case CAH2 (document reference: 18.9, REP3-073), the Applicant can confirm that Plot 100 comprises unregistered public highway and agrees with LCC the effect of the Traffic Regulation Order which is in force over this Plot, restricts vehicular access over the highway except for the purpose of access.

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		<p>The Applicant is content that no updates are required to Sheet 4 of the Land Plans (document reference: 2.20D, APP-061) as no acquisition of this Plot is required and has amended the Book of Reference submitted at Deadline 3 (document reference: 4.3C, REP3-006) to reflect the Plot's status as highway.</p> <p>As discussed at CAH2, the Applicant has discussed this position with the adjoining land owner and Parker Strategic Land Limited and understands the ownership position is understood and agreed by the parties. The Applicant has no further comments to add.</p>