

STATEMENT OF COMMON GROUND ♦ HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

Tritax Symmetry (Hinckley) Limited

**HINCKLEY NATIONAL  
RAIL FREIGHT INTERCHANGE**

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

**Project reference TR050007**

**SoCG between the Applicant and Hinckley & Bosworth  
Borough Council**

Document reference: 19.2B

Revision: 3

**9 January 2024**

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Planning Act 2008

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

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## 1. MATTERS OF AGREEMENT AND DISAGREEMENT

### 1.1 Planning

Version	Date	Issued by
01	May 2023	TSH
02	20/06/23	HBBC
03	04/07/23	TSH
04	05/09/23	HBBC
05	11/10/23	TSH
06	13/10/23	HBBC
07	16/10/23	TSH
08	18/10/23	HBBC
09	24/10/23	TSH

#### Matters agreed – Alternative Sites

Ref.		Record of agreement
1.	Chapter 4 of the submitted Environmental Statement (document reference 6.1.4) appropriately outlines the Alternative locations studied and has provided indication by the Applicant as to the reasons for the selection of HNRFI.	Agreed through this SoCG.
2.	It is agreed that the <i>'Executive Summary of the Leicester and Leicestershire Strategic Distribution Sector Study'</i> published November 2014 identified a requirement of around 115 hectares of new land for rail – served by logistics sites.	Agreed through this SoCG.
3.	The Applicant has set out the alternative considerations in the evolution of design of HNRFI on the main HNRFI site by reference to the issues identified at paragraph 4.133 of chapter 4 of the Environmental Statement (document reference 6.1.4).	Agreed through this SoCG.

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Matters not agreed

Ref.		
	None	

Matters agreed – Need For HNRFI

Ref.		Record of agreement
1.	The need for a SRFI has been established within the joint authority evidence base <i>'Warehousing and Logistics at Leicester and Leicestershire: managing growth and change'</i> (April 2021)	Agreed through this SoCG.
2.	That the Study above identifies a short fall of 718,875 sqm of rail served sites which should be planned for the period 2041 – and that a supply shortfall for rail served sites 'starts to emerge around the mid-2020s' (Leicester and Leicestershire Authorities' <i>'Statement of Common Ground relating to Strategic Warehousing and Logistics Needs'</i> (September 2021 paragraphs 3.4-3.5)	Agreed through this SoCG.
3.	It is agreed that the identified business market for HNRFI is not fully served by existing and committed SFRIs within Leicester and Leicestershire as established in joint evidence report <i>'Warehousing and Logistics in Leicester and Leicestershire: managing growth and change'</i> (April 2021).	Agreed through this SoCG.
4.	Both the <i>'Warehousing and Logistics at Leicester and Leicestershire Managing Growth and Change'</i> (April 2021 amended March 2022) jointly commissioned by the local authorities in Leicestershire and the <i>'Market Needs Assessment'</i> commissioned by the Applicant identify a need for rail served logistics sites but the differing methodologies give different results. It is agreed that there is a need for rail served logistics sites and in principle HNRFI would meet this rail related need.	Agreed through this SoCG.

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5.	That the <i>'Warehousing and Logistics'</i> study will form part of the evidence base for Leicester and Leicestershire planning authorities in the preparation of the reviews of their development plan in meeting future development needs.	Agreed through this SoCG.
6.	Hinckley and Bosworth Borough Council will not advance argument against HNRFI alleging that HNRFI will adversely impact upon the operational viability of existing or committed SRFIs.	Agreed through this SoCG.
7.	The Applicant has undertaken a <i>'Market Needs Assessment'</i> (Document 16.1) which has demonstrated HNRFI is located near to the business market it will serve and is linked to key supply chain routes.	Agreed through this SoCG.

**Matters not agreed – Need For HNRFI**

<b>Ref.</b>		
	N/A	

**Matters agreed – Strategic Rail Freight Interchanges**

<b>Ref.</b>		<b>Record of agreement</b>
1.	That HNRFI will be developed in a form that can accommodate both rail and non-rail activities. (NPS NN paragraph 4.83)	Agreed through this SoCG.
2.	Requirement 10 Rail which supports the construction and occupation of up to 105,000 sqm of logistics floorspace is Reasonable and proportionate prior to the Rail Port (Phase 1) becoming operational as Set out within the submitted Planning Statement (Document reference: 7.1).	Agreed through this SoCG.

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**Matters not agreed – Strategic Rail Freight Interchanges**

Ref.		Any actions arising
1.	There is disagreement between the parties whether the proposal for Hinckley National satisfy the guidance for good design in the NPS (paragraphs 4.28-4.35) with particular reference to the alleged impact of Hinckley National on the surrounding landscape.	

**Matters agreed – Other matters arising from the policy provisions of the development plan**

Ref.		Record of agreement
1.	It is recognised that the NPS National Networks is the primary consideration in terms of examining the merits of the DCO proposal. The Development Plan sets out the framework for guiding development in the District under the Town and County Planning Act 1990 and provides a wider context for the HNFRI proposal.	Agreed through this SoCG.
2.	That the relevant part of the development plan for the Borough Council comprises:  Hinckley and Bosworth Core Strategy DPD 2009  Hinckley and Bosworth Site Allocations and Development Management Policies 2016	Agreed through this SoCG.
3.	The Council has adopted a 'Good Design Guide' SPD (2020) which the ExA/Secretary of State may consider material to the decision taking.	Agreed through this SoCG.
4.	HNRFI is in conflict with the policy in the development plan for Hinckley and Bosworth Borough which identifies the DCO site being within a location designated as 'Countryside' in the Development Plan. In this respect, it is acknowledged that the NPS recognises that due to locational requirements for a SRFI, countryside locations may be required (NPS paragraph 4.84).	Agreed through this SoCG.

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5.	That the HNRFI has a direct physical impact on land which forms part of the allocated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge and gives rise to a conflict with Policy 6 of the adopted 2009 Core Strategy of the 2016 adopted 'Site Allocations and Development Management Policies DPD' (SADMP DPD), arising from the construction of the A47 Link.	Agreed through this SoCG.
6.	That the scale and locational requirements for a SFRI could not be accommodated within the limits of a built-up area within Hinckley and Bosworth Borough.	Agreed through this SoCG.

**Matters not agreed – Other matters arising from the policy provisions of the development plan**

Ref.		
1.	The Planning Statement, ES or other documents do not give a detailed consideration of the Development Plan documents.	
2.	<p>Whether the provision to the south of the A47 Link Road with the proposals for 22.62 hectares of public open space adjoining Burbage Wood amounts to some 25% of the area of land comprised of Burbage Common and Wood. Such provision is consistent with the strategic interventions supported by Policy 20 'Green Infrastructure' within the adopted Core Strategy to 'increase the size of the site to increase both the community value and biodiversity holding capacity and improve access to the site potentially for pedestrians and cyclists</p> <p>HBBC consider that in order to meet this policy the proposal would need to clearly demonstrate that the community value for cyclists and pedestrians can be improved while also increasing the biodiversity holding capacity, ensuring that each is dealt with independently and by making improvements for pedestrians and cyclists their</p>	

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	proposals will not have a detrimental impact on biodiversity.	
4.	Whether the Parameters Plan is consistent with the guidance in the Good Design SPD.	
5.	Whether the extent to which the construction of the A47 is in conflict with the provision of Core Strategy Policy 6 Green Wedge, and the weight to be applied to such conflict.	
6.	Whether in order to consider the visual impact of the proposed link road on the Green Wedge, illustrative elevational details are required.	
7.	Whether in consequence of the proximity of the HNRFI to Burbage Wood and Aston Firs SSSI which is designated as a Local Wildlife Site BUR76, <i>'HNRFI will have a detrimental impact and thereby be in conflict with Policy DM6 of the 2016 Adopted Site Allocations and Management Policies DPD which aims to protect nationally and internationally designated sites.'</i>	
8.	Whether in abutting the eastern edge of land forming part of Burbage Common and Wood which is designated an area of Natural and Semi Natural Open Space (BUR76) the proposal is in conflict with Policy DM9 of the 2016 <i>'Adopted Site Allocations and Management Policies DPD'</i> which aims to protect and enhance such sites.	

**Matters agreed – Draft Policy Statement National Networks**

Ref.		Record of agreement
1.	The Draft NPS is potentially capable of being an important and relevant consideration in the decision taking process on the HNFRI. The extent to which the Draft NPS is relevant to the determination of the DCO for HNRFI is a matter for the Secretary of	Agreed through this SoCG.



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	State to consider within the Planning Act 2008. (NPS paragraph 1.17)	
2.	The Draft NPS states that <i>'to meet the Government's ambitions for rail freight growth there remains a need for appropriately located SRFI across all regions to enable further unlocking of the benefits.'</i> (NPS paragraph 3.103)	Agreed through this SoCG.
3.	That in meeting the Government's ambitions for rail freight growth there remains a continuing need for appropriately located SRFIs across all regions to enable further unlocking of benefits (Draft NPS paragraph 3.103)	Agreed through this SoCG.

**Matters not agreed – Draft Policy Statement National Networks**

Ref.		
1.	Whether the phasing of development for HNRFI is consistent with the provisions of paragraph 4.84 of the Draft NPS).	

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1.2 Lighting

Version	Date	Issued by
01	18 May 2023	TSH
02	15 June 2023	HBBC

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	HNRFI complies with paragraphs 5.81 – 5.89 of the NPS in relation to artificial light by proving a detailed investigation of the issues and recommending appropriate mitigation measures are identified to avoid any adverse impact upon the site or adjacent areas.	Agreed through this SoCG
2.	It therefore seeks to minimise impacts of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation by complying with best practice for roads / highways and workplaces (including BS 5489, BS 13201 and BS EN 12464) as well as the reduction of obtrusive light (ILP Guidance Note 01/21).	Agreed through this SoCG
3.	Requirement 31 – lighting is agreed	Agreed through this SoCG
4.	Paragraphs 1.46 – 1.49 under the lighting section of the CEMP are agreed	Agreed through this SoCG

Matters not agreed

Ref.	Matter not agreed	Any actions arising
1.	None	N/A

### 1.3 Climate

Version	Date	Issued by
01	19/05/23	TSH
02	14/06/23	HBBC
03	23/06/23	HBBC
04	03/07/23	TSH
05	26/07/23	HBBC

#### Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 18 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN). The proposal supports the DfT's NPS for National Networks by providing sustainable development through the reduction of transport-based GHG emissions by encouraging a modal shift of freight from road to rail. Furthermore, this modal shift will help to reduce traffic congestion and improve air quality in the wider East Midlands region.	Agreed through this SoCG
2.	ES Chapter 18 has been prepared in accordance with the National Planning Policy Statement (NPPS) (2021) by mitigating and adapting to climate change, including moving to a low carbon economy (paragraph 7). The development has been designed in ways to a) avoid increased vulnerability to the range of impacts arising from climate change and b) help to reduce greenhouse gas emissions (paragraph 154). To help increase the use and supply of renewable and low carbon energy and heat, the development: a) provides a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily	Agreed through this SoCG

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	(including cumulative landscape and visual impacts); b) considers suitable areas for renewable and low carbon energy sources, and c) identifies opportunities to draw its energy supply from renewable or low carbon energy supply systems (paragraph 155).	
3.	<p>The assessment methodology has been accepted comprising:</p> <ul style="list-style-type: none"> <li>• A Study of the baseline characteristics using both survey data and third party information;</li> <li>• An Assessment of the resilience to likely climatic changes;</li> <li>• An Assessment of the likely effects on climatic change;</li> </ul> <p>Recommendations to mitigate likely significant effects</p>	Agreed through the Scoping Opinion, additional consultation and this SoCG.
4.	<p>The assessment is sufficient to estimate the effects GHG emissions sources, including:</p> <ul style="list-style-type: none"> <li>• Vehicular emissions during the construction stage;</li> <li>• Embodied carbon in construction materials;</li> <li>• Vehicular emissions during the operational stage; and</li> </ul> <p>Energy demand during the operational stage.</p>	Agreed through this SoCG
5.	<p>Although the Proposed Development is not an Energy NSIP, the provision of provision of roof-mounted photovoltaic arrays with a generation capacity of up to 42.4 megawatts peak (MWp) providing direct electricity supply to the building or exporting power to battery storage, and also incorporating provision of an energy centre, HNRFI supports the Draft National Policy Statement for Renewable Energy Infrastructure 2021 (NPS EN-1 – draft)</p>	Agreed through this SoCG
6.	<p>HNRFI supports Hinckley and Bosworth Borough Councils (HBBC) core strategies ('Spatial Objective 12') by minimising the impacts of climate change by promoting the sustainable use of resources, investing in green infrastructure, minimising the use of resources and energy, increasing reuse and recycling of natural resources, increasing the use of</p>	Agreed through this SoCG

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	renewable energy technologies and minimising pollution, including greenhouse gas emissions.'	
7.	ES Chapter 18 acknowledge and supports HBBCs and own commitments to acknowledging a climate emergency.	Agreed through this SoCG
8.	<p>It is agreed that the assessment of greenhouse gas emissions (GHGs) is an integral part of evaluating the environmental impact of various proposals and initiatives. However, it is important to acknowledge that the assessment of GHGs is inherently reflective of the outlined nature of these proposals, which can present certain limitations: since the proposals are often presented at an early stage of development or are subject to change, the assessment is based on projected data rather than actual measurements. Furthermore, the outlined nature of proposals may not capture all potential emissions sources or accurately account for indirect or secondary emissions (this is explained in the methodology section).</p> <p>While efforts are made to consider a comprehensive range of factors, such as direct emissions from operations, the emissions associated with operational circumstances throughout entire life cycle, or potential emissions caused indirectly through supply chains, cannot be assessed at this stage in time and therefore transparent and accurate projections for units to transition to net-zero is not feasible.</p> <p>It is acknowledged that UK companies have legal commitments and obligations to commit to net-zero emissions as part of the government's strategy to address climate change; SECR is a mandatory reporting framework that applies to large UK companies. It will therefore require that companies operating on the site will need to report their energy consumption, greenhouse gas emissions, and energy efficiency measures in their annual reports. It's important to note that the legal commitments and requirements for companies to commit to net-zero in the UK</p>	Agreed through this SoCG

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	<p>may evolve over time as policies and regulations are updated or introduced.</p> <p>Ongoing monitoring, regular updates, and transparent reporting are recommended to address uncertainties and refining the assessments as more accurate data becomes available.</p>	
9	<p>The materials demand of the development will be addressed by maximising the use of reclaimed and recycled materials where practicable throughout the construction process. The demand upon the development for the provision of recycling and waste storage will be addressed in the early detailed design stages and when detailed discussions can be held with prospective operators regarding the specific operations of the proposed units. In addition, recycling and waste will be considered for the Construction Stage. Provision has been made in the scheme for the inclusion of recycling and waste storage / compaction within the identified service areas.</p>	Agreed through this SoCG
10.	<p>This commitment by TSH to deliver net-zero buildings should result in a significant reduction in embodied carbon sources during construction that are not anticipated to materially affect the ability of the UK to achieve its carbon reduction targets, and thus are not predicted to have a significant effect on the global climate. Opportunities for further reduction will be encouraged and captured through the incorporation of carbon targets within the procurement process.</p>	Agreed through this SoCG
11.	<p>The Construction Traffic Management Plan (CTMP) (document reference 17.6) will minimise and mitigate the environmental impacts of construction activities, including the reduction of GHG emissions.</p>	Agreed through this SoCG
12.	<p>The Framework CEMP includes best practice mitigation measures to reduce emissions during construction, including from construction plant, for example:</p> <ul style="list-style-type: none"> <li>• Training employees in how to handle machinery to reduce GHGs;</li> </ul>	Agreed through this SoCG

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	<ul style="list-style-type: none"> <li>• Switching off machinery and vehicles when not in use;</li> <li>• Regular maintenance of machinery to ensure they work efficiently;</li> <li>• Using electric or alternative low/zero carbon emission machinery where possible;</li> <li>• Reducing water consumption where possible; and</li> </ul> <p>Using efficient vehicles and machinery where possible.</p>	
13.	During the demolition of on-site structures, the re-use, recycling and reduction of construction waste will be promoted to reduce HNRFI's overall carbon footprint by reducing the need to extract raw materials.	Agreed through this SoCG
14.	Embedded emissions of HNRFI will be calculated at each stage of design as it develops to ensure that it is meeting its project specific targets and legal requirements including Building Regulations Part L and to seek to achieve a BREEAM 'Very Good' rating. This will consider both operational CO <sub>2</sub> emissions affected by design and embodied carbon. HNRFI will consider sourcing building materials from sustainable and, where possible, local sources whilst restricting materials which cause environmental harm. Ultimately, this strategy will reduce the overall carbon footprint and lead to a potential reduction in GHG emissions associated with HNRFI over its lifetime.	Agreed through this SoCG
15.	The increase in electrical vehicles throughout the lifespan of HNRFI will result in a decrease of direct emissions, though it will in turn increase the demand on the national grid where indirect emissions may result depending on the energy source.	Agreed through this SoCG
16.	HNRFI proposes a suite of transport and access improvements which will help reduce GHG emissions associated with the transport of employees to and from the Main HNRFI Site during the operational phase.	Agreed through this SoCG
17.	The impacts of climate change on HNRFI during the construction stage would be managed through the outline CEMP, which would contain detailed procedures to mitigate any potential	Agreed through this SoCG

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	impacts associated with extreme weather events, as listed in Appendix 18.6 (document reference 6.2.18.6). This will compliment best practice mitigation measures employed in the construction industry. The lead contractor will ensure appropriate measures within this outline CEMP are implemented and, as appropriate, additional measures to ensure the resilience of the proposed mitigation of impacts during extreme weather events.	
18.	The lead contractor’s Environmental Management System will consider all measures deemed necessary and appropriate to adapt to and manage extreme weather events and should specifically cover training of personnel and prevention and monitoring arrangements.	Agreed through this SoCG
19.	During operational circumstances, adaptation and resilience to climate and weather-related risks would be considered periodically through maintenance regimes. A schedule of general inspections and principal inspections of each structure should be carried out to determine condition of the structure and identify any potential maintenance requirements.	Agreed through this SoCG
20.	Requirement 17 Electricity Generation Cap	Agreed through this SoCG
21.	Requirement 18 Energy Strategy	Agreed through this SoCG

**Matters not agreed**

Ref.	Matter not agreed
1.	None



#### 1.4 Air Quality

Version	Date	Issued by
01	22.05.2023	TSH
02	15.06.2023	HBBC
03	28.07.2023	TSH
04	08.08.2023	TSH

#### Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The air quality impacts would not adversely impact on the considerations set out at NPS paragraph 5.13.	Agreed through this SoCG.
2.	Methodology applied to the assessment including the following: <ul style="list-style-type: none"> <li>- Construction phase dust assessment utilising Institute of Air Quality Management (IAQM) guidance; and</li> <li>- Construction and Operational phase road traffic impact assessment utilising IAQM and Environmental Protection UK (EPUK) guidance to determine the significance of impacts at human receptor locations and Design Manual for Roads and Bridges (DMRB) guidance to determine the requirement to consider ecological designations.</li> </ul>	Agreed through this SoCG.
3.	Incorporation of mitigation measures within the HNRFI to minimise the impact of the HNRFI on local air quality, including: <ul style="list-style-type: none"> <li>- Electric Vehicle (EV) charging provision;</li> <li>- Provision of bus stop;</li> <li>- Use of Photovoltaic (PV) array as primary energy source;</li> <li>- Site Wide Travel Plan to promote active and low emissions transport uptake to the HNRFI.</li> </ul>	Agreed through this SoCG.

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4.	Paragraphs 1.77 to 1.79 under the heading Dust and Air Quality of the CEMP are agreed.	Agreed through this SoCG.
5.	Assessment of back-up Combined Heat and Power (CHP) unit emissions on local air quality.	Agreed through this SoCG
6.	Requirement 29 Combined Heat and Power is agreed.	Agreed through this SoCG
7.	Confirmation should be given that the 2022 version of the DEFRA Technical and Policy Guidance has been used	Agreed through this SoCG  It can be confirmed that the 2022 version of the DEFRA Technical and Policy Guidance has been used, as detailed in paragraph 9.98 and reference 15 in Chapter 9 of the ES (document ref 6.1.9)
8.	Confirmation that when the revised Air Quality Objectives are published by the Government this year, that the air quality assessments will be revised to take account of them	It is noted that this has been requested by HBBC. A revised assessment addressing the revised air quality objectives will be prepared if requested by the Examiner.

**Matters not agreed**

Ref.	Matter not agreed	Any actions arising
	N/A	

## 1.5 Ecology

Version	Date	Issued by
01	18.05.2023	TSL
02	19.06.2023	BDC
03	28.06.2023	TSL
04	18.07.2023	BDC
05	04.10.2023	TSL
06	20.10.2023	BDC
07	20.11.2023	TSL
08	12.12.2023	BDC

### Matters agreed

Ref.	Matter agreed	Record of agreement
<b>General Comments</b>		
1.	ES Chapter 12 and its associated appendices and figures have been prepared in accordance with, specifically, paragraphs 5.20 to 5.38 of the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2a	<p>The amended Ecological Mitigation Management Plan requirement (21), set out below, is agreed:</p> <ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>a. apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians;</li> <li>b. ensure that mitigation and compensation measures have</li> </ol> </li> </ol>	<p>This is being reviewed. Concerns raised around Item 1(d), given vast majority of habitat loss/creation will occur in the initial phases of the development, and therefore likely not every phase will be able to deliver landscape provisions which equal habitat losses for that particular phase.</p>

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	<p>demonstrable and measurable outcomes, which are monitored and reported on;</p> <ul style="list-style-type: none"> <li>c. create alternative habitats to an agreed form to compensate for the loss of irreplaceable habitats; and</li> <li>d. provide continuity of habitat creation through the phases of development to ensure that habitat types that are lost as a result of a phase are created as part of the landscape provisions associated with that phase</li> </ul> <p>2. Any detailed ecological mitigation and management plan approved under paragraph (1) must include an implementation timetable and must be carried out as approved in writing by the local planning authority.</p> <p>3. If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the relevant planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to paragraph (1). A phase for which a notification has been given in accordance with this 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>Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitable qualified person or body.</p>	
2b	LUC is pleased to note the inclusion of consideration for terrestrial GCN within the EMMP	Agreed through this SoCG

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3.	The Woodland access management plan requirement (33) is agreed.	Agreed through this SoCG
4	Executive summary – Paragraph 1.3. LUC agrees that the Applicant has carried out sufficient phase 1 and phase 2 species surveys	Agreed through this SoCG
5	Methodology – Paragraph 1.14 LUC agrees with the search radii employed for the majority of the ecological receptors, however standard guidance for barbastelle uses a 10km buffer, as determined by evidence on commuting and/or foraging activities.	Agreed through this SoCG
6	Extended Phase 1 Survey, Paragraph 1.28 LUC agrees that the EP1HS was undertaken within the optimal survey period for such surveys.	Agreed through this SoCG
7	Paragraphs 1.29 through to 1.39 LUC agrees that all phase 2 surveys were undertaken in accordance with standard guidance and during the optimal survey periods.	Agreed through this SoCG
8	<b>Annex 4 - Bat surveys - paragraph A4.16</b> LUC notes that the bat emergence/re-entry surveys were undertaken during the optimal survey period for roosting bats, particularly with reference to potential summer roosts)	Agreed through this SoCG
9	<b>Annex 4 - Bat surveys - paragraph A4.16</b> LUC welcomes the inclusion of updated GCN surveys to be undertaken prior to any habitat loss.	Agreed through this SoCG
10	<b>Annex 5 - GCN surveys - paragraph A5.25</b> LUC welcomes the inclusion of updated GCN surveys to be undertaken prior to any habitat loss.	Agreed through this SoCG
11	LUC agrees that the Metric 3.1 and associated condition sheets was the appropriate metric methodology at the time of assessment.	Agreed through this SoCG
<b>Ecology Baseline</b>		
12	Executive Summary, Paragraph 1.6 The Applicant states that the 'majority of the main order limits is of limited (negligible or site-level) value, however has also stated that three	Agreed in line with Applicant's comment

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	LWS and seven pLWS are also within the order limits.	
13	In general LUC agree with the outline provided regarding important ecological features within the order limits, however does not agree that bats are only afforded 'Local' importance. Likewise, LUC does not agree that breeding birds such as lapwing and skylark are of only 'District' importance. This also applies to otter. All former European Protected Species should be of 'National' level importance irrespective of their presence within the main order limits.	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
14	Paragraph 1.80 - Search radius for bird species is stated as 3km, standard guidance suggests 5km.	Agreed in line with applicant and approach to required updated surveys in 2024/25
15	LUC disagrees with the according of importance to habitats and species, which appears to be based on their abundance within the order limits as opposed to their status or level of protection.	Agreed in line with Ref. 13 above.
16	Paragraph 1.117 - LUC disagrees that GCN are not included as an IEF within the EclA, on the basis that suitable terrestrial habitat exists within the main order limits and that a number of off-site ponds were unable to be surveyed due to access restrictions. It is therefore not inconceivable that GCN are present within those off-site ponds and therefore may be present within terrestrial habitat inside the main order limits.	Agreed in line with applicant including GCN as a potential IEF and appropriate mitigation measures in line with NE rapid risk assessment and associated construction / operational works
17	<b>Annex 4 - Bat surveys - paragraph A4.4</b> LUC notes that no surveys were undertaken within areas that were considered to be 'at no risk of significant adverse impacts to potentially roosting bats', LUC would hope that these areas are given suitable consideration should any changes to the project occur.	Further clarification received - Agreed
18	<b>Annex 4 - Bat surveys - paragraph A4.18</b> LUC notes that no night visual aids are mentioned with regard to emergence/re-entry surveys. LUC accepts that updated BCT guidance was published after these surveys, but would expect any planned pre-construction surveys are	Agreed in line with applicant's comment – updated emergence surveys to include NVAs

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	undertaken in accordance with the updated NVA guidance.	
<b>Ecology and Biodiversity ES Chapter</b>		
19	<p>Paragraph 12.155</p> <p>The loss of broadleaved plantation woodland appears to be offset by new woodland planting, with no consideration given to how long the new woodland plantation (and therefore ecological and landscape buffer) will take to establish (and act as replacement for existing mature trees). Without this consideration, the impact must be assessed as significant until replacement planting has been established.</p>	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
20	<p>Paragraph 12.157</p> <p>The applicant states that the 'vast majority of wet ditch habitat will be retained and provided with a reasonable buffer from the proposed development'. Clarity is needed as to what the reasonable buffer is and what guidance has been used to determine</p>	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
21	<p>Paragraph 12.158</p> <p>Proposals regarding the re-routing of the existing stream, reinstatement and the establishment of vegetation is unclear, given little detail as to how this will be achieved in certainty. Plans must be provided including consideration of EA flood plain guidance and detailed vegetation planting.</p>	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
22	<p>Paragraph 12.172</p> <p>Anticipated restrictions' on night time working is not enough to ensure adequate mitigation is included within the project with respect to bats. These mitigation measures must be outlined in full.</p>	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
23	<p>Paragraph 12.183</p> <p>LUC notes that no consideration to fragmentation of habitats is included within the operational impacts and effects. This seems remiss as such a large development proposal will certainly impact future commuting/foraging abilities for a wide range of species.</p>	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.

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24	<p>Paragraph 12.204</p> <p>Due to the omission of GCN as an IEF within the impact assessment, no consideration as been given to terrestrial habitat loss and potential killing/injuring of terrestrial GCN (relevant to the construction phase).</p>	<p>Now agreed in line with applicant including GCN as a potential IEF and appropriate mitigation measures in line with NE rapid risk assessment and associated construction / operational works</p>
25	<p>Mitigation measures – badger</p> <p>Further detail around provision of alternative setts, if required, and associated time delay in provision of alternative sett and closure of current sett to be included within mitigation.</p>	<p>Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.</p>
<b>Biodiversity Impact Assessment</b>		
26	<p>Biodiversity Metric 3.1 has not been provided for review with assessor comments in the baseline, nor have the condition sheets been included.</p> <p>A full BIA report, including condition assessments and rationales for each assessment is expected. The metric and associated mapping should link between one another and be clearly labelled</p>	<p>Agreed. Applicant confirms that a full BIA report, inclusive of condition assessments and assessor comments will be provided at detailed design stage.</p>
27	<p>The full River Condition Assessment was not provided for review. This should be included as an appendix to the main report.</p>	<p>Agreed as above. The RCA and supporting report should detail how post development condition will be achieved which must be reviewed by a suitably qualified ecologist (SQE).</p>
28	<p>Intermediate 'fairly good' and 'fairly poor' condition categories have been selected for existing habitats. For example, improved grassland has been classed as being in 'fairly poor' condition. Justification of each should relate to the condition assessment criteria and should be included within the assessor comments column of the metric tool and further detailed within the report as per best practice.</p>	<p>Agreed as above. Applicant confirms that a full BIA report, inclusive of condition assessments and assessor comments will be provided at detailed design stage. These matters must be addressed in the detailed metric and reviewed by a SQE.</p>
29	<p>Paragraphs 1.11-1.17</p> <p>Improved grassland has been classed as being in 'fairly poor' condition. As per the metric and</p>	<p>Agreed in principle, however this rationale must be provided within the assessor</p>



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	condition assessment guidance, 'fairly' categories should be justified. It is detailed in the chapter that this is due to the lack of species diversity, uniform sward height and intensive grazing, however further explanation is recommended to demonstrate why this habitat should not be classified as 'poor' or 'moderate'.	comments and supporting BIA.
30	<p>Paragraph 1.9 / Annex 1</p> <p>It is recommended that further justification of the strategic significance is provided and disagrees that the majority of habitats should be classed as "Area/compensation not in local strategy/ no local strategy" due to habitat connectivity to the wider landscape.</p>	<p>SoCG discussion reached a point of agreement that strategic significance should be reviewed in the next iteration of the metric calculations with well connected habitats being re-classified as 'location ecologically desirable but not in local strategy'.</p> <p>It is agreed that hedgerows will be entered as 'formally identified in the local strategy' in the detailed BNG metric</p>
31	<p>Paragraphs 1.18-1.19</p> <p>It is unclear as to how off site BNG will be provided, secured and delivered.</p>	<p>Agreed that this will be provided at detailed design stage. Off site BNG must be delivered through a suitable mechanism and their calculation and delivery plan must be agreed with the planning authority and reviewed by a SQE</p>
32	<p>Paragraph 1.22</p> <p>It is noted in the Metric 3.1 guidance that newly planted trees should be categorised as 'small'. If larger size classes are to be selected, evidence is required to justify their input into the metric.</p>	<p>Agreed through SoCG that all newly planted trees will be re-categorised as 'small' trees.</p>
33	<p>Paragraph 1.25</p> <p>It is unclear as to how 'moderate' condition will be achieved, as simply allowing a watercourse to naturalise will not achieve this condition, particularly as the difficulty of creation is high.</p>	<p>Agreed as per point 27. The RCA and supporting report should detail how post development condition will be achieved which must be reviewed by a suitably qualified ecologist (SQE).</p>
34	<p>Paragraph 1.28</p>	<p>Agreed through SoCG that the metric produced at</p>

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	Best practice would dictate that the hedgerows are entered into the metric as they make up part of the baseline of the site. They would then be recorded as not being lost.	detailed design stage will incorporate hedgerows as part of the baseline assessment. This must be reviewed by a SQE and approved by the planning authority
35	<p>Paragraphs 1.32-1.33</p> <p>As per the NPPF / Environment Act and current Metric guidelines, all efforts should be made to retain and enhance biodiversity on site and where habitats will be lost, new habitats of the same or higher distinctiveness should be created. Further assessment is required to reduce habitat loss and increase BNG on site. Offsetting is no longer used as appropriate terminology. Should 10% BNG not be met on site, an appropriate planning mechanism, such as the forthcoming register of habitat banks should be used to purchase credits or land should be acquired that will fall under the management of the proposed management company.</p>	Agreed as per above through SoCG that priority will be given to achieving a net gain for biodiversity on site, however where this is not possible, an appropriate assessment of off site BNG and delivery mechanism through which to achieve this will be reviewed by a SQE and approved by the planning authority.
36	<p>Annex 1</p> <p>Other neutral grassland in the created tab has been selected as 'fairly good' as a precautionary measure. Further clarification is sought as to the rationale for not seeking to achieve 'good' condition through long term monitoring and management.</p>	Agreed through SoCG that further refinement of post development habitat condition will be required. Where the same habitat type is expected to reach different conditions, this must be separated into its component parts and assessed individually as per metric guidelines.
37	The BIA does not make reference to BS 8683 Process for Designing and Implementing Biodiversity Net Gain (2021).	Agreed through SoCG that any future iterations of the BIA and supporting documentation will make reference to the most recent British Standard.
<b>Woodland Management Plan</b>		
38	<p>Paragraph 3.22</p> <p>Clarification is sought regarding the protection and management of new native planting. What</p>	Agreed through SoCG that no phase shall commence until a woodland access management plan has been

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	management and monitoring measures will be in place to ensure the desired condition of these trees is reached? It is mentioned that fencing may be used, however clarification is sought as to the existing pressure from deer/other species and whether exclosures or other methods may be required depending upon the numbers of deer present.	submitted and approved by the relevant planning authority. A detailed WMP will be produced in consultation with NE and HBBC. It is recommended that protection and monitoring measures should be put in place as part of this document.
39	Paragraph 4.1 How will woodland management and monitoring over the lifetime of the development be secured and how will this fit with BNG expectations for 30yrs + What is the proposed level of deadwood to be retained and how will this be zoned to ensure that the need to provide biodiversity enhancements also considers health and safety risks.	As above. It was agreed through the SoCG that clear distinctions would be made between BNG and woodland management for both on site and off site woodland and trees.
40	Clarification is sought as to the growing media proposed and whether measures such as the use of mycorrhizal fungi would be used to improve the establishment rate, paying particular regard to the pressures of climate change.	As above. In addition it is recommended that growing media and long term risks from climate change such as drought and wild fires are included as part of this document.
<b>Landscape and Ecological Management Plan</b>		
41	A plan/map that links the BIA and LEMP proposals should be provided for review.	Agreed through SoCG that this will be provided as part of the revision to the LEMP.
42	P.g.11 Clarification is sought as to how SuDS ponds that are intended to have a dual function of biodiversity benefit and surface water attenuation, would ensure that pollution levels do not compromise the ability for species to thrive. These ponds should be designed as per the SuDS manual ch6.	Agreed through SoCG that distinctions must be made between SuDS that are intended for water quality and attenuation versus those which are intended to provide additional benefit for wildlife. The LEMP must make provision for additional maintenance for wildlife ponds that is sensitive to amphibians, invertebrates, birds and small mammals.

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43	<p>Paragraph 4.6</p> <p>Again, BS 8683 Process for Designing and Implementing Biodiversity Net Gain should be referenced.</p>	<p>Agreed as per BIA that future iterations will reference the latest British Standard.</p>
44	<p>P.g.16</p> <p>Clarification is sought as to what specific biosecurity measures will be in place when importing materials and plants.</p>	<p>SoCG did not clarify this point, however it is agreed in principle that further detail will be provided within the future iterations of the LEMP as per the Requirements.</p> <p>This will be an essential component of species selection, monitoring and maintenance.</p>
45	<p>Paragraphs 5.11-5.12</p> <p>Clarification is sought as to the protocol should disease be noted within retained / new specimens e.g. Chalara.</p>	<p>As above.</p>
46	<p>Paragraph 4.13</p> <p>Clarification is sought as to the proposed wet woodland mix and how these species will be managed.</p>	<p>SoCG did not clarify this point, however it is agreed in principle that further detail will be provided within the future iterations of the LEMP as per the Requirements.</p>
47	<p>Paragraphs 5.4-5.6</p> <p>Clarification is sought as to how loss or remedial measures will be factored in the final BNG calculations and how any delays in achieving the desired condition will be recorded and communicated to the reviewing authority.</p>	<p>SoCG did not clarify this point, however it is agreed in principle that further detail will be provided within the future iterations of the LEMP and BIA as per the Requirements. This should be reviewed by the relevant authority prior to approval of the LEMP as it will be</p>

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		essential to understand how biodiversity loss will be accounted for.
48	Paragraph 5.35 Clarification is sought as to the desired percentage of shading that will inform pruning activities.	SoCG did not clarify this point, however it is agreed in principle that further detail will be provided within the future iterations of the LEMP as per the Requirements
49	Paragraph 6.4 The LEMP details that monitoring of retained, enhanced and created habitats will be undertaken in accordance with the condition assessments associated with the Defra Metric, however further detail as to how this will be undertaken is required, particularly the final assessment of post development condition. Further detail is required surrounding the reporting that will be undertaken by the management company that will detail whether the expected BNG has been achieved.	Agreed as per point 47.
50	P.g.15 Where new trees/shrubs are planted or works are to be undertaken in proximity to existing trees/hedges/shrubs, roots should be protected through the use of hessian matting and kept damp, particularly during any periods of extreme heat.	As per the Requirements, remedial actions and habitat specific protection measures should be considered and be in place during works.
<b>Construction Environmental Management Plan</b>		
51	Paragraphs 1.181 – 1.190 under the section Ecology of the CEMP is agreed.	It is agreed in principle that further detail will be provided within the future iterations of the CEMP as per the Requirements.
52	Further detail is required regarding: Birds - protocols regarding exclusion zones and working methodologies should nests be present Bats - further detail regarding bats and lighting such as lighting placement, lux levels, the use of hoods/cowls Badgers - covering of spoil and any other stored materials	It is agreed in principle that further detail will be provided within the future iterations of the CEMP as per the Requirements. Method statements and species/habitat specific working restrictions and

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	and the acoustic impact on badgers from noise and vibration	protocols should be included within the next revision of the CEMP.
<b>Lighting Impacts</b>		
55	<p>The following revised wording in respect of Requirement 31 Lighting is agreed:</p> <p><b>1.</b> 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"> <li><b>a.</b> a layout plan with beam orientation;</li> <li><b>b.</b> an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance;</li> <li><b>c.</b> a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and</li> <li><b>d.</b> measures to avoid glare on surrounding railway and highways.</li> </ul> <p>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>	Agreed through this SoCG
56	The lighting strategy contains generic guidance with regard to bats, and does not acknowledge utilising the updated ILP guidance that should be available pre-construction.	Agreed that future iterations of the lighting strategy will be produced in accordance with the

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		Requirements. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.
57	The lighting strategy also does not include detail regarding locations of ecological receptors and light spill effect	Agreed that future iterations of the lighting strategy will be produced in accordance with the Requirements. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.
58	Matters contained within the CEMP  (Document reference: 17.1) and in particular paragraphs 1.46 – 1.49 in relation to lighting are considered to require further detail to address lighting impacts, particularly those which relate to bats and artificial lighting, during the construction period.	Agreed that future iterations of the lighting strategy will be produced in accordance with the Requirements. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.
<b>Air Quality</b>		
62	In accordance with Requirement 7 of the Draft DCO, a Dust Management Plan will be prepared to set out methods of dust control. The following changes are agreed in respect of Requirement 7:  (q) details of any necessary temporary (or otherwise) flood risk and surface water management measures.  (r) ails of any necessary temporary (or otherwise) flood risk and surface water quantity and quality management measures.  (s) details of temporary lighting.  (3) The detailed construction environmental management plan for each phase is to be kept	This wording is being reviewed

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	<p>under review and may be updated if necessary as construction proceeds with the approval in writing of the relevant planning authority.</p> <p>(4) The authorised development must be carried out in accordance with the detailed construction environmental management plan as approved in writing by the relevant planning authority including any updates subsequently approved.</p>	
<b>Noise and Vibration</b>		
63	<p>No adverse noise or vibration impacts to any designated sites anticipated.</p> <p>Potential impacts from noise pollution have been fully assessed within ES Chapter 10: Noise and Vibration (document reference: 6.1.10) and ES Chapter 12: Ecology and Biodiversity (document reference: 6.1.12). Further details are included at paragraphs 1.71 - 1.76 within the Construction Environment Management Plan (CEMP), (document reference: 17.1), which includes specific mitigation measures to ensure that noise pollution does not adversely impact ecological receptors.</p>	Agreed through this SoCG
<b>Scope of Surveys</b>		
64	<p>The scope of ecological survey work as described within Appendix 12.1: Ecology Baseline (Document reference: 6.2.12.1).</p> <p>Ecological surveys are deemed to have been undertaken at the appropriate time during the optimal survey period.</p>	Agreed through this SoCG
65	<p>Sufficient surveys were undertaken that cover the DCO order limits providing that the scheduled 2024 resurveys are completed as per discussion during the SoCG meetings.</p>	Agreed through this SoCG

**Matters not agreed**

Ref	Matter not agreed	Any actions arising	Comments following
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			SoCG
<b>Ecology Baseline</b>			
1	<p>Introduction, Paragraph 1.14</p> <p>The industry standard guidelines should also include for all phase 2 species specific surveys undertaken.</p>	Baseline to be updated.	Following meeting on 20.11.2023, it has been agreed that the Baseline will be updated.
2	<p>Methodology, Paragraph 1.20</p> <p>Best practice methodologies should be included within the industry standard guidance section.</p>	Baseline to be updated.	Following meeting on 20.11.2023, it has been agreed that the Baseline will be updated.
3	<p>Methodology, Paragraph 1.24</p> <p>LUC agrees with the use of aerial photography to determine potential ponds that may be used by GCN, however the standard guidance for GCN dispersal is 500m (not 250m). Noted that within Paragraph 1.47 through to 1.48 a 500m survey buffer was used for survey purposes, LUC recommends that the methodology is updated accordingly</p>	Baseline to be updated	Following meeting on 20.11.2023, it has been agreed that the Baseline will be updated.
5	<p>Paragraph 1.84</p> <p>Paragraph states that 'diversity and abundance of species recorded is considered to be typical ... with flocks of declining farmland specialists such as those mentioned above' yet has not outlined what those species are (other than their BoCC listing). LUC</p>	Baseline to be updated.	Not yet agreed. Following meeting on 20.11.2023, it has been agreed that the Baseline will be updated.

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	notes that this information is included within the report annexes, however broad descriptions should be included within up front chapters for readers ease.		
6	Annex 4 - Bat surveys - table A4.1  It would be helpful to include the GLA results within the table, assuming that all buildings with three surveys were considered to be of high suitability etc? LUC notes that this information is included in Table A4.6, however this appears after table A4.1 so is confusing to the reader.	Baseline to be updated.	Not yet agreed. Following meeting on 20.11.2023, it has been agreed that the Baseline will be updated.
7	LUC notes that no full survey results have been provided with reference to water vole, otter and badger, whilst acknowledging that there is information within the main text, as other surveys have been presented in full it would be expected that this would be applied to water vole, otter and badger. It's acknowledged that these reports are usually confidential, however for review purposes it's important to include.		Not yet agreed. The full methodology, results and conclusions of otter, water vole and badger surveys are included within the report in full. Annexes are considered appropriate when significant amounts of information is required (e.g. large tables, photographs). Annexes then serve to distill this information, keeping separate from the main text for readers ease. Badger, otter and water vole surveys do not include large swathes of information, primarily due to the absence of evidence

**Commented [MN1]:** The full methodology, results and conclusions of otter, water vole and badger surveys are included within the report in full. Annexes are considered appropriate when significant amounts of information is required (e.g. large tables, photographs). Annexes then serve to distill this information, keeping separate from the main text for readers ease. Badger, otter and water vole surveys do not include large swathes of information, primarily due to the absence of evidence or limited presence of this species recorded to date. Inclusion of relevant information in the main text is therefore considered appropriate.

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			or limited presence of this species recorded to date. Inclusion of relevant information in the main text is therefore considered appropriate.
<b>Ecology and Biodiversity ES Chapter</b>			
8	Specific comments noted within the baseline ecology report that are relevant within the ES chapter are not specified, however still relevant (e.g. regarding desk study search radii, receptor value etc.)	Update required	ES to be updated
9	The incorrect guidance has been cited regarding biodiversity net gain and development (this should be the updated 2021 guidance)	Update required	ES to be updated
10	LUC notes that no matrix of effects is included within the chapter, this is usually included to help guide the reviewer in respect to impact significance.		Not discussed during SoCG, Applicant to confirm update to document
11	Paragraph 12.207 LUC disagrees that an outline decommissioning plan is not included, despite the nature and longevity of the proposed development. This high-level assessment should state that a detailed assessment must be revisited and formally submitted and approved by the SoS in the years before decommissioning.	Disagreed	Discussed during initial meetings. Applicant maintains that there would be little merit in including a decommissioning plan at this stage, given the significant lack of detail it would contain.

**Commented [EM2]:** It should be acknowledged, however, that a timeframe for the production of a decommissioning plan and its content should be agreed in advance of its production

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12	<p>Cumulative effects - paragraph 12.245</p> <p>Whilst it is acknowledged that potential cumulative schemes are considered to be spatially divorced from the proposed development, unsubstantiated claims with regard to biodiversity net gain through both onsite and offsite measures have been stated. No long term management plan has been included with regard to BNG and offsite measures are yet to be secured. Alongside this, there seems to be a reliance on other developments proposals with regard to both to ensure no adverse impacts.</p>	Disagreed	Not discussed during SoCG, Applicant to confirm update to document
<b>Biodiversity Impact Assessment</b>			
13	<p>The scheme demonstrates the delivery of a feasible strategy to deliver at least a 10% net gain in biodiversity value.</p>	Further review required	<p>Following meeting with BDC/LUC 20.11.23, it is agreed that the metric will be updated during examination to account for any recent changes which may have occurred.</p>
<b>Landscape and Ecological Management Plan</b>			
14	<p>Paragraphs 2.2-2.3</p> <p>Clarification is sought as to why the LEMP is designed to cover the first 25 years post completion as opposed to 30 years+ as per the Metric 3.1 guidelines and taking into consideration the rate of</p>	Further clarification sought	LEMP to be updated to reflect 30-year timeframe.

**Commented [CC3]:** Further updates to include offsite BNG as well as onsite and we would expect appropriate wording to secure offsite BNG within a section 117 agreement.

For guidance a section 117 is the corresponding section of the Environment Act and bears resemblance to that of a section 106 agreement, however the section 177 constitutes a conservation covenant which must be approved before commencement of development.

Assistance with suitable wording can be provided in due course if necessary.

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	establishment of more complex habitat types / their time taken to reach target condition such as woodland creation, for which a bespoke agreement would be required if the time to reach target condition is beyond 30 years.		
15	P.g.12 Further consideration of measures such as passes under/over the road are recommended as fencing is often ineffective.	Further clarification sought	Not yet agreed. It is well documented that badger fencing is of limited benefit and thus it is recommended that further consideration be made to alternative safe passes to reduce mammal mortality.
<b>Woodland Management Plan</b>			
16	LUC does not agree that the stated '50m buffer for most of the areas of ancient woodland and woodland within the SSSI' are appropriate and more detail is required on additional mitigation measures proposed within these areas to ensure no direct impact on these receptors.	Update required	Following a meeting with LUC/BDC, it has been agreed that further detail will be provided regarding the freehold woodland buffer.  Requirement wording has been updated include finer detail in regard to construction and operational buffers, pollution management and lighting.
<b>Scope of Surveys</b>			
<b>Air Quality</b>			

**Commented [MN4]:** Is badger mitigation not agreed under point 25?

**Commented [CC5R4]:** Point 25 under agreed is relating to pre-construction/construction badger mitigation. This point relates to longer term mitigation during operation.

**Commented [CC7R6]:** This is the same as No 1 within matters not agreed and could be covered within the updates to the ES chapter

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<p>Concerns remain regarding the potential impacts on the Free Holt Ancient Woodland located immediately adjacent to the new link road, where a percentage change relative to the lower critical load (10 kg N ha<sup>-1</sup> year<sup>-1</sup>) of up to 1.4% is predicted.</p> <p>The stated N Deposition is significantly above the critical levels (&gt;49 kg N ha<sup>-1</sup> y<sup>-1</sup>) and therefore, any change, no matter how small, can have a detrimental impact on this ancient woodland. Furthermore, impacts from the scheme at this location are unique, as it is not simply a case of additional traffic impacts on an existing road passing the woodland, but the introduction of a new, heavily trafficked, HGV access route on the opposite side of what is, a relatively narrow area of natural importance. Therefore, further detail relating to the assessment of this area, i.e., incremental distance contributions from the boundary of all relevant roads, including the new access link, is requested.</p>	<p>The range in changes of nitrogen deposition across the AW are as shown in Tables 9.29 and 9.30 of Chapter 9 – Air Quality. The incremental distance contributions are shown in the table below. The changes below include contributions from the new access link. P1 is the closest point of the AW to the new access link. Additional transects were then modelled at 10m intervals, upto 200m into the AW.</p>		
	Designation and distance from road centreline	Nitrogen deposition change (kg ha <sup>-1</sup> year <sup>-1</sup> )	
		2026	2036
	Freeholt Wood AW_T1_P1	0.1102	0.1421
	Freeholt Wood AW_T1_P2	0.0957	0.1305
	Freeholt Wood AW_T1_P3	0.0841	0.1189
	Freeholt Wood AW_T1_P4	0.0754	0.1102
	Freeholt Wood AW_T1_P5	0.0696	0.1015
	Freeholt Wood AW_T1_P6	0.0609	0.0928
	Freeholt Wood AW_T1_P7	0.0551	0.0870
	Freeholt Wood AW_T1_P8	0.0493	0.0812
	Freeholt Wood AW_T1_P9	0.0435	0.0783
	Freeholt Wood AW_T1_P10	0.0406	0.0725
Freeholt Wood AW_T1_P11	0.0377	0.0696	
Freeholt Wood AW_T1_P12	0.0348	0.0667	

**Commented [EM8]:** Meeting on 20/11/23 agreed that applicant should provide specific details regarding buffer species mixes and widths to clarify the proposed mitigation.

**Commented [CC9R8]:** We would expect a minimum buffer width of 50m to adequately buffer Freehold wood from further degradation, however further discussion around species mixes and age classes is required before finalising buffer widths.

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		Freeholt Wood AW_T1_P13	0.0319	0.0638	
		Freeholt Wood AW_T1_P14	0.0290	0.0609	
		Freeholt Wood AW_T1_15	0.0261	0.0609	

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1.6 Landscape

Version	Date	Issued by
01		TSL
02		HBBC
03		TSL
04	27.07.2023	HBBC
05	12.10.2023	TSL
06	18.10.2023	HBBC
07	14.11.2023	TSL
08	29.11.2023	HBBC
08.1	12.12.2023	HBBC
09	19.12.2023	TSL
09.1	20.12.2023	TSL

Requirements and LVIA Methodology

Matters Agreed

Ref.	Matter agreed	Record of agreement
1.	Requirement 20 Landscape Ecological Management Plan with the following additional sentence added at the end to (2) <i>'Following such review, any proposed amendments to the LEMP must be submitted for the approval of the relevant planning authority.'</i>	Agreed through this SoCG.
2.	Requirement 22 Landscape scheme with the following new paragraph (4) added <i>'Each written landscaping scheme must be implemented as approved by the relevant planning authority or in accordance with any variation approved in writing by the relevant planning authority.'</i>	Agreed through this SoCG.
3.	Requirement 11 Container Stack Height should be reworded as follows: <ol style="list-style-type: none"> <li>1. The height of any stack of containers within the container storage area approved pursuant to the details submitted in accordance with requirement 2 must:                             <ol style="list-style-type: none"> <li>a. Not exceed 8.7 metres from finished floor level prior to the 2nd anniversary on the date on which the container</li> </ol> </li> </ol>	Agreed through this SoCG.



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	<p>storage area first comes into use;</p> <p><b>b.</b> Not exceed 11.6 metres from finished floor level prior to the 3rd anniversary; and</p> <p><b>c.</b> Not exceed 14.5 metres from finished floor level at any time thereafter.</p> <p><b>2.</b> The height of any stack of containers within the returns area approved pursuant to the details submitted in accordance with requirement 2 must:</p> <p><b>a.</b> Not exceed 8.7 metres from finished floor level prior to the fifth anniversary of the date on which the returns area first comes into use; and</p> <p><b>b.</b> Not exceed 14.5 metres from finished floor level at any time thereafter.</p>	
3.	Matters contained in the CEMP relating to visual impact (para 1.80).	Agreed through this SoCG.
4.	LVIA Methodology in respect of the published landscape character areas in HBBC.	Agreed through this SoCG.
5.	The methodology for assessing night-time lighting effects.	Agreed through this SoCG.

**Landscape and Visual Baseline Matters agreed.**

Ref.	Matter agreed	Record of agreement
1.	Viewpoint Locations were agreed via email correspondence in January 2021.	Email correspondence in January 2021 and Agreed through this SoCG.
2.	The assessment study area was agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11)	Agreed through this SoCG.
3.	Landscape and townscape receptors were agreed following a clarification	Agreed through this SoCG.

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	request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11)	
4.	Residential dwellings to be considered in the LVIA were agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11)	Agreed through this SoCG.
5.	Baseline descriptions of lighting in relation to individual landscape and visual receptors.	Agreed through this SoCG.
6.	Night-time construction effects for LCA 1: Aston Flamville Wooded Farmland, LCA 6: Elmeſthorpe Floodplain, and LCA 15: Stoney Stanton Rolling Farmland.	Agreed through this SoCG.
7.	Planting growth rates assumed within the Year 15 photomontages.	Agreed through this SoCG.

**Matters not agreed.**

Ref.	Matter not agreed – Council’s Opinion	Applicant’s Opinion
	<b>Landscape Assessment</b> - It is the Council’s Opinion that the following landscape receptors will also experience significant residual effects.	The applicant does not agree that the following receptors will experience significant effects.
<b>1</b>	<b>SCA Elmeſthorpe</b> – Elmeſthorpe is located on a low ridge and its linear form means that it has a physical and visual relationship with the surrounding farmland. The proposed development would result in a major alteration to the rural setting of Elmeſthorpe, being clearly perceptible to the south of the settlement (PVPs 7, 19, 20, 49 and 50 demonstrate that the development would be clearly visible from a number of locations in and on the edge of the village).	<b>SCA Elmeſthorpe</b> – There are no direct effects on this character area and whilst it is agreed there will be an alteration to the setting of the settlement to the south, the village itself is well contained. The applicant has assessed the area identified as the settlement character area on Figure 11.5, which does not include PVPs 7, 20, and 50 (although the applicant has considered PVP 50 and the village recreation ground as part of the assessment given it is a publicly accessible area, which was raised in public consultation as being a well-used facility with opportunity for views). Representative views 19, 49 and 50 present the only areas with views from the village as noted in the assessment with vegetation and built

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		form screening the development from elsewhere including the full length of the village between viewpoints 19 and 49. PVP 48 demonstrates the effect of vegetation in screening views and retaining rural character within the village. Thus a medium magnitude of change and moderate/minor effect is considered appropriate.
2	<p><b>SCA Burbage Common Rolling Farmland –</b></p> <p>The proposed A47 Link Road will cause direct impacts in the north of this LCA, and the proximity of the proposed A47 Link Road and main HNRFI (including returns area) will result in indirect perceptual impacts on a wider area of the LCA, including Burbage Common.</p>	<p><b>SCA Burbage Common Rolling Farmland –</b></p> <p>The direct impact of the A47 Link Road within this SCA is considered small given the short stretch within the character area and the presence of the A47 already crossing through the northern part of the SCA. The HNRFI would not be visible from the majority of the SCA including most of Burbage Common and Woods Country Park and the whole of the southern part of the SCA. Therefore a low magnitude of change and moderate/minor effect at Year 15 is considered appropriate.</p>
3	<p><b>UCA 9: Barwell –</b></p> <p>The proposed development will be clearly visible in the middle ground of characteristic views south from the ridgetop settlement of Barwell and will breach the skyline (as shown in PVP 25). This will also result in a loss of the sense of space and the wider rural landscape setting continuing across the vale.</p>	<p><b>UCA 9: Barwell –</b></p> <p>There would be no direct change to this UCA. In terms of indirect effects, the southern edge of this settlement has the potential to experience infrequent, filtered and glimpsed views of the Main HNRFI Site and A47 Link Road including operational lighting at night. Elsewhere within the SCA views would be screened by intervening urban form and mature vegetation. Overall, the change is expected to be Low upon the SCA.</p>
	<p><b>Visual Assessment – Day-time</b></p> <p>It is the Council’s Opinion that the following visual receptors will also experience significant residual effects.</p>	<p>The applicant does not agree that the following receptors will experience significant effects.</p>
4	<p><b>PVP 3 – PRoW Users –</b> The proposed roofline and lighting columns would remain partially</p>	<p>As shown in the PVP 3 Photomontage (Figure 11.6) lighting columns will be partially visible from certain locations</p>

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	<p>visible at close proximity as people move around the proposed open space and along the PRoW. This would form a new and recognisable element within the view which is likely to be recognised by the receptor.</p>	<p>but would be a very small component of the view, seen intermittently along the route and at a distance where the focus would be on the natural surroundings.</p>
5	<p><b>Visual Assessment – Night-time Construction</b></p> <p>It is the Council’s Opinion that the following visual receptors will also experience significant (adverse) night-time effects at construction:</p> <p>Local community/local residents (as presented on Figure 11.11, document reference 6.3.11.11), including at: 3. Bridge Farm; 4. Billington Rough; 7. Station Road, Elmesthorpe; 8. Burbage Common Road North; 9. Burbage Common Road, west of railway line; 12. Highgate Lodge Farm and Red Hill Farm; and 17. Gypsy and Traveller site on Smithy Lane.</p>	<p>The applicant does not agree that these visual receptors will experience significant adverse effects at night. The value attached to night-time views is low and the sensitivity of residential receptors at night is consequently also low on account of the properties themselves being lit and much less susceptible to change as activities are internalised during the hours of darkness. With construction lighting limited to crane safety lights and targeted work lights for short periods and also noting existing light sources, the assessment of effects will be low which is not significant.</p>
6	<p><b>Visual Assessment – Night-time Operation</b></p> <p>It is the Council’s opinion that the following visual receptors (at least) will also experience significant (adverse) residual night-time effects (Year 15):</p> <ul style="list-style-type: none"> <li>• PVP 19 – Church Users;</li> <li>• PVP 22 – PRoW Users;</li> <li>• PVP 36 – Recreational Users of Smenell Field; and</li> <li>• Local community/local residents (as presented on Figure 11.11, document reference 6.3.11.11), including at: 3. Bridge Farm; 4. Billington Rough; 7. Station Road, Elmesthorpe; 8. Burbage Common Road North; 10. Shilton Road and Dawson’s Lane, Barwell; 11. Church Lane, Barwell; 12. Highgate Lodge Farm and Red Hill Farm; and 17. Gypsy and Traveller site on Smithy Lane.</li> </ul>	<p>The applicant does not agree that these visual receptors will experience significant adverse night-time effects at Year 15.</p> <p><b>PVP 19</b> – as the night-time montage in Figure 11.12 show, the churchyard is already very brightly lit by street lighting and the magnitude of change is considered to be medium and the effect moderate/minor. The susceptibility has been assessed as medium, which is considered conservative, given the church isn’t used during the hours of darkness.</p> <p><b>PVP 22</b> – the upper parts of the development would be visible but at a distance, very low on the horizon and in the context of other lit elements in the view such that the magnitude of change is considered to be medium.</p>

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		<p><b>PVP 36</b> – the lighting columns, while visible, will be seen at a distance, lighting will be directional and vegetation will add diffusion such that a medium magnitude of change and moderate/minor assessment of effect is considered appropriate.</p> <p><b>Local community/local residents</b> – The applicant does not agree that these visual receptors will experience significant adverse effects at night. The value attached to night-time views is low and the sensitivity of residential receptors at night is consequently also low on account of the properties themselves being lit and much less susceptible to change as activities are internalised during the hours of darkness. With operational lighting mitigated with target lighting, cowls and planting and existing bright lighting already in view from a number of locations, the magnitude of change would not be above medium, which with low sensitivity would give rise to minor effects.</p>
<p><b>7</b></p>	<p><b>Mitigation</b> – It is not agreed that the measures set out in the LVIA and Landscape Strategy will mitigate the effect of the development on these receptors.</p>	<p>In all of the above cases it does not appear to be the mitigation that is in question but more the application of the assessment methodology.</p>

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1.7 Heritage

Version	Date	Issued by
01	14..05.2023	TSH
02	13.06.2023	HBBC
03	28.06.2023	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 13 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2.	The submitted Cultural Heritage ES includes a comprehensive assessment of the impact upon the historic environment, including the setting of nearby designated heritage assets.	Agreed through this SoCG
3.	An appropriate methodology has been employed to assess relevant heritage assets and impacts of the Proposed Development	Agreed through this SoCG
4.	That the assessment of the impact of HNRFI on the significance of relevant designated heritage assets within the category of 'less than substantial harm' is agreed (NPS paragraph 5.134).	Agreed through this SoCG
5.	The assessment includes a proportionate narrative in respect of the significance of heritage assets affected and does not rely solely on a tabular matrix.	Agreed through this SoCG
6.	The Cultural Heritage ES Chapter is supported by an adequate suite of completed archaeological and heritage surveys to inform the DCO Application.	Partially agreed through this SoCG. The adequacy of the archaeological surveys is to be considered within the SoCG with Leicestershire County Council (Planning Archaeology)
7.	The Cultural Heritage ES Chapter is supported by up to date baseline data for the DCO Site.	Agreed through this SoCG
8.	Any identified 'adverse effects' on heritage assets in EIA terms translates to 'harm' in terms	Agreed through this SoCG

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	of the National Planning Policy Framework (NPPF) and National Policy Statement (NPS).	
9.	The conclusions of the Cultural Heritage ES in respect of the potential effects of the Proposed Development on heritage assets have been informed by the conclusions of the Landscape and Visual Effects Chapter (document reference 6.1.11), Lighting Strategy (document reference 6.2.3.2), Noise and Vibration Chapter (document reference 6.1.10) and Air Quality Chapter (document reference 6.1.9), and as such is not limited to only visual considerations.	Agreed through this SoCG, insofar as the potential effects on heritage assets located within the Borough of Hinckley and Bosworth.

**Matters not agreed**

<b>Ref.</b>	<b>Matter not agreed</b>	<b>Any actions arising</b>
1.	N/A	N/A

## 1.8 Geology, Soils and Groundwater

### Geology, Soils and Groundwater

Version	Date	Issued by
01	18.05.2023	TSH

#### Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapters 15 and 16 have been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2.	The contaminated land requirement is agreed.	Agreed through this SoCG
3.	Paragraphs 1.110 – 1.115 under the section Ground Conditions, Contamination and Hazardous Material of the CEMP is agreed.	Agreed through this SoCG
4.	<p>The approach to considering contamination and the proposed remediation of the site in general is accepted.</p> <p>Preliminary Ground investigation has been completed which has not identified any significant contamination sources at the site.</p> <p>Potential contamination source may be present around existing farms including fuel storage and asbestos in farm buildings. Detailed investigation will be required and a remediation strategy prepared following examination.</p> <p>The remediation strategy will include contingency measures for dealing with any unidentified contamination.</p> <p>A verification report will be prepared to demonstrate that the remediation strategy has been implemented and the site is suitable for use.</p>	The response to the Stage 2 Statutory Consultation and agreed through this SoCG
5.	The development will include incorporation of interceptors and sealed drainage systems in operational areas, yards and chemical storage will prevent any deterioration of underlying	The response to the Stage 2 Statutory Consultation and agreed through this SoCG



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	groundwater quality during the life of the development.	
6.	There would be a watching brief during removal of any existing tanks during decommissioning and demolition	Meeting 23 November 2022 and secured through the details to be submitted as part of the contaminated land requirement.

### 1.9 Socio-economics

Version	Date	Issued by
01	22/05/23	TSL
02	20/06/23	HBBC
03	23/06/23	TSL
04	28/07/23	MP
05	10/10/23	TSL
06	23/10/23	BDC and HBBC
07	14/11/23	TSL

#### Matters agreed

Ref.	Matter agreed	Record of agreement
1.	Up to date employment rates have been provided in the ES.	Agreed through this SoCG
2.	The effect of the Proposed Development on community land and assets (including access to Burbage Woods and Common) has been updated to report a minor adverse effect over the long term.	Agreed through this SoCG

#### Matters not agreed

Ref.	Matter not agreed	Any actions arising
1	<p><b>Adequacy of analysis of job skills and availability of labour</b></p> <ul style="list-style-type: none"> <li>- Lack of analysis of types of construction skills / occupations required and the relationship with current skill profile. Undermines ability to develop employment and skills strategy</li> <li>- Inclusion of an Employment and Skills Strategy for Construction workers but not operational workers</li> <li>- Concerns about the detail and robustness of the Employment and Skills Strategy</li> <li>- <b>Mismatch between drive time TRIP model used to determine origins of</b></li> </ul>	<ul style="list-style-type: none"> <li>- The evolving Employment and Skills Plan will ensure that the effects of construction and operational employment are captured locally as anticipated and will detail the availability of a local labour supply.</li> <li>- The Employment and Skills Plan will analyse the types of construction skills required and compare</li> </ul>

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	<p><b>operational labour (types of occupations suitable) [Appendix 8.1 Transport Assessment Trip Distribution Document [APP-142] selects the future worker locations based on criteria in Table 3: Census Occupational Categories’ of that document. This excludes higher Occupations 1-3] and assertion of the occupational requirements of the proposed development [Environmental Statement Volume 1: Chapter 7: Land Use and Socio-Economic Effects’ in table 7.15 suggests these higher occupations will make up 33.3% of employees]. Undermines assumptions regarding catchment for labour.</b></p>	<p>them with the skills available locally.</p> <ul style="list-style-type: none"> <li>- The Trip Distribution model has been tested by the Leicestershire County Council Network Data Intelligence team and signed off by the LCC development management team. It is considered robust. This is also included in the draft LCC SoCG (document reference: 19.3) under Matters Agreed.</li> </ul>
<p>2</p>	<p>Housing demand and supply impact</p> <ul style="list-style-type: none"> <li>- Insufficient information or analysis to understand the HNRFI’s impact on housing demand overall and in terms of housing affordability on relevant employment sectors.</li> <li>- Appears to be a misalignment between the operational employment study impact area (ES para 7.17) and the housing market area (table 7.23). With no apparent attempt to reconcile this difference, the conclusions arrived at in the ES regarding the impact of demand for workers on housing is in question</li> </ul>	<ul style="list-style-type: none"> <li>- A review of HENA 2022 was undertaken and our understanding is that the proposed annual housing target, based on the standard method supports an employment growth of circa 90,000 jobs in the 2020-36 period with the baseline forecast growth by Cambridge Econometrics (CE) over the same period being 26,900 (Table 8.3). There is no further information on the sectoral split of jobs supported by the Standard Method. However a sectoral breakdown of baseline growth projections is provided in Section 4 of the appendices of the study by CE covering the 2019-41 period. By applying the sectoral proportions of the 2019-41 period growth (23%</li> </ul>

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		<p>for Wholesale, Transport and Warehousing) to the baseline job growth we get a baseline job growth of 6,250 for the Wholesale, Transport and Warehousing in the 2020-36 period. In addition to the above CE provides also an aspirational growth scenario anticipating 3,900 jobs by 2030 in addition to the baseline growth for the Wholesale, Transport and Warehousing sector. This increases the projected job growth to circa 10,000 additional jobs as the timeframes do not completely match.</p> <ul style="list-style-type: none"> <li>- Once the same proportion is applied to the jobs supported by standard method the result is 21,600 additional jobs in the sector. This results into 15,350 jobs in addition to the baseline growth and 11,450 jobs in addition to the baseline and aspiration growth.</li> <li>- Therefore the proposed housing target could support 11,450-15,350 additional jobs in the Wholesale, Transport and Warehousing sector in Leicester and Leicestershire above the CE growth scenarios.</li> <li>- HNRFI is anticipated to generate 6,300-7,800 net additional jobs on site once displacement is</li> </ul>
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		<p>taken into account by 2032. Therefore by adopting the standard method target of 5,713 units per annum across the area sufficient housing is anticipated to be available for the net additional jobs generated by HNRFI even without taking into consideration local unemployed residents finding a job in HNRFI.</p> <ul style="list-style-type: none"> <li>- Therefore the above doesn't affect the conclusions of our assessment on the effect of HNRFI on local housing.</li> <li>- Justification for the selection of the HMA is provided in paragraph 7.19 of Environmental Statement Chapter 7: Land Use and Socio-Economic Effects (document reference: 6.1.7, APP-116). An additional technical note is also provided for Deadline 3 as per ISH4 actions.</li> </ul> <p>PREPARED TO AGREE REGARDING LONG TERM HOUSING SUPPLY AND LABOUR AVAILABILITY BASED ON STANDARD METHOD</p> <ul style="list-style-type: none"> <li>- REMAINING INADEQUATE / MISSING ANALYSIS OF WAGES AND HOUSING AFFORDABILITY ISSUES THAT WILL HAVE A BEARING ON LABOUR ORIGINS</li> </ul>
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1.10 Health & Equalities

Version	Date	Issued by
01		TSH
02		HBBC
03		TSH
04	28.07.2022	HBBC
05	15/08/2023	TSH
06	10.11.2023	BDC (without LCC comment)
07	1/11/2023	TSL

Matters agreed

Ref.	Matter agreed	Record of agreement	Response
1.	As agreed during the formal Scoping Process with the Planning Inspectorate, the approach to considering the health and wellbeing of communities, was to focus on environmental socio, cultural and economic precursors protective of the environment and health.	Agreed	Item Agreed by all parties
2.	Appendix 7.1 Health and Equality Briefing Note (document reference 6.2.7.1) was prepared to aid signposting as to how and where health was addressed and assessed in the DCO ES.	Agreed – Appendix 7.1 has been updated as requested by the Planning Inspectorate (Document reference 6.2.7.1.A)	Item Agreed by all parties
3.	A supplementary statement on equality was prepared in Appendix 7.2 to respond to the PINS s51 Advice letter and more clearly demonstrates the effects of the Proposed Development on those persons with protected characteristics as defined under the Equality Act 2010 (as amended).  A Rule 17 response was received from the Planning Inspectorate regarding preferred terminology, and the Applicant has confirmed that the	Agreed – Appendix 7.2 has been updated as requested by the Planning Inspectorate. (Document reference 6.2.7.2A).	Item Agreed by all parties

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Ref.	Matter agreed	Record of agreement	Response
	revised Equality Statement made no changes to the assessment or conclusion.		
4.	<p>Potential impacts on local water supply, foul water, surface water, flood risk and electric and magnetic fields are addressed through planning and the regulatory planning process to preclude any risk or impact to health. These items can be deferred to the pertinent technical disciplines and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>In the event that further technical assessments pertaining to these topics result in the identification of significant impacts, the potential for health impacts should be reconsidered.</p>	Agreed	Item Agreed by all parties
5.	<p>Potential changes in local air quality during both construction and operation remain within air quality objective thresholds set specifically to be protective of health for vulnerable members of the population, and the absolute change in concentration and exposure remains orders of magnitude lower than is required to quantify any measurable adverse health outcome.</p> <p>As such, this item can be retained under the air quality technical disciplines, and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>LCC has requested further clarification on this point in the form of high level Quantitative Exposure Response Assessment. The Applicant's position is that this request is excessive given the negligible effect of the proposal on air quality. The Applicant will prepare a separate technical note clarifying its position at the ExA's request.</p>	Agreed	Item Agreed by all parties
6.	<p><b>As detailed in the ES and noted in the Health and Equality Briefing Note, following the implementation of mitigation, the change in noise levels are below what is considered</b></p>	<p><b>Partial Agreement (parked until the noise technical specialists are in agreement, but the</b></p>	<p>It is unclear what is in disagreement, please set out the basis for this and itemise the specific matters that</p>

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Ref.	Matter agreed	Record of agreement	Response
	<del>perceptible during the day and night time periods; as a result, design and mitigation precludes any significant health impact. The item can be deferred to the acoustic noise and vibration technical discipline, and does not need to be addressed through a health topic at the Issue Specific Hearing. In the event that further technical assessments pertaining to these topics result in the identification of significant impacts, the potential for health impacts should be reassessed.</del>	<del>Applicant's position remains that the technical discipline is there to manage unwanted sound, preclude health impacts and won't need a separate health topic at the Issue Specific Hearing.</del>	requires further discussion, by reference to specific receptors and assessments?
7.	Changes in visual impact are not of an order to result in any measurable adverse health outcome. The more subjective potential effect of visual impact is adequately addressed within the Landscape and Visual Effects technical discipline to recognised methods and an agreed scope.	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 1.183 also suggests that it insufficient to establish any quantifiable or specific health outcomes or endpoint. This conclusion is not contended however, qualitative assessment could be undertaken informed by community consultation.	We are in agreement that there is no measurable health impact from changes in visual impact.  Please note consultation was undertaken with the purpose of capturing community concerns and informing design and mitigation.
8.	Income and employment are key determinants of health, which are addressed through the socio-economic Technical Discipline.  The item can be deferred to the socio-economic Impact technical discipline, and does not need to be addressed through any additional considerations of health at Issue Specific Hearing.	Agreed through this SoCG.	Item Agreed by all parties
9.	Potential changes in Public Rights of Way and Green Space are addressed, assessed and mitigated within the ES, to preclude any significant adverse health outcome, manage disruption	<del>Partial Agreement (Parked, and anticipated that this can be addressed through the technical</del>	Item Agreed  Please note consultation was undertaken with the

**Commented [ES10]:** Added to matters of disagreement. Further discussion needed.

**Commented [AB11R10]:** Edward please clarify what the disagreement is?

Do you have countervailing evidence to suggest the nature, timing and magnitude of changes in noise exposure is sufficient to quantify a measurable change in health.



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Ref.	Matter agreed	Record of agreement	Response
	and provide alternative provision. While residual impacts at the individual level may exist, they are not of a level to quantify any change in health outcome.	<del>discipline that precludes health outcome, as there is no measurable risk)</del>  This conclusion is not contended however, qualitative assessment could be undertaken informed by community consultation.	purpose of capturing community concerns and informing design and mitigation.
10.	The health baseline applied in the Health Briefing Note was to provide further context and awareness of local circumstance priority and need. It complements the appropriate topic specific baselines contained in the ES, whose geographical scopes were agreed during scoping and vary by topic, depending on the nature of varying focus, scope, distribution characteristics and effect.  The Public Health Team have reviewed the contextual health baseline in the Health and Equality Briefing Note, and while minor discrepancies exist due to the granularity of data applied (ward, Super Output Area etc) and temporal periods, these are not material. This contextual information, which complements the topic specific baseline data, has no impact on the assessment conclusions or assessment of significance.	<del>Partial Agreement – the parties will undertake an independent analysis to confirm whether it is agreed that the selection of an alternative study area would be non-material.</del>  Agreed through this SoCG.	Item Agreed by all parties
11.	<del>Mental health has been raised as a residual concern, however, none of the environmental changes are sufficient to cause any manifest mental health outcome. It is unclear if Icen are referring to general stress and anxiety from the imposition of change, or risk perception. The potential for perception to cause anxiety can only be addressed through the factual investigation and dissemination of robust information, as contained in the ES.</del>	<del>Parked I am still not clear what you mean by mental health, and from what? Please can you explain what gap you have or countervailing evidence of a significant mental health impact. The impact on mental health and well-being arising from changes to the visual setting have been addressed</del>	Please set out your position on this.  No evidence has been presented of a mental health impact from the construction or operation of the proposed facility by any party.  All tangible changes in environmental and socio-economic conditions have been

**Commented [DS16]:** If not then we can move this to matters that are not agreed but I would be hesitant to do this unless Icen clarify the basis of the position because this is currently clutching at straws with no value in the point. Let's not waste ExA time on points that go nowhere.

**Commented [ES17R16]:** See my comment above.

**Commented [DS18R16]:** Please be specific in your response - what is it that is said to have an impact on mental health that has not been considered or that should be considered differently? The point is too vague to enable us to respond.

**Commented [LO12]:** This is a point that was raised by Public Health England in response to the scoping. Mental health is a state of well-being. There are a wide range of determinants of mental health. Of relevance in this context, access to quality housing, physical environment, economic security, tackling inequalities, transport access and access to services.

**Commented [LC13R12]:** This point still requires further clarification on how it has been addressed in the updated appendix. The Rule 17 letter requested stated that the impacts on health arising from changes to the visual setting and its impact on mental health and wellbeing should be included. Clarification is required as to where this has been covered.

**Commented [ES14R12]:** I've added this in as a matter of disagreement for now. Further discussion is required and this appears to be a matter of interest to the ExA.

**Commented [AB15R12]:** Please set out your position

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Ref.	Matter agreed	Record of agreement	Response
		in the updated Health and Inequalities Briefing Note in response to the Rule 17 Letter. The conclusions are not contended however, qualitative assessment could be undertaken informed by community consultation.	assessed and addressed.  No countervailing evidence has been provided by any party to infer a mental health outcome.

Matters not agreed

Ref.	Matter not agreed	Any actions arising	Applicant's position
12.	<p>Concern has been raised regarding a potential breach of the Equality Act.</p> <p>The Health and Equalities Appendix has failed to consider the travelling community in proximity to the site. However, they are categorically identified in each of the pertinent technical disciplines as sensitive receptors. It was deemed unnecessary and undesirable to repeat every technical discipline receptor methodology and sensitivity rating in the Health and Equality Briefing Note.</p> <p>Concern has also been raised regarding discrimination against disabled individuals due to additional down time at Narborough level crossing. However, this does not discriminate against any protected characteristic as the barrier does not selectively open or close</p>	<p>The travelling community have not been considered with the socio-economic assessment which is considered to be a pertinent technical discipline.</p> <p>Matters around Narborough Crossing still stand. The applicant has not assessed the impact therefore, the conclusions on it not significantly impacting health, equality or constitute any significant impact on emergency services cannot be reached.</p>	<p>This is factually incorrect.</p> <p>The travelling community have been considered as a sensitive receptor for all technical topic areas where there is a credible change in circumstance (air, noise, transport etc).</p> <p>They are not considered a sensitive receptor in the socio-economics assessment, as there is no credible impact on the socio-economic circumstance of the travelling community during construction or operation.</p> <p>In terms of the Narborough Crossing, this is again factually incorrect, where the crossing time of 2.5 minutes was assessed accordingly in the transport assessment, and found not to present any significant impact (delay, severance etc). A different conclusion on the impact on emergency access cannot be reached. We also note that a number of alternative routes are available.</p>

**Commented [AB19]:** This is not accurate. You say the protected characteristic isn't included in the Equality statement, or captured in the pertinent sections of the ES, when you mean they are not considered a sensitive receptor in the economic assessment. This is because neither construction nor operation materially influences the economic circumstance of the traveling community..

Air, noise and transport do consider them, as there is a credible mode of exposure, which is why they are considered.

**Commented [AB22]:** Lorna, please review the IcenI Socio-Economic and Health Impacts of Narborough level crossing In relation to the Hinckley NRFI. IcenI Projects Limited on behalf of Blaby District Council August 2023

**Commented [AB20]:** Lorna, as mentioned, each of the technical disciplines in the ES include their topic specific receptor rationale. As an example, if you go through the air quality Human Receptor Location section for instance.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR050007/TR050007-000734-6.2.9.4%20Hinckley%20NRFI%20ES%20Appendix%209.4%20Air%20Quality%20Existing%20Human%20Receptor%20Locations.pdf>

Receptor R43 and R219 are caravan park and the New Traveler Site. Go through the rest, and you will see it includes all residential sites, and expands on schools, nurseries, etc.. Oh, and if the modeled height throws you, that's to account for the height of people, where schools with kids are generally shorter, and this can be accounted for in the assessment.

They use the receptor numbers or else the report gets too unwieldy. As offered before, if you want I can walk you through each of the methodology sections to explain how each of discipline receptor rationale, but this is basically a page turn of the DCO. I don't want to create a technical note repeating all the methodology sections.

**Commented [LO21R20]:** This is agreed. Suggest this comment thread can be deleted.

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Ref.	Matter not agreed	Any actions arising	Applicant's position
	<p>depending on age, sex, ethnicity, sexual orientation, disability etc. In other words all members of the population are equally affected by barrier down time.</p> <p>Furthermore, there is no significant disproportionate impact, where the Network Rail analysis of Narborough Station and crossing indicates the only possible time for additional intermodal freight trains would be for 2 trains between 4 – 7 pm. Each train would cause a maximum barrier downtime of 2.5mins. This is far less than a stopping passenger train coming from Leicester, which is 4-5 minutes.</p> <p>In each hour the total barrier down time would be approximately 20 minutes, with 40 minutes open which is well within Network Rail's acceptable barrier down time at a level crossing. This does not constitute a significant impact to health, equality or constitute any significant impact on emergency services.</p> <p>The Equality Act is to prevent illegal discrimination, foster opportunity for improved equality, and relations between those with and without a protected characteristic.</p>		<p>This conclusion was confirmed in Blaby District Council's written Representation Appendices:</p> <p>"Socio-Economic and Health Impacts of Narborough level Crossing".</p> <p>"This assessment concludes that the increased downtime of the barrier at Narborough Crossing is <u>not considered to have an overall material impact on quality of life of residents</u>" (our emphasis).</p> <p>On this basis, there is no evidence of discrimination to any protected characteristic, due regard has been made, and there is no material risk to health or quality of life.</p> <p>It is unclear what is in disagreement.</p>
13	Concern has been raised regarding the absence of an equality baseline to establish	The absence of the vulnerable is also of relevance for the Health and	It is unclear what is in disagreement.

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Ref.	Matter not agreed	Any actions arising	Applicant's position
	<p>the presence of individuals with a protected characteristic.</p> <p>As previously explained, it is not appropriate or needed to set a detailed baseline for age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.</p> <p>To do so firstly runs the risk of discrimination, but it also sets a level of false accuracy, as the data will never fully capture all of the characteristics, or account for how some of these characteristics vary over stages of life and none will be static spatially.</p> <p>As an example, if there was a baseline that indicated the absence of all protected characteristics at that time, then any individual missed in that baseline, or moved in following it, would not be considered. Equally, depending on personal circumstance and stage of life, an individual could fall within and out of the definition of a protected characteristic.</p> <p>Asking for a baseline that will not be accurate, or to enter this into the public domain that might result in discrimination is therefore inappropriate and contrary to the Equality Act.</p> <p>The correct approach is to therefore consider the hazard in general, and then consider if it presents any discrimination or disproportionate risk to any and all of the protected</p>	<p>Inequalities Briefing Note. 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>Item 10 of the agreed matters already confirms that the health baseline applied in the Health Briefing Note was to provide further context and awareness of local circumstance priority and need. It complements the appropriate topic specific baselines contained in the ES, whose geographical scopes were agreed during scoping and vary by topic, depending on the nature of varying focus, scope, distribution characteristics and effect.</p> <p>The Public Health Team have reviewed the contextual health baseline in the Health and Equality Briefing Note, and while minor discrepancies exist due to the granularity of data applied (ward, Super Output Area etc) and temporal periods, these are not material.</p> <p>Given prior agreement, can we remove this item from the matters not agreed?</p>

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Ref.	Matter not agreed	Any actions arising	Applicant's position
	<p>characteristics (irrespective of if you know they are present or not).</p> <p>This way you don't need to know who lives in which house, it removes false accuracy, and you have a far broader and more precautionary means to test any discrimination or disproportionate risk from what is proposed.</p>		
14.	<p>There remains a fundamental disagreement to the Planning Inspectorate's agreed approach and scope to the assessment of health, and that a voluntary, non-regulatory Health Impact Assessment would have been preferential. The Applicant's position remains that no evidence has been advanced to substantiate this point and that the health briefing note that it produced to help consolidate the relevant information was constructive, and a more than sufficient response to concerns raised during consultation.</p>	<p><b>Disagree</b></p> <p><del>Do you still want this one in here?</del> Stakeholders have repeatedly asked for a health impact assessment to be included. The Rule 17 letter stated that the applicant should provide a consolidated Health Impact Assessment addressing the impacts on human health from the Proposed Development. While the applicant has re-submitted Appendix 7.1 Health and Equalities Briefing Note, the request for a Health Impact Assessment has not been fulfilled.</p>	<p>Please note that clarification was sought on the Rule 17 Letter, where the planning inspectorate confirmed that "there is no obligation for you to submit a full HIA (this was scoped out)". The Applicant has email correspondence with the planning inspectorate noting that this position will be formally published as Section 51 advice.</p> <p>Please note, all credible health pathways have been assessed and addressed, no gaps have been identified, and no countervailing evidence of a health impact has been presented by any party.</p> <p>None of the Local Impact Reports provide their own HIA.</p>
15.	<p>Clarification is sought in relation to the change in approach to including significance criteria in the Health and Equalities Briefing Note.</p>		<p>As agreed, the Health and Equality Briefing Note was intended to aid transparency as to how and where health was assessed and addressed within the regulatory EIA.</p> <p>Following the Rule 17 letter, further clarity was sought, and the Planning Inspectorate indicated that the conclusions derived from the ES significance criteria were not specific.</p> <p>HIA guidance was suggested as means to reframe the potential impact, of which HIA being a non-regulatory requirement to the planning</p>

**Commented [AB23]:** Do you still want this one in here?

I am conscious that:

- No gaps have been identified in the assessment,
- No countervailing evidence has been presented by any party,
- We agreed HUDU HIA guidance doesn't fit DCO,
- almost all of the health items have now been deferred to the technical disciplines protective of health
- The remaining health items requiring clarification include:
  - noise and mental health (parked)
  - equality (disagree),
  - undefined wider determinants of health (currently unclear) and
  - impacts on Public Rights of Way and Open Space (did we agree to defer these is well).

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Ref.	Matter not agreed	Any actions arising	Applicant's position
			<p>process, does not include significance criteria.</p> <p>On this basis, the information already contained in the ES was removed. It has no change to the assessment findings or conclusion.</p>
16.	Health impacts in respect of noise.	See BDC's SoCG on noise which prompts further discussion on these impacts.	<p>It understood that there is no disagreement with the Health and Equality Briefing Note, the disagreement is in the Noise SoCG. We are unclear what evidence BDC is referring to with respect to individual receptors and assessments in the noise SOCG. Please clarify.</p> <p>It may be that we should remove this, given we have already agreed that "In the event that further technical assessments pertaining to these topics result in the identification of significant impacts, the potential for health impacts should be reconsidered."</p>
17.	Health impacts on mental health.	See the matter above, further clarification needed.	<p>It is unclear what aspect of the proposed development this specifically relates to.</p> <p>No evidence of health impacts on mental health has been presented by the IPs.</p> <p>Please set out your position and evidence to support what concern has not been addressed.</p>

**11. Noise and Vibration**

Version	Date	Issued by
01		TSL
02		BDC
03	01.09.2023	TSL
04	20.10.2023	BDC
05	24.10.2023	TSL
06	10.11.2023	BDC
07	07.12.2023	TSL
08	20.12.2023	BDC

**Matters agreed**

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 10 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN)	Agreed through this SoCG
2.	The wording for Requirement 26 Control and operation of noise is agreed.	Agreed through this SoCG
3.	Notwithstanding the deliverability of the acoustic barriers, Requirement 27 of the draft DCO provides suitable controls the provision of acoustic barriers.	Agreed through this SoCG
4.	Construction and Operational Phase Noise and Vibration Assessment – Assessment Criteria	Agreed through this SoCG
5.	Construction and Operational Phase Noise and Vibration Assessment – Assessment Methodology	Agreed through this SoCG
6.	Construction and Operational Phase Noise and Vibration Assessment - Selection of Sensitive Receptors	Agreed through this SoCG
7.	Operational Noise and Vibration Assessment – Baseline noise and vibration survey methodology	Agreed through this SoCG
8.	Construction Phase Noise Assessment	Agreed through this SoCG
9.	Construction Phase Vibration Assessment	Agreed through this SoCG
10.	Construction Phase Traffic Assessment	Agreed through this SoCG

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11.	Operational Phase Noise Assessment - Modelling Inputs and Source Data	Agreed through this SoCG
12.	Operational Phase Noise Assessment – HGV movements, loading/unloading operations and service yard areas, including SRFI operations.	Agreed through this SoCG
13.	Operational Phase Noise Assessment - Fixed Plant Noise Levels	Agreed through this SoCG
14.	Operational Phase Noise Assessment - Off-site Rail Movements	Agreed through this SoCG
15.	Operational Phase Groundborne Vibration Assessment from off-site rail movements	Agreed through this SoCG
16.	Operational Phase Noise Assessment of A47 Link Road	Agreed through this SoCG
17.	Operational Phase Noise Assessment of Off-site Road Traffic – Traffic input data	Agreed through this SoCG
18.	Operational Phase Noise Assessment of Tranquillity	Agreed through this SoCG
19.	Construction Phase Noise and Vibration Mitigation	Agreed through this SoCG
20.	Operational Phase Noise Assessment – Mitigation	Partially agreed through this SoCG,, see Matter Not Agreed Ref. 6.
21.	Construction Phase Noise and Vibration Assessment - Residual Impacts	Agreed through this SoCG
22.	Construction and Operational Phase Noise and Vibration Assessment – Climate Change	Agreed through this SoCG

**matters not agreed**

<b>Ref.</b>	<b>Matters not agreed</b>	<b>Any actions rising</b>
1.	Operational Phase HNRFI Noise Assessment – the acoustic design of the illustrative masterplan	Refer to point 1 of the Scott Schedule.
2.	Operational Phase Noise Assessment – Maximum Noise Levels specifically the fact that the applicant has stated a 10 dB	Applicant will provide further information on



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	reduction for crane movements through appropriate equipment selection.	noise output from candidate cranes.
3.	Operational Phase Noise Assessment of Off-site Road Traffic - inclusion of committed development traffic and the cumulative effect on assessment	Refer to point 3 of Scott Schedule.
4.	Operational Phase Noise and Vibration Assessment - Residual Impacts	No current action.
5.	Operational Noise and Vibration Assessment - deliverability of the acoustic barriers.	Applicant amending relevant plans to demonstrate retention of vegetation around Aston Firs and confirm links between retained vegetation and acoustic barriers checked for potential conflicts.
6.	Operational Noise and Vibration Assessment - Summary and Conclusions	No current action.

## Topic: Noise and Vibration Scott Schedule (Supplementary to SoCG V08)

Date: 013/12/23

No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
	Operational Phase HNRFI Noise Assessment – the acoustic design of the illustrative masterplan	<b>HBBC and BDC to complete</b>	<p>The Applicant has reconsidered the viability of further design interventions and where feasible, these have been incorporated into the updated illustrative masterplan.</p> <p>Notwithstanding the masterplanning approach that has been undertaken, the noise and vibration ES chapter has considered the parameters of the proposed development, as required at this stage of the proposals.</p>	
2.	Operational Phase Noise Assessment – Maximum Noise Levels specifically the fact that the applicant has stated a 10 dB reduction for crane movements through appropriate equipment selection.	The applicant has used a 'proof of evidence' from appeal reference APP/R3705/W/16/3149827 at Daw Mill Colliery, Tamworth Road, Arley in Appendix 10.7 [APP-186] which BWB (the	To clarify, the 'with mitigation' maximum noise level assessment does not include a 10 dB reduction as a result of plant selection.	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>appointed acoustics consultants) say proves that a 10 dB reduction can be afforded to sound levels from the crane through equipment selection.</p> <p>However, analysis of the 'proof of evidence' shows that there is no evidence of this at all. The 'proof of evidence' document just states that a 10 dB reduction can be afforded but doesn't offer any data to verify this.</p> <p>The applicant should provide numerical evidence, ideally empirical, of a 10 dB reduction. Otherwise, this statement and assessment should be removed from the overall submission and the detrimental impacts should be revised.</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> <p><b><i>"10.314 The <math>L_{AF,max}</math> level as a result of reach stackers and/or cranes handling containers has been recalculated with the proposed acoustic barriers mitigation in place. The <math>L_{AF,max}</math> has been calculated for those receptors where an exceedance of the criteria was predicted. The results are shown below in Tables 10.61."</i></b></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</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
			<p>maximum noise levels associated with spreader impact and container placement.</p> <p>Detail on this and the 10dB reduction afforded to electric gantry cranes was provided at deadline 3 (document reference 18.7.6 REP 3-061).</p> <p>The Applicant is currently seeking further data from the gantry crane manufacturer to further demonstrate potential noise reduction.</p>	
3.	Operational Phase Noise Assessment of Off-site Road Traffic – inclusion of committed development traffic and the cumulative effect on assessment	<p>In addition, predicted development contributions have been assessed against a baseline+committed development scenario and therefore, no cumulative assessment in accordance with IEMA guidance has been undertaken.</p> <p>The baseline data should not include any committed or development flows to enable</p>	<p>Including committed developments within the baseline traffic scenarios is a widely accepted approach when assessing the noise impacts from development generated road traffic on the wider road network.</p> <p>This methodology has been adopted for noise assessments undertaken to support the</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>cumulative or 'in combination' impacts to be determined. Assessing the proposed development against a committed scenario may significantly underestimate cumulative impacts on sensitive receptors.</p> <p>The applicant has ignored cumulative assessment and subsequently, underestimated impacts on sensitive receptors.</p> <p>When considering each section of guidance individually, the significant impact could be easily overlooked.</p> <p>Furthermore, even with the mitigation measures in place, a Significant Adverse impact is still predicted and, in accordance with the NPSE, this would be classified as a Significant Observed Adverse Effect Level which should be avoided.</p>	<p>following DCO applications for rail freight interchanges; West Midlands Interchange; Northampton Gateway; and Oxfordshire SRFI.</p> <p>The applicant has not ignored the cumulative assessment. It is set out in paragraphs 10.350 to 10.353. Furthermore, Document 6.3.10.15 shows the sound propagation across the site as a result of noise from the A47 link road and operational noise associated with the HNRFI. This includes the gantry cranes without any reduction applied to the noise level.</p> <p>A cumulative assessment has been undertaken, of all operations associated with the HNRFI, which includes a 10dB reduction for the gantry cranes. This is detailed in the Noise and Vibration Chapter Document</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>However, when considering all impacts collectively, it cannot be ignored that the proposals are completely alien to this environment and if the only suggestions put forward by the applicant are for onerously high acoustic barriers immediately adjacent to residential receptors, then the Site is fundamentally unsuitable.</p>	<p>Reference 6.1.10A , Paragraph 10.312.</p> <p>When considering the built-out development, with the exception of NSR1, receptors are unlikely to be affected by multiple sources, mainly the A47 link and HNRFI, to a point where significant effects from the cumulative impact are likely:</p> <ul style="list-style-type: none"> <li>• For receptors to the north of the rail port, noise from the rail freight interchange will influence the future noise climate over the A47 link road.</li> <li>• For receptors to the east of the rail spur, noise from the rail spur and service yard activities will influence the future noise climate, with the development itself providing screening from the A47 and rail interchange.</li> </ul>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
			<ul style="list-style-type: none"> <li>• For receptors to the west of the A47 link road, the future noise climate will be influenced by road traffic on the A47 link road which will mask noise from service yard activities and the rail interchange.</li> <li>• For receptors to the south of the M69, the future noise climate will continue to be influenced by road traffic on the M69 which will likely mask noise from service yard activities.</li> </ul> <p>Further detail has been provided around this point at Deadline 4, which includes a cumulative assessment for NSR1.</p>	
4.	Operational Phase Noise and Vibration Assessment - Residual Impacts	The applicant has tried to use unjustifiable context to state that the Site will not have a detrimental impact on residential amenity.	BS4142:2014, Section 11 states that <i>'when making assessments and arriving at decisions, therefore, it is essential to place the sound in context'</i> .	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>The applicant has removed acoustic character corrections within the mitigation scenario, thereby only assessing specific levels rather than the rating level required under British guidance, which 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 that need to be attributed to the noise source, and should be applied to the specific level to form the rating level.</p> <p>It is not agreed that the mitigation would remove any impulsive elements of the scheme and in any event, the noise will be audible to local residents and therefore, a character correction of 3dB for 'other' should be applied in accordance with BS 4142.</p>	<p>As stated in the Noise and Vibration Chapter Document Reference 6.1.10 Revision 07, Paragraph 10.161, 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.</p> <p>With mitigation in place, it is further noted in paragraph 10.288 that <i>'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'</i>.</p> <p>Notwithstanding the above, through discussions with BDC and HBBC, a sensitivity analysis has been undertaken where 3dB penalty for operational</p>	



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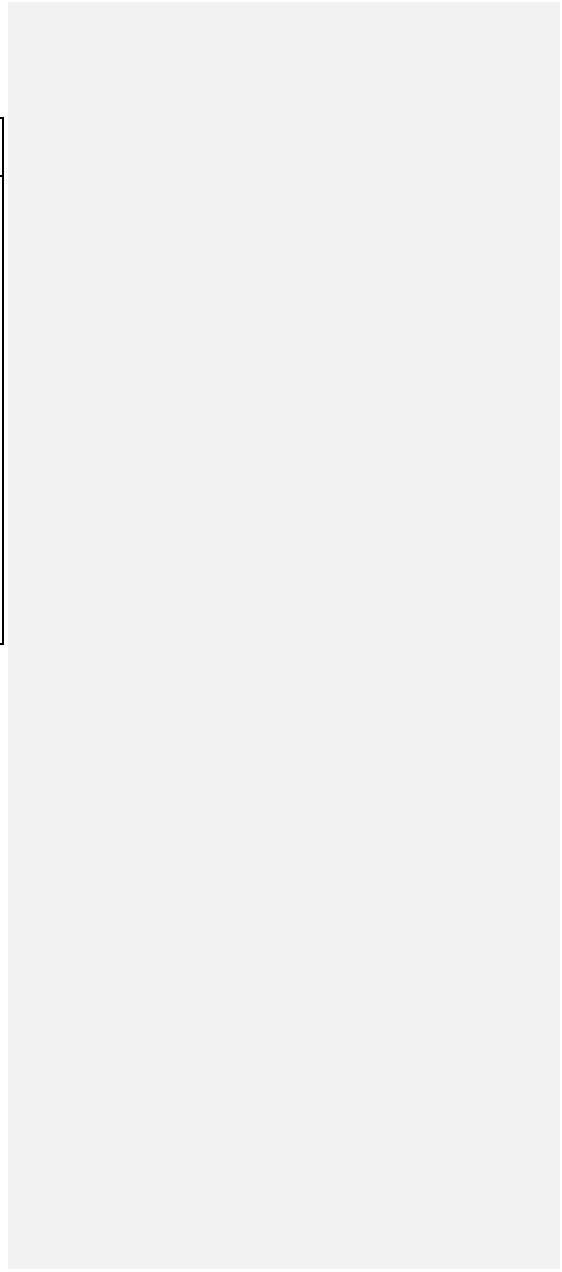
No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>Furthermore, the purpose of contextual considerations is not simply to compare impacts against the ambient level. Indeed, if this was the case then there would be no point in assessing against BS 4142. The impact from the site would be clearly distinguishable from the current environment and therefore, the Significant Adverse Impacts from the BS 4142 assessment should not be ignored.</p>	<p>noise associated with the HNRFI has been applied. This sensitivity analysis concludes that with the implementation of acoustic barriers, the resultant effects at nearby NSRs are not significant.</p>	
5.	Operational Noise and Vibration Assessment - deliverability of the acoustic barriers	<p>Deliverability of the acoustic barriers. Particularly around Aston Firs and Wood Field Stables caravan sites as it appears to conflict with principles of retaining existing vegetation to prevent impacts on residential and visual amenity. See Highway Plan sheet 4 [APP-025], Arboricultural Impact Assessment (tree retention and removal plan sheets 33 and 38) [APP-194] and Acoustic Barrier Locations [APP-279].</p>	<p>Sections drawings have been provided at Deadline 4 showing the relationship between acoustic barriers and existing vegetation at Aston Firs.</p> <p>The location of the acoustic barrier around Aston Firs has been revised to take into account of existing vegetation. This revised location has been modelled which indicates that the results of the noise and vibration assessment remain valid.</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>There is also a question on whether these acoustic barriers have been considered in respect of root protection areas of retained vegetation – see tree G395 to north of Aston Firs sites as an example which indicates relationship between acoustic barriers and vegetation in general has not been considered.</p>		
6.	Operational Noise and Vibration Assessment - Summary and Conclusions	<p>The overall summary and conclusions cannot be agreed upon until the matters raised above are dealt with.</p>	<p>The summary and conclusions remain accurate.</p> <ul style="list-style-type: none"> <li>As set out in Chapter 10 Noise and Vibration (document reference: 6.1.10, APP-119), noise associated with the operational phase of proposed development has been considered at nearby receptors, which has included noise associated with fixed plant and break-out noise from units, HGV loading/unloading activities, SRFI operations, additional train movements, the A47 link road and additional road</li> </ul>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
			<p>traffic. The results of the assessment indicate that with mitigation in place, noise levels are predicted to fall below the Significant Observed Adverse Effect Level at the majority of nearby receptors in the assessments undertaken. A Significant Observed Adverse Effect Level is predicted at NSR1, however, mitigation has been recommended to reduce the noise levels as much as practicable.</p>	



12. AGREEMENT ON THIS SOCG

This Statement of Common Ground has been jointly prepared and agreed by:

Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Position: \_\_\_\_\_  
On behalf of: **Tritax Symmetry (Hinckley) Limited**  
Date: \_\_\_\_\_

Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Position: \_\_\_\_\_  
On behalf of: **Hinckley and Bosworth District Council**  
Date: \_\_\_\_\_