

Application by Tritax Symmetry (Hinckley) Limited for Hinckley National Rail Freight Interchange Project

The Examining Authority's written questions and requests for information (ExQ2)

Issued on 19 January 2024

The following table sets out the Examining Authority's (ExA's) written questions and requests for information – ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues also published today. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact HinckleySRFI@planninginspectorate.gov.uk and include 'Hinckley NRFI ExQ2' in the subject line of your email.

The date for responses is **9 February 2024**.

Abbreviations used

BDC	<i>Blaby District Council</i>	LIR	<i>Local impact report</i>
BoR	<i>Book of Reference</i>	LPA	<i>Local planning authority</i>
CA	<i>Compulsory Acquisition</i>	NE	<i>Natural England</i>
CEMP	<i>Construction Environmental Management Plan [APP-359]</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
DCO	<i>Development Consent Order</i>	NPSNN	<i>National Policy Statement for National Networks</i>
dDCO	<i>Draft DCO [REP2-010]</i>	PA2008	<i>Planning Act 2008 (as amended)</i>
EA	<i>Environment Agency</i>	PMA	<i>Property Market Area</i>
EM	<i>Explanatory Memorandum [REP2-012]</i>	PRoW	<i>Public Right of Way</i>
ES	<i>Environmental Statement</i>	REAC	<i>Register of Environmental Actions and Commitments</i>
ExA	<i>Examining authority</i>	SoCG	<i>Statement of Common Ground</i>
HBBC	<i>Hinckley and Bosworth Borough Council</i>	SoS	<i>Secretary of State</i>
LCC	<i>Leicestershire County Council</i>	TA	<i>Transport Assessment [AS-016]</i>
LEP	<i>Local Enterprise Partnership</i>	TP	<i>Temporary Possession</i>
LLEP	<i>Leicester & Leicestershire Economic Partnership</i>	WCC	<i>Warwickshire County Council</i>

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained at this [link](#).

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ2.1.1 – refers to question 1 in this table.

ExQ	Question to:	Question:
2.0	General and Cross-Cutting Questions	
2.0.1.	All interested parties	<p>Revised National Planning Policy Framework In December 2023 a revised version of the National Planning Policy Framework was published. All Interested Parties are given the opportunity to make representations on how any changes affect consideration of the Proposed Development.</p>
2.0.2.	All interested parties	<p>Submission of documents A number of interested parties have provided hyperlinks to other documents outside their submissions in response to questions raised. Annex H of the Rule 6 letter [PD-005] and PINS Advice Note 8.4 make clear that submissions must not include hyperlinks. This is because the Examining Authority, Interested Parties and the Secretary of State cannot rely on documents /evidence that the Inspectorate cannot directly control in respect of availability and content (including from a UK General Data Protection Regulation perspective).</p> <p>All parties are asked to review their submissions and, where necessary, provide copies of the information sought, indicating the relevant document(s) (using the Examination Library reference) and the location within that document to allow accurate identification.</p>
2.0.3.	HBBC	<p>Potential development in vicinity At First Written Questions the ExA asked “Could the Local Authorities indicate whether they agree with the Applicant's assertion in paragraph 3.188 (Planning Statement) that no proposals have been identified in the development plan or emerging development plans (noting the submission of Parker Strategic Land and others [REP3-143] and Barwood Development Securities Limited and Ms Jennifer Taylor [REP3-144] referenced that which would be precluded by the project. If not, could they set out information as necessary.”</p>

ExQ	Question to:	Question:
		<p>The Council replied that this was regarding heritage and declined to answer the question. For the avoidance of doubt the relevant paragraph 3.188 from the Planning Statement [APP-347] reads;</p> <p>No proposals have been identified in development plan (either in Blaby District or Hinckley and Bosworth Borough) which would be precluded by the HNRFI. The Main HNRFI Site is not notated on the Proposals Map within Blaby District for development, and comprises open countryside. The Borough Wide Policies Map for the Hinckley and Bosworth Site Allocations and Development Management Policies DPD identifies the land between the administrative boundary of Blaby District and the B4468 being part of a Green Wedge between the urban edge of Hinckley and Burbage and Barwell.</p> <p>Could HBBC indicate whether they agree with the Applicant's assertions?</p>
2.0.4	The Applicant Local Authorities	<p>Planning Obligation</p> <p>a) Could the Applicant please ensure that the full text of the draft Obligation (that is including the Appendices) is provided.</p> <p>b) Could the Local Authorities please comment on any draft Obligations that they seen, but have not as yet been submitted into the Examination, as well as those they have been submitted.</p>

ExQ	Question to:	Question:
2.1.	Air Quality and Emissions	
The ExA has no questions about this topic at this time.		
2.2.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))	
The ExA has no questions about this topic at this time.		
2.3.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
2.3.1.	NH The Applicant	<p>Plots 65 and 90 In its D3 submission [REP3-137], NH indicates that it objects to the CA of these plots but indicates that it would be willing to enter into suitable agreements with the Applicant to allow the proposed works to be undertaken. In addition, in relation to Plot 65, F & J Gent [REP3-115] indicates that the land to the east of M69 drains through this culvert, adding to NH's concern.</p> <p>c) Could NH confirm whether these "suitable agreements" would be protective provisions secured under the DCO or would another method be required? If not, what would this be and what other changes would be required to the dDCO and associated documents?</p> <p>d) Could the Applicant please set out, without prejudice to its case that the use of the plots is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the CA of these plots was not justified.</p>
2.3.2.	NH The Applicant	<p>Plots 66 and 98 In its D3 submission [REP3-137], NH indicates that it objects to the CA of these plots but indicates that it would be willing to enter into suitable agreements with the Applicant to allow the proposed works to be undertaken.</p>

ExQ	Question to:	Question:
		a) Could NH confirm whether these “suitable agreements” would be protective provisions secured under the DCO or would another method be required? If not, what would this be and what other changes would be required to the dDCO and associated documents? b) Could the Applicant please set out, without prejudice to its case that the use of the plots is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the CA of these plots was not justified.
2.3.3.	NH The Applicant	<p>Plot 61 In its D3 submission [REP3-137], NH indicates that it objects to the TP of this plot but indicates that it would be willing to enter into suitable agreements with the Applicant to allow the proposed works to be undertaken.</p> a) Could NH confirm whether these “suitable agreements” would be protective provisions secured under the DCO or would another method be required? If not, what would this be and what other changes would be required to the dDCO and associated documents? b) Could the Applicant please set out, without prejudice to its case that the use of the plot is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the TP of this plot was not justified.
2.3.4.	NH The Applicant	<p>Plots 39, 54, 67, 71, 84, 101, 101a, 102, 103 and 104 In its D3 submission [REP3-137], NH indicates that it objects to the interference, suspension or extinguishment of rights upon CA where NH benefits from rights of access and maintenance rights.</p> a) Could NH indicate the rights it holds in relation to each plot individually and set out how the CA of each plot would affect its undertaking. b) Could NH confirm whether, with appropriate protective provisions secured under the DCO, this would protect its interests in relation to these plots.

ExQ	Question to:	Question:
		<p>c) Could the Applicant confirm whether it believes the Proposed Development could be delivered by the CA being amended so as to exclude the CA of these rights, while compulsorily acquiring all other rights. This may need to be set out by individual plot.</p> <p>d) Could the Applicant please set out, without prejudice to its case that the use of the plot is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the CA of:</p> <ul style="list-style-type: none"> (i) these rights; and/ or (ii) each plot <p>was not justified.</p>
2.4.	Cultural Heritage	
The ExA has no questions about this topic at this time.		
2.5.	Draft Development Consent Order (dDCO) [REP4-027] & Explanatory Memorandum [REP4-029]	
2.5.1.	BDC	<p>Schedule 2, Requirement 10 – Provision of Rail Freight Terminal</p> <p>The Applicant proposes that the construction and occupation of up to 105,000 square metres (m²) of logistics floorspace prior to the Rail Port (Phase 1) becoming operational as set out within the submitted Planning Statement (Document reference: 7.1 paragraphs 3.113 – 3.117, paragraphs 3.124 – 3.126) and included within Requirement 10.</p> <p>The ExA notes the provision of paragraph 4.86 of the draft NPSNN which states: the Secretary of State recognises that applicants may need to deliver warehousing ahead of the final delivery and commissioning of connections to the rail network coming forward. In these circumstances the Secretary of State will want to ensure that operational rail connections are brought forward in a timely manner, which may include using requirements that secure</p>

ExQ	Question to:	Question:
		operational rail connections after a specified period and/or before a development threshold is reached. This being the case and accepting precedents from other similar proposals, does BDC agree the requirement as proposed by The Applicant is acceptable?
2.5.2.	The Applicant	Schedule 2, Requirement 11 – Container stack height Could the Applicant please explain how the height of container stacks relate to “finished floor level”, when all are to be located outside? This relates to both the container storage area and the container returns area. Would an alternative reference point be more appropriate?
2.5.3.	BDC HBBC	Schedule 2, Requirement 19 - Green Space In response to concerns over the provision of green space, the Applicant at D4 has submitted a Landscape Ecological Management Plan (document 17.2A) and green space provision will be secured by Requirement 19. Can BDC and HBBC confirm they are happy with the approach set out and the Requirement?
2.5.4.	The Applicant BDC	Schedule 2, Requirement 21 – Landscape Scheme The Applicant’s response to D3 submissions by BDC indicates that Requirement 21 is to be revised to meet BDC’s concerns. Could the parties indicate if agreement has been reached, and if not both parties should provide their alternative draftings, explaining why their draft is to be preferred.
2.5.5.	The Applicant	Schedule 2, Requirement 27 – Acoustic barriers This Requirement would ensure that the acoustic barriers are constructed within the phase in which they are located. However, the drafting would not ensure that acoustic barriers were in place to mitigate the noise sources they are designed to mitigate should the noise source be outside the phase which the acoustic barrier is located, and the noise source generate noise before the acoustic barrier is constructed.

ExQ	Question to:	Question:
		The Applicant is asked to re-draft this Requirement so to ensure that the acoustic barriers are completed before the noise sources they are designed to mitigate generate noise (whether during construction or operationally).
2.5.6.	Local Authorities	Schedule 2, Part 2 – Fees The Applicant has finalised its drafting of these provisions. Could the Local Authorities indicate whether they are content with this. If not, could they please provide alternative drafting, explaining why they consider this should be preferred.
2.5.7.	The Applicant	Schedule 2, Part 2 – Fees At ISH1 the Applicant indicated that it was considering a response to matter 33 as set out in Annex F(i) of the Rule 6 letter [PD-005] . The latest drafting has not moved matters on, and the Applicant is asked to consider this further. That this drafting has been used before does not resolve the criticism raised.
2.5.8.	Statutory undertakers	Schedule 13 – Protective provisions All statutory undertakers are asked to consider the drafting applicable to them in this Schedule. If they are not content with the drafting they are asked to set out: a) why they consider the drafting deficient; and b) set out alternative drafting which would satisfy them, explaining it and how it would resolve their issue.
2.6.	Landscape and Visual	
The ExA has no questions about this topic at this time.		
2.7.	Need	
2.7.1.	Ms Sharon Scott	Alternative sites In your D4 submission [REP4-199] , you refer to the Leicester and Leicestershire Strategic Distribution Sector Study (November 2014), and that it fails to provide any evidence to support the contention that most existing logistics sites cannot be rail-linked. You state “I have sought independent advice confirming that a rail link between Magna Park and WCML

ExQ	Question to:	Question:
		would be prima facie viable. (I cannot provide the document as it was prepared specifically for my personal use.)” Please could you supply the supporting evidence, as without it your statement would represent assertion rather than evidence.
2.7.2.	The Applicant	Logistics Supply and Demand Study BDC in response to ExA’s first written questions at section 1.7.12 on the Logistics and Demand and Supply study state, “... It includes a ‘suppressed demand’ factor which looks to uplift the future need to compensate for past low vacancy. Whilst the merits of this are broadly understood, the methodology does not comply with the NPPF or PPG and it is not clear how low vacancies of up to a decade in the past should feed into future demand based requirements. It also seems disingenuous that the applicant’s demand assessment only includes suppressed demand but not oversupply periods”. Could the Applicant respond to this point?
2.7.3.	The Applicant	Logistics Supply and Demand Study Can the Applicant provide a reconciliation between the employment ‘impact area’ and the Functional Economic Market Area / Housing Market Area.
2.7.4.	The Applicant	Great British Railways Transition Team Report December 2023 [REP4-105] Can the Applicant comment on the viability of the proposed Development in light of feedback of Trade Associations on page 12 of the Great British Railways Transition Team report submitted at D4, where it submits a trade association reports that it no longer uses rail freight because of the cost of loading and unloading, and that rail freight has high fixed costs, requires high volumes of goods and return on investment takes a long time.
2.7.5.	The Applicant	Great British Railways Transition Team Report December 2023 [REP4-105] In the same document responses to Q1, Do any terminals or facilities you presently occupy have a rail connection but do not receive rail traffic? Response themes to the question refer to

ExQ	Question to:	Question:
		facilities in West Midlands, East Midlands and the South East. Please could the Applicant comment on this?
2.8.	Noise and Vibration	
2.8.1.	The Applicant	<p>Design of Buildings to Reduce Noise Can the Applicant explain whether consideration been given to the design of buildings within the service yards, including rail served warehousing, to enable a reduction in noise emitted during the operation of the Proposed Development.</p>
2.8.2.	The Applicant	<p>Noise on Hinckley Road and Stanton Lane The Applicant's response to deadline 3 submissions [Appendix C - Update to Development Generated Road Traffic Noise Assessment [REP4-132]] indicates that there would be increases in noise levels between the LOAEL and SOAEL on these roads. The update then considers two potential mitigations (barriers and low noise surface) but considers them not to be appropriate or effective.</p> <p>a) What analysis was undertaken of reducing the speed limit, and thus tyre and engine noise, to provide potential mitigation? b) If none was undertaken, could the Applicant please undertake this, report the results and consider whether such an action would be appropriate?</p>
2.9.	Socio-economic effects	
2.9.1.	The Applicant	<p>Burbage Common Extension Could the Applicant provide an update on the discussions with BDC and HBDC regarding the expansion of Burbage Common Country Park.</p>
2.9.2.	The Applicant	<p>Hinckley Lane and Aston Firs Travellers Sites Could the Applicant clarify whether the impact of the proposed acoustic fence to be provided on the site access from Hinckley Interchange has been assessed for the effect on the adjacent Travellers sites as part of the Health Impact Briefing, and if so, what were the conclusions and is there any further mitigation to be provided?</p>

ExQ	Question to:	Question:
2.9.3.	The Applicant	<p>Skills and Training Plan</p> <p>The draft Planning Obligation only provides a placeholder for the Skills and Training Plan. The ExA requests that the Applicant provides the latest text, indicating where any discussions are taking place with the Local Authorities.</p> <p>In the absence of this being completed, the Applicant is reminded that this was included as a draft Requirement, and that the alternative to a completed Planning Obligation would be to reinstate this Requirement.</p>
2.10.	Geology and Soil	
The ExA has no questions about this topic at this time.		
2.11.	Traffic and Transport	
2.11.1.	The Applicant NH LCC WCC	<p>Furnessing</p> <p>The Applicant states that additional surveys have been undertaken at the relevant junctions to allow for confirmation of traffic flows utilising the agreed furnessing methodology.</p> <p>a) Can the Applicant set out those junctions where surveys have taken place and when the surveys will report.</p> <p>b) Can the Applicant, NH and LCC please set out their respective positions on this matter including what the implications are for the overall modelling and when final positions are likely to be identified?.</p>
2.11.2.	The Applicant NH LCC	<p>PRTM Reviews</p> <p>The Applicant indicates that “Sharepoint and full models previously shared with schedule of inputs and dates. A full schedule was shared with the TWG on the 23.11.23”.</p> <p>Could the parties provide their understandings of the latest positions as to whether the model is agreed, and if not, when final positions are likely to be identified?</p>

ExQ	Question to:	Question:
2.11.3.	The Applicant	<p>Response to Road Safety Audit Following the Road Safety Audit, the ExA notes that the Applicant has made various changes to the Proposed Development. Is the Applicant intending to revise the Geometric Design Strategy Record [REP3-005] to take account of these changes? If so, could they please be provided. If it is not the Applicant's intention so to do, could it please explain why?</p>
2.11.4.	NR	<p>NR's Rail Report NR provided the latest version of the Rail Report at D4 [REP4-192]. This was usefully in 'tracked change' from the previous version. However, could it also be provided as a 'clean' version, that is with all the changes accepted.</p> <p>Should NR produce any further version(s) of the document they should be provided in both 'tracked change' from the previous version and as 'clean' document.</p>
2.11.5.	NR	<p>Narborough Level Crossing Could NR set out what would be the minimum 'clear' time for the Narborough Level Crossing. In other words, what is the minimum time between when the barriers would rise and the beginning of the warning siren/ lights indicating that the barriers are to close, so as to mean that the barrier would not be raised, but rather would remain down awaiting the next train path.</p>
2.11.6.	NR	<p>Narborough Level Crossing In its Rail Report NR [REP4-192] refers to a "rail industry barrier down time limits for a town centre level crossing down time of 40 minutes maximum".</p> <p>a) Could NR please set out the derivation of this figure. b) The implication of the answer is that there are different times in different locations. Could NR please set out a comprehensive list of all such situations and, if there are any defined criteria for identifying such locations set these out.</p>

ExQ	Question to:	Question:
2.11.7.	Friends of Narborough Station	<p>Narborough Level Crossing In its D3 submissions the Friends of Narborough Station indicate that it considers that barrier down times “will be up to 40 minutes per hour” [REP3-116]. Could the Friends of Narborough Station set out, in a step-by-step analysis, how they have made this estimate.</p>
2.11.8.	The Applicant	<p>Narborough Level Crossing Could the Applicant confirm whether it agrees with the following propositions: c) The greatest effect of the Proposed Development on traffic queues is generally for road traffic heading north from Littlethorpe towards Narborough? d) The greatest effect of the Proposed Development on traffic queues takes place between 12:03 and 12:39 hours, between 16:01 and 16:16 hours, and between 16:59 and 17:17 hours? This effect being that the queues have not dissipated by the beginning of the next closure cycle.</p>
2.11.9.	The Applicant	<p>Narborough Level Crossing Based on the data provided as explained in Annex 1, the ExA has calculated the times when the Narborough Level Crossing is closed. Could the Applicant please confirm whether it agrees with these figures. If not, could it set out in a similar table what it believes the timings will be.</p>
2.11.10.	The Applicant NR	<p>Nuneaton to Leicester line Various representations have made comment about the lack of passing loops and similar facilities along this length of railway line. The provision of the Proposed Development would provide off and on facilities at the Application site bypassing the main line.</p> <p>a) While appreciating that the site would be private, could the Applicant and NR please provide views as to whether the facilities on the site could be used to relocate disabled trains off the main line should trains break down. b) If the Applicant is amenable to such a provision, could it set out how such a facility could be provided, and provide appropriate wording within the dDCO or associated documents to secure this.</p>

ExQ	Question to:	Question:
2.11.11.	NR The Applicant	<p>Potential Passenger Station near site NR indicates [REP4-192] that one of the reasons why a passenger station could not be provided in the vicinity of the Application site is the gradient and the implications for the overall line. The Applicant in its response to Action Groups (response 14) notes that “the rail terminal design includes a virtually flat (at no more than 1:500 gradient in accordance with Network Rail standards)”.</p> <p>Could NR please set out the maximum gradient for platforms at passenger trains at stations and why, if this is no greater than 1:500, can this be provided for the Proposed Development but not a passenger service on the same stretch of line given the need to tie the Proposed Development into the main line?</p> <p>The Applicant is also given the opportunity to comment on this.</p>
2.11.12.	NR	<p>Potential Passenger Station near site In its Rail Report submitted at D4 in paragraph 9.3.3 [REP4-192] NR refers to an “hourly stopping service”. Interested parties to the Examination have repeatedly referred to the passenger service between Nuneaton and Leicester being increased in frequency to two trains per hour. Could NR comment on whether this is the case, and if so, what implications it may have as regards any business case for a station near the Application site.</p>
<p>2.12. Water Environment and Flood risk</p>		
<p>The ExA has no questions about this topic at this time.</p>		

Annex 1 - ExQ2.11.9

In the Applicant's Written Statement of Oral Case ISH2 [Appendix H - Narborough Level Crossing Traffic Modelling] [REP3-053] the Applicant has provided two pieces of information.

Appendix 1 sets out the Narborough Level Crossing survey and Table 6 the Proposed Additional Train times. Combining the data in Appendix 1 for Wednesday 11 October 2023 (said to be the 'worse case') with Table 6, the ExA has calculated the following crossing closure times in individual hours. It is appreciated that some closures are over the change in hours, this has been defined by the time at the beginning of the closure. These are set out in hours, minutes and seconds (hh:mm:ss).

Hour	Surveyed Downtime	Revised Downtime	Difference
02:00 to 03:00	00:02:58	00:02:58	00:00:00
04:00 to 05:00	00:03:51	00:03:51	00:00:00
05:00 to 06:00	00:06:30	00:06:30	00:00:00
06:00 to 07:00	00:15:40	00:18:11	00:02:31
07:00 to 08:00	00:20:45	00:20:45	00:00:00
08:00 to 09:00	00:15:35	00:15:35	00:00:00
09:00 to 10:00	00:12:13	00:14:44	00:02:31
10:00 to 11:00	00:23:15	00:23:15	00:00:00
11:00 to 12:00	00:11:32	00:16:34	00:05:02
12:00 to 13:00	00:20:18	00:20:33	00:00:15
13:00 to 14:00	00:13:39	00:18:41	00:05:02
14:00 to 15:00	00:12:08	00:14:39	00:02:31
15:00 to 16:00	00:22:51	00:25:22	00:02:31
16:00 to 17:00	00:17:20	00:22:20	00:05:00
17:00 to 18:00	00:14:47	00:17:18	00:02:31
18:00 to 19:00	00:16:29	00:16:29	00:00:00
19:00 to 20:00	00:11:36	00:14:30	00:02:54
20:00 to 21:00	00:13:14	00:16:25	00:03:11
21:00 to 22:00	00:20:06	00:20:14	00:00:08
22:00 to 23:00	00:08:41	00:13:36	00:04:55
23:00 to 00:00	00:11:15	00:11:15	00:00:00
TOTAL	4:54:43	5:33:45	00:39:02

