

Application by Tritax Symmetry (Hinckley) Limited for an Order granting Development Consent for the Hinckley National Rail Freight Interchange

The Examining Authority's Schedule of Proposed Changes to the draft Development Consent Order (dDCO)

Issued on 19 January 2024

This document sets out the Examining Authority's (ExA) proposed changes to the latest version of the Applicant's dDCO submitted at Deadline 4 of the Examination [[REP4-027](#)] and is issued without prejudice the ExA's overall recommendation to the Secretary of State.

Reference	ExA's suggested changes	ExA's comments
General		
Drafting guidance	When the dDCO is finalised, all internal references, statutory citations and references and legal footnotes should be checked and updated as required. Drafting should be reviewed to follow best practice in Planning Inspectorate Advice Notes 13 and 15 and guidance on statutory instrument drafting from the Office of the Parliamentary Counsel (June 2020).	
Drafting	The Final DCO to be submitted in PDF by the Applicant at Deadline 7 (27 February 2024) must be accompanied by a MS Word copy in the SI template with the SI template validation report confirming that it is in accordance with the format for the official draft SI template and has passed through the draft SI checker. All outstanding format issues must be addressed before submission and the Applicant must submit the checker reports to show that this has been done by Deadline 7.	
Use of "and/ or"	Check use of "and/or"; this is not considered to be suitable for statutory instruments.	
Explanatory memorandum	A robust justification should be provided in the Explanatory Memorandum for each Article and Requirement in the dDCO,	

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	explaining why the inclusion of the power or requirement is necessary, proportionate to the novelty or controversy relating to the provision. Account should be taken of equivalent provisions in made DCOs, recognising that practice has evolved and the model provisions set out in the infrastructure regulations may no longer be relevant.	
Articles		
25	Replace sub-paragraph (2) with: "The undertaker must not under this Order acquire or take temporary possession under Articles 34 and 35 of a total of more than 200 square metres of common land."	To make clear in one location the maximum quantum of common land that can be affected by the Proposed Development.
26	Delete the phrase "any contractors, servants or agents of the Undertaker".	This is unnecessary.
34	Delete sub-paragraph (14)	In light of change to Article 25.
35	Delete sub-paragraph (12)	In light of change to Article 25.
39	Delete provision.	This provision is unnecessary.
50	Replace sub-paragraph (4) with: (4) The undertaker must liaise with the relevant planning authority to ensure that: (a) as soon as practicable following the making of this Order, a copy of each of the documents listed in Schedule 15 is included under Part 2 of the local planning register as if this Order were a planning permission granted under the 1990 Act ¹ ; and (b) a register of those requirements contained in Part 1 of Schedule 2 of this Order (requirements) that provide for further approvals to be given by the relevant planning	To ensure that a copy of any made Order and any approvals of requirements are included within the local planning register and thus within the public domain.

¹ Please ensure relevant updating references are provided.

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	<p>authority is included within the local planning register under Regulation 40 of The Town and Country Planning (Development Management Procedure) (England) Order 2015² as if each requirement were a condition of a planning permission granted under the 1990 Act; and</p> <p>(c) the reference number, the date and the effect of any decision of the Secretary of State of an appeal under paragraph 4 of Part 2 of Schedule 2 of this Order is included within the local planning register under Regulation 40 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</p>	
Schedules		
Schedule 2, Part 2	<p>In paragraph 4:</p> <p>(i) Delete sub-paragraph (3).</p> <p>(ii) In sub-paragraphs (8) and (9) replace “is to” with “may”.</p> <p>(iii) In sub-paragraph (13) replace “On application by the discharging authority or the undertaker, the” with “The”, and “Planning Practice Guidance published by the Department for Communities and Local Government on 6th March 2014 or any circular or” with “Planning Practice Guidance”.</p>	<p>(i) To allow the appointed person flexibility to make a decision and to ensure natural justice.</p> <p>(ii) To allow the appointed person flexibility and to ensure natural justice.</p> <p>(iii) To allow the appointed person to make a costs award on their own volition as well as in response to application, and for simplicity.</p>
Requirements		
New Requirement after 2	<p>Securing land</p> <p>No commencement of construction works shall take place until details showing that the freehold ownership, with the exception of rights held by Network Rail and Leicestershire County Council, of</p>	To ensure that the site would be comprehensively developed as a Nationally Significant Infrastructure

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	Plots 13, 15a, 22, 22a, 24, 25, 26, 27, 28, 31, 32, 33, 34, 37, 39, 71, 72 and 73 as shown on the land plans has been transferred to the undertaker, or to any other undertaker permitted by the Secretary of State pursuant to Articles 7 or 8 of this Order, has been submitted to and agreed in writing by Blaby District Council.	Project, and to ensure that all relevant provisions can be delivered. Blaby District Council to be the approving body as the majority of the relevant plots are within its administrative area and this needs to be approved as a whole.
Requirement 8	In (2): (i) After second sentence "site wide travel plan" add "and include provisions for promoting the travel plan across the occupiers work force for the site". (ii) Replace last sentence with: "Each occupier must monitor the operation of the occupier specific travel plan for the period of their occupation."	To ensure that travel plan obligations continue throughout the occupation rather than for five years only and that sustainable travel methods are continuously promoted to encourage take up.
Requirement 10	Add at end: "The rail infrastructure shall thereafter be retained in a condition suitable for use."	To ensure that the rail aspects of the Proposed Development are retained as part of the overall proposal.