

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Applicant's Responses to ExA's Further Written Questions

Document reference: 18.16

Revision: 01

9 February 2024

Planning Act 2008

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

General and Cross-Cutting Questions

| EXQ | Question to: | Question | Applicant's Response |
|--|------------------------|--|--|
| 2.0 General and Cross-Cutting Questions | | | |
| 2.0.1. | All interested parties | <p>Revised National Planning Policy Framework</p> <p>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> | <p>The Applicant updated the Planning Statement at Deadline 4 (document reference: 7.1B, REP4-087) to account for the revised version of the National Planning Policy Framework (NPPF). The NPPF December 2023 does not raise new policy that may be considered important and relevant to the decision of the DCO.</p> |
| 2.0.2 | All interested parties | <p>Submission of documents</p> <p>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> | <p>The Applicant has reviewed its submissions and has no further copies of information to submit in relation to hyperlinks.</p> |
| 2.0.4 | The Applicant | Planning Obligation | <p>a) The Applicant apologises for the omission of the appendices at Deadline 4. A draftS106</p> |

General and Cross-Cutting Questions

| EXQ | Question to: | Question | Applicant's Response |
|-----|-------------------|--|---|
| | Local Authorities | <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 see but have not as yet been submitted into the Examination, as well as those they have been submitted.</p> | <p>Agreement and draft Unilateral Undertaking and associated appendices are submitted at Deadline 5 (document reference: 9.1B and 9.2). Updated draft Heads of Terms set out in the S106 and Unilateral Undertaking are also submitted at Deadline 5 (document reference 10.1B and 10.2).</p> <p>b) The ExA will recall some discussion at ISH6 in respect of ongoing negotiations on the s106 Agreement. Since that hearing it has become clear that the Applicant and LCC will not be in a position to agree the s106 provisions relevant to the County. LCC has made it clear to the Applicant that it will not enter into a bi-lateral agreement where its s106 requests are not agreed. The Applicant does not agree to LCC's request for a significant financial contribution to Desford Crossroads on the basis of the minor impact at that junction and it is now proposed that the County provisions are secured through a Unilateral Undertaking. There will then be a separate bi-lateral agreement with both BDC and HBBC. To assist the ExA, the Applicant has included at Appendix A (S106 Table) (document reference: 18.6.1) a table explaining each obligation and the parties' positions on them.</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response |
|---|---------------------|---|--|
| 2.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations | | | |
| 2.3.1. | NH The Applicant | <p>Plots 65 and 90</p> <p>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> | <p>The Applicant has attempted on numerous occasions to discuss arrangements for voluntary land agreements and rights with NH in respect of all plots within this series of ExQ2.3. but still awaits a meaningful response from NH. NH has recently (7 February) indicated that whilst clarification is awaited, it understands and accepts the Applicant's position and is hopeful that its standing objection to the proposed powers can be withdrawn. NH accepts that there are no proposed powers over the SRN. It has further confirmed to the Applicant that it does not object to the compulsory acquisition of land where NH is the freeholder but the land is within the local highway network.</p> <p>The Applicant understands that this question ExQ2.3.1 should relate to Plots 65 and 69.</p> <p>In between plots 65 and 69 are plots 66, 67 and 68, all along the same alignment and none of which are owned by NH. These 'middle plots' form a continuous line along the edge of the Order limits where it meets the M69 motorway.</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response |
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| | | | <p>Plots 65, 66, 67,68 and 69 encompass a reach of an ordinary watercourse that flows in parallel to M69. The ordinary watercourse is to be realigned within the upstream site, and the diverted channel will rejoin its original course at Plot 69. Works may be required in Plot 69 to blend the new channel form into the original channel form. Downstream of the realignment the watercourse geometry is generally expected to be unaltered. In [REP3- 115] reference is made to previous commentary raised by F & J Gent at part of the relevant representations. In the relevant representations they raise a concern on the potential impact of the proposed scheme on their fields to the east of the M69. A response to this was provided in the Applicant's Responses to Relevant Representations – Section 6 (Residents and Businesses) (Doc Ref. 18.2 [REP1-032]), and subsequently the matter was also discussed with the Gents via a telephone call, which they refer to in [REP3- 115]. To confirm, there is a culvert beneath the M69 which provides hydraulic connectivity between land to the east of the M69 and the ordinary watercourse as it flows through Plot 65. As described above, the watercourse geometry in this location is generally expected to be unaltered by the proposed scheme, and the incoming drainage connection from the land to the east of the M69 will also not be altered. Therefore, the existing drainage arrangement of the land to the east of the M69 will be unaffected by the proposed scheme.</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response |
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| | | | <p>While the conveyance of surface water through Plots 65, 66, 67, 68 and 69 is to be maintained, this reach is included in the amenity, biodiversity and landscape strategy.</p> <p>Plots 65 and 69 are not part of the Strategic Road Network (SRN) and are not adopted highway. The Applicant notes that NH states in its D3 submission (REP3-137) that NH acquired plots 65 and 69 for the purpose of its statutory undertaking. Whilst that may have been the intention at the time of construction of the M69, the plots nevertheless remain outside of the highway boundary and the Applicant does not agree that these plots form part of NH's statutory undertaking.</p> <p>Plots 65 and 69 are required for the part of the authorised development forming Work No. 6 along the boundary of the Order limits as it meets the M69 motorway. Specifically, the plots will deliver the provision of hard and soft landscaping works including earthworks to create screening bunds; soft landscaping surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, landscape screening, signage and totems located within the areas indicated on</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

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| | | | <p>the parameters plan (document reference: 2.12A, REP4-016).</p> <p>The Applicant's position is clear in respect of these plots – they are not highway land and therefore the “street powers” provisions of the DCO do not apply to any works done on those plots. In any event, the works required to be undertaken are not street works, they are those works described above and in more detail in Schedule 1 of the DCO as Work No. 6 and the plots will form part of the main HNRFI site limits which will be managed by the Applicant (or its management company). The Applicant therefore requires the necessary land not only to deliver the works, but to retain and maintain them, without which the Applicant would be trespassing on NH land. In the absence of agreement, there is therefore no alternative to compulsory acquisition at this stage and although the Applicant is committed to continuing its attempts to secure voluntary agreement, it is clear that such agreement will not be reached and concluded within the timescales of the Examination. Should such powers not be granted, this would at present, given the absence of an agreement which grants land rights, prevent these elements of the scheme from being delivered. NH's standard position on objecting to the powers whilst not engaging in voluntary discussions is wholly unreasonable and inappropriate and is giving rise</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response |
|-----|--------------|----------|---|
| | | | <p>to an impediment to the delivery of part of a Nationally Significant Infrastructure Project.</p> <p>The Applicant is aware that NH appears to be taking similar stances across several DCO projects in the Country. The Applicant accepts that NH are responsible for protecting the SRN but this principle does not apply to these plots.</p> <p>The Applicant further notes that powers of compulsory acquisition (land and rights) over NH (or Highways England as it was then known) land outside of the SRN were granted by the Northampton Gateway Rail Freight Order 2019 and respectfully suggests there is no reason that the same cannot be authorised for HNRFI. The Applicant does not therefore propose to amend the DCO or associated documents in this regard.</p> <p>However, should the ExA and/or the Secretary of State disagree with the Applicant's position and be minded to reject or limit the powers, the Applicant suggests that a paragraph could be inserted to the relevant protective provisions (Part 2 of Schedule 13) to prevent the use of the powers in respect of NH interests without NH's consent. This wording could be as follows:</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response |
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| | | | <p><i>"The Applicant must not in respect of plots 61, 65, 66, 68, 69, 39, 54, 67, 71, 84, 101, 101a, 102, 103 and 104 exercise powers of compulsory acquisition or temporary possession of National Highways' interests only within under articles 25, 27, 30 or 34 without the consent of National Highways and such consent must not be unreasonably withheld or delayed."</i></p> <p>As stated above, the Applicant does not intend to include this provision within its final draft DCO to be submitted at Deadline 7 and would request that in the event the Secretary of State is minded to include such provision, a consultation is held during the Decision Period with the Applicant, National Highways and all parties with interests in those plots as noted in the Book of Reference (document reference: 4.3C, REP3-006).</p> |
| 2.3.2 | NH The Applicant | <p>Plots 66 and 98</p> <p>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> <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</p> | <p>The Applicant understands that this question should relate to plots 66 and 68.</p> <p>The Applicant's position is set out above in response to ExQ2.3.1.</p> <p>For completeness, plots 66 and 68 are unregistered land which is a ditch. NH are listed as being joint riparian owners since they have land ownership adjoining these plots.</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response |
|-------|-----------------------------|--|---|
| | | <p>and what other changes would be required to the dDCO and associated documents?</p> <p>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.</p> | |
| 2.3.3 | <p>NH The Applicant</p> | <p>Plot 61</p> <p>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> <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?</p> <p>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.</p> | <p>The Applicant's position is set out above in response to ExQ2.3.1.</p> <p>This plot is an existing private access which is used by third parties to access Thorney Fields. The Applicant requires this land simply for access purposes to carry out the closure of the level crossing and the diversion works.</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | | | | | | | |
|----------|---|---|--|--|--|----------|-------------------------|----------------------|----|---|---|
| 2.3.4 | NH The applicant | <p>Plots 39, 54, 67, 71, 84, 101, 101a, 102, 103 and 104</p> <p>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> <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.</p> <p>b) Could NH confirm whether, with appropriate protective provisions secured under the DCO, this would protect its interests in relation to these plots.</p> <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> <p>(i) these rights; and/ or</p> <p>(ii) each plot was not justified.</p> | <p>The Applicant's position is set out above in response to ExQ2.3.2.</p> <table border="1" data-bbox="1391 411 2040 1394"> <thead> <tr> <th data-bbox="1391 411 1507 531">Plot No.</th> <th data-bbox="1507 411 1727 531">Nature of NH's interest</th> <th data-bbox="1727 411 2040 531">Applicant's Position</th> </tr> </thead> <tbody> <tr> <td data-bbox="1391 531 1507 1394">39</td> <td data-bbox="1507 531 1727 1394">Right of entry for excavation and right to maintain boundary fences, hedges and walls</td> <td data-bbox="1727 531 2040 1394">Plot 39 will form part of the main HNRFI site upon which infrastructure is going to be constructed. The current right/access points enjoyed by NH will therefore not physically be possible in the same way. The Applicant therefore does need to acquire the rights and ensure that it is able to deliver clean and unimpeded title rights to its future occupiers. It cannot be appropriate for this right to remain unaltered.</td> </tr> </tbody> </table> | | | Plot No. | Nature of NH's interest | Applicant's Position | 39 | Right of entry for excavation and right to maintain boundary fences, hedges and walls | Plot 39 will form part of the main HNRFI site upon which infrastructure is going to be constructed. The current right/access points enjoyed by NH will therefore not physically be possible in the same way. The Applicant therefore does need to acquire the rights and ensure that it is able to deliver clean and unimpeded title rights to its future occupiers. It cannot be appropriate for this right to remain unaltered. |
| Plot No. | Nature of NH's interest | Applicant's Position | | | | | | | | | |
| 39 | Right of entry for excavation and right to maintain boundary fences, hedges and walls | Plot 39 will form part of the main HNRFI site upon which infrastructure is going to be constructed. The current right/access points enjoyed by NH will therefore not physically be possible in the same way. The Applicant therefore does need to acquire the rights and ensure that it is able to deliver clean and unimpeded title rights to its future occupiers. It cannot be appropriate for this right to remain unaltered. | | | | | | | | | |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | |
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| | | | | | <p>The Applicant has been trying to discuss these plots with NH to identify where any necessary alternative rights might be granted. In the absence of such agreement, the Applicant's position is as per its response to ExQ2.3.1 above. It of course may not be necessary for NH to have these rights where alternative routes of access for the same reason can be obtained either as part of or outside of the Applicant's control. The Applicant would note that NH does of course enjoy more direct routes for highway maintenance</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | |
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| | | | | | over the SRN of which it has direct control. |
| | | | 54 | Rights relating to a boundary ditch and headwall. | The Applicant has been trying to discuss these plots with NH to identify whether this right actually affects the plot in question, or whether the right relates to land closer to the M69 and might therefore lay outside of the Order limits. It has not been possible to ascertain this in the absence of detailed discussion and the land referencing reflects what is noted on the title in so far as it is possible to cautiously reflect. In the absence of any clarity, the Applicant's position is as per its |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | |
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| | | | | | <p>response to ExQ2.2.1 above. Again, the Applicant would note that rights relating to access or maintenance of the ditch and headwall may also be possible via the SRN over which NH has control.</p> |
| | | | 67 | <p>Right of entry for maintenance of boundary fences, hedges and walls</p> | <p>The Applicant's position in respect of plot 67 is noted in its response to ExQ2.2.1 above. This plot is unregistered and will form part of the main HNRFI site, so the NH interest does need to be acquired and the Applicant does not consider that the DCO or associated documentation can be amended to remove the</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | | |
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| | | | | | <p>acquisition of this right.</p> <p>In terms of alternative arrangements for such rights should they remain necessary, in the absence of any meaningful discussion with NH, the Applicant is unable to identify where or indeed whether this is necessary.</p> | |
| | | | 71 | Right of entry for excavation and maintenance of boundary fences, hedges and walls | Plot 71 will form part of the main HNRFI site upon which infrastructure is going to be constructed which also includes the A47 link road. The current right/access points enjoyed by NH will therefore not physically be possible | |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | |
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| | | | | | <p>in the same way. The Applicant therefore does need to acquire the rights and ensure that it is able to deliver clean and unimpeded title rights to its future occupiers. It cannot be appropriate for this right to remain unaltered.</p> <p>The Applicant has been trying to discuss these plots with NH to identify where any necessary alternative rights might be granted. In the absence of such agreement, the Applicant's position is as per its response to ExQ2.3.1 above. It of course may not be necessary for NH to have these rights</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | | |
|-----|--------------|----------|----------------------|--|---|--|
| | | | | | <p>where alternative routes of access for the same reason can be obtained either as part of or outside of the Applicant's control.</p> | |
| | | | 84 | <p>Right of entry for excavation and right to maintain boundary fences, hedges and walls</p> | <p>This plot is going to form one of the new slip roads and once constructed, the freehold will be transferred to NH. The Applicant agrees that the development could be brought forward without acquiring this interest.</p> <p>The Applicant considers that a commitment not to exercise the compulsory acquisition of NH's interest in this plot</p> | |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | | |
|-----|--------------|----------|----------------------|--|---|--|
| | | | | | <p>could be included in the DCO and will do so in its final dDCO to be submitted at Deadline 7.</p> | |
| | | | 101 | <p>Right of entry for maintenance of boundary fences, hedges and walls</p> | <p>The Applicant is only seeking temporary possession of this plot for use as a compound whilst the slip road works are being constructed. As part of those slip road works, the Applicant notes that NH will be accessing the compound to inspect the slip road works pursuant to the protective provisions. The Applicant therefore agrees that the temporary possession would not need to be exclusive and interfere with NH's right of entry,</p> | |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | | |
|-----|--------------|----------|----------------------|---|--|--|
| | | | | | <p>provided that such access does not unreasonably interfere with the Applicant's delivery of the works or the compound itself.</p> <p>The Applicant considers that a commitment not to interfere with NH's interest in this plot could be included in the DCO and will do so in its final dDCO to be submitted at Deadline 7.</p> | |
| | | | 101a | Right of entry for maintenance of boundary fences, hedges and walls | <p>This plot is going to form one of the new slip roads and once constructed, the freehold will be transferred to NH. The Applicant agrees that the development could be brought</p> | |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | |
|-----|--------------|----------|----------------------|---|--|
| | | | | | <p>forward without acquiring this interest.</p> <p>The Applicant considers that a commitment not to exercise the compulsory acquisition of NH's interest in this plot could be included in the DCO and will do so in its final dDCO to be submitted at Deadline 7.</p> |
| | | | 102 | Right of entry for maintenance of boundary fences, hedges and walls | <p>This plot is going to form one of the new slip roads and once constructed, the freehold will be transferred to NH. The Applicant agrees that the development could be brought forward without</p> |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | | |
|-----|--------------|----------|----------------------|---|--|--|
| | | | | | <p>acquiring this interest.</p> <p>The Applicant considers that a commitment not to exercise the compulsory acquisition of NH's interest in this plot could be included in the DCO and will do so in its final dDCO to be submitted at Deadline 7.</p> | |
| | | | 103 | Right of entry for maintenance of boundary fences, hedges and walls | <p>This plot is going to form one of the new slip roads and once constructed, the freehold will be transferred to NH. The Applicant agrees that the development could be brought forward without acquiring this interest.</p> | |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | | |
|-----|--------------|----------|----------------------|---|---|--|
| | | | | | <p>The Applicant considers that a commitment not to exercise the compulsory acquisition of NH's interest in this plot could be included in the DCO and will do so in its final dDCO to be submitted at Deadline 7.</p> | |
| | | | 104 | <p>Right of entry for maintenance relating to boundary hedges, fences and walls</p> | <p>This plot is going to form one of the new slip roads and once constructed, the freehold will be transferred to NH. The Applicant agrees that the development could be brought forward without acquiring this interest.</p> | |

Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

| EXQ | Question to: | Question | Applicant's Response | | |
|-----|--------------|----------|----------------------|--|--|
| | | | | | <p>The Applicant considers that a commitment not to exercise the compulsory acquisition of NH's interest in this plot could be included in the DCO and will do so in its final dDCO to be submitted at Deadline 7.</p> |

| EXQ | Question to: | Question | Applicant's Response |
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| 2.5 Draft Development Consent Order (dDCO) [REP4-027] & Explanatory Memorandum [REP4-029] | | | |
| 2.5.2. | The Applicant | <p>Schedule 2, Requirement 11 – Container stack height</p> <p>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?</p> | <p>The maximum height of the container stacks are regulated in terms of FFL and maximum AOD through the Parameters Plan (document reference 2.12A, REP4-106) which states both, and are therefore limited to that through requirement 4.</p> <p>The purpose of Requirement 11 is to limit the container stack heights to below the maximum level in the early years of the development.</p> <p>It is correct that the container stacks will be located outside, but the ‘Equivalent building height relative to FFL’ is still pertinent. This relates to the concrete slab that the containers will sit on, in the same way that the FFL for the buildings relate to the internal warehouse concrete floor slab.</p> |
| 2.5.4 | The Applicant BDC | <p>Schedule 2, Requirement 21 – Landscape Scheme</p> <p>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,</p> | <p>The Applicant understands that BDC is content with the wording of this requirement.</p> |

| EXQ | Question to: | Question | Applicant's Response |
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| | | and if not both parties should provide their alternative draftings, explaining why their draft is to be preferred. | |
| 2.5.5 | The Applicant | <p>Schedule 2, Requirement 27 – Acoustic barriers</p> <p>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. 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).</p> | <p>The Applicant understands the ExA's concern, however, it is the case that each acoustic barrier is only required to mitigate the noise source relating to the operational phase within which that noise source would be generated. For example, the acoustic barriers located near the A47 link road are only required to mitigate the link road once it is open to the public. Next to the Rail Freight Terminal acoustic barriers are only required to mitigate the terminal and the acoustic barriers adjacent to the rail chord are to mitigate the rail chord, these will be delivered as part of that phase of works.</p> <p>Notwithstanding the above, the Applicant will consider the drafting of the requirement and whether it could be appropriately re-worded or improved to ensure the ExA's concern is dealt with.</p> |
| 2.5.6 | Local Authorities | <p>Schedule 2, Part 2 – Fees</p> <p>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.</p> | <p>The Applicant's position has been consistent for some time that the fees payable will be akin to fees that would be payable for approval of reserved matters under a TCPA application. This has been discussed with the Local Planning Authorities and the Applicant's drafting to refer to the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 was intended to make that clear and follows the approach in the West Midlands Rail Freight Interchange</p> |

| EXQ | Question to: | Question | Applicant's Response |
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| | | | Order. The Applicant is content however to add further drafting to clarify that is the intention by reference to the relevant Regulation numbers and will do so in its final draft DCO to be submitted at Deadline 7. |
| 2.5.7 | The Applicant | <p>Schedule 2, Part 2 – Fees</p> <p>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.</p> | As above, in response to ExQ2.5.6, the Applicant accepts the ExA's concern and will amend the final draft DCO to be submitted at Deadline 7 to ensure it is clear that the fees for discharging requirements will be akin to those payable for discharging reserved matters under a TCPA application. |
| 2.5.8 | Statutory Undertakers | <p>Schedule 13 – Protective provisions</p> <p>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:</p> <ul style="list-style-type: none"> 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. | The Applicant has sought to progress the drafting with all statutory undertakers as much as possible throughout the Examination. To assist the ExA, the Applicant has provided in Appendix B – Protective Provisions Table (document reference: 18.16.2.) a table detailing all matters which have not yet been agreed with each statutory undertaker as at Deadline 5. The Applicant will update this table as part of its Summation of Case to be submitted at Deadline 8 should further updates be possible. |

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| 2.7. Need | | | |
| 2.7.2 | The Applicant | <p>Logistics Supply and Demand Study</p> <p>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".</p> <p>Could the Applicant respond to this point?</p> | <p>The Savills suppressed demand model is considered to meet the requirements of the NPPF and PPG. Firstly, it takes account of market signals in accordance with Paragraph 31 of the NPPF and as explained in paragraph 4.4.4 to 4.4.6 of the Logistics Demand & Supply Assessment (document reference: 16.2A, REP3-036) accords with the PPG.</p> <p>It also worth noting that the preferred demand model within the L&L Strategic Warehousing study being "High replacement, sensitivity test traffic growth" is not a standard past take up or labour demand model. Given this, it is not appropriate to suggest the Savills suppressed demand model is not consistent with PPG (which it is) when the Council's own employment evidence promotes a non-standard demand model also.</p> <p>Iceni who prepared the L&L Strategic Warehousing study have considered Savills suppressed demand model recently as part of their work on the Warehousing and Logistics in the South East Midlands Study. We are also informed it is being considered as one of the estimation methods as part of the West Midlands Strategic Employment Sites Study.</p> <p>The principles behind Savills suppressed demand model are expanded on further as part of the Applicant's Response to</p> |

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| | | | <p>LCC Deadline 4 Submission (document reference: REP4-181) (1.7.23) (document reference: 18.17). Suppressed demand only occurs when availability is below the 5.5% equilibrium rate given below this level the lack of supply is considered to constrain demand. Above this level there is no suppressed demand. In other words, the actual leasing (i.e. net absorption) that occurred in those years above 5.5% availability is considered a true reflection of total demand.</p> <p>It would not be appropriate to calculate a negative suppressed demand and subtract this from net absorption. Net absorption is the demand that was actually achieved. There is either suppressed demand or not, you cannot subtract from demand that has actually occurred.</p> <p>Finally, we respond to the point regarding it 'is not clear how low vacancies of up to a decade in the past should feed into future demand-based requirements.' It is commonplace to consider historic trends as a starting point for making future estimates. This is what the Council's employment evidence has done in terms of considering past take up for example as part of its Completions Trend Model looking back to 2012/13. We too prefer to look back at least 10 years so we can consider established trends rather than only considering shorter term periods where there is less data points. Looking back 10 years covers different economic cycles such as the period coming out of the global financial</p> |

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| | | | <p>crisis, more stable macro-economic conditions as well as the impacts of Covid. If we were, to use a shorter term 3- or 5-year periods, our future estimates would likely be higher given net absorption and suppressed demand were higher.</p> |
| 2.7.3 | The Applicant | <p>Logistics Supply and Demand Study</p> <p>Can the Applicant provide a reconciliation between the employment 'impact area' and the Functional Economic Market Area / Housing Market Area.</p> | <p>The Applicant has explained the different purposes of these areas in the Written Statements of Oral Case ISH4 Appendix D Market Need Update (document reference: 18.8.4, REP3-163). The Functional Economic Market Area (FEMA) used in the Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change study is 'project blind' and is appropriate to inform local plans within this geography but not for HNRFI specifically. The Housing Market Area (HMA) which covers the same area with the FEMA is considered as the appropriate geography to prepare planning policies for meeting housing need across the local authority boundaries. The employment 'impact area' is HNRFI specific and shows where HNRFI employees are anticipated to commute from. The employment 'impact area' fully contains the FEMA/HMA. These areas are also illustrated in the map of Appendix 5 Written Statements of Oral Case ISH4 Appendix D Market Need Update (document reference: 18.8.4, REP3-163), which justifies the use of the Leicester and Leicestershire HMA as the main study area for housing.</p> |

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| | | | <p>Due to the FEMA/HMA being project blind and the employment 'impact area' being project specific there is no requirement for reconciliation.</p> |
| 2.7.4 | The Applicant | <p>Great British Railways Transition Team Report December 2023 [REP4-105]</p> <p>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.</p> | <p>The Applicant has checked this reference with the Great British Railway Transition Team (GBRTT), as it is at odds with the wider industry understanding and indeed GBRTT's own conclusions as to the potential for growth.</p> <p>GBRTT as confirmed (see email of 24th January 2024) (document reference: 18.16.3) that the Trade Association referenced on page 12 of its report represents the aggregates industry.</p> <p>Whilst it is not accepted that this applies to the whole aggregates sector, it is clearly not a representative statement made on behalf of the intermodal rail sector. It therefore is not relevant to the viability of the proposed development.</p> <p>Aggregate sites are usually specific to an individual businesses' need, product type and volume, without the economies of scale attributable to an SRFI and its intermodal rail terminal, serving as Hinckley NRFI will, a wide range of businesses, both on-site and off-site.</p> |
| 2.7.5 | The Applicant | <p>Great British Railways Transition Team Report December 2023 [REP4-105]</p> | <p>The Applicant has checked with GBRTT (see email of 24th January 2024) (document reference: 18.16.3).</p> |

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| | | <p>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 facilities in West Midlands, East Midlands and the South East. Please could the Applicant comment on this?</p> | <p>Respondents cited examples such as: rail-connected port facilities in Ayr, Boston, Hull and Swansea; a number of "smaller" Intermodal terminals at Castle Donnington, Fratton and Telford; scrap metal facilities at Willesden and Snailwell; and sites in the Midlands such as Cottam Power Station, Coventry Prologis Park, and Rugeley Power Station. There is also reference to a facility in Ridham, Kent.</p> <p>Of the Midland's sites, Castle Donnington has been superseded by East Midlands Gateway, Telford will be by West Midlands Interchange, Cottam Power Sation is being promoted for residential development, Coventry Prologis Park is complete and only has access to buildings, there is no intermodal capacity here; and Rugeley has consent for residential development and the rail connection is being removed.</p> <p>In accordance with the Applicant's submissions, no capacity has been identified in the Midlands by respondents to GBRTT's Call for Evidence, which would compete with HNRFI, or provide alternative capacity.</p> |

| EXQ | Question to: | Question | Applicant's Response |
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| 2.8 Noise and Vibration | | | |
| 2.8.1. | The Applicant | <p>Design of Buildings to Reduce Noise</p> <p>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> | <p>Chapter 4 of the ES covers alternatives and design evolution.</p> <p>Good acoustic design has been a key consideration throughout the design process. Orientation of buildings, alternative layouts and noise sources have all been considered in the evolution of the design, parameters plan and, ultimately, the design code. However, there are constraints from the perspective of the site needing to be functionally connected to the existing rail line, which limits the potential location of the rail loading area. The stacking yards need to be adjacent to this and cannot be the other side of buildings.</p> <p>The Applicant reconsidered the viability of further design interventions following statutory consultation on the PEIR, and where feasible, these were incorporated into the updated parameters plan and design code submitted with the Application. This includes the location of service yard areas associated with the proposed warehousing being located on the screened side of buildings.</p> |

| EXQ | Question to: | Question | Applicant's Response |
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| 2.8.2. | The Applicant | <p>Noise on Hinckley Road and Stanton Lane</p> <p>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?</p> <p>b) If none was undertaken, could the Applicant please undertake this, report the results and consider whether such an action would be appropriate?</p> | <p>a) The Applicant has assessed the reduction of the speed limit on each road.</p> <p><i>Stanton Lane</i></p> <p>The Applicant proposes to reduce the speed limit on Stanton Lane/Hinckley Road to the south of Stoney Stanton from National Speed Limit to 40mph as part of the highway mitigation works to be undertaken. This will reduce tyre and engine noise. As a result, the do minimum and do something noise scenarios have been modelled with vehicle speeds of 64 km/h (40mph) already and this yields the results shown within the D4 submission Applicant's Response to Deadline 3 Submissions [Appendix C – Update to Development Generated Road Traffic Noise Assessment (document reference: 18.13.3, REP4-132)]. The Applicant considers that, as this road to the south of Stoney Stanton village is not within a substantially urbanised/built up environment, a further reduction in speed limit would not be appropriate and is unlikely to be adhered to by motorists on a rural road such as this.</p> <p><i>Hinckley Road</i></p> <p>The Hinckley Road section within the village of Stoney Stanton is currently subject to a 30mph speed limit. The PRTM model was adjusted following feedback from the TWG group ahead of the final forecast model output, to</p> |

Noise and Vibration

| EXQ | Question to: | Question | Applicant's Response |
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| | | | <p>reflect constraints through Stoney Stanton. Due to the presence of parked vehicles along much of this route, and the number of priority junctions and other features, modelled vehicle speeds within the village on this route are lower. As a result, the do minimum and do something assessments submitted at D4 have used modelled vehicle speeds of 24 km/h (15mph). It therefore follows that a reduction in speed limit within the village to 20mph when measured speeds are already lower than this would have no effect on the assessment undertaken.</p> <p>b) Given the response to a), no further analysis is required.</p> |

Socio-economic effects

| EXQ | Question to: | Question | Applicant's Response |
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| 2.9 Socio-economic effects | | | |
| 2.9.1. | The Applicant | <p>Burbage Common Extension</p> <p>Could the Applicant provide an update on the discussions with BDC and HBDC regarding the expansion of Burbage Common Country Park.</p> | <p>There remains an opportunity for HBBC to take on the management of the expansion land but at the present time they are not in a position to agree to this commitment. For the purposes of this application, it should be assumed that the applicant will retain responsibility for management over the next 30 years. Landscape proposals for this open space will include public access on clearly defined paths rather than free roaming access to protect grassland habitat and promote the biodiversity of the area. Paths will incorporate nature/activity trails to engage users in the establishment and management of the habitats and the range of species and wildlife opportunities in the area. This will allow local people have the benefit of this expanded area of open space. This is set out in the Public Rights of Way Appraisal and Strategy paragraph 1.93 (document reference: 6.2.11.2B., REP4-059). The applicant understands that BDC and HBBC are supportive of the proposals should the application be approved.</p> |
| 2.9.2. | The Applicant | <p>Hinckley Lane and Aston Firs Travellers Sites</p> <p>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</p> | <p>A detailed response to this question is set out at Appendix D to this document (document reference: 18.16.4).</p> |

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| | | <p>Briefing, and if so, what were the conclusions and is there any further mitigation to be provided?</p> | |
| 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> | <p>The Skills and Training Plan has been agreed in principle with LCC, HBBC and BDC with the planning obligation being secured through agreement with BDC in the S106 Agreement.</p> <p>The Applicant received further comments on the detailed drafting of the Skills and Training Plan from BDC on 6 February and responded on those comments on 7 February. The Applicant is confident that agreement can be reached by Deadline 6 and that it will not be necessary to revert to a Requirement, however this will be borne in mind as necessary at the appropriate Examination deadlines.</p> <p>An updated copy of the draft S106 Agreement with the Skills and Training Plan appended is submitted at Deadline 5 (document reference: 9.1B).</p> |

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| 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> | <p>a) As agreed with the Highway Authorities on the 13 November 2023, the Applicant undertook to survey all junctions where mitigation has been proposed or on the SRN within the Transport Assessment. This is recorded in Deadline 3 Submission REP3-046. The junctions surveyed are as follows:</p> <p>J1 - Ashby Rd / A47 Hinckley</p> <p>J3 - B4114 Coventry Rd / B581 Broughton Rd East of Stoney Stanton</p> <p>J6 - Coventry Rd / Croft Rd Croft</p> <p>J24 - The Common Barwell / A47 / B4668 Leicester Rd Barwell</p> <p>J27 - A5 / A4303 / B4027 / Coal Pit Ln Magna Park</p> <p>J37 - Hinckley Rd / New Rd / B581 Stoney Stanton</p> <p>J39 - B4669 / Stanton Ln Sapcote</p> <p>J4 - A47 / A5 (Longshoot) Between Hinckley and Nuneaton</p> <p>J14 - A5/B4666/A47 Dodwells Hinckley</p> <p>J26 - A5 / A426 / Gibbet Ln South of Lutterworth</p> <p>M69 J1&2</p> <p>M1 J21/M69 J3</p> <p>All survey data was recorded in the final week of November to ensure it fell within the DfT defined neutral month. Updated Furnessing spreadsheet data was shared with the Transport Working Group on the 18 December. This data was used in the</p> |

| EXQ | Question to: | Question | Applicant's Response |
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| | | | <p>modelling update and has been included with the Transport 2023 Update (document reference: 18.13.2, REP4-131).</p> <p>The Applicant's position remains as previous; that the methodology of the furnishing is sound, as agreed by NH and LCC in their representations. The updated survey information has had a minimal effect on the outcomes of the modelling conclusions, despite changes in turning proportions observed in the November counts.</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> | <p>The PRTM modelling inputs were fully agreed and signed off by all parties ahead of the forecast model run. The outputs of the model are a function of the inputs. These have been shared in various formats and refinements of outputs as requested by both LCC and NH as stated.</p> <p>The PRTM is a model owned and maintained by LCC and their consultants. The Applicant has provided relevant inputs where appropriate. However, the model itself and the outputs were processed and released by LCC NDI and their consultants. Due checks were carried out by the Applicant on the outputs and the data has been used within the detailed capacity and micro-simulation modelling. The inputs to the PRTM were fully agreed with the Highway Authorities prior to the final run.</p> |
| 2.11.3. | The Applicant | <p>Response to Road Safety Audit</p> <p>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</p> | <p>An updated Geometric Design Strategy Record (GDSR) was submitted at Deadline 4 (document reference: 2.29A, REP4-025) incorporating various updates to the highway design both in response to the interim RSA 1 and in response to comments raised at workshop meetings with LCC. Where the RSA response</p> |

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| | | <p>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> | <p>report says that changes 'have been' made, they were included on the drawings appended to the updated GDSR at Deadline 4.</p> |
| 2.11.8. | The Applicant | <p>Narborough Level Crossing</p> <p>Could the Applicant confirm whether it agrees with the following propositions:</p> <p>c) The greatest effect of the Proposed Development on traffic queues is generally for road traffic heading north from Littlethorpe towards Narborough?</p> <p>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> | <p>c) The Applicant concurs that the effect of the Proposed Development on traffic queues is generally on the northbound route from Littlethorpe to Narborough. This is generally less than 3 vehicles during the day, though peaks at 0800-0900 and 1600-1700 are marginally higher with an average of 10 vehicles, adding an average of 29 seconds to the clearance times.</p> <p>d) The ExA is correct that those three time periods have the longest queues, however it is not correct that queues don't dissipate for all of those time periods. It is only the period of 16:59 – 17:17 with such effect. It should be noted that the Technical Note (document reference: 18.6.8A, REP4-118) provides maximum queues during each hour and that queues will be different for each downtime during that hour. This has demonstrated that queues would clear between all downtimes during two of the identified periods (12:03 to 12:39 and 16:01 to 16:16). However, there would continue to be interaction between the two existing train paths of 17:05:47 to 17:10:00 and 17:10:51 to 17:13:50, which would not clear in time for the proposed HNRFI train path of 17:15:00 to 17:17:31.</p> |

| EXQ | Question to: | Question | Applicant's Response | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | <p>A clearance time of 2.5 minutes would be required for this queue to clear after the second train path and so providing the downtime for the HNRFI train path is between 17:18 and 17:30, it would not interact with this existing queue.</p> <table border="1" data-bbox="1261 485 2119 1123"> <thead> <tr> <th colspan="2" rowspan="2"></th> <th colspan="2">Queues</th> <th colspan="2">Clearance</th> <th colspan="2">Time after Clearance</th> <th rowspan="2">Time until next train</th> </tr> <tr> <th>NB</th> <th>SB</th> <th>NB</th> <th>SB</th> <th>NB</th> <th>SB</th> </tr> </thead> <tbody> <tr><td>12:03:19</td><td>12:06:12</td><td>19</td><td>15</td><td>54</td><td>42</td><td>12:07:06</td><td>12:06:54</td><td>00:01:54</td></tr> <tr><td>12:09:00</td><td>12:11:26</td><td>16</td><td>12</td><td>45</td><td>33</td><td>12:12:11</td><td>12:11:59</td><td>00:01:13</td></tr> <tr><td>12:13:24</td><td>12:17:30</td><td>27</td><td>20</td><td>77</td><td>57</td><td>12:18:47</td><td>12:18:27</td><td>00:10:43</td></tr> <tr><td>12:29:30</td><td>12:33:58</td><td>30</td><td>23</td><td>86</td><td>66</td><td>12:35:24</td><td>12:35:04</td><td>00:00:16</td></tr> <tr><td>12:35:40</td><td>12:39:28</td><td>24</td><td>19</td><td>69</td><td>54</td><td>12:40:37</td><td>12:40:22</td><td>00:02:48</td></tr> <tr><td>12:43:25</td><td>12:46:20</td><td>18</td><td>14</td><td>51</td><td>39</td><td>12:47:11</td><td>12:46:59</td><td>03:14:34</td></tr> <tr><td>16:01:45</td><td>16:03:54</td><td>31</td><td>21</td><td>89</td><td>60</td><td>16:05:23</td><td>16:04:54</td><td>00:05:37</td></tr> <tr><td>16:11:00</td><td>16:16:05</td><td>83</td><td>58</td><td>242</td><td>169</td><td>16:20:07</td><td>16:18:54</td><td>00:10:00</td></tr> <tr><td>16:30:07</td><td>16:34:42</td><td>71</td><td>49</td><td>207</td><td>142</td><td>16:38:09</td><td>16:37:04</td><td>00:00:53</td></tr> <tr><td>16:39:02</td><td>16:41:54</td><td>41</td><td>32</td><td>119</td><td>92</td><td>16:43:53</td><td>16:43:26</td><td>00:10:27</td></tr> <tr><td>16:54:20</td><td>16:57:08</td><td>44</td><td>30</td><td>127</td><td>86</td><td>16:59:15</td><td>16:58:34</td><td>00:00:43</td></tr> <tr><td>16:59:58</td><td>17:02:18</td><td>35</td><td>25</td><td>101</td><td>71</td><td>17:03:59</td><td>17:03:29</td><td>00:01:48</td></tr> <tr><td>17:05:47</td><td>17:10:00</td><td>37</td><td>34</td><td>107</td><td>98</td><td>17:11:47</td><td>17:11:38</td><td>Queue not Cleared</td></tr> <tr><td>17:10:51</td><td>17:13:50</td><td>34</td><td>28</td><td>98</td><td>80</td><td>17:15:28</td><td>17:15:10</td><td>Queue not Cleared</td></tr> <tr><td>17:15:00</td><td>17:17:31</td><td>22</td><td>20</td><td>63</td><td>57</td><td>17:18:34</td><td>17:18:28</td><td>00:12:50</td></tr> <tr><td>17:31:24</td><td>17:36:15</td><td>49</td><td>46</td><td>142</td><td>133</td><td>17:38:37</td><td>17:38:28</td><td>00:05:07</td></tr> <tr><td>17:43:44</td><td>17:46:28</td><td>25</td><td>26</td><td>71</td><td>74</td><td>17:47:39</td><td>17:47:42</td><td>00:09:14</td></tr> <tr><td>17:56:56</td><td>17:59:05</td><td>19</td><td>19</td><td>54</td><td>54</td><td>17:59:59</td><td>17:59:59</td><td></td></tr> </tbody> </table> | | | Queues | | Clearance | | Time after Clearance | | Time until next train | NB | SB | NB | SB | NB | SB | 12:03:19 | 12:06:12 | 19 | 15 | 54 | 42 | 12:07:06 | 12:06:54 | 00:01:54 | 12:09:00 | 12:11:26 | 16 | 12 | 45 | 33 | 12:12:11 | 12:11:59 | 00:01:13 | 12:13:24 | 12:17:30 | 27 | 20 | 77 | 57 | 12:18:47 | 12:18:27 | 00:10:43 | 12:29:30 | 12:33:58 | 30 | 23 | 86 | 66 | 12:35:24 | 12:35:04 | 00:00:16 | 12:35:40 | 12:39:28 | 24 | 19 | 69 | 54 | 12:40:37 | 12:40:22 | 00:02:48 | 12:43:25 | 12:46:20 | 18 | 14 | 51 | 39 | 12:47:11 | 12:46:59 | 03:14:34 | 16:01:45 | 16:03:54 | 31 | 21 | 89 | 60 | 16:05:23 | 16:04:54 | 00:05:37 | 16:11:00 | 16:16:05 | 83 | 58 | 242 | 169 | 16:20:07 | 16:18:54 | 00:10:00 | 16:30:07 | 16:34:42 | 71 | 49 | 207 | 142 | 16:38:09 | 16:37:04 | 00:00:53 | 16:39:02 | 16:41:54 | 41 | 32 | 119 | 92 | 16:43:53 | 16:43:26 | 00:10:27 | 16:54:20 | 16:57:08 | 44 | 30 | 127 | 86 | 16:59:15 | 16:58:34 | 00:00:43 | 16:59:58 | 17:02:18 | 35 | 25 | 101 | 71 | 17:03:59 | 17:03:29 | 00:01:48 | 17:05:47 | 17:10:00 | 37 | 34 | 107 | 98 | 17:11:47 | 17:11:38 | Queue not Cleared | 17:10:51 | 17:13:50 | 34 | 28 | 98 | 80 | 17:15:28 | 17:15:10 | Queue not Cleared | 17:15:00 | 17:17:31 | 22 | 20 | 63 | 57 | 17:18:34 | 17:18:28 | 00:12:50 | 17:31:24 | 17:36:15 | 49 | 46 | 142 | 133 | 17:38:37 | 17:38:28 | 00:05:07 | 17:43:44 | 17:46:28 | 25 | 26 | 71 | 74 | 17:47:39 | 17:47:42 | 00:09:14 | 17:56:56 | 17:59:05 | 19 | 19 | 54 | 54 | 17:59:59 | 17:59:59 | |
| | | Queues | | | | Clearance | | Time after Clearance | | Time until next train | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | NB | SB | NB | SB | NB | SB | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12:03:19 | 12:06:12 | 19 | 15 | 54 | 42 | 12:07:06 | 12:06:54 | 00:01:54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12:09:00 | 12:11:26 | 16 | 12 | 45 | 33 | 12:12:11 | 12:11:59 | 00:01:13 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12:13:24 | 12:17:30 | 27 | 20 | 77 | 57 | 12:18:47 | 12:18:27 | 00:10:43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12:29:30 | 12:33:58 | 30 | 23 | 86 | 66 | 12:35:24 | 12:35:04 | 00:00:16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12:35:40 | 12:39:28 | 24 | 19 | 69 | 54 | 12:40:37 | 12:40:22 | 00:02:48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12:43:25 | 12:46:20 | 18 | 14 | 51 | 39 | 12:47:11 | 12:46:59 | 03:14:34 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16:01:45 | 16:03:54 | 31 | 21 | 89 | 60 | 16:05:23 | 16:04:54 | 00:05:37 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16:11:00 | 16:16:05 | 83 | 58 | 242 | 169 | 16:20:07 | 16:18:54 | 00:10:00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16:30:07 | 16:34:42 | 71 | 49 | 207 | 142 | 16:38:09 | 16:37:04 | 00:00:53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16:39:02 | 16:41:54 | 41 | 32 | 119 | 92 | 16:43:53 | 16:43:26 | 00:10:27 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16:54:20 | 16:57:08 | 44 | 30 | 127 | 86 | 16:59:15 | 16:58:34 | 00:00:43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16:59:58 | 17:02:18 | 35 | 25 | 101 | 71 | 17:03:59 | 17:03:29 | 00:01:48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17:05:47 | 17:10:00 | 37 | 34 | 107 | 98 | 17:11:47 | 17:11:38 | Queue not Cleared | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17:10:51 | 17:13:50 | 34 | 28 | 98 | 80 | 17:15:28 | 17:15:10 | Queue not Cleared | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17:15:00 | 17:17:31 | 22 | 20 | 63 | 57 | 17:18:34 | 17:18:28 | 00:12:50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17:31:24 | 17:36:15 | 49 | 46 | 142 | 133 | 17:38:37 | 17:38:28 | 00:05:07 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17:43:44 | 17:46:28 | 25 | 26 | 71 | 74 | 17:47:39 | 17:47:42 | 00:09:14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17:56:56 | 17:59:05 | 19 | 19 | 54 | 54 | 17:59:59 | 17:59:59 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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</p> | <p>The Applicant agrees the ExA's calculations are representative of the worst-case sample crossing down times and the additional time at 10 trains each way. There was a train held for c13 minutes with the barrier down between 10:40 and 10:53 on the</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| EXQ | Question to: | Question | Applicant's Response |
|-----------------|-----------------------------|---|---|
| | | <p>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> | <p>Wednesday 11th October. This applied an unusual extra 10 minutes down time to the normal total.</p> |
| <p>2.11.10.</p> | <p>The Applicant NR</p> | <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.</p> <p>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> | <p>These will be private sidings under the control of the Terminal Operator. As such a train can only be received with the agreement at the time of the Terminal Operator, the relevant Train Operating Company and the Network Rail signal controller.</p> <p>The ability to assist will be entirely dependent on the availability of facilities at the time and is not something that can be prescribed for.</p> <p>Network Rail is considering the development of passing loops as part of its ongoing investment in the line.</p> <p>The Applicant does not propose to amend the dDCO in this regard.</p> |
| <p>2.11.11.</p> | <p>NR The Applicant</p> | <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</p> | <p>The Applicant responded to this question at ISH6 with the advice provided to it by Network Rail.</p> |

| EXQ | Question to: | Question | Applicant's Response |
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| | | <p>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> | <p>Passenger stations have different maximum gradients depending on their purpose, and particularly whether the driver would be in control at all times, at a short stop.</p> <p>In the subject location, this would be at the upper end of acceptability. However, it would still be necessary to cut into the northern boundary, beyond Network Rail’s estate, to slew the mainline around platforms and create a station.</p> <p>This would cut into the bridleways, bunding and landscaping features in the DCO application and require land from the adjoining farmer.</p> <p>The Applicant is aware that Network Rail have reviewed the catchment, including for employees at HNRFI and there would not be sufficient demand to justify a passenger station here; and a capital scheme of such complexity would not provide value for money.</p> <p>Whilst such a scheme would not be prevented from being developed because of HNRFI, should it ever be considered viable, it is not part of the DCO Application and would need to secure its own approval.</p> |