

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Written Statement of oral case at ISH6

Document reference:
Revision: 01

9 February 2024

Planning Act 2008
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations
2009
Regulation 5(2)(q)

1. INTRODUCTION

- 1.1. This document presents the written summary of the Applicant's oral submissions for the following hearings that took place as part of the examination on HNRFI.
 - **Issue Specific Hearing 6 (ISH6)** – Traffic and Transport and Noise 24 January 2024
- 1.2. The hearing took place at the Sketchley Grange Hotel, Hinckley and was a blended event with attendees on MSTeams.

2. SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISH6

Agenda item	Matter	Applicant's submission
1	<p>Welcome and introductions</p> <p>The ExA opened the hearing, introduced themselves and invited those parties present to introduce themselves.</p>	<p>On behalf of the Applicant, Tritax Symmetry Ltd.</p> <ul style="list-style-type: none"> • Mr Paul Maile, Eversheds Sutherland LLP • Mrs Laura-Beth Hutton, Eversheds Sutherland LLP • Mr Andy Passmore, BWB Consulting • Mr Malcolm Ash, BWB Consulting • Mr Sam Carter, BWB Consulting • Mr Peter Frampton, Frampton Town Planning • Mr David Baker, Baker Rose Associates • Ms Sinead Turnbull, Tritax Symmetry Ltd. • Ms Lucy Elmer, BWB Consulting • Mr Mike Barrett, BWB Consulting
2	<p>Purpose of the Issue Specific Hearing</p> <p>The ExA explained the purpose of the ISH, to include discussion on traffic and transport issues and noise issues</p>	N/A
3	<p>Road Highway network</p>	
3a	<p>Furnessing</p> <p>The ExA requested an update from all parties on breaches , following the work undertaken since the last hearing.</p>	<p>In response to the points raised by the ExA and other parties, the Applicant set out the actions that have been undertaken in regard to furnessing since the last hearing (31 October 2023). During a meeting held with the highway authorities on the 13 November 2023, the Applicant agreed to carry out additional surveys to address points made through written representations by the Highway Authorities. This related to the Highway Authorities not accepting the pre-covid observed traffic (2019).</p>

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		<p>Therefore, full classified turning counts were obtained in the final week of November, as the last opportunity to record traffic within a neutral month in 2023. It was confirmed in the meeting that the proposed mitigation junctions were to be surveyed. This included all junctions on the SRN: M1 J21; M69 J2; M69 J1; A5 Longshoot/Dodwells; A5 Cross in Hand Roundabout; and, A5 Gibbet Hill Roundabout In addition, local junctions assessed for mitigation within the Transport Assessment (document reference 6.2.8.1B, REP3-157) were also included.</p> <p>The revised furnessing spreadsheet information was shared with the Transport Working Group (TWG) on 18 December 2023 following receipt and processing of the data during the processing of detailed modelling.</p> <p>The detailed modelled outputs for the Deadline 4 submission were uploaded to the TWG Sharepoint site on 12 January 2024- shortly after the deadline itself. Due to an administrative error, these were not included in the submission to the ExA by the Applicant at deadline 4 and are submitted into the examination at deadline 5 (document reference 18.13.2). However, the summary outputs were included within the Transport 2023 Update Note (document reference 18.13.2, REP4-131)</p> <p>In response to the specific points raised by NH, the summary comments and response included below. The Applicant believes that the outstanding matters have been readily addressed through the meeting held on 29 January 2024, the Applicant has fulfilled all of the promises made at the previous hearing and will continue to work with NH.</p>										
			<table border="1"> <thead> <tr> <th data-bbox="824 1058 896 1102"></th> <th data-bbox="896 1058 1435 1102">NH Comment</th> <th data-bbox="1435 1058 2045 1102">Applicant response</th> </tr> </thead> <tbody> <tr> <td data-bbox="824 1102 896 1246">1</td> <td data-bbox="896 1102 1435 1246">NH considers furnessing approach sound as outlined with the REP1-182. No further comment required from BWB.</td> <td data-bbox="1435 1102 2045 1246">Noted</td> </tr> <tr> <td data-bbox="824 1246 896 1390">2</td> <td data-bbox="896 1246 1435 1390">No junction turn matrices forecasts were produced in the "Furnessing Spreadsheet" at the M1 junction 20 two-bridge roundabout</td> <td data-bbox="1435 1246 2045 1390">M1 Junction 20 and Redgate roundabout were not identified as junctions impacted by the proposed development, so these were not included within the review and are not</td> </tr> </tbody> </table>		NH Comment	Applicant response	1	NH considers furnessing approach sound as outlined with the REP1-182. No further comment required from BWB.	Noted	2	No junction turn matrices forecasts were produced in the "Furnessing Spreadsheet" at the M1 junction 20 two-bridge roundabout	M1 Junction 20 and Redgate roundabout were not identified as junctions impacted by the proposed development, so these were not included within the review and are not
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			<p>nor at the A5 'Redgate' elongated roundabout.</p> <p>considered necessary for the assessment of the HNRFI development This has been further clarified through the meeting held on the 29 January 2024</p>
		3	<p>The "Furness spreadsheet" does not document the grade separated flows at M69 junction 1 and at M69 junction 2. This means that the turning movement matrices cannot be used to assess the future operation efficiency of the M69 slip road merge areas.</p> <p>The furnessing spreadsheet only includes flows arriving and departing at identified junctions, therefore any grade separated flows (M69 mainline) have been excluded from the furnessing process to ensure these do not skew the results. However, M69 mainline flows have been furnessed separately and included within the respective VISSIM models. Further details have been sent to the TWG following conversations that took place in the meeting held on 2 February 2024</p>
		4	<p>The Furnessing process could underestimate the magnitude of the HGV turn movements between A5 North and A4303 East at the A5 'Cross In Hand' roundabout if new HGV trips are induced between the Applicant's Hinckley NRFI site and the existing Magna Park regional distribution centre.</p> <p>As agreed on 13 November 2023, new surveys were commissioned at all junctions for which a mitigation measure was identified. This included 'Cross in Hand' roundabout and 'Gibbet' roundabout. The traffic flow turning matrices were furnessed again based on the 2023 surveys. This along with the PRTM distributed development traffic flows would adequately forecast HGV trips induced between the sites mentioned. The traffic modelling has been updated and submitted as part of Deadline 4 Transport 2023 Update (document reference: 18.13.2, REP4-131).</p>

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		<p>5 Directional traffic growth biases in the target flows were noted at the A5 'Gibbet' roundabout. The operational performance of this roundabout should be assessed with alternative turning movement proportions applied to check that these biases are not material to the operational performance of the roundabout.</p>	<p>As above response to Point 4. Updated turning count flows have been used to reassess the junction. The results are set out in Deadline 4 Transport 2023 Update (document reference: 18.13.2, REP4-131). Further information on turning proportions was shared with NH on 7 February 2024 to aid clarity.</p>
		<p>In response to the points raised by LCC. The Applicant sets out that the Furnessing methodology produced by Hydrock was signed off by LCC on 11 November 2019. This takes the difference between forecast PRTM scenario and base PRTM scenario and adds the difference onto the surveyed link flows. Subsequently the forecast target link flows are proportioned in accordance with the surveyed information using an iterative approach.</p> <ul style="list-style-type: none"> • BWB produced a revised furnessing note outlining that the agreed furnessing methodology will be taken forward with a different approach proposed for the site access junctions. However LCC commented: <i>following extensive review, refinement and development including input from various project stakeholders, was signed off previously as per the attached. The LHA's position remains that this 07700-HYD-XX-XX-RP-TP-1021 Furness Modelling Methodology presents an exemplar approach to this aspect of the project and it is unclear why continuation with this approach would not be pursued.</i> • Subsequently on 27 July 2022 LCC requested some clarifications on convergence criteria however stated that for the site access junctions: <i>'We'd agree that the proposed approach, whilst acceptable, should be sensitivity tested with option 1 above to ensure robustness. The resultant flows may well come out very similar due to the link targets being the same.</i> • The general comment on the above was: <i>As final general comment our review has identified commitment to the additive approach of producing targets. This approach is often preferable however the obvious caveat being it is ok until a scenario where this approach doesn't work emerges however expect such instances will be raised by the project team as required .</i> 	

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		<ul style="list-style-type: none"> • Based on the above and LCC initial comments on the furnessing proposed presents an 'Exemplar Approach' it is considered that the furnessing methodology is acceptable to LCC. • Further to the above, discussion was undertaken with LCC NDI with regards to the furnessing approach proposed for the site access junctions. This utilises the observed counts and difference in PRTM flows. However, proportions the traffic movements in accordance with PRTM forecast scenario. Doing so accounts for the rerouting of traffic as a result of proposing new south facing slip roads. • On 6 January 2022 LCC NDI agreed the above methodology is reasonable. • As set out in the Highway Position Statement (document reference 18.6.1, REP1-033) the Applicant maintains that the requested clarifications have been provided. The basis for updating the turning counts based on 2023 flows is considered unnecessary given the flows are used for assignment of the link flows from the PRTM model rather than the traffic figures themselves. The Applicant notes that this approach was not required of the Padge Hall Farm development. • The justification from Padge Hall Farm on the use of 2018 flows: <i>The count data available from LCC were all undertaken in 2018, which falls just outside this three-year period. However, use of these counts is acceptable, for the following reasons:</i> <ul style="list-style-type: none"> ○ <i>the counts pre-date the Covid Pandemic and will not require the application of Covid factors.</i> ○ <i>LCC's requirements are for any new traffic counts to be factored to pre-pandemic levels using Covid factors supplied by NDI. Therefore, LCC are not accepting unadjusted post pandemic traffic counts. Any new counts would be rebased to 2019/early 2020 (pre-pandemic) levels. Therefore, there is no merit in undertaking new counts for these only to be factored to pre-pandemic levels when there are already pre-pandemic traffic counts from 2018 available.</i> ○ <i>the intended use of the count data, which is to be used as part of the above defined factoring methodology</i> <p>The 2023 re-survey was executed within tight timescales to address the comments from the Highway Authorities and to obtain acceptance of the furnessing approach. The methodology has been sound from the submission of the application, as outlined above. The conclusions of the new survey information had minimal effect on the conclusions originally drawn. The extra time and cost</p>

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		involved was, in the Applicant's view, unnecessary and further delayed meaningful engagement on the model outputs by LCC and NH.
3b	<p>Padge Hall Farm & A5/A47 Junctions The ExA requested an update on whether the Padge Hall planning permission had been granted and whether this would have any implications for the delivery of the Hinckley National Rail Freight Interchange scheme.</p>	In response to a question from the ExA, the Applicant noted that the Padge Hall planning permission had been granted on 21 December and that it had already been agreed with the Transport Working Group that it would adopt NH's test in this location and so the updated modelling takes account of this protocol. In the Applicant's view, there was no reason why the site would not be deliverable.
3c	<p>M69 Junction 1 The ExA requested comment from the highway authorities on J1. Both NH and LCC confirmed that they are reviewing the modelling and the furnishing as there is concern re the PM peak, to understand the actual impact on the network and whether mitigation is required. LCC also confirmed that they are reviewing the modelling and noted that the previously proposed mitigation had been removed from the junction. WCC also confirmed that the model was being reviewed.</p>	<p>In response to the comments raised, the Applicant confirmed that a full reassessment of the original VISSIM was produced as part of the Applicant's submission at Deadline 4. This included for the newly observed 2023 traffic flows which were furnished to produce the 2036 forecasts. MOVA configurations were checked and there was an overall improvement in the junction performance with no MOVA reconfiguration now required.</p> <p>A review of the modelling results indicate that the proposed development would not have a material impact on the operation of the junctions and therefore no mitigation measures are required.</p> <p>The Applicant had tested both the scenario where the highway under the A47 bridge was lowered and where it had not been, allowing for 20% of HGVs using the route to be high sided. The Applicant noted that this figure had been taken from NH but no evidence on the 20% figure had been provided by them. The test was included within the updated VISSIM of the A5 using NH's required model and reported within the Transport 2023 Update Report submitted at Deadline 4 (document reference 18.6.1, REP4-131)An update on M69 J1 VISSIM assessment inclusive of a Padge Hall farm sensitivity is included at Deadline 5 (document reference 18.15.1) as mentioned within the Transport 2023 Update Document submitted at Deadline 4..</p>

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		<p>The Applicant confirmed that the A47 PRTM distribution does not account for the height restriction on the A5 and so it was only on the A5 that the height increase has been tested through the Padge Hall Farm VISSIM and that the impacts were minimal. The flows used have been based on observed data, therefore an element of re-routing is accounted for in the base which minimised double counting.. The Applicant agreed that it would take away the A47 secondary point and review the flows with the relevant proportion of high sided vehicles coming in from the north. This is submitted as a short note for Deadline 5 (document reference 18.15.2)</p>
<p>3d</p>	<p>M69 Junction 2 The ExA requested an update from NH and the Applicant on the current position with regard to the NH concerns raised at the previous hearing. NH stated that they have continued work on design but are unable to progress without modelling being confirmed, NH confirmed that they are not happy to progress with an interim RSA as not compliant with GG119.</p> <p>LCC stated that the D4 submissions required checking to ensure the links are correctly coded. LCC also requested assurances that the structural integrity of the existing structures over the M69 would not be impeded.</p>	<p>In response to the points raised by NH, the Applicant stated that extensive discussions have taken place between NH and the Applicant over the design of the slip roads. The Applicant explained that the following are agreed or close to being agreed:</p> <ul style="list-style-type: none"> • M69 signage strategy – agreed • M69 and slip road lighting strategy – agreed with NH • Geometry, visibility, cross sections – Geometric Design Strategy Record (GDSR) agreed with the exception of two minor comments – one is a typo and one is confirmation of existing slip road geometry • Departures from standards – Agreed in principle <p>On this basis, the Applicant set out that they are of the opinion that things can be progressed quickly within the timeframes of the examination.</p> <p>The Applicant explained that Interim RSA 1 reports and an interim response report were submitted at D4 (document reference 21.1, REP4-151). The design information has been updated in response to the RSA at D4 in the form of drawings appended to a revised GDSR (document reference 2.29, REP4-025). These drawings have also been separately issued to LCC via a sharepoint shared link.</p> <p>In general, where the response says that things have been updated, they are included in the drawings appended to the D4 GDSR and the updated highway plans submitted at D4. Examples of this include works within Sapcote and Stoney Stanton. Things noted as 'will be' are considered to be relatively minor and will be addressed at detailed design and prior to RSA 2. For example, road markings on J2.</p>

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		<p>Given the latest issue of design information, the Applicant has following further engagement with LCC, submitted a formal RSA 1 brief. This is with a view to formalising and updating the interim audits with the input of the LHA.</p> <p>The Applicant has also done the same for NH with respect to the slip roads and works at Cross in Hand.</p> <p>NH have unfortunately rejected the Applicant's RSA 1 brief on the grounds that the modelling outputs are not yet agreed. This is disappointing as they have been engaging with the Applicant throughout the last several months to review geometric design and other items notwithstanding the modelling. This is also the reason that the Applicant felt compelled to commission interim audits in order to de-risk the safety elements of the scheme as GG119 states is possible for schemes such as this one.</p> <p>NH have also said that the Applicant is not compliant with GG119, which the Applicant requests more clarity on. As far as the Applicant is concerned, the Applicant complies fully with the GG119 process for a stage 1 RSA which is to be undertaken at the completion of the preliminary design (note that the Applicant has the geometric and other key design items agreed or close to being agreed). GG119 also contains a mechanism for repeating audit stages so if, for any reason, NH were to decide that the scheme has changed so significantly that the RSA 1 is no longer valid, they could ask the Applicant to repeat it. The Applicant therefore sees no justification at this stage for not accepting the brief and instructing the formal RSA.</p> <p>In relation to LCC's comments, the Applicant confirmed that it can provide LCC with copies of the record drawings obtained from NH, these were shared to the Transport Working Groups SharePoint shortly after the hearing and are submitted at deadline 5 (document reference 2.31).</p> <p>A GDSR for works to M69 Junction 2 has been shared with National Highways this will be updated with minor amendments and will be shared with NH imminently and can be submitted to the examination at Deadline 6.</p>

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3e	<p>M1 Junction 21 / M69 Junction 3 The ExA referred to the tables contained within the Applicant's Transport 2023 Update Note (document reference 18.6.1, REP3-046) and requested comment on the noted detriment in the am peak and whether it is considered that the effects of the proposed development should be mitigated, and if so, how that would take place.</p>	<p>The Applicant stated that at ISH2, it was agreed that modelling would be produced for M1 J21. LCC has previously requested a VISSIM model of the junction. It is accepted that a VISSIM model would be beneficial in enabling LCC/NH to identify a comprehensive improvement scheme and if such a model were already available, the Applicant would have willingly used it to demonstrate the impact of the proposals. However, this is not the case and was recently confirmed by LCC that there is no validated VISSIM model during a meeting with the Highway Authorities on the 2 February 2024. A PARAMICS model, as was discussed in April 2021, dating from 2016 is owned by LCC, but this has not been validated since its construction. Consequently, the LINSIG modelling for the Lutterworth Urban Extension (LUE) was used.</p> <p>The LUE mitigation works themselves were primarily provided to avoid queues on the M1 J21 northbound approach and have been secured via planning condition. The traffic for LUE is already included in the PRTM 2.2 WoD and WD models. Consequently, the baseline for HNRFI modelling naturally therefore includes the associated mitigation works. However, a scenario based on the existing arrangement has also been assessed.</p> <p>As agreed with the TWG, traffic surveys were undertaken at M1 J21 on 29th November 2023 and the same agreed furnishing methodology was used to produce 2036 WoD and WD turning flows. <i>(Peak hour flows have reduced by 11% and 13% during peak periods compared with the 2019 survey/base model.)</i></p> <p>At the request of LCC, a theoretical assessment has also been undertaken where no background traffic diverts. This does not follow the agreed methodology used for all other junctions within the Transport Assessment. Therefore, it is provided as a sensitivity test only.</p> <p>The modelling demonstrates the magnitude of impact is negligible in both scenarios and whilst the junction operation is worse without the committed LUE improvements, the impact on queues and delay remains marginal. Hence, the impact is not considered to be 'severe' and it is maintained that highway mitigation is not justified. The Applicant in response to comments from the parties explained that the problem is the approach to the junction rather than the junction itself. The development impact is negligible, the rerouting of existing traffic is one reason, however the main reason of issues</p>

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		<p>at the junction is the slow moving approach to the junction, single lane requiring the traffic to diverge, once traffic reaches the junction it flows freely. The Applicant maintains the position that there is no need to improve the junction, the issue is related to the mainline which is what is causing the traffic to divert. The existing problem at the junction is not for the Applicant to resolve.</p> <p>However, in accordance with National Government Policy, the development would seek to limit future traffic growth at the junction through the reduction of single occupancy car trips as secured through the Sustainable Transport Statement and via its contribution to transferring freight from road to rail, which aims to reduce long distance trips on sections of the SRN like M69 and M1. An effect that hasn't been accounted for within the assessment work. However, like the impact of the development itself, the beneficial impact of these measures is considered marginal too.</p>
3f	<p>Narborough Level Crossing (road and NMUs) The ExA asked the Applicant for an update on whether an additional set of surveys were undertaken at Narborough Level Crossing.</p>	<p>In response to the points raised by the ExA and other parties, the Applicant explained the position relating to Narborough Level Crossing. At the request of the ExA within the Rule 8 letter, a 7-day survey was undertaken by the Applicant between Wednesday 11 and Tuesday 17 October 23 to better understand the current interaction between the Narborough Level Crossing and highway network (Station Road with Coventry Road/Desford Road and the B4114 to the north and Riverside Way to the south). This information was included in a Technical Note (HNRFI-BWB-GEN-XX-RP-TR-0036-P2 Narborough Level Crossing Note) submitted at Deadline 3 (document reference 18.5.3, REP3-044) and updated at Deadline 4 Narborough Level Crossing Traffic Modelling (document reference 18.6.8A, REP4-118).</p> <p>Since the ISH2, further surveys were undertaken between Saturday 25th November and Friday 1st December 2023 to address LCC's concerns regarding the extent of queues and effect of school holidays on the last two days of the previous survey. The dates and scope of these subsequent surveys were agreed with LCC. A revised Technical Note (HNRFI-BWB-GEN-XX-RP-TR-0036-P2) was submitted at Deadline 4 (document reference 18.6.8A, REP4-118). Due to an administrative error the appendices were not uploaded to the PINs website, however they have already been shared with the Transport Working Group and are submitted at Deadline 5 (document reference 18.6.8B).</p>

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		<p>The Applicant explained that the outcomes of these surveys demonstrates that the original survey date of Wednesday 11 October used for assessment in the Deadline 3 Technical Note was representative in terms of traffic flows (8,674) and the number (83) and overall downtime (4.9 hours).</p> <p>The Technical Note details how observed survey data was used to produce and validate LINSIG models of the Narborough Level Crossing, as well as establishing the average time taken for vehicles to clear the crossing once the barrier was lifted. This information was then used by the Applicant to model the effects of the changes in traffic predicted by PRTM2.2 and additional 20 train paths resulting from the Proposed Development.</p> <p>The current daily downtime of 4.9 hours would be increased by approximately 40 minutes to around 5.5 hours with the additional 20 train paths. Resulting in the Narborough Level Crossing being down 23% during a 24-hour period, rather than the current 20%. This is well below the 45% barrier downtime at town centre locations that Network Rail and the HM Railway Inspectorate at the Office of Road and Rail consider would trigger a site safety risk assessment (Appendix D: National Transportation Policy Note Document ref 18.4.4, REP2-075).</p> <p>The Applicant set out that the assessment demonstrates that the Proposed Development would have a negligible effect on average maximum queues and delay in the southbound direction, but there would be a marginal impact on northbound queues at specific times of the day.</p> <ul style="list-style-type: none"> • 0800 to 0900: when queues would increase by 11 (91 to 102 vehicles compared to existing of 79 Modelled /89 Observed) and delay would increase by 32 seconds (266 to 298) primarily due to diverted background traffic as no trains and minimal development traffic would route at this time. • 1600 to 1700: when queues would increase by 9 vehicles (74 to 93 compared to existing of 34 Modelled /25 Observed) and delay would increase by 26 seconds (216 to 242) <p>Based on the average available uptimes during each hourly period, the Technical Note concludes that all queues would have sufficient time to clear before the following downtime. However, in EXQ2 of 19 January 2024, the Examiner has highlighted potential interaction between downtimes for three time periods (12:03 to 12:39), (16:01 to 16:16) and (16:59 to 17:17).</p>

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		<p>It should be noted that the Technical Note provides maximum queues during each hour and that queues will be different for each downtime during that hour. Therefore, a more detailed assessment has been undertaken for the three identified time periods. This has demonstrated that queues would clear between all downtimes during two of the identified periods. 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> <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, subject to this being possible once NR's timetables were taken into account. The results of this additional assessment work are submitted at Deadline 5 within EXQ2 responses (document reference 18.16)</p> <p>Nevertheless, while it is concluded that whilst the HNRFI would result in drivers being delayed more frequently at the Narborough Level Crossing, on most of these occasions the delay would not significantly exacerbate existing queues. It is acknowledged that there could be occasions when traffic does not always clear between downtimes and delay could be more material. However, this would be limited to concentrated times given the availability of alternative traffic routes between Narborough and Littlethorpe via Enderby Road and Croft Road, any impact is not considered severe.</p> <p>A footbridge is currently present at the Narborough Level Crossing for pedestrians wishing to cross during the barrier downtime, while cyclists and the mobility impaired would generally wait at grade for signal changes. Given that the majority of downtimes would be around 2:30 minutes, it is considered that pedestrians would most likely wait for the barrier to raise, rather than use the bridge. However, on the occasions that train paths cross, the footbridge could be an attractive alternative for some users.</p> <p>In response to the points raised by LCC regarding traffic modelling of the junction, the Applicant confirmed that it had been modelled and that it would be shared with LCC. The outputs are included in Appendices to the Narborough Level Crossing Note which have been shared with the Authorities</p>

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		<p>and are uploaded for Deadline 5 as per second paragraph within this response (document reference 18.6.8B)..</p> <p>In response to the points raised by the ExA and Alberto Costa MP, the Applicant confirmed that Network Rail are going to be responding on the 45 minute downtime standard referred to, the Applicant wanted to highlight that the modelling completed in response to the ExA questions at EXQ2 demonstrates that HNRFI are well below this level of downtime.</p>
3g	<p>Sapcote The ExA requested that the Applicant provide an explanation of the removal of the gateway feature.</p>	<p>The Applicant explained that following the outcome of the stage 1 RSA and through discussions with LCC the feature has been removed. Comments were received that there is frequent parking of vehicles and accesses being blocked through the village, along with the outcomes of the stage 1 RSA, the Applicant felt that these features indicated that it was a village location and therefore the gateway feature was removed from the scheme.</p> <p>The Applicant confirmed that the other changes to the scheme in relation to traffic calming are also linked to the outputs of the RSA.</p>
3h	<p>A5/Gibbett Hill Junction The ExA requested clarification on the approach from all parties, in the light of NH informing the Applicant that there is a new scheme not in the public domain that they are seeking to use existing and new contributions to fund. LCC raised concerns that the Applicant has not put together a scheme and costed this and that it is not covered in the s106.</p>	<p>The Applicant concurred with the comments and points raised by NH, and confirmed that whilst the Applicant has not yet seen a copy of the scheme that NH are developing, the Applicant will continue to work with NH. The Applicant has reviewed the junction and has modelled the HNRFI percentage impact which can be a starting point for the impact on the junction. The Applicant remains happy to continue to work with NH and the highway authorities to determine the level of contribution. The Applicant and NH held a meeting on 29 January and 2 February 2024 where this matter was discussed further. It should be noted that the standalone VISSIM discussed by WCC and NH is not in existence. It remains part of a wider VISSIM which extends across a much wider area, incorporating J1 and the M6. This was confirmed by email on 2 February 2024 by NH.</p> <p>In terms of securing the commitment, the Applicant set out that there are two options available. If there is sufficient time this could be carried out through the s106, however as the Applicant has no land within the WCC, they cannot be party to the s106, the Applicant would be happy to commit to an obligation with one of the LPAs in whose area land within the site could be bound and would</p>

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		<p>work with the LPAs to discuss this. Another option would be a requirement restricting occupation in the DCO until a s278 highway agreement could be entered into with NH. The Applicant noted that whilst this issue has been discussed with parties for a number of years, previously there was an agreed scheme for contributions, as this scheme is no longer available, the intention is to seek to agree funds between parties.</p> <p>Having discussed this further with the LPAs since the hearing, it is now proposed that this is secured by a s106 planning obligation in the Unilateral Undertaking with LCC. The obligation is to provide evidence to LCC that a contribution has been paid to WCC and the development may not commence until this evidence has been provided. Please refer to the Applicant's response to ExQ2.0.4 for further detail (document reference 18.16).</p>
3i	<p>Cross-in-Hands Roundabout The ExA requested explanation from the Applicant as to why lesser works are now required at this junction.</p>	<p>The Applicant explained that the revised modelling using 2023 Updated flows suggest that impacts of the development can be successfully mitigated with amendments to the B4027 and Coalpit Lane on the western side of the roundabout. Widening on the A5 north and A4303 are not necessary to mitigate the impact of HNRFI.</p> <p>Originally Magna Park (Gazeley) had proposed a mitigation scheme which included widening on the A5 North and South and A4303 arms. It was proposed that HNRFI mitigation would include A5 and A4303 junction. The Gazeley scheme is now not being delivered.</p> <p>The Applicant set out that the HNRFI mitigation includes widening to the two all other arms to formalise two lane entries on, B4027 and Coalpit Lane, realigning the B4027 arm to improve entry deflection.</p> <p>The Applicant highlighted that there have been only two collisions (1 serious, 1 slight) recorded over last 3.5 years and both at the northern side of the junction (A5N and A4303) with no common causal factors.</p> <p>The Applicant confirmed that the change in the mitigation at this junction was driven by the updated modelling and 2023 surveys and is not linked to the changes to the Sustainable Travel Strategy. To</p>

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		<p>reflect the change in the mitigation, Highways Plan 2.4H has been amended and is submitted at Deadline 5 (document reference 2.4H), the Geometric Design Strategy Record has also been updated for Deadline 5 (document reference 2.29B).</p>
<p>3j</p>	<p>HGV Routing and Enforcement The ExA requested an update from the Applicant on this matter.</p> <p>Matters discussed and raised by the ExA and other parties included:</p> <ul style="list-style-type: none"> • GDPR • Management Plan approach • Location of ANPR cameras • Enforcement • Securing mechanisms • Monitoring • Fines • Breach triggers • Mitigation measures • A47 	<p><u>GDPR</u></p> <p>The Applicant set out the current position on HGV routing and enforcement. Additional inputs on GDPR were inserted to the HGV Route Management Plan and Strategy at Deadline 4- Paragraphs 5.40 this was to address comments received from LCC during the last hearing (document reference 17.4B, REP4-113). It was noted that GDPR requirements are a legal obligation and so will be undertaken as a legal responsibility of the Applicant with a need to ensure the integrity of that data.</p> <p><u>Management Plan approach</u></p> <p>Full review of the HGV routing strategy- enforcement clearly sits with the Site Management on key routes in Sapcote, Stoney Stanton and Wolvey. This has been delivered elsewhere on the NH/WCC network and monitoring working successfully. Equipment in adopted highway can be delivered under s50 Highways Act where such highways are not within the Order limits. Monitoring Triggers have been calculated and set out for agreement with the highway authorities. These triggers have been based on the development traffic impacts reported and adopt a similar method used in the successful Redditch Gateway Management Plan, which WCC and NH agree to be an exemplar management plan. The Applicant explained that the original plan was prepared in consultation with a resident steering group and then secured through condition.</p> <p><u>Enforcement and securing mechanisms</u></p> <p>The Applicant set out that private enforcement measures, monitoring and management processes are set out in the Management of Monitoring section of the HGV Management and Routing Plan Responsibility for enforcement and management sits with the Site Management Company and will be monitored and reported by the site wide Travel Plan Coordinator. The outcomes of the monitoring will be shared with a working group formed of the local planning authorities and highway authorities. The Applicant set out that the HGV Route Management Plan and Strategy is secured under requirement 18 of the DCO and that article 9 provides the mechanism for carrying out street works within the Order limits. In response to the discussion from parties related to</p>

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		<p>triggers, the Applicant explained that at Redditch, quarterly reports that provide all notifications and all those identified as breaches are provided, the transport consultant analyses this information for particular patterns and this information is shared with the relevant authorities. At any point there is an ability to have a meeting to discuss issues, but there is an annual meeting where everything is covered and reviewed.</p> <p>BDC raised concerns around its ability to enforce compliance with the aims of the Sustainable Transport Strategy, since it could only ensure compliance with the measures set out in the scheme and if these were not effective, it would not have the powers to prevent vehicles from taking the wrong route. The Applicant noted that the position was similar to where such a scheme was secured by planning condition. To provide further clarity on the commitments in the Sustainable Transport Strategy the Applicant has included a commitments schedule in an updated version of the strategy which is submitted at Deadline 5 (document reference: 6.2.8.1C).</p> <p><u>Breaches</u> In terms of breaches of the strategy, the Applicant explained that they are levels where increasing interventions are required. , An initial level where the occupier manages interventions with transgressors, a second level where penalty fines are enforced, a third level in which a full review of the plan is taken to the Strategy Review Panel Monitoring on a rolling basis and will take into account . This has been updated within the Plan to reflect comments from the hearing.</p> <p><u>ANPR</u> ANPR Camera Locations on the internal private road network outside of the tenant demise and at agreed locations on the routes under section 50 of the Highways Act 1980 for private apparatus on the highway. Poles will be the responsibility of the site management company and the ANPR cameras will be maintained by the specialist company. Suggested locations have been outlined in paragraphs 5.15 to 5.16 and will need to be agreed with each highway authority. No equipment is to be installed on LCC street furniture. Detailed locations have been drawn for the Deadline 5 submission and are appended to the HGV Routing Strategy and Plan update (document reference 17.4C).</p>

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		<p>In response to comments from the parties, the Applicant confirmed that Data Protection is of course a requirement and the process that will be adopted is set out in section 5.35 to 5.38.</p> <p>The Applicant confirmed that though it is not the primary purpose of the ANPR to monitor background traffic, this can be a tool to monitor background levels.</p> <p><u>Fines</u></p> <p>In relation to the point raised by the ExA on fines and how this complies with policy requirements, the Applicant confirmed that the intention based on the discussions at the previous hearing was that the fines will be used to offset the impacts on Sapcote. The Applicant has put together a package of potential mitigations which could be provided in the event that the Sustainable Transport Strategy is not effective in securing compliance. The Applicant confirmed that the updated HGV Route Management Strategy and Plan to be submitted at Deadline 5 (document reference 17.4C) will make this clearer and will include an explanation as to how the fines generated could be applied, including a list of the potential measures which could be employed.</p> <p>The Applicant confirmed that it would review the s106 agreement to check the definition of 'index linked' was clear. This has since moved on and the updated draft s106 Agreement with BDC and HBBC and separate Unilateral Undertaking to LCC now reflect the Applicant's understanding of the authorities' requirements on indexation. Please refer to the Applicant's response to ExQ2.0.4 and specifically Appendix A of that document for further detail (document reference 18.16.1).</p> <p><u>Mitigation measures</u></p> <p>In reference to mitigation measures, in the absence of any LCC guidance on the reduction of traffic in villages, the Applicant has utilised the Traffic in Villages Toolkit (promoted by Dorset County Council) whose approach has been accepted by Warwickshire County Council in relation to the Coventry Giga-factory scheme with the aim of reducing traffic in the village of Baginton. The toolkit aims to preserve and enhance the character of rural communities through the use of design led initiatives to increase driver awareness, reduce vehicle speeds and increase journey times to make through routes less desirable.</p>

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		<p>The measures proposed as part of the Highway mitigation are intended to improve connectivity north to south within the village (Church St. to Stanton Road), make the area more pedestrian dominated by introduction of an area of public realm outside of the shop, improving pedestrian safety by widening footways where possible and providing a controlled zebra crossing over the B4669, and reducing the risk of HGVs overrunning kerbs through the section as vehicle tracking shows that the pedestrian islands in place at present are not easily passable by large vehicles without them mounting the kerb, and we heard in the last hearing from someone who raised this problem within the village. These measures will also have the effect of slowing traffic due to the presence of the controlled crossing and as a result, will increase journey times through the route and make it less desirable to through traffic.</p> <p>Since the original submission, these have changed as follows, in consultation with LCC and in response to the interim RSA 1:</p> <ul style="list-style-type: none"> • Amendment to Church St. to allow on street parking to remain • Addition of formalised dropped crossing to Stanton Road • Widening of northern footway to improve visibility to and from crossing and provide wider footway facilities between crossing and Stanton Road • Introduction of a loading bay/waiting area for school buses and vehicles servicing the Co-op <p>Given that the forecast assignment of traffic using the B4669 due to the south facing slip roads is derived from a traffic model only and these measures are based on a toolkit utilising subjective, design driven solutions, a monitor and manage/vision and validate approach to the village is most appropriate in the longer term as it is important to establish a balance between the routes utilised by existing traffic on the network. For example, a measure that completely excludes large vehicles from one route will have an adverse effect on another and so proportionate measures that are appropriately monitored are considered to be most effective.</p> <p>The Applicant foresees the HGV strategy working group proposed within the HGV Routing Plan playing a key role in this. In addition to the proposed measures in Sapcote implemented as part of the HNRFI highway works, a number of other potential measures could be introduced by the Local Highway Authority, in consultation with the Parish Council in future.</p>

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		<p><u>A47</u></p> <p>In reference to comments from the parties in relation to the use of the A47 by HGVs, the Applicant highlighted that it is part of the HGV routes in the county and aligns with LCC's HGV Network Management Plan (2021), the purpose of the A47 is to distribute traffic from the site, so therefore wish to see the route remain</p>
3k	<p>Road Safety Audits</p> <p>The ExA requested an update on RSAs</p>	<p>The Applicant explained that interim RSA had been completed driven by the Applicant, as there is yet to be sign off from NH in relation to the briefs, but the Applicant was keen to ensure that there was early sight of any safety issues. The Applicant confirmed that the auditors were provided with the TA for the expected flows from the development.</p> <p>As a result of the outcomes of these interim RSAs, the Applicant has amended the design, as set out in the Geometric Design Strategy Record submission made at D4 (document reference 2.29A). The Applicant confirmed that detailed briefs had been submitted to NH and LCC (23 January 2024 by email), NH have confirmed that they are not in a position to sign these off. The Applicant reconfirms their position from earlier in the ISH6 hearing that they believe that these are in a position to be signed off by NH.</p> <p>The Applicant confirmed that the changes made as a result of the interim RSA are not significant and are what would be expected at this stage of an RSA. The changes do not necessitate a change to the works description in Schedule 1 of the DCO, and although the ExA noted that there would be a need to delete reference to the mitigation at Sapcote, the Applicant noted that this was not as a result of the RSA results.</p>
3l	<p>Traffic Modelling</p> <p>The ExA requested an outline of the effect of COVID 19 on the traffic modelling to date.</p>	<p>The Applicant explained that they were required to use LCC's PRTM 2.2 for the final forecast run following previous runs using v1.0 and v2.1. The approach was fully discussed and agreed with the Transport Working Group, as outlined in the Responses to Relevant Representations Appendix A Highway Position Statement (document reference 18.2.1, REP1-033).</p>

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		<p>The PRTM inputs and the agreements to them for the final Forecast run are included in the position statement (document reference 18.2.1, REP1-033). The Applicant team ensured all inputs were agreed ahead of the forecast run by LCC NDI's consultants AECOM.</p> <p>LCC's PRTM Forecast Base Model is considered robust as it includes all committed development and infrastructure required by the local authorities, as well as general traffic growth to account for the additional trips associated with other planned developments affecting the study area by 2036.</p> <p>LCC's consultants AECOM have advised that traffic flows across the PRTM network have reduced in the AM and PM peaks respectively by 5.8% and 8.1% between 2019 and 2023. The recommendations from AECOM to understand the post Covid impacts of the scheme would be to apply factors based on observed datasets as a post model adjustment aligning with Option 3 of the DfT TAG Unit M4 Section B.3.4. Additional Covid impact modelling was submitted at Deadline 4 in line with agreement from ISH2 with the Highway Authorities (as per Option 3 mentioned above.) (document reference: 18.13.1, REP4-130). This has demonstrated an overall reduction in traffic across the county and applied as a global factor.</p> <p>Discussion during a meeting on 13 November 2023 with the highway authorities, the emphasis was on the update of survey information at junctions that were subject to mitigation to understand localised changes between 2019 and 2023. Data was gathered in the final week of November (neutral month) and LCC were consulted on the days to ensure that data was representative. Following the receipt of the data capacity models and VISSIM models were all re-run with amended furnishing outputs based on the 2023 survey information. The results have been reported within the 2023 Transport Update (document reference 18.13.2,REP4-131). There are minimal changes to the conclusions drawn within the initial Transport Assessment because of the revised survey data.</p> <p>The development traffic inputs (document reference 6.2.8.1, APP-141) are considered robust as:</p> <ul style="list-style-type: none"> • They are based on trip rates previously agreed for other SRFIs and take no account of the reduced traffic generation of mezzanine floorspace compared with ground floor space. • The higher propensity for office staff to WFH for a proportion of the working week • The traffic reduction benefits from modal shift arising from the Travel Plan.

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		<ul style="list-style-type: none"> • All HGVs generated by the scheme are new to the network thereby ignoring: • The overall reduction in HGVs resulting from the rail interchange transferring movements from road to rail, which is quantified within the Climate Change Chapter (document reference 6.1.18A, REP4-045) as circa 83 million HGV Road Miles. <p>It is acknowledged that the effects of development traffic and the Access Infrastructure should be assessed together, and the Transport Assessment does this. However, it was also important to understand the effects that implementing the A47-M69 Link and the M69 J2 southbound slip roads would have on the routing of existing traffic. To provide clarity on this, the PRTM was also run for a scenario assuming the Access Infrastructure was implemented, but no development traffic was being generated. This was agreed through the Forecast Model Brief Section 5 Paragraph 5.1 (document reference 6.2.8.1, APP-145) with the members of the Transport Working Group.</p> <p>The scenario demonstrates the wider benefits of the development infrastructure as it allows existing traffic to reroute away from the local highway network through Elmesthorpe, Burbage and Hinckley to the SRN to the south via the A47 link. Therefore, providing benefit to a large population living in the area, which is largely maintained once development traffic is added.</p> <p>Whilst it is acknowledged that there are moderate traffic increases in Stoney Stanton, Sapcote and north to M1 Junction 21, it is considered that the proposals provide a net benefit to the majority of the population living in the area.</p> <p>VISSIM- a micro-simulation package to understand interactions on larger signal networks was used at J1 and J2 of the M69 to understand MOVA (Microprocessor Optimised Vehicle Actuation) controlled signal timings (demand responsive). Base Model Local Model Validation Report (LMVR) was approved (document reference 6.2.8.1, APP-147) by LCC on 23 April 2021)</p> <p>Capacity Models. Junctions 10 and LINSIG packages used on standalone junctions using outputs from the PRTM furnished using observed baseline flows from 2018/19. For each scenario Future Year 2036 worst case was used to test the function/capacity. These are reported within the Transport Assessment and its appendices (document reference 6.2.8.1B, REP3-157) and (APP-150 and 151).</p>

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		<p>It was noted that the global factor had been produced following a request made by LCC and that the Applicant had not used this as part of its modelling.</p> <p>The Applicant confirms that managerial roles were excluded within the original Trip Distribution document signed off by all parties prior to the model run. Further engagement with LCC NDI consultant team however, confirms that Census JTW data for similar sites, DIRFT and Magna Park are used in the analysis of commuter travel distances, combined with planning uncertainty logs used within the PRTM. These take account of likely trips on the network and include a number of managerial staff, this will be in the region of the 10%. The trip generation was based on similar SRFIs which did not exclude managerial roles and therefore accounts for such journeys to and from the site.</p>
3m	<p>Summary of transport position The ExA invited all parties to summarise the transport position at the conclusion of the transport element of the hearing</p>	<p>The Applicant stated that there has been a considerable amount of information and data submitted throughout the examination to date and that we accept that the authorities have some review work to undertake in this regard.</p> <p>Throughout the course of this examination, the Applicant has undertaken considerable additional work to address the additional requests of the Highway Authorities. The outputs of this work have clearly demonstrated that it does not materially affect or change the conclusions of the assessment. The Applicant believes that they continue to demonstrate a proportionate approach to assessment and mitigation. This remains largely unchanged from the consultation, to pre-submission and post submission analyses.</p>
4	Rail Connectivity	
4a	Rail approvals	<p>The Applicant confirmed that it is in receipt of the latest version of the Network Rail SoCG with all matters are now agreed, and that this is submitted at deadline 5 (document reference 19.8).</p>

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4b	<p>Passenger services The ExA stated that Network Rail have been asked to provide the gradient of a platform for a passenger rail station and the difference between a freight and passenger station.</p>	<p>The Applicant noted that Network Rail will provide a full response in due course, however sought to clarify that there is a difference between a passenger and freight platform. The Applicant explained that moving the rail to facilitate a passenger station would then take this into an area of land where there is bunding and on to an adjacent farmer's field, this would lead to viability issues which would be significant. The Applicant noted that nothing in the HNRFI proposals prevent this happening in the future should this become more viable, however this is not in the application for the HNRFI that is subject to this examination and NR do not see a catchment area large enough to fund a passenger station.</p>
4c	<p>Narborough Level Crossing (rail) The ExA stated that they requested that Network Rail provide data on closures.</p>	<p>The Applicant confirmed that Network Rail will be providing this information.</p>
5	<p>Sustainable Transport Connections</p>	
5a	<p>Active Travel The ExA requested an update from the Applicant on the progress made in regard to active travel since the last hearing.</p> <p>Discussion with all parties took place in regard to:</p> <ul style="list-style-type: none"> • Plans • Walking and cycling proposals provided by LCC • Reliance on use of PROW to access the site • Sustainable transport modes 	<p>Since IHS2, the Applicant outlined that the STS has been revisited to;</p> <ul style="list-style-type: none"> • Strengthen the initial bus provision commitments and to include a review process with the LHAs to achieve realistic 5 and 10-Year targets for modal shift. • Assess potential cycle enhancements and identify those considered viable options to encourage modal shift. • At the request of TWG, the bus interchange has been relocated to be within the site, rather than on the southern side of the A47 Link. • Include the outputs of engagement with a car sharing platform operator to better inform expected catchments and achievable modal shift. <p>As a result, the Applicant believes the overarching transport proposals provide a reasonable and proportionate approach to encourage travel by sustainable transport.</p> <p>Specifically in response to Active Travel, the Applicant outlined the key features.</p>

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		<ul style="list-style-type: none"> • Whilst Circular 1/2022 promotes development in sustainable locations and seeks to ensure the strategic road network is not relied upon for site accessibility, Paragraph 28 states that this aim excludes 'SRN-dependent sectors (such as logistics and manufacturing)' with Paragraph 30 acknowledging that 'some hubs serve regions and tend to be located out-of-town near the strategic road network'. • Paragraph 30 expands on this by acknowledging that 'The Future of Freight Plan sets out that a joined-up approach between the planning system, local authorities and industry can safeguard and prioritise the land needed for these uses, with Footnote 14 stating 'this may include opportunities for a rail network connection in addition to having a close proximity to the SRN'. • As with other SRFIs, such as East Midlands Gateway where less than 1% of staff walk and less than 1% cycle, Circular 1/2022 recognises that the requirement to be close to rail and strategic highways can often limit the scope to encourage significant numbers of active travel trips. • As set out in the Sustainable Transport Strategy, existing and planned population within walking distance of the site is very low (Only 700 to 800 people live in Elmesthorpe with about 55% 17-65. Can travel by DRT or car share). This combined with the rural nature of these routes are significant barriers to encouraging such trips, particularly for shift workers. Therefore, it is expected that walking would only be attractive to a small number of employees and would therefore do little to contribute to modal shift and reduce development traffic. • Existing pedestrian facilities are available from the site to the nearest communities of Hinckley, Burbage, Earl Shilton, Barwell, Elmesthope, Sapcote and Stoney Stanton. It is accepted that facilities to areas such as Sapcote and Stoney Stanton are below current highway design standards. However, these are very lightly used and consequently would still be adequate for the limited number of employees predicted to walk to the site from these locations • A balance must be struck between providing improvements to encourage walking, whilst recognising the inherent barriers to this travel mode. Consequently, wider off-site improvements are not considered justified, and the strategy has been to focus on maintaining and enhancing pedestrian routes to and through the site once developed, as well as ensuring safe and direct walking routes to bus stops. • Several Public Rights of Way will be diverted to maintain access to and through the site once developed. This will maintain pedestrian links to Burbage Common Road to the north, the

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		<p>footpath network within Burbage Common Woods to the south and the B4669 Sapcote Road to the southeast at M69J2. In addition, a new pedestrian route will be provided on the southern side of the A47 Link Road to improve connections to the west. This high-quality route will connect with the internal pedestrian routes and diverted public rights of way to retain and enhance the existing permeability of the site in all directions.</p> <ul style="list-style-type: none"> • A signal-controlled pedestrian crossing point is proposed on the A47 Link Road between the main bus stops and a Pegasus crossing is proposed to the east where diverted bridleway V29/7 crosses the A47 Link Road. • Pedestrian crossing facilities are also incorporated into the proposed highway improvements within Sapcote and Stoney Stanton. Whilst this will improve general crossing opportunities within those villages, they are unlikely to encouraging walking to the development due to their remoteness. <p>In response to the comments made by parties in the active travel discussion, the Applicant noted the good points made by others, however raised a concern that the discussions were conflating active travel and sustainable travel. Noting that public transport and car sharing are effective for shift-based patterns and in keeping with EMG which has been very successful this regard, the STS has been strengthened in the latest update (document reference 6.2.8.1C) and the Applicant recognises that this needs to be in place earlier. At EMG there has been a lot of investment in walking and cycling but this has led to a 1% increase, so the Applicant recognises that there needs to be a balance. There are existing routes which the Applicant is enhancing. The Applicant has gone through an evidence-based approach to look at all options proposed by the authorities and the Applicant has come up with conclusions that the Applicant stands by but that authorities do not agree with (document reference: 6.2.8.1C). To confirm, the Applicant is not stating that people cannot walk, some will, but the Applicant recognises that investment will not increase this significantly. The location of the site is linked to the SRN and rail, as it must be, to meet the needs of an SRFI.</p> <p>Comments made by NH at ISH6 were related to an earlier version of the Sustainable Transport Strategy and did not take account of the enhanced offer described above.</p>

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		<p>The Applicant confirmed that designs for the Outwoods bridge is with NR for consideration but that it is not clear to NR as to why ramps are needed given the location. Once the design has been drawn up this will be shared with LCC, although the Applicant noted that LCC was only adopting the surface of the bridge and that the structure itself would be adopted by NR. A plan was shared with LCC on 6 February (document reference 2.32) is submitted at Deadline 5.</p>
<p>5b</p>	<p>Cycling The ExA requested a discussion on the lack of a continuous cycleway to access the site.</p>	<p>The Applicant set out the cycling provision on the eastern side was more difficult to deliver and that two controlled crossings and an uncontrolled crossing were being provided and so provision is available. Further, the Applicant's view is that there is a continuous footway on both sides of the bridge and route and that the strategy adopted here is in line with other existing provision in the locality. The Applicant has included a plan illustrating the footway/cycleway links to and from the development as an appendix to this document (document reference 18.15.3).</p>
<p>5c</p>	<p>Bus connections The ExA requested clarification on the bus services including how they will be secured and why they are not part of the S106.</p>	<p>The Applicant set out the current position regarding bus provision. In tandem with car sharing, large employment sites with shift working lend themselves to the successful implementation of financially sustainable public transport services. Consequently, these are a focus for the STS, which also highlighted Coventry and Leicester as the likely sources of the bulk of employees.</p> <p>Since ISH2, the initial bus provision commitments have been strengthened in the Sustainable Transport Strategy (document reference 6.2.8.1C) with the Applicant committing to enter into private service agreements (secured through requirement 9 to comply with this document) with local bus operators, to enhance existing services prior to first occupation between the HNRFI and include:</p> <ul style="list-style-type: none"> • Coventry & Leicester via enhancement of Arriva X6 (or a similar route should the X6 be removed as a service). • Hinckley & Nuneaton (including both railway stations) via enhancement of Arriva 8 or similar route. • Surrounding Villages via a Demand Responsive Transport (DRT) service) • A shuttle bus on-site linking the bus stop to the units <p>(Figure 12 of the STS shows this future network (document reference 6.2.8.1C))</p>

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		<p>Bus provision to these areas would coincide with office hours and standard warehouse shift changes on all HNRFI working days. It would be maintained as the baseline service provision going forward.</p> <p>Dedicated bus infrastructure is to be provided on the A47 Link Road prior to first occupation. This includes a bus interchange with a large purpose-built shelter and layby, which at the request of LCC has been moved to the eastbound carriageway, providing full kerbed separation from the link road. The westbound bus stop will also have a layby and bus shelter and will be connected to the site via a signal-controlled pedestrian crossing.</p> <p>Initially, scheduled bus services will only stop at the bus stops on the A47 Link Road. However, once a section of the internal loop road is open, scheduled services will have the opportunity to access the HNRFI. Bus stops, shelters and live travel information will be provided throughout the development to allow passengers to board and alight within 400m of every building.</p> <p>A private shuttle bus will also be provided between the A47 Link Road and the internal bus stops. The timetable for this private service will be established to coincide with the arrival and departure times of scheduled bus services stopping at the interchange on the A47 Link Road and will be operational until such time as the scheduled bus service provision routing though the site allows for its removal.</p> <p>The bus operators in the area have confirmed that the Applicant can purchase bundles of bus passes to provide a free 6 month bus pass to employees of HNRFI. Consequently, the Site Wide Travel Plan Coordinator will promote the availability of these passes and any other local or national schemes to encourage bus travel.</p> <p>As the HNRFI will be delivered on a phased basis, passenger demand will increase over time and the requirements for bus provision will evolve. In addition, planned residential development in the area such as the Earl Shilton and Barwell SUEs are likely the local bus provision requirements. Therefore, as part of the Travel Plan Monitoring, every year following first occupation the Site Wide Travel Plan Coordinator will analyse bus patronage and staff travel surveys to establish the effectiveness of the bus provision in achieving modal shift.</p>

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		<p>In the event the review demonstrates that the car driver target modal share is not being achieved, provision for additional and/or alternative public transport.</p> <p>The Applicant confirmed that the approach is to secure compliance with the STS is through requirement 9 and the services are set out in the strategy itself. The Applicant takes on board comments from BDC and HBBC that the strategy could be clearer in terms of what the measures would be securing, and it was agreed that the Applicant would revise the STS to include a table of commitments to make this clearer, this is submitted at deadline 5 (document reference 6.2.8.1C)</p>
5d	<p>Car sharing The ExA invited all parties to comment on the approach to car sharing.</p> <p>Discussions from the parties covered:</p> <ul style="list-style-type: none"> • What the provision is • How this is secured • How this contributes to modal shift • Provision for Rugby • Operator led or site wide • Parking standards 	<p>The Applicant stated that since ISH2, they have been engaging with a car sharing platform operator with experience in the locality to inform expected catchments and achievable modal shift. This has demonstrated that a system could achieve 20% to 30% car sharing, with areas such as Leicester, Coventry, Birmingham and Solihull likely to be most attractive. Consequently, from first occupation a car sharing platform (app or similar) will be available for all staff at HNRFI to share details of lift availability to and from the site.</p> <p>In relation to provision and measures for areas such as Rugby, the Applicant confirmed that the public transport strategy can be adapted. Once the Travel Plan coordinator starts getting data from the development in relation to where people are going to, the strategy can be adapted. The Applicant highlighted that it is in their interest to be adaptive if they are to meet their targets.</p> <p>This approach is to be set out from the outset in the strategy and secured by requirement 9 of the DCO.</p> <p>The Applicant confirmed that the platform will be site wide, the occupiers will have an option to join as an organisation or to run their own. Occupiers will be able to elect whether to allow sharing with specified other occupiers or across the wider site – this will be driven by them as some occupiers have HR concerns and do not like to promote cross company carshares.</p>

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		<p>In relation to discussion from parties, the Applicant emphasised that car sharing is most successful where public transport is not readily available. Car sharing is not a replacement for public transport and is an infill for where service are not available or attractive. The Applicant has made a commitment to ensure that services in place for all operational days of the facility, the Applicant will work with bus operators to ensure that the service provision links in with shift patterns.</p> <p>In relation to the ExA's query regarding parking provision on site, the Applicant highlighted that parking standards relate to modal share and also relate to number of staff at the site depending on the use. Different occupiers will have different requirements and therefore the need for parking will be assessed in line with the individual occupier, the Applicant is applying for parking in line with LCC standards to ensure that the consent provides the maximum flexibility for future occupiers.</p>
6	Noise	
6a	<p>Baseline Noise Conditions</p> <p>The ExA outlined that there have been concerns in terms of why noise collected at noise monitoring positions was directly transposed to ambient levels at noise sensitive receptors in the absence of attenuation. The ExA understands that the Applicant states that for NSRs in in relation to NMP4 experienced road and traffic noise and this is comparable to noise at NMP4 and therefore negates the need for attenuation, the ExA referred to the evidence provided by Dr Moore which appears to show that the noise levels at NMP4 spike</p>	<p>The Applicant explained that a response to this question was provided at Deadline 3 and is detailed within Written Statement of Oral Case ISH3 [Appendix F - Noise Assessment Update Note] (document 18.7.6, REP3-061). The response is summarised below.</p> <p>The latest available DEFRA noise mapping data for the rail line has been reviewed and aligns with the noise levels measured at NMP4.</p> <p>To provide context around the likely existing noise levels from road traffic on the surrounding roads, the baseline 2019 noise model has been reviewed which is based on baseline 2019 traffic data provided by BWB. This does not include any development traffic and purely relates to the existing baseline traffic for 2019.</p> <p>The model only includes those roads that are within the study area for noise and therefore does not include all of the surrounding roads.</p> <p>Using these two sources, it is possible to determine the ambient noise levels in the vicinity of receptors located further away from the railway line, by essentially logarithmically summing the noise level from the rail line with the noise level because of road traffic. The results of this</p>

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	<p>up and down during the daytime and nighttime for brief periods. The ExA surmised that this must be from train which is unlike road noise. The ExA requested assurances from the Applicant that can demonstrate that there is a comparable road noise influenced environment for NSR north of the main site compared to the noise monitored at NMP4.</p>	<p>calculation are shown in Table 4 within Written Statement of Oral Case ISH3 [Appendix F - Noise Assessment Update Note] (document reference 18.7.6, REP3-061).</p> <p>This analysis indicates that as distance increases from the rail line, road traffic from surrounding roads becomes more dominant. The predicted cumulative noise levels from these sources are within an acceptable range (1dB) of noise levels used within the assessment, and therefore the results and conclusions stated within Chapter 10 Noise and Vibration, remain valid.</p> <p>Notwithstanding this, the crux of the matter appears to be whether the ambient noise levels used within the context assessment at receptors in the vicinity of NMP4 are representative, and the above analysis shows that they are.</p> <p>It is not appropriate to simply apply a distance correction to noise from the rail line in isolation as this does not consider the contribution of road traffic noise at distances further away from the rail line.</p> <p>It is noted that the SoCG with BDC and HBBC has the following Matters Agreed:</p> <ul style="list-style-type: none"> • Construction and Operational Phase Noise and Vibration Assessment - Selection of Sensitive Receptors • Operational Noise and Vibration Assessment – Baseline noise and vibration survey methodology
	<p>Dr Moore raised a number of issues in relation to nighttime ambient noise and bands of noise levels. He stated that if you compare this in detail with the daytime noise that DEFRA give you would expect to see a 3dB difference, but you don't the only difference is the bands are wider. If you look at the boundary</p>	<p>The Applicant stated that the Proposed Development has not been designed against the noise data from DEFRA. The Applicant explained that the noise data has been used to quantify the noise levels of the receptors and to provide some evidence to confirm the evidence in the assessment.</p> <p>The Applicant also noted that noise data are annualised, this means that they do not differentiate between weekday and weekend instead they are averaged over a period of time. This means that they are representative of the noise levels in the area.</p>

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	<p>between the orange and yellow (55dB) you find that this is very broad and extends out to the NSR area, at NMP4 you find that this array of bands extends right down to it. The surveyed levels recorded 56.2dB was 12m from the track, this indicates that you are actually getting the same level of noise at NMP4 within the boundary of the railway construction, the difference between the two the effective error you see in the data is 12-15dB. If you look at the key, you can strip off this off the figures. This brings all of area within the NSR. 10.252 of ES chapter, DEFRA mapping produced at a strategic level and therefore not accurate to design against, no warning in the update note, were TSL aware of the difference? This is a weekday night value where are the weekend nighttime values? There is no ground noise then at all. The corresponding road noise could be the same.</p>	<p>In relation to the spikes in the noise levels as referenced in Dr Moore's representation, the Applicant explained that the way that noise levels are measured is an equivalent over a given period. Therefore, the noise levels measured at NMP for the noise mapping is representative of the way that noise is quantified.</p> <p>The Applicant stated that the reasoning for disregarding the noise levels measured on the Saturday night-time are provided in Paragraphs 10.106 and 10.108 of Chapter 10 Noise and Vibration (document reference 6.1.10A, REP4-039). If there are trains running 6 nights out of 7, then the 'typical conditions' are that trains run during the night-time. The one night that trains do not run is atypical and not representative of the prevailing conditions.</p> <p>The Applicant can confirm that ML4 was located at approximately 13m from the west bound track.</p>
	<p>Following representation from Mr William David Moore, the ExA requested that the Applicant explain the robustness of the road noise</p>	

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	<p>contours to use in lieu of attenuated real noise. In particular in relation to Mr Moore's evidence at rep 204 which does dictate eight points of concern in relation to the overstatement of road noise.</p> <p>Mr William David Moore stated that there is voluminous evidence that the applicant's road noise contours overstate road noise levels versus those measured by NMPs and should not be used in lieu of NMP measurements</p> <p>1. The applicant's own report states that the applicant's road noise model's sound levels are in excess of those measured by NMPs, as shown in the report's Table 10.51 and Paragraphs 10.226-10.228. For the purposes which the applicant was using their road noise model for at that time, that may have meant a robust assessment case. However, if the applicant attempts to use their road noise model to make definitive claims about ambient road noise levels, then the applicant's model doesn't present a robust assessment</p>	<p>1. The long-term noise levels measured at NMP1 and NMP2 are within 3 dB of the noise levels predicted by the 2019 baseline road traffic noise model. This is within accepted tolerances and shows good correlation between the measured and predicted noise levels. For reasons set out within paragraph 10.226, noise levels measured at NMP5 and NMP6 are less reliable.</p>

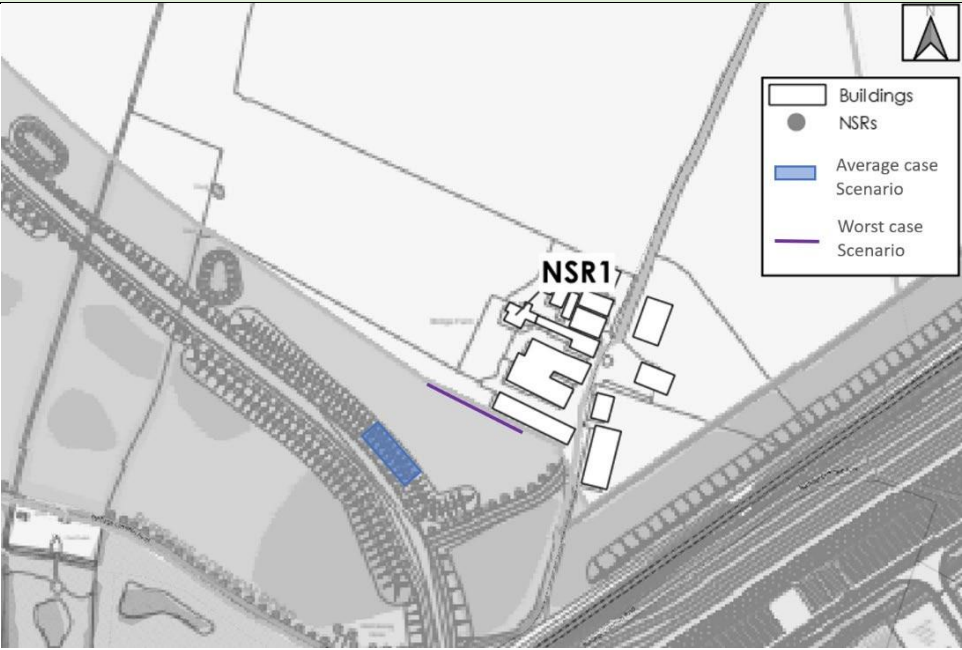
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	<p>case, simply an incorrect one. The applicant was aware of that.</p> <p>1.1. The applicant's operational noise assessment uses the lowest day of background or ambient sound levels measured during each time period. Table 10.51 doesn't use the lowest day, which means the difference between the predicted level and the day with the lowest level is greater than the differences shown in Table 10.51. E.g. The difference at NMP1 for the daytime would be the predicted level (59 dB in Table 10.51) minus the lowest daytime level (53.6 dB in Table 10.43). This difference is 5.4 dB, greater than the 3 dB difference between predicted and measured sound levels in Table 10.51.2.</p> <p>2. NMP4's Saturday night-time measurements (which the applicant wrongly expunged) had ambient sound levels due to all sources of sound of 44 dB, as shown in the report's Table 10.23. This is 9 dB below the night-time ambient sound level which the applicant is</p>	<p>1.1 The analysis undertaken following ISH3 and detailed in Appendix F – Update to Noise Assessment Note (ref 18.7.6) provides an indication of the likely ambient noise levels in the vicinity of NSRs on Billington Road drawing on long-term data for the rail line and road traffic.</p> <p>This analysis shows that the noise levels measured at NMP4 are representative of the ambient noise levels at receptors and therefore the results and conclusions of the Noise and Vibration assessment remain valid.</p> <p>Notwithstanding the above, it is also worth noting that ambient noise levels used within the noise assessment are the lowest reported representative level over the assessment periods.</p> <p>2. This is incorrect, noise levels measured on Saturday night did not include rail movements, as detailed in paragraphs 10.106 to 10.108 in Chapter 10 Noise and Vibration (document reference 6.1.10A, REP4-039). Therefore, the noise levels do not include all sources of sound.</p>

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	<p>now attempting to ascribe to NSRs 1-8 & 24-26 purely due to road noise during night-time periods.</p> <p>3. The applicant is attempting to claim that daytime ambient levels due to road noise are 16 dB above the weekday background sound levels, as shown in Table 10.55. As explained at the beginning of this document, the distant road noise generates a very small gap between the background sound level and the ambient sound level.</p> <p>4. The applicant is attempting to claim that ambient sound levels at NSRs 1-8 & 24-26 purely due to road noise are higher than the weekday ambient sound levels used in the report for NSRs 9-11, as measured by NMP1, located ~300 metres from the M69. These lower ambient sound level figures for NSRs 9-11 are shown in the report's Table 10.43. The levels in the PEIR noise report were even lower.</p> <p>5. The applicant's road noise contour map is incompatible with the DEFRA road noise contour</p>	<p>3. Table 55 details the BS4142 assessment of operational noise with mitigation and does not reference daytime ambient noise levels.</p> <p>4. The ambient noise levels in the area are dominated by rail movements and road traffic and therefore it is not surprising that noise levels do not fluctuate significantly across the site.</p> <p>5. This is incorrect, it is not appropriate to compare the DEFRA road noise contour maps with the applicant's road contour map. The applicant's road contour map only includes those roads within the study area and the DEFRA road noise contour maps only include roads for</p>

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	<p>maps, which show road noise sound levels in the area below 55 dB LAeq (the lowest displayed threshold) during the day and below 50 dB LAeq (the lowest displayed threshold) at night. An example has been included in Figure 2 at the end of this document.</p> <p>6. Distant road noise sound levels vary significantly due to different wind directions, wind speeds and other meteorological conditions. Sound levels measured by NMPs reflect these variations.</p> <p>7. Road and rail (particularly rail) activity can vary significantly during different days. Sound levels measured by NMPs reflect these variations.</p> <p>8. Contour maps give indications at a height of 4 metres, not the 1.5 metres measured by NMPs and used for the BS 4142 assessment</p>	<p>major roads with more than 3,000,000 vehicle passages per year. Therefore, the two are not directly comparable.</p> <p>6. The site is surrounded by the strategic road network and therefore the noise levels are unlikely to vary significantly with differing wind directions.</p> <p>7. This is incorrect, the noise levels generally vary by 3dB day-to-day which is within accepted tolerances and is not significant. Noise levels measured adjacent to the railway line are lower over a weekend period, and this has been accounted for when selecting representative noise levels for these periods.</p> <p>8. The difference in noise levels at 1.5m in height and 4m in height is negligible given the distance between source and receiver.</p>
	<p>Noise attenuation at Burbage Common</p>	<p>The Applicant explained that the further you get from the rail line, the more road noise is going to dominate. The analysis undertaken for NMP4 suggests that the noise levels back into Burbage Common are representative.</p>

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	<p>The ExA requested that the Applicant explained the absence for the attenuation of the NSR at Burbage Common Woods and whether there is a comparable noise environment to NMP3 here and if so how.</p> <p>The ExA further requested clarification that the Applicant has considered the effect of perceptible nighttime noise on biodiversity.</p>	<p>The Applicant explained that Burbage Common is not a single receptor, it is a much bigger area and that is considered within the assessment.</p> <p>The receiver point for Burbage Common is located at approximately 80m from the site boundary, within the nearest area to the HRNFI, which provides a robust scenario. However, the sound propagation across Burbage Common as a result of operational noise and road traffic on the A47 link road is shown on Figure 10.15 (document reference 6.3.10.15, APP-284).</p> <p>The Applicant explained that the noise contour map submitted within chapter 10 of the ES (document reference 6.1.10A, REP4-039) shows the propagation of noise across the site and further afield, which includes the whole of Burbage Common, this provides a good indication as to the noise propagation across the area.</p> <p>The Applicant can confirm that the noise and vibration reduction measures outlined with the CEMP (document reference 17.1A, REP4-109), paragraphs 1.70 – 1.75, are considered sufficient to avoid any adverse impacts on designated sites, including Burbage Common and Woods Local Nature Reserve (LNR). This has been agreed between the Applicant and BDC through the SoCG (document reference 19.1B, REP4-134, Matter Agreed 64) and between the Applicant and HBBC (document reference 19.2B, REP4-135, Matter Agreed point 64).</p> <p>Similarly, noise and vibration impacts on protected and notable species are also considered unlikely, as those recorded are typical of peri-urban locations and not particularly sensitive to disturbance. It has however been agreed with BDC and HBBC through the SoCGs that the detailed CEMPs (secured via Requirement 7) will include specific working restrictions and protocols to avoid acoustic impacts on badgers where appropriate. This will be informed by updated survey work to ascertain any material changes to badger movements on site. As it stands however, no significant acoustic impacts on badgers are anticipated, and Natural England have expressed no such concerns within the Letter of No Impediment (LoNI) regarding badger licencing (document reference 18.15.4).</p>

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	<p>The ExA requested the Applicant's thoughts on the points raised by Dr Moore in regard to a table prepared in response to an ExA WQ for noise levels at NSR and the absence of train movements. It is stated that this constitutes 96% of the total time for noise levels and Dr Moore states that it is against these noise levels that the Proposed Development should be judged.</p>	<p>The Applicant reiterated that this relates to the manner in which noise is measured. It is measured as an equivalent noise level over a set period of time and this is how it is therefore reported.</p> <p>The Applicant noted that since the last oral hearing there has been a considerable amount of discussion and liaison with BDC and HBBC on the SoCGs. The Applicant feels that it has made significant progress with both parties by providing them with the additional information required and has continued to engage with both parties and welcomed that engagement. As set out in the SoCGs submitted at deadline 5, there is just one matter that is not agreed and the Applicant remains hopeful that this will be agreed in time, this was confirmed by both BDC and HBBC at the hearing.</p>
6b	<p>The ExA requested comments from the parties in relation to how the construction area was defined and used for the assessment.</p> <p>Dr Moore set out a number of concerns with the approach taken in a number of areas including: the average case for concentrating all plant and machinery at the centre of the closest area of construction; the potential alternative use of an ISO method for calculation</p>	<p>The Applicant set out the approach to construction noise assessment. The following illustrative figure (which is not to scale) presents an example of how the construction area was defined by the Applicant for receptors included within the construction noise assessment.</p>

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		 <p>The map displays a site layout with buildings represented by white outlines. A specific noise source is labeled 'NSR1'. Two noise scenarios are overlaid: a blue shaded area representing the 'Average case Scenario' and a purple shaded area representing the 'Worst case Scenario'. The worst-case scenario shows a significantly larger area of impact compared to the average case. A legend in the top right corner identifies the symbols: Buildings (white outline), NSRs (black dot), Average case Scenario (blue fill), and Worst case Scenario (purple fill). A north arrow is also present in the top right corner.</p> <p>The worst-case scenario assumes that construction works could take place within 5m of the Main DCO limits. The average case scenario assumes construction taking place within the closest area where works are required, as shown on the above figure for NSR1.</p> <p>The average case and worst-case assessments represent the range of potential outcomes for works. Where there is a large area of construction, the worst-case impacts would remain the same as if it were a smaller area, however, conversely, if there is a large area where activities are on average going to be a very significant distance away from the site boundary, the average case assessment should reflect this. This is demonstrated in the above figure.</p> <p>It is noted that the SoCG with BDC and HBBC has the following Matters Agreed:</p> <ul style="list-style-type: none"> • Construction Phase Noise Assessment – Assessment Criteria

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		<ul style="list-style-type: none"> • Construction Phase Noise Assessment – Assessment Methodology • Construction Phase Noise Assessment <p>The Applicant also stated that construction noise has been calculated in full compliance with the methodologies set out in BS5228 Part 1, which is the British Standard specific to the prediction and assessment of construction noise, and therefore the correct calculation methodology for predicting construction noise.</p> <p>The methodology applied is consistent with the construction noise assessments for other similar DCOs such as Northampton Gateway, West Midlands Interchange and East Midlands Gateway.</p> <p>Therefore, the use of other calculation procedures is not appropriate.</p>
6c	<p>Acoustic absorption</p> <p>The ExA requested comments from parties on the approach taken for acoustic absorption.</p> <p>Dr Moore outlined that the modelling software has the ability to model a wide variety of environments and as such it must surely allow individual areas of ground each to be allocated their own values for acoustic absorption</p>	<p>As described in paragraph 10.220 of the ES Chapter, the “Do Something” scenario ground absorption coefficient has been assumed to be 0 across the Proposed Development to reflect the situation that the scheme comes forward and the soft ground across the site is developed out to hard standing.</p> <p>For “Do Minimum” scenarios, the Proposed Development area would not be built out and therefore remain as soft ground, i.e. an absorption coefficient of 1.</p> <p>The modelling inputs and source data are agreed with BDC and HBBC through the SoCG.</p> <p>Although the railway could be considered hard ground, the area between the railway and receptors to the north of the railway is soft ground (i.e fields). Therefore, noise from the Proposed Development will propagate much further than the width of the railway, with the majority of the path crossing soft ground. The industry standard approach when mixed ground types are present is to use an absorption coefficient of $G=0.5$, which is appropriate in this case.</p> <p>The generalised noise model setting has been $G = 0.5$, which essentially takes into account the mixed ground conditions between source and receiver (i.e. from source to receiver the sound will need to travel across some hard ground and some soft ground). Where other absorption coefficients have</p>

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		<p>been used for specific areas, these have been stated in the ES chapter. Therefore, the existing railway has been taken as $G = 0.5$ along its width.</p> <p>In practice, given the short distance over which the sound would travel across the rail line, the setting of this area would make no appreciable difference to resultant noise levels.</p> <p>The modelling inputs and source data for the operational phase noise assessment are agreed through the Statement of Common Ground with BDC and HBBC.</p>

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6d	<p data-bbox="360 272 770 336">Noise Sources from the Proposed Development</p> <p data-bbox="360 379 808 592">The ExA required confirmation from all parties that the approach adopted by the Applicant in relation to noise limit levels where fixed plant noise levels were currently unknown was appropriate.</p>	<p data-bbox="837 272 1845 304">The Applicant notes that this has been agreed with BDC and HBBC through the SoCG.</p>

Agenda item	Matter	Applicant's submission
	<p>Cumulative Assessment The ExA request comments on the assertion by the Applicant that in terms of cumulative assessment, the site is of such a significant scale that for any given receptor at any given time, either operational noise will dominate over construction noise or vice versa. Further the Applicant states that it is impossible to reliably combine noise from operational and construction phase activity as they are of different nature, one is temporary while the other is permanent and they have different physiological responses.</p>	<p>The Applicant stands by its position that the site is of such a significant scale that, for a given receptor, at any given time, either operational noise will dominate over the construction noise, or vice versa.</p> <p>Furthermore, it is impossible to reliably combine noise from operational and construction phase activity, as they are of a different nature, one is temporary whilst the other is permanent, and they have different psychological responses. Generally, people are more tolerant of shorter term, temporary noise than permanent noise. This is why they are assessed in different ways, underpinned by different British Standards and guidance documents, and to different criteria.</p> <p>BS5228-1 Section 6.3 Issues associated with noise effects and community reaction reinforces this through the statement <i>"However, it is generally assumed that a greater difference might be tolerated, than for an industrial source, when it is known that the operations are of short or limited duration."</i></p> <p>The Noise and Vibration Chapter for West Midlands Interchange included a commentary on potential for combined effects from construction phases and operational phases occurring concurrently, but did not include a formal assessment, whilst for Northampton Gateway it was not considered at all. The consistent theme is that it is impossible to reliably undertake a quantitative assessment of the in-combination effects.</p> <p>The Applicant acknowledges that the operational use of the first phases of the Proposed Development while later phases are being constructed has the potential to lead to short term increased noise levels at nearby receptors. However, where construction works are located near to a receptor and near to the site boundary, there will be no additive effect i.e. the construction works will dominate.</p> <p>The following is taken from the Noise and Vibration Chapter undertaken for West Midlands Interchange.</p>

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		<p><i>"The potential for combined effects is greater where the construction works are further away from any given receptor, when the construction noise levels are predicted to drop towards the level of noise generated by the operations. However, as the site is built out, screening will be provided by the development itself which will reduce any cumulative effects.</i></p> <p><i>Overall, the effect of cumulative construction and operational noise levels is unlikely to be significantly greater than construction on its own.</i></p> <p><i>The key difference will be at night, where construction works stop, and the early phases of the operational development continue. In these instances, the impacts set out in the operational noise assessment will occur with no added effect from construction noise."</i></p> <p>Adopting the same approach for the Proposed Development would therefore not change the overall reported residual effects.</p> <p>The Association of Noise Consultants (ANC) is a trade organisation. The Technical Note was produced to assist their members with interpretation of the British Standard, however page 2 of the document states:</p> <p><i>"This is intended to be a discussion document with some qualified views from the ANC Working Group (WG) and should not be taken as a prescriptive guide. The discussion is also intended to assist with the evolution and development of subsequent guidance."</i></p> <p>The applicant considers BS4142 to be clear as a standalone document, and the Applicant does not consider that there is anything within the ANC Technical Note that would change the approach or results of the assessments set out in the ES Chapter.</p> <p>The operational phase noise assessment methodology is agreed through the Statement of Common Ground with BDC and HBBC.</p>

Agenda item	Matter	Applicant's submission
	<p>Traffic levels and cumulative developments</p> <p>The ExA noted that BDC had raised that one needs to consider the cumulative impact for both the future baseline with committed developments, the noted 4-6dB increase, along with the impact of the Proposed Development, which has not been undertaken. The ExA requested confirmation that the Council was happy with the Applicant's response.</p> <p>BDC confirmed that DMRB is the correct guidance to use to classify significance of impact but the guidance does state that cumulative assessment needs to be considered and that is to essentially remove the committed developments from the baseline scenario and apply them as part of the cumulative assessment, to get a better understanding of what the overall noise impacts will be at receptors adjacent to the road. For this reason BDC have requested a sensitivity test to be undertaken.</p>	<p>The Applicant maintains that the correct method has been taken. Including committed developments within the baseline traffic scenarios is a widely accepted approach when assessing the noise impacts from development generated road traffic on the wider road network.</p> <p>This methodology has been adopted for noise assessments undertaken to support the following DCO applications for rail freight interchanges; West Midlands Interchange and Northampton Gateway.</p> <p>Notwithstanding this, further consideration has been given to testing the sensitivity of this.</p> <p>The trip forecasting process contained within PRTM uses forecasts of population, households, and jobs to generate estimates of future year travel demand. Planning forecasts (containing measures of housing and employment) were unconstrained (NTEM minimum) for this application.</p> <p>By unconstrained, it means that the planning data in Leicestershire will not be downwardly adjusted if in excess of the DfT's NTEM / TEMPro forecasts. If, however, the local planning data are lower than NTEM / TEMPro forecasts, then these data will be controlled upwards to be consistent with the DfT data. 'Unconstrained' therefore means that the planning data will not be lower than NTEM / TEMPro forecasts. So the NTEM is essentially the lower of the values.</p> <p>In terms of the broad percentage difference between NTEM and PRTM, the Tempro growth rate for AM and PM is approximately 12% in both periods. It is difficult to calculate the exact growth rate between PRTM 2019 and 2036 Without Development, but the growth rate, this also is about 12%.</p> <p>A 12% change equates broadly to a 0.5 dB difference as a change in noise level, therefore it would be reasonable to consider this the typical sensitivity on a given link. However, that would require no committed development at all to come forward, whereas the reality is that most, if not all, will come forward and the sensitivity would be much lower than 0.5 dB.</p> <p>The Applicant therefore maintains that undertaking this sensitivity test would not make any difference to the conclusions of the report and the outcomes of the assessment.</p>

Agenda item	Matter	Applicant's submission
	<p>Ambient noise levels at NSR caused by additional noise sources The ExA requested the Applicant explain the approach taken to ambient noise levels at additional noise sources. The ExA noted that it has been suggested by interested parties that the applicant should accumulate together all of the additional noise sources before making a comparison with the baseline conditions and then going on to establish rating penalties for the accumulated additional noise sources.</p>	<p>The Applicant stated that the assessment of this matter is set out within the Noise and Vibration ES chapter (document reference 6.1.10A, REP4-039). The assessment does not include offsite rail noise on the basis that Network Rail control the offsite trains and could run these regardless of whether the HNRFI comes forward or not, so these are not a consideration of the noise assessment. The Applicant noted that the A47 link road and the onsite operational noise, including the gantry cranes, have been included in the assessment.</p> <p>In response to the interested parties comments in regard to freight movements, the Applicant reinforced the fact that Network Rail's statutory position is that it is entitled to increase the use of trains and it is protected in terms of nuisance for running extra trains on this line, which is a strategic freight line and is a key cross country route, the HNRFI is using some of these paths, but Network Rail remains entitled to use these paths.</p> <p>The Applicant further explained that in terms of the capacity study and the sensitivity of Burbage Common, the expectation is that 20 of these routes will have paths that will be used going east towards Felixstowe, London Gateway and the eastern ports, whereas up to about six will go west through Burbage Common. If all of the trains passed through Burbage Common they would not be stopping at HNRFI.</p>

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	<p>Noise from trains travelling at different speeds</p> <p>Stoney Stanton Parish Council raised a query in relation to the distinction between noise levels for a train passing through and a train stopping. The ExA noted the written responses provided by The Applicant but offered the opportunity for further comment.</p>	<p>The Applicant referred to previous written responses on this matter, responses to the ExA's first written questions (question 1.8.15) (document reference 201, REP4-141). The Applicant further confirmed that a train travelling at a slower speed will result in a lower noise level than a train travelling at higher speed. So although trains will take longer to pass when travelling at lower speed, the overall noise level experienced will be lower. The Applicant confirmed that the trains pulling into the sidings associated with the HNRFI, including the noise of the engine and the load moving through the site have been modelled and assessed.</p>

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	<p data-bbox="360 272 763 517">Gantry Cranes The ExA requested confirmation from the Council that they were satisfied that the evidence for the 10dB reduction is now robust (in reference to the Northampton Gateway RFI).</p> <p data-bbox="360 560 801 660">The ExA requested confirmation from the Applicant on how soft dock technology would be secured.</p>	<p data-bbox="837 272 2022 408">Requirement 26 already secures control for the relevant planning authority over the approval of all mechanical and ventilation plant and any other noisemaking machinery, or mobile plant (including HGV chiller units) that is intended to be used within the main site prior to their installation, which would include soft dock technology.</p>

Agenda item	Matter	Applicant's submission
	<p>Acoustic Barriers The ExA requested that the Applicant sets out the possible impacts on living conditions on the residential units at the travellers site close to M69 J2 from the 6m acoustic barrier.</p>	<p>The Applicant noted that this was also a question posed by the ExA at EXQ2 and has provided a full response there (document reference 18.16).</p> <p>The Applicant stated that the visual impact of the acoustic barrier close to the boundary of the Aston Firs Gypsy and Travellers site, there is substantial landscaping on the boundary including hedgerow up to 5m high and other forms of landscaping that the Applicant submits mitigates the visual presence sufficiently of the acoustic barrier.</p> <p>The Applicant confirmed that suitable alternative locations had been considered for the acoustic barrier and referred to the response to ExQ2.</p>

Agenda item	Matter	Applicant's submission
	<p>Wheel squeal The ExA requested evidence of the likely noise levels from any wheel squeal at the proposed curve elements based on evidence for noise generation at certain track radii.</p>	<p>A review was undertaken by Hydrock, before BWB were involved in the project. The ES does not assess the issue as the position in the chapter states that the matter can be dealt with appropriately through a combination of maintenance and mitigation. The Applicant have submitted the Hydrock report Survey of Wheel Rail Noise on Tight Curves (document reference 18.15.5) which demonstrates that the noise can be appropriately mitigated by a 4m barrier and the Applicant has proposed a 6m barrier. The 6m barrier that the Applicant proposes along the rail curve provides a 20dB reduction, when this distance is taken back to the receptors this results in noise levels of around 35dB which are not significant. The Applicant is further considering whether revisions to requirement 26 are appropriate to ensure that any such maintenance and mitigation in the operational stage is secured.</p>

Agenda item	Matter	Applicant's submission
6e	<p>Baseline and Off-Site Rail Movements</p> <p>The ExA questioned whether there would need to be a significant reduction in trains to have an effect.</p>	<p>The Applicant confirmed that, as had been previously stated, a significant reduction was needed for there to be an appreciable difference. The baselines used had been confirmed by NR and the Applicant's rail consultant as being accurate and representative. In respect of Saturday night when no trains run, the noise data measured onsite shows that trains run on the other 6 nights a week, and so Saturday night is atypical.</p> <p>It was noted that BDC and HBBC agreed with the Applicant's model.</p>
6f	<p>Uncertainty</p> <p>The ExA noted that uncertainty was low and requested any comments on this.</p>	<p>The Applicant has provided a plan showing the receptor locations adopted within the noise model. This was submitted with the DCO (Figure 10.1 – Noise sensitive receptor location Doc Ref. 6.3.10.1, APP-270) and that in respect of the modelling of uncertainty, there is no standard approach in the UK. The latest standard includes a section on uncertainty; however, the author is clear that the guidance should be taken in the spirit of minimising uncertainty and that this should be considered at every step and that it is not possible to put a single number on this. In respect of base line monitoring, the Applicant had sought to reduce uncertainty by also considering absolute levels of future noise and that this gave an extra layer of certainty. As a result, in grand scheme of this assessment, the uncertainty is lower.</p>
6g	<p>Rating penalties</p> <p>The ExA asked the Applicant to address Mr Moore's breakdown of rating penalties.</p>	<p>The Applicant noted that Mr Moore had applied a +9 dB correction to account for impulsivity, and the Applicant strongly disagreed with this as the +9db penalty applied without any account of factors such as screening, distance and existing noise. A +9db penalty is not the case for at least one receptor which is not going to experience impulsivity that highly. At SR2, the location of this receptor also will mean that impulsivity is unlikely to be highly perceptible. As such, the approach taken by Mr Moore fails to take account of the receptor in its environment.</p> <p>In response to Mr Moore's comments that he had used the methodology employed at East Midlands Gateway, the Applicant noted that the method of assessing ratings penalties was subjective and was primarily based on professional judgement. It was also the Applicant's view that the methodology employed by Mr Moore failed to account for mitigation.</p>

Agenda item	Matter	Applicant's submission
		<p>A review has been undertaken of the Noise and Vibration Chapter prepared for Northampton Gateway (Document 5.2 Chapter 8). The report acknowledges that operational sound from the SRFI would be complex in nature and as a cautious approach, a +3dB(A) penalty has been applied to all sources of an industrial nature on the SRFI to account for features that may be readily distinctive at the receptors. A review has also been undertaken of the Noise and Vibration chapter prepared for East Midlands Gateway (Chapter 9 Document 5.2 July 2014). In this assessment, a +5dB correction has been applied to the predicted noise levels to take account of the acoustic characteristics. It is important to note that the 1997 version of BS4142 was still the extant version at the time and a there was only the option of applying a +5 correction or no correction to the specific sound level to arrive at a rating level. This demonstrates that there is no standard accepted methodology for determining rating levels, and it is based on professional judgement.</p> <p>The Applicant also noted in response to comments made by Stoney Stanton Action Group that the BS standard employed was the standard methodology and applied to all development regardless of size.</p>
7	<p>Concluding Remarks The ExA invited concluding remarks from the Parties</p>	<p>The Applicant sought clarification as to whether the ExA would be issuing a schedule of proposed amendments to the DCO, the ExA confirmed that there was such a schedule, this was published by PINS on 25th January 2024.</p> <p>The Applicant sought clarification as to whether the ExA would be issuing a Report on the Implications for European Sites, the ExA confirmed that no report was necessary.</p> <p>The Applicant confirmed in response to the ExA's question as to whether a form of closing submissions or summation of case would be helpful, that it would be happy to prepare such submissions for Deadline 8. The Applicant notes that the ExA published a procedural decision in this regard on 26 January 2024.</p>
8	<p>Next Steps and Action List</p>	N/A
9	<p>Closing</p>	N/A

Agenda item	Matter	Applicant's submission