

National Highways Response to Questions from the Examining Authority

Title:	National Highways – ExQ2 Responses
Reference:	TR050007
Applicant:	Tritax Symmetry
Proposal:	Application by Tritax Symmetry (Hinckley) Limited for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange
Author:	National Highways (20040073)
Date:	9 February 2024

National Highways (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This note and associated table, provided below provides responses to the Examining Authority’s Written Questions (ExQ2) which relate to National Highways regarding the Hinckley National Rail Freight Interchange.

National Highways has submitted a request in the form of a letter for an extension to endeavour to provide a full response to ExQ2.3.4(a) by Deadline 6, in addition to those remaining from ExQ1. This will enable us to complete the obtaining and analysis of requested data and information to provide a full and informative response for the examining authority.

Question Number	Question:	National Highways Response
2.3 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
2.3.1	<p>Plots 65 and 90 In its D3 submission [REP3-137], NH indicates that it objects to the CA of these plots but indicates that it would be willing to enter into suitable agreements with the Applicant to allow the proposed works to be undertaken. In addition, in relation to Plot 65, F & J Gent [REP3- 115] indicates that the land to the east of M69 drains through this culvert, adding to NH's concern.</p> <p>c) Could NH confirm whether these "suitable agreements" would be protective provisions secured under the DCO or would another method be required? If not, what would this be and what other changes would be required to the dDCO and associated documents?</p> <p>d) Could the Applicant please set out, without prejudice to its case that the use of the plots is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the CA of these plots was not justified.</p>	<p>c) National Highways' (NH) D3 submission [REP3-137] references plots 65 and 69. Reference here to plot 90 is taken to be an error.</p> <p>NH's position is that compulsory acquisition of these two plots is unnecessary. Instead, NH is willing to enter into a suitably worded licence and/or easement over the plots as necessary.</p> <p>Paragraph 7(2) of NH's Protective Provisions that were included as part of the Deadline 1 submission, and are currently being negotiated with the Applicant, do not authorise the exercise of compulsory acquisition pursuant to Article 25 of the DCO over any part of the strategic road network or land in which NH has an interest without the consent of NH. This provision allows a licence and/or easement to be secured under the DCO as part of the consenting process.</p> <p>NH would like this time to reiterate the position set out in its Deadline 1 and Deadline 2 submission. It is NH's position that its draft Protective Provisions be included in their entirety on the DCO, subject to any site specific amendments sought by the Applicant and considered acceptable to NH. NH considers that without such NH Protective Provisions, there is a considerable risk of serious detriment to the SRN and its licence obligations.</p> <p>Should NH's previously submitted Protective Provisions not be agreed by the Applicant and accepted in their entirety, subject to any site specific amendments sought by the Applicant and considered acceptable to NH, then the current articles of the</p>

		revised DCO submitted by the Applicant at Deadline 3 are not capable of being accepted as drafted. NH's Deadline 3 submission sets out NH's objections to the various articles.
2.3.2	<p>Plots 66 and 98</p> <p>In its D3 submission [REP3-137], NH indicates that it objects to the CA of these plots but indicates that it would be willing to enter into suitable agreements with the Applicant to allow the proposed works to be undertaken.</p> <p>a) Could NH confirm whether these "suitable agreements" would be protective provisions secured under the DCO or would another method be required? If not, what would this be and what other changes would be required to the dDCO and associated documents?</p> <p>b) Could the Applicant please set out, without prejudice to its case that the use of the plots is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the CA of these plots was not justified.</p>	<p>a) NH's D3 submission [REP3-137] references plots 66 and 98. Reference to plot 98 in NH's D3 submission is an error and, in fact, should refer to plot 68 instead. NH apologises for any confusion this may have caused.</p> <p>As with the above response to plots 65 and 69, NH's position is that compulsory acquisition of these two plots is unnecessary. Instead, NH is willing to enter into a suitably worded licence and/or easement over the plots as necessary.</p> <p>The points made above equally apply here, in that paragraph 7(2) of NH's Protective Provisions that were included as part of the Deadline 1 submission, and are currently being negotiated with the Applicant, do not authorise the exercise of compulsory acquisition pursuant to Article 25 of the DCO over any part of the strategic road network or land in which NH has an interest without the consent of NH. This provision allows a licence and/or easement to be secured under the DCO as part of the consenting process.</p> <p>As already mentioned, it is NH's position that its draft Protective Provisions be included in their entirety on the DCO, subject to any site specific amendments sought by the Applicant and considered acceptable to NH. NH considers that without such NH Protective Provisions, there is a considerable risk of serious detriment to the SRN and its licence obligations.</p>



		<p>Should NH's previously submitted Protective Provisions not be agreed by the Applicant and accepted in their entirety, subject to any site specific amendments sought by the Applicant and considered acceptable to NH, then the current articles of the revised DCO submitted by the Applicant at Deadline 3 are not capable of being accepted as drafted. NH's Deadline 3 submission sets out NH's objections to the various articles.</p>
<p>2.3.3</p>	<p>Plot 61 In its D3 submission [REP3-137], NH indicates that it objects to the TP of this plot but indicates that it would be willing to enter into suitable agreements with the Applicant to allow the proposed works to be undertaken.</p> <p>a) Could NH confirm whether these "suitable agreements" would be protective provisions secured under the DCO or would another method be required? If not, what would this be and what other changes would be required to the dDCO and associated documents?</p> <p>b) Could the Applicant please set out, without prejudice to its case that the use of the plot is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the TP of this plot was not justified.</p>	<p>a) NH's position is that temporary possession of this plot is not required. It is understood that the plot is sought for access purposes to carry out the closure of the level crossing and the diversion works. NH is therefore willing to enter into a suitably worded licence over the plot allowing the Applicant the ability to pass and repass.</p> <p>Paragraph 7(2) of NH's Protective Provisions, as already mentioned and are currently being negotiated with the Applicant, do not authorise the exercise of temporary possession pursuant to Article 34 of the DCO over any part of the strategic road network or land in which NH has an interest without the consent of NH. This provision allows a licence to be secured under the DCO as part of the consenting process.</p> <p>Again, it is NH's position that its draft Protective Provisions be included in their entirety on the DCO, subject to any site specific amendments sought by the Applicant and considered acceptable to NH. NH considers that without such NH Protective Provisions, there is a considerable risk of serious detriment to the SRN and its licence obligations.</p>

		Should NH's previously submitted Protective Provisions not be agreed by the Applicant and accepted in their entirety, subject to any site specific amendments sought by the Applicant and considered acceptable to NH, then the current articles of the revised DCO submitted by the Applicant at Deadline 3 are not capable of being accepted as drafted. NH's Deadline 3 submission sets out NH's objections to the various articles.
2.3.4	<p>Plots 39, 54, 67, 71, 84, 101, 101a, 102, 103 and 104</p> <p>In its D3 submission [REP3-137], NH indicates that it objects to the interference, suspension or extinguishment of rights upon CA where NH benefits from rights of access and maintenance rights.</p> <p>a) Could NH indicate the rights it holds in relation to each plot individually and set out how the CA of each plot would affect its undertaking.</p> <p>b) Could NH confirm whether, with appropriate protective provisions secured under the DCO, this would protect its interests in relation to these plots.</p> <p>c) Could the Applicant confirm whether it believes the Proposed Development could be delivered by the CA being amended so as to exclude the CA of these rights, while compulsorily acquiring all other rights. This may need to be set out by individual plot.</p> <p>d) Could the Applicant please set out, without prejudice to its case that the use of the plot is required, alternative drafting for the dDCO (and associated documents) in the event that the SoS were to conclude that the CA of: (i) these rights; and/ or (ii) each plot was not justified.</p>	<p>a) NH holds the following rights in relation to each plot identified:</p> <p>Plot 39 - Right of entry for excavation and right to maintain boundary fences, hedges and walls as contained in a Conveyance dated 25 October 1979 for the benefit of the M69 (Title No. LT339299)</p> <p>Plot 54 - Rights relating to a boundary ditch and headwall as contained in a Transfer dated 6 January 1999 for the benefit of adjoining land (Title Number LT333110)</p> <p>Plot 67 - Right of entry for maintenance of boundary fences, hedges and walls as contained in a Transfer dated 28 April 1982 for the benefit of adjoining land (Title No. LT126994)</p> <p>Plot 71 - Right of entry for excavation and maintenance of boundary fences, hedges and walls as contained in a Conveyance dated 13 January 1982 for the benefit of the M69 (Title No. LT278346)</p> <p>Plot 84 - Right of entry for excavation, cleansing widening and deepening of ditch, and right to maintain boundary fences, hedges and walls as contained in Conveyance dated 24 March 1981 for the benefit of the M69 (Title No. LT424040)</p>



		<p>Plots 101 - Right of entry for maintenance of boundary fences, hedges and walls, right of erection or planting of hedge/fence and excavation right of ditch as contained in Conveyance dated 24 March 1981 for the benefit of the M69 (Title No. LT372804)</p> <p>Plots 101a - Right of entry for maintenance of boundary fences, hedges and walls, right of erection or planting of hedge / fence and excavation right of ditch as contained in Conveyance dated 24 March 1981 for the benefit of the M69 (Title No. LT372804)</p> <p>Plot 102 - Right of entry for maintenance of boundary fences, hedges and walls, and right of erection or planting of hedge / fence as contained in a Conveyance dated 24 March 1981 for the benefit of the M69 (Title No. LT458616)</p> <p>Plot 103 - Right of entry for maintenance of boundary fences, hedges and walls, right of erection or planting of hedge / fence and excavation right of ditch as contained in Conveyance dated 24 March 1981 for the benefit of the M69 (Title No. LT372804)</p> <p>Plot 104 - Right of entry for maintenance relating to boundary hedges, fences and walls, right of erection or planting of hedge / fence and excavation right of ditch as contained in a Conveyance dated 24 March 1981 for the benefit of the M69 (Title No. LT331148)</p> <p>NH is currently unable to provide details of how the compulsory acquisition of these plots will affect its undertaking. Enquiries</p>
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		<p>have been made for this information and NH will endeavour to provide this detail by Deadline 6.</p> <p>b) Paragraph 7(2) of NH’s Protective Provisions, as already mentioned and are currently being negotiated with the Applicant, do not authorise the extinguishment of private rights pursuant to Article 30 of the DCO over any part of the strategic road network or land in which NH has an interest without the consent of NH. This provision seeks to protect NH’s private rights in relation to these plots.</p> <p>Again, the same points are repeated here for consistency in that it is NH’s position that its draft Protective Provisions be included in their entirety on the DCO, subject to any site specific amendments sought by the Applicant and considered acceptable to NH.</p> <p>Should NH’s previously submitted Protective Provisions not be agreed by the Applicant and accepted in their entirety, subject to any site specific amendments sought by the Applicant and considered acceptable to NH, then the current articles of the revised DCO submitted by the Applicant at Deadline 3 are not capable of being accepted as drafted. NH’s Deadline 3 submission sets out NH’s objections to the various articles.</p>
<p>2.11 – Traffic and Transport</p>		
<p>2.11.1</p>	<p>Furnessing The Applicant states that additional surveys have been undertaken at the relevant junctions to allow for confirmation of traffic flows utilising the agreed furnessing methodology.</p>	<p>b) Further information has been submitted to NH to address outstanding matters related to Furnessing. This has all been reviewed, and a number of matters now resolved. However some matters remain outstanding, with comments provided by NH to advise and request the necessary additional information.</p>



	<p>a) Can the Applicant set out those junctions where surveys have taken place and when the surveys will report.</p> <p>b) Can the Applicant, NH and LCC please set out their respective positions on this matter including what the implications are for the overall modelling and when final positions are likely to be identified?.</p>	<p>Please refer to Annex A for full details of the Furnessing matters to be addressed.</p>
<p>2.11.2</p>	<p>PRTM Reviews The Applicant indicates that “Sharepoint and full models previously shared with schedule of inputs and dates. A full schedule was shared with the TWG on the 23.11.23”.</p> <p>Could the parties provide their understandings of the latest positions as to whether the model is agreed, and if not, when final positions are likely to be identified?</p>	<p>In NH Deadline 3 response of 14 November 2023 (REP3-139), a number of outstanding matters were raised related to the PRTM. The applicant’s response within the document states that NH has been directed to the BWB sharepoint where these matters have all been addressed, however this has not been discussed, nor can this be found on the sharepoint. Given the volume of work being submitted, all parties agreed that the applicant shall notify NH of updates made to the sharepoint, and also clarify where specifically outstanding matters have been addressed. This remains outstanding.</p>

***ANNEX A: AECOM Review of Furnessing Methodology on behalf of
National Highways***

Project: Hinckley NRFI

Author: David Elliott
Associate Transport
Planner,
Technical Authority on
Traffic Models

Subject: Review of Furnessing Matters (received up until 7th February)

Reviewed:

Date: 9th February 2024

Approved: Daniel Law

1. Introduction

National Highways provided a written response dated 9th January 2024 to information submitted related to Furnessing matters for the Hinkley NRFI Development Consent Order (DCO) examination. This written response was allocated the DCO library reference **REP4-189**.

The Applicant has proposed a method of forecasting the traffic flow turning movements for various scenarios – with and without the development and with and without mitigation – at the key junctions using a “Furness” method.

This method starts with a matrix of the observed turning movements at each junction and then modifies these matrices – using a process of successive matrix row and column factoring – such that the row totals and column totals match the forecast approach and exit flows extracted from a strategic traffic forecasting model. In this case the strategic traffic forecasting model was a version of the Pan-Regional Transport Model (PRTM) developed jointly for Leicestershire County Council and Leicester City Council and used forecasting years of 2026 and 2036.

This note has been produced by National Highways, with the support of its consultants AECOM, as we have reviewed the Furness process that was supplied by the applicant’s consultants, BWB Consulting, following Deadline 4 and in the spreadsheets and the junction modelling outputs provided subsequently.

Based on this information and further appraisal, we have several matters where further information and clarification are required. National Highways has identified the following matters need to be addressed.

No	National Highways as listed in	BWB response- dated 29 Jan 2024	National Highways further comment and response. 9 th February 2024.
1	The Applicant has not responded to National Highway's comments as set out in the DCO document REP1-182 .	<p>Six comments were provided by NH in summary of the comments within REP1-182, these have been addressed below:</p> <ol style="list-style-type: none"> 1. NH considers furnessing approach sound as outlined with the REP1-182. No further comment required from BWB. 2. NH agrees with methodology undertaken for site access junctions. No further comment required from BWB. 3. BWB have undertaken checks on the furnessed matrices, and the two areas of concern highlighted are not applicable to the furnessed traffic matrices. 4. As stated in Point 3, sense checks have been undertaken for the furnessed matrices. The furnessing methodology is double constrained, therefore if there is an increase in flows forecast for a particular movement, this will be reflected in the furnessed flows. 5. Internal Road Capacity Review-(REP2-073 18.4.2) provides detail on internal access junction assessments. 6. The proposed development will come forward with the proposed infrastructure including the south facing slips at M69 J2 and A47 link road. Therefore, an assessment scenario of 'with development without infrastructure' is not required. 	<p>The DCO Document REP1-182 contained Appendix B "AECOM Furness Methodology Review". The "Summary of National Highway's Comments" is on PDF page 126 (of 183). The BWB response relates only to those specific six points.</p> <ol style="list-style-type: none"> 1. Resolved. 2. Resolved. 3. This response is not appropriate to address this matter as we note that BWB has undertaken checks where: <ol style="list-style-type: none"> a. Observed turn matrix cell entries contain low flows. b. The PRTM has forecast a rerouting of trips away from the junction(s) of interest. 4. Sensitivity turn matrices were produced for the A5 'Gibbet' roundabout. A BWB spreadsheet dated 7th Feb 2024 refers. These adjusted turn matrices at the A5 'Gibbet' roundabout should be used for future operational assessments (using Junctions10 and VISSIM software). Resolved for the A5 'Gibbet' roundabout. 5. Reference to the DCO submitted document is noted. The information provided does not include assessment at the first (eastern-most) internal roundabout – which provides a direction change in the horizontal alignment – and therefore does not demonstrate whether it will produce queues blocking back to M69 junction 2. 6. As noted in the DCO submission document REP3-139, at Outstanding Matter point 4, this matter is resolved. <p>Satisfactory responses have not been provided to NH's requests for more information, concerns, and significant concerns documented in the other Appendices attached to REP1-182.</p>

No	National Highways as listed in	BWB response- dated 29 Jan 2024	National Highways further comment and response. 9 th February 2024.
2	No junction turn matrices forecasts were produced in the "Furnessing Spreadsheet" at the M1 junction 20 two-bridge roundabout nor at the A5 'Redgate' elongated roundabout.	M1 junction 20 and Redgate roundabout were not identified as junctions impacted by the proposed development through the consultation and filtering process, so these were not included.	National Highways letter dated 8 April 2022 – refer DCO document REP1-182 , Appendix A, which included a section on 'Highway Impact' (PDF page 82 of 183). This potential corridors to be considered included M69 entire length (i.e. M1 to M6), M1 between Lutterworth (j20) and Leicester (j21) and A5 between Gibbet Hill (A426) and Tamworth (M42).

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 Furness spreadsheet only includes flows arriving and departing at identified junctions, therefore any grade separated flows (M69 mainline) have been excluded from the Furness process to ensure these do not skew the results. However, M69 mainline flows have been Furnessed separately and included within the respective VISSIM models.</p>	<p>A spreadsheet was supplied to the Traffic working group, on 5 February 2024, documenting a method of forecasting the M69 mainline (grade separated) flows. The method used outputs from the PRTM forecast scenarios to assess the incremental change due to the Development (i.e. WD-WoD).</p> <p>The following points are noted:</p> <ol style="list-style-type: none"> 1. The peak hour flows on the M69 differ between the 2023 Observed and the Forecast 2019 PRTM outputs: In 2023 the Observed AM flows southbound were 1,999 PCU/hour, compared to 2019 PRTM outputs on the same southbound M69 link of 2,416PCU/hour (21% higher); In 2023 the Observed PM flows northbound were 1,868 PCU/hour, compared to 2019 PRTM outputs on the same northbound M69 link of 2,517PCU/hour (35% higher). Why are the 2023 Observed flows less than than the 2019 PRTM link flows? Note: The method used carries forward these lower 2023 Observed flows for use in the subsequent assessments. 2. A “Heavy Goods Vehicle” (HGV) has been classified as all vehicles of length 6.6m or longer. The resulting 2023 “Observed” HGV flows on the M69 are about 10% to 20% less than in the PRTM Base year model. Given this lesser proportion of HGVs, please evidence why 6.6m was selected to understand whether “Observed” HGV should include a proportion of shorter vehicles. 3. The PRTM forecasts imply that the development will reduce flows on the M69 and these trips are (possibly) rerouting through Sapcote. If measures are implemented to discourage the routing of trips through Sapcotem then the WD forecast flows on M69 junction 2 grade separated movement would be higher.
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No	National Highways as listed in	BWB response- dated 29 Jan 2024	National Highways further comment and response. 9 th February 2024.
			The M69 mainline (grade separated) PCU flow under junction 2, for the with development (WD) case, may be underestimated for the reasons provided above.
4	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 Hinkley NRFI site and the existing Magna Park regional distribution centre.	As agreed on 13th 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).	The collection of new 2023 surveys and a fresh application of a Furness process is welcomed. At the A5 'Cross In Hand' roundabout, the PRTM may be forecasting extra HGV trips generated by the development between arm A (A5 N) and arm B (A4303). PRTM is also forecasting extra HGV trips between arm A and arm C (A5 S). The subsequent application of the Furness process (doubly constrained) will then incorrectly increase HGV trips between arm B and arm C. An alternative method of forecasting HGV turn movements at the A5 'Cross In Hand' roundabout should be considered.

No	National Highways <i>(as listed in</i>	BWB response- dated 29 Jan 2024	National Highways further comment and response. 9 th February 2024.
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.	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).	<p>The collection of new 2023 traffic surveys and a fresh application of the Furness process is welcomed.</p> <p>AECOM received a spreadsheet on 7 February 2024, which contained adjusted turn movements applied to those vehicles forecast to enter the A5 'Gibbet' roundabout from arm D (A5 South).</p> <p>Following a review of this spreadsheet, NH is content that these adjusted turn movements may be applied to the assessments of the A5 'Gibbet' roundabout. This matter is therefore resolved.</p>