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The Applicant
Leicestershire County Council
Blaby District Council
Hinckley and Bosworth Borough Council
Warwickshire County Council
National Highways

Your Ref:
Our Ref: TR050007
Date: 20 February 2024

Dear Sirs

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

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

Request for further information

Following the submission of the information at Deadline (D) 5, the Examining Authority (ExA) requests further information from a number of Interested Parties. This would in addition to the information still to be submitted as set out in the Examination Timetable (see [\[PD-012\]](#)).

Information requested in this letter should be submitted by **D7, 27 February 2024**.

From the Applicant, Leicestershire County Council, Blaby District Council, Hinckley and Bosworth Borough Council and Warwickshire County Council

At D4 the Applicant submitted revised text as to a draft Planning Obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) into the Examination at Deadline 5 [\[REP5-019\]](#) and [\[REP5-021\]](#).

The Councils are asked to provide detailed comments on the draft Planning Obligation, both as to its drafting and to what it would seek to deliver. The ExA would particularly welcome representations on whether the Councils consider that the draft Planning Obligation has any drafting defects that would mean that the Planning Obligation was unenforceable or otherwise deficient.

The Applicant is asked to liaise with the Councils over this so as ensure that any areas of disagreement are minimised.

Should the text not be agreed, the Councils are requested to explain why they hold the position that they do, and what amendments are necessary to make it acceptable to the Council. As regards Leicestershire County Council it should explain why it considers it would be unable to complete the Obligation by agreement.

From the Applicant and Hinckley and Bosworth Borough Council

SoCG with Hinckley and Bosworth DC [[REP4-135](#)]

On Page 4, Point 4, there is reference to the site being designated as open Countryside in the Hinckley and Bosworth Development Plan. The main site is within the district of Blaby. We think the reference in the SoCG is an error. If so, please can it be amended or removed.

From National Highways

Plots 65 and 69

At D5 [[REP5-036](#)] the Applicant in response to ExQ2.3.1 commented on contacting National Highways (NH) on 'numerous occasions' to seek further progress on obtaining voluntary land agreements with NH to enable works No 6. It is noted in NH's D5 submission [[REP5-078](#)] that it refers back to the use of protective provisions to secure and facilitate the necessary license and works, which form part of the strategic highway network. The Applicant contends that the plots are outside of the highways boundary and are needed for future maintenance purposes by them upon completion of the Proposed Development. Could NH provide an update and clarity on this issue.

From the Applicant

Automatic Number Plate Recognition Camera locations

At D5 the Applicant has submitted a series of plans as an Appendix to the HGV Route Management Plan and Strategy [[REP5-024](#)] showing the proposed locations of the Automatic Number Plate Recognition Cameras. Due to the scales used, not all of the locations are clear. Could the Applicant please amend these by either providing an overview plan (on an Ordnance Survey base) showing all the locations or add extracts from the 1:25000 Ordnance Survey on each plan identifying the relevant location. The Drawing Titles could also be usefully amended to specify the individual proposed locations within them.

Noise and Vibration

From the representations received from Interested Parties at Deadline 5, notably [REP5-098](#), a number of additional questions have arisen. These are as follows:

- a) It has been suggested that the Applicant's Noise Assessment Update Note [[REP3-061](#)] mis-states the locations of NSRs 2, 3 and 4 and that they should not have been included in Table 5 to this Update Note. Can the Applicant explain why such NSRs have been included at Table 5.
- b) Again, with regard to Table 5 to the Noise Assessment Update Note, can the Applicant explain its findings that all NSRs experience at least 50dB of ambient rail

noise, given that they appear to fall outside of the rail noise contours depicted in the Update Note.

- c) At paragraph 10.174 to ES Chapter 10 [REP4-039], the Applicant draws reference to BS4142 insofar as it relates to circumstances where absolute levels may be more relevant than the margin by which the rating level exceeds the background level. This includes circumstances where background sound levels and rating levels are low. Can the Applicant explain why its methodologies are in line with such advice, given that, in this instance, the background and rating levels are higher than those levels at all NSRs during all time periods.
- d) In terms of construction noise, can the Applicant clarify the rationale used for predicting the reduction in the significance of effects at NSRs with mitigation in place. In making such reductions, has the Applicant considered factors such as the attitude of site operators, noise characteristics (such as impulsivity), the duration of site operations and existing ambient noise levels?
- e) In terms of window attenuation, it would appear that previous proposals for rail freight interchanges (notably East Midlands Gateway and Northampton Gateway) assumed that a partially open window would lead to a 12dB reduction of the sounds projected to be caused by the Proposed Development. Can the Applicant explain why this has not been applied in this instance?

Compulsory Acquisition and Temporary Possession

In looking at the Compulsory Acquisition Schedule (the CAS) [REP4-035] there appear to be a number of discrepancies when comparing this against the Book of Reference [REP3-006] and the Land Plans [REP2-007] and [APP-059] to [APP-065] :

- a) Under the references in the CAS to Jonathan Charles Woodward (pdf pages 17, 31 and 32) Plots 101 and 102 are both shown for Compulsory Acquisition and Temporary Possession. On the Land Plans [APP-062] Plot 101 is shown for Temporary Possession, and Plot 102 [APP-063] is shown for Compulsory Acquisition.
- b) Under the references in the CAS to Louise Taylor (pdf page 33) reference is given to her Relevant Representation for Plots 116a, 118 and 119, but not for Plot 117.
- c) In its Relevant Representation [RR-1027] Parker Strategic Land indicates that it “has an interest in the Employment Site by way of a promotion agreement with the Landowners” and in Relevant Representation [RR-1028] it is indicated that Barwood Development Securities Limited and Parker Strategic Land Limited have “interests” in Plot 122. The interests of Barwood Development Securities Limited are included in the Book of Reference, but not in the CAS, while no interests of Parker Strategic Land are referenced in either document.
- d) The Applicant will be aware that correspondence [REP3-140] and [REP5-093] has been received from the residents of 6 Wortley Cottages, Station Road over the extent of notification of the Applicant’s request to Temporarily Possess Plots 49 and 50. The CAS only refers to the Relevant Representation of Brenda Ann Grant omitting others with an interest in these plots and does not refer to the written

representation received [[REP1-190](#)]. It is clear that the correspondence is from the residents not a resident.

- e) As an example, in its D3 representation [[REP3-137](#)] National Highways indicates that it has 'no objection' to certain of the plots in which it has an interest being compulsorily acquired, while maintaining its objection to others. However, the plots where 'no objection' is stated are still identified in the CAS as being subject to objection. It would therefore appear that the CAS is not entirely up-to-date.
- f) The reference for Leicestershire County Council's Written Representation is given as [[REP1-151](#)] when referenced document is from Leicester City Council; the correct reference should be [[REP1-152](#)]. In addition, as examples, there also appears to be errors in the referencing of the Relevant Representations from National Grid Electricity Transmission plc, Darren Leigh and Calor Gas Limited in the CAS, and the Written Representations of Hinckley and Bosworth Borough Council.

The Applicant is asked to address these anomalies, and to comprehensively check the CAS to ensure that this is accurate when compared with the Book of Reference, Land Plans and representations made. In order to do this, and to ensure that the CAS has all relevant interests identified, it would be beneficial if those plots where "No compulsory acquisition powers sought" are also included as a separate element to the table.

The Applicant is also asked to confirm the nature of the rights sought, if any, in relation to Plot 27 on Land Plan Sheet 2 [[APP-059](#)]. This appears not to be coloured, but from the Book of Reference it would appear that the Compulsory Acquisition of all rights with the exception of those held by certain individuals is sought. The Book of Reference indicates that this plot is on Sheets 1 and 2 of the Land Plans, but on Sheet 1 [[REP2-007](#)] there is an identification marker which is covered by the sheet title information. Assuming that this is to Plot 27 this appears to be coloured green, which would indicate Compulsory Acquisition with rights. The Applicant is asked to clarify this and is also asked to address any implications under the Human Rights Act 1998 and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

Draft Development Consent Order [[REP4-027](#)],

In addition to the Proposed Changes set out in [[PD-014](#)] the ExA has noted the following additional typographic errors:

In Schedule 2, Requirement 4(3), after "7.4 kWh" should be inserted "and";

In Schedule 2, in the title to Requirement 19 "and" should be inserted between "Landscape" and "Ecological".

The Applicant is also asked to update the ExA as to the latest situation as regards drainage in relation to Plots 15, 16 and 17 as shown on the Land Plan (land northwest of Old Woodhouse Farm), whether, to ensure that the occupiers of the properties opposite continue to have foul drainage, it intends to include a specific requirement within Schedule 2 of the dDCO to deal with this matter.

Yours sincerely

Robert Jackson

Robert Jackson
Lead Panel Member of the Examining Authority

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