



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 20th February 2024
My Ref: 20040633
Your ref: TR050007
Contact: Julie Thomas
Phone: [REDACTED]
Email: [REDACTED]@leics.gov.uk

hinckleySRFI@planninginspectorate.gov.uk

Dear Sirs

Application by Tritax Symmetry (Hinckley) Limited for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange – Deadline 6 submission

Please find attached submissions on behalf of Leicestershire County Council (LCC) in relation to Deadline 6 of the Examination Timetable as set out in a letter from Mr Robert Jackson dated 26 January 2024.

The attached documents are as follows:

- Comments on Applicant's Deadline 5 submission
- LCC highway design comments
- LCC comments on Unilateral Undertaking
- LCC s106 Heads of Terms
- LCC comments on dDCO Protective Provisions (noting tracked changed comments did not appear in the LCC pdf submission at Deadline 5 (REP5-075))

LCC continue to work with the Applicant and have fulfilled all requests for meeting attendance in respect of the dDCO, Unilateral Undertaking, highways and transportation matters, and a Statement of Common Ground.

Please do not hesitate to contact me should any further information be required.

Kind regards

[REDACTED]

Julie Thomas

Head of Planning, Historic and Natural Environment

Chief Executive's Department

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA

John Sinnott, CBE, MA, Dipl. PA, Chief Executive
Tom Purnell, MSc, Dipl. PLM, Assistant Chief Executive

www.leicestershire.gov.uk

Comments on Applicant's Deadline 5 submission

Examination library reference	Document name	Leicestershire County Council comments
REP5-003	2.4H Hinckley NRFI Works Plans (Sheet 8 of 8)	The Applicant has updated the works plan to include for a reduced scheme of mitigation at the Cross in Hand roundabout which now excludes any improvements on the LCC network (A4303). LCC have been reviewing the 2023 survey data and furnessing methodology for this junction alongside National Highways and Warwickshire County Council. Initial reviews have identified concerns with the interpretation of the survey data and the associated furnessing methodology. These have been raised with the Applicant team but to date no satisfactory response has been received to allow resolution of this matter. Therefore, it remains unclear if the proposed scheme of mitigation is appropriate.
REP5-004	2.29B Hinckley NRFI Geometric Design Strategy Record	<p>LCC cannot locate a tracked version of this document either on the SharePoint site or within the Examination Library. However, LCC committed to reviewing the document alongside a detailed design review and to providing an update to the EXA at Deadline 6. LCC has completed its review and full comments are appended below. The ExA will note a number of concerns in respect of design compliance, some of which can be addressed at a detailed design stage, and others which are more fundamental in respect of highway safety and/or deliverability and may require amendments to the red line boundary. At a meeting on 15th February 2024 the Applicant team committed to addressing some of the comments. However, it is unclear whether this will be completed within the timeframe of the examination.</p> <p>LCC received updated RSA briefs from the Applicant team on 15th February 2024 to accurately reflect drawing submissions. LCC have signed these briefs and returned to the Applicant team. Given the design comments raised by LCC, and previous problems raised by the Audit team that have not been addressed, LCC await the findings of the Stage 1 Road Safety Audits with interest.</p>
REP5-005	Hinckley NRFI M69 Junction 2 Overbridge Structural Record Drawings	The submission includes for historic drawings of the M69 J2 structures. Whilst this is welcomed, the documents as submitted do not demonstrate that the addition of south facing slip roads can be accommodated without impacting on these structures. LCC's concerns remain as originally set out in its Written Representations (REP1-152) and repeated throughout the examination process. This could be resolved if the Applicant were to simply overlay the slip road proposals with the historic structural information.

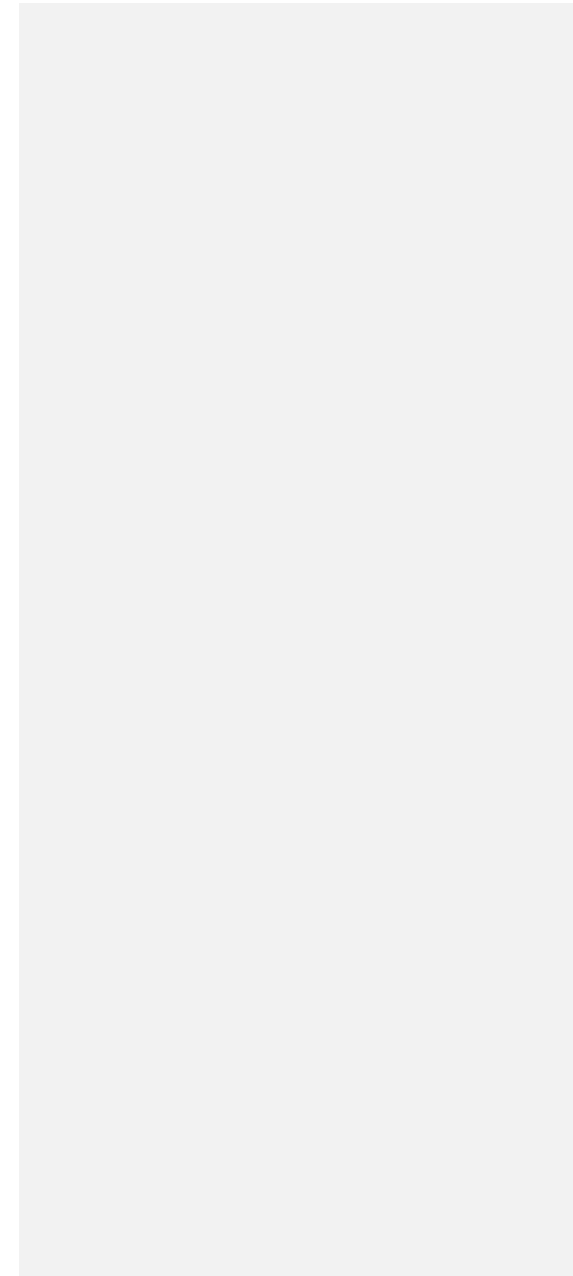
REP5-006	Hinckley NRFI Outwoods Level Crossing Footbridge – Illustrative Design	LCC welcomes the submission of an indicative drawing showing a ramped footbridge in place of the Outwoods level crossing. LCC note that in principle, and subject to the bridge being constructed to the appropriate standards, Network Rail is willing to assume ownership and maintenance of the structure post completion subject to LCC assuming responsibility for maintenance and replacement of surfacing to the bridge deck and stairway treads and, to the extent required, public footway lighting (REP5-088). In principle, LCC would consider adopting the surfacing to the bridge deck, stairway treads and any lighting to the PRoW subject to compliance with LCC adopted highway design standards and payment of an associated commuted sum.
REP5-010 REP5-011	6.2.8.1C Hinckley NRFI ES Appendix 8.1 Transport Assessment - part 15 of 20 - Sustainable Transport Strategy and Plan and Appendices	<p>LCC notes the inclusion of Table 1. Commitments to bus services do not appear to include frequency. Moreover, it is stated that they will be diverted into the site. This contradicts the Strategy at para 10.9 where it is stated that services buses with serve the A47 link road with access to the site provided by a private shuttle bus. However, there is not a shuttle bus commitment in the table.</p> <p>LCC remain at a loss as to the reluctance of the Applicant to include financial commitments as identified within the Strategy e.g., bus passes, within the draft Unilateral Undertaking. Moreover, some commitments e.g., provision of travel packs appear to be missing from the table.</p> <p>The inclusion of cycle infrastructure within the site is welcomed. However, it is unclear how this connects to the existing limited provision, and provision as identified as “enhancements” but not delivered until occupation of 105,001sqm of floorspace.</p> <p>LCC note commitment to carrying out a number of feasibility reviews. Whilst the principle is welcomed, there does not appear to be any commitment to their implementation.</p> <p>LCC note at para 10.22 the withdrawal of the fund available in the event that modal shift targets are not met.</p>
REP5-013	6.2.8.2C Hinckley NRFI ES Appendix 8.2 Framework Travel Plan	LCC note the inclusion of Figure 5-4. The figure is misleading. It suggests potential enhancements to the cycle network to provide access to the site. However, the Applicant has not committed to potential enhancements 3, 4a, 4b, 5, 6, 9 and 9a.

		<p>As noted above, commitments to bus services do not appear to include frequency.</p> <p>LCC note at para 8.26 the withdrawal of the £100,000 fund available in the event that modal shift targets are not met.</p>
REP5-015	6.2.11.2C Hinckley NRFI ES Appendix 11.2 Public Rights of Way Appraisal and Strategy	LCC note the minor change to this document to remove wording from paragraph 1.86 to a new paragraph at 1.93. This clearly does not change LCC's position as set out at REP1-152 and as repeated throughout the examination process.
REP5-018	6.3.11.14B Hinckley NRFI ES Appendix 11.14 Public Rights of Way and Informal Open Space Strategy	It remains clear to LCC what has been amended on this drawing, with the exception of the re-location of the bus lay-by to the development side of the A47 link road.
REP5-021	S106 Heads of Terms/Unilateral Undertaking	<p>LCC comments on the latest draft Unilateral Undertaking which was provided to LCC by the Applicant on 19th February 2024 are as appended below. LCC comments on the draft were provided to the Applicant on 19th February 2024. LCC await a response.</p> <p>Also appended below is an updated table of LCC s106 Heads of Terms which demonstrates the current position in respect of inclusion in the draft Unilateral Undertaking.</p>
REP5-038	Applicant's Response to ExA's Further Written Questions [Appendix B – Protective Provisions position table]	LCC note the Applicant's response to the LCC Protective Provisions. LCC have continued to respond to all requests to revised documents and have facilitated meetings where requested. LCC submitted its comments to the ExA at Deadline 5 (REP5-075).
REP5-023 REP5-024	17.4C - HGV Route Management Plan & Strategy & Appendices	<p>LCC note the inclusion of Table 1. However, this is not tracked in the track change version of the document. LCC cannot accept its contents on the basis of fundamental outstanding issues as detailed below, and LCC remain concerned about the adverse impact of HGV traffic from the development through local villages.</p> <p>It is noted that the Strategy is to be administered and monitored by the Travel Plan Co-Ordinator. The Travel Plan Co-Ordinator's details are to be published on websites for the public to contact. It is unclear what percentage of the Co-Ordinator's role would be dedicated to this on the basis that the primary function should be ensuring ambitious targets set out in the Site</p>

	<p>Wide Framework Travel Plan relied upon for modal shift and justification for not providing off-site mitigation are met.</p> <p>The revised Strategy includes at Para 5.26 a £200,000 commitment to mitigate if the Strategy does not work. This “commitment” is not reflected in the Unilateral Undertaking submitted to LCC as above. In addition, as discussed at ISH6, it is unclear to LCC what measures £200,000 could realistically fund. Despite Table 1 of this document stating that this information can be found at Table 2, this information appears to be missing (Table 2 refers to Parking Guidance).</p> <p>The appendices (REP5-024) now include the location plans of ANPR cameras. Two cameras are proposed on LCC’s network, one in Sapcote (ANPR camera location 1), the other in Elmesthorpe (ANPR camera location 2). It is unclear how these cameras will identify HGV breaches through the local villages as listed at para 3.13 (REP5-023). The camera locations as proposed will not pick up more than one breach per vehicle i.e., an HGV travelling through the village of Sharnford or Broughton Astley and then through Sapcote will only be identified by the camera in Sapcote despite having breached prohibited routes through other villages. Conversely, an HGV could travel along a prohibited route e.g., through Hinckley town centre and not be detected by any camera whatsoever.</p> <p>Moreover, there are no drawings submitted that show cameras at the accesses to the development site to identify “matches” or at the Unit locations. Therefore, the proposal appears to be incomplete. In addition, the camera proposed in Elmesthorpe (ANPR camera location 2) (REP5-024) needs to be relocated beyond the extents of the access visibility splay to Thorney Fields Farm.</p> <p>The prohibited routes listed at para 3.14 and repeated within Table 1 do not appear to reflect the camera locations i.e., the lists do not contain prohibited routes within Warwickshire despite 5no. ANPR cameras being proposed within the County.</p> <p>The thresholds set out in the management stages in Table 1 and paras 5.46 to 5.52 do not appear to be rigorous enough to prevent breaches, and recurrence of breaches. Moreover, a</p>
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		<p>minimum fine level should be set at £1,000 not up to £1,000 to act as a deterrent.</p> <p>At paras 5.39 and 5.40 the Strategy details the enforcement action to be taken by Blaby District Council. This appears to be breaches of the Strategy as a whole and is ill defined.</p> <p>The Strategy as drafted places a burden on Council's and consequently the public purse in respect of contact from members of the public reporting breaches, monitoring, and enforcement. This does not appear to be clearly defined and it remains unclear if there is a commitment from the Applicant to reimburse the full cost of enforcing a private developer Strategy with no burden to the taxpayer.</p>
REP5-027	18.6.8B Narborough Level Crossing Traffic Modelling (Appendices)	LCC note that the Applicant has submitted the November 2023 survey data previously requested totalling 430 pages. However, the Applicant has not summarised existing queue lengths in terms of numbers, nor defined what the additional impact of barrier downtime will be on these queue lengths as requested based on these November 2023 surveys at Deadline 5 (REP5-075) and as discussed at ISH6. Therefore, the impact of the development on the local road network in this location remains unclear both in respect of vehicular impact and the additional wait times for those who are unable to use the stepped footbridge.
REP5-030	18.13.2 Applicants response to deadline 3 submissions (Appendix B - Transport 2023 Update)	LCC note the submission of local junction model outputs by the Applicant to reflect the 2023 survey data.
REP5-052	18.18 Hinckley NRFI M1 J21 Modelling Note & Appendices	<p>This Modelling Note appears to replicate much of the information provided by the Applicant at REP4-131. LCC's comments remain as per their deadline 5 response (REP5-075) as copied below:</p> <p>The Applicant has modelled M1 J21/M69 J3 in Linsig with Lutterworth East mitigation. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no further mitigation will be required despite the modelling showing a detrimental impact on the Local Road Network.</p> <p>However, this places a reliance on the delivery of the Lutterworth East scheme (which cannot be guaranteed) and a reliance on a reduction of 10-13% of development traffic routeing through the junction based on the effects of the Sustainable Transport Strategy. This assumption cannot</p>

	<p>be relied upon.</p> <p>It should be noted that whilst the Lutterworth East Transport Assessment concluded that the mitigation proposed mitigated the impact of the Lutterworth East development, it did not provide any additional capacity for other development. Moreover, it concluded that the junction would continue to operate over capacity, noting the intention of the scheme was to offset the highway safety implications of Lutterworth East traffic queuing on the M1 mainline having exceeded the capacity of the M1 J21 northbound off slip.</p> <p>The junction has not been modelled in VISSIM as requested and a Linsig model will not replicate complex movements at this junction as consistently advised by LCC and NH and as discussed at ISH6.</p>
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Hinckley National Rail Freight Interchange

Leicestershire County Council Design Review Comments as presented to the Applicant team on 14.02.2024 and as discussed at a meeting with the Applicant team on 15.02.2024

HIGH LEVEL COMMENTS

The main concerns identified are as follows:

- i) Roundabout 1 is not justified on the basis that it is only provided to facilitate a sharp deviation in the horizontal alignment of the A47 link road at this location. As designed, this will prove an added maintenance burden to LCC and will attract additional commuted sums if not designed out.
- ii) A 60mph speed restriction is proposed to the single carriageway section of the A47 link road over a distance of approximately 600m between the proposed B4668 Leicester Road roundabout and the proposed rail bridge crossing. There is concern that the speed restriction change would be at an inappropriate location and inconsistent with the speed restriction proposals either side. Consideration should be given to a consistent 40mph speed restriction throughout.
- iii) Poor connectivity for active travel users
- iv) It is noted that for two junctions, B581 Broughton Road/Coventry Road and A47 Normandy Road/Ashby Road there is a S278 scheme which has been subject to ongoing technical review. The designs submitted do not reflect the s278 submissions and indeed reduce capacity.
- v) Adequate allowance would need to be made for Road Restraint Systems and verge widths, as potentially required by a RRRAP assessment and CD127 requirements. It is unclear if this can be accommodated within the red line application boundary.
- vi) For the proposed 'off-site' mitigation scheme on B4669 Leicester Road Sapcote, there are fundamental safety concerns. These would require the designer to reconsider and amend the proposals.

1.0 DRAWINGS AND DOCS RECEIVED TO DATE:

- Dwg No HRF-BWB-HGN-HW01-DR-CH-0100 (various rev nos.) General Arrangement Sheets 1 to 24
- Dwg No HRF-BWB-HSN-HW01-DR-CH-1230 S2 P01 Road Sign Strategy
- Dwg No HRF-BWB-HSN-HW20-DR-CH-1230 S2 P01 Road Sign Strategy
- Dwg No HRF-BWB-LSI-D1-CH-0015 S4 P02 Long Sections Sheet 1 of 2
- Dwg No HRF-BWB-GEN-XX-SK-CH-SK133 S2 P01 PROW Sections Location Plan
- Dwg No HRF-BWB-GEN-XX-SK-CH-SK134, 135 & 136 S2 P01 PROW Sections Sheets 1, 2 and 3
- Geometric Design Strategy Record (Doc Ref HRF-BWB-HML-A47-RP-CH-00100)
- Interim Stage 1 RSA plus Designers Response
- Dwg No HRF-BWB-GEN-XX-DR-TR-124 P03 B581 Hinckley Road New Road Mitigation Swept Paths
- Dwg No HRF-BWB-GEN-XX-DR-TR-125 P1 A47 The Common Leicester Rd Mitigation Swept Paths
- Dwg No HRF-BWB-GEN-XX-DR-TR-126 P1 A5 Coal Pit Lane A4303 Mitigation Swept Paths
- Dwg No HRF-BWB-GEN-XX-DR-TR-127 P1 Coventry Road Croft Road Mitigation Swept Paths
- Dwg No HRF-BWB-GEN-XX-DR-TR-128 P1 A47 Normandy Way Ashby Road Mitigation Swept Paths
- Dwg No HRF-BWB-GEN-XX-DR-TR-129 P02 B4669 Stanton Lane Mitigation Swept Paths
- Dwg No HRF-BWB-GEN-XX-DR-TR-133 P1 B4114/B581 Mitigation Swept Paths
- Dwg No HRF-BWB-HGN-HW06-DR-CH-0115 S2-P01 Vehicle Tracking Roundabout 3
- Dwg No HRF-BWB-HGN-HW07-DR-CH-0115 S2-P02 Vehicle Tracking Bus Interchange
- Dwg No HRF-BWB-HGN-HW08-DR-CH-0115 S2-P01 Vehicle Tracking Roundabout 2
- Dwg No HRF-BWB-HGN-HW09-DR-CH-0115 S2-P01 Vehicle Tracking Roundabout 1
- Dwg No HRF-BWB-HGN-HW10-DR-CH-0115 S2-P01 Vehicle Tracking Junction 2 West
- Dwg No HRF-BWB-HGN-HW11-DR-CH-0115 S2-P01 Vehicle Tracking Junction 2 East
- Dwg No HRF-BWB-GEN-XX-DR-TR-137 S2-P01 Sapcote Vehicle Tracking East Sheets 1 to 3

2.0 DETAILED COMMENTS

2.1 Dwg No HRF-BWB-HGN-HW01-DR-CH-0100 S2-P02 GA Sheet 1 – A47 link road/B4669

- 2.1.1 Forward visibility (SSD) to proposed give way lines at the roundabout needs to be shown.
- 2.1.2 Geometric Design Strategy Record (GDSR) document advises design speeds of 70 kph based on 40mph speed restriction for vehicles approaching in a South-Westerly direction. This length of B4668 currently has a 50mph speed restriction and so proposed design speeds on the existing B4668 should be supported by 85th %ile speed measurements. Although it is proposed to extend the existing 40mph speed restriction to the South-West of the proposed roundabout, there would be no guarantee that this would sufficiently reduce speeds where required.
- 2.1.3 Clarification required regarding ICD and central island diameters. The GDSR indicates a central island diameter of 30m but this appears to be 28m on the plan based on the entry path radius shown. Has the roundabout got a 1m overrun strip?
- 2.1.4 The approach taper for the diverge into the segregated left turn lane needs to be shown.
- 2.1.5 No vehicle tracking appears to have been provided, and this must be submitted for review, taking into account multi-lane manoeuvres around the junction.
- 2.1.6 Forwards visibility splays over the required SSD need to be shown to demonstrate compliance with CD116. The splay would need to be within the proposed highway boundary.
- 2.1.7 On the North-Eastern arm the tie-in to the existing central hatched markings needs to be shown.
- 2.1.8 On the proposed A47 link road the speed restriction is shown as increasing from 40mph to derestricted approximately 100m South of the B4668 roundabout junction. There is concern that that this would encourage higher vehicle speeds in a location where vehicles are merging from 2 lanes to 1.
- 2.1.9 The proposed highway works will require diversion and/or protection of existing statutory utilities equipment and the developer will need to ensure that all existing services within the verge are identified and liaise with the relevant statutory undertaker.
- 2.1.10 No interim RSA information appears to have been provided for this proposal, and this would need to be submitted along with designer's response to any problems raised.
- 2.1.11 Potential safety concern at the proposed access for G&T site. More detail is required to ensure vehicles access and egress the site in a safe and controlled manner. Swept Path Analysis also required.

2.2 Dwg No HRF-BWB-HGN-HW02-DR-CH-0100 S2-P02 GA Sheet 2 – A47 link road

- 2.2.1 A merge length has been shown for the reduction from 2 lanes to 1 at the end of the segregated left turn lane. The proposed distance of the merge needs to be indicated on the drawing. Similar to comment 2.1.9 above there is concern regarding the proposed change in speed restriction at this location. Would it be better to have the merge inside the 40mph limit section rather than outside it?
- 2.2.2 Safety margin between cycle track needs to comply with LTN1/20 Table 6-1 requirements for 60mph speed restriction (2.0m absolute minimum). Buffer strip is only 1.0m wide which is OK for 40mph but not 60mph.
- 2.2.3 Outlets for the attenuation ponds not shown. Will the area of proposed attenuation ponds be enough for the surface water. Drainage strategy/calculations would be required for review by the LCC drainage team. This comment also applies to other drawings.
- 2.2.4 Existing watercourses appear to be crossed by the new road. Clarification required as to how these are to be treated. Overall drainage strategy to be advised. OWC would be required.
- 2.2.5 Mention of a footbridge on the OS in close proximity to the proposed site. Will this and any associated footway routes be impacted?

2.3 Dwg No HRF-BWB-HGN-HW03-DR-CH-0100 S2-P02 GA Sheet 3 – A47 link road

- 2.3.1 Proposed embankment – geotechnical investigation and earthworks design required.
- 2.3.2 RRRAP Assessment will be required. The designer will at this stage need to give consideration to VRS requirements, which will potentially affect visibility splays and the red line boundary.
- 2.3.3 The drawing indicates the road cross-section to be S2 rural single carriageway to CD127. This would require a 2.5m verge width which doesn't appear to have been provided to the Eastern verge.
- 2.3.4 The 60mph section ends here which means it is relatively short so is it worth retaining. Simplify to 40mph throughout the section from drawings 1 to 4?
- 2.3.5 Similar to comment 2.2.3, outlets for the attenuation ponds not shown. Will the area of proposed attenuation ponds be enough for the surface water. Drainage strategy/calculations would be required for review by the LCC drainage team. This comment also applies to other drawings.

2.4 Dwg No HRF-BWB-HGN-HW04-DR-CH-0100 S2-P02 GA Sheet 4 – A47 link road

- 2.4.1 Rail bridge, underpass and retaining wall – comments from LCC Structures team required.
- 2.4.2 RRRAP Assessment also required taking into account proposed structure. The designer will need to give consideration to VRS requirements, which will potentially affect visibility splays.
- 2.4.3 Visibility to/from proposed pedestrian crossing on inside of bend needs to be shown. Also concern regarding visibility restriction in the vertical plane due to the crest curve over the rail bridge just to the South of this crossing provision.
- 2.4.4 Concern that 40mph speed restriction would not be sufficient to control speeds for 70kph design speed.
- 2.4.5 Should the connection between the bridleway and the cycle facility be more than just a simple dropped crossing as shown here?

2.5 Dwg No HRF-BWB-HGN-HW05-DR-CH-0100 S2-P02 GA Sheet 5 – A47 link road including bridge over railway

- 2.5.1 Retaining wall – comments from LCC Structures team required.
- 2.5.2 RRRAP Assessment also required taking into account proposed retaining wall and earthworks embankment.
- 2.5.3 Concern that 40mph speed restriction would not be sufficient to control speeds for 70kph design speed.
- 2.5.4 Bridge will not be considered for adoption by LCC.

2.6 Dwg No HRF-BWB-HGN-HW06-DR-CH-0100 S2-P02 GA Sheet 6 – A47 link road roundabout 3

- 2.6.1 Approach visibility SSD to roundabout give way line needs to be shown to each arm.
- 2.6.2 Stepped accesses to bridleway to be removed.
- 2.6.3 Splitter Island layouts shown on South-West and North-East arms are incomplete.
- 2.6.4 Vehicle tracking analysis has been provided on Dwg No HRF-BWB-HGN-HW06-DR-CH-0115 and indicates multi-lane manoeuvres for the Max Legal Articulated vehicle. Tracking

appears acceptable although clarification required from the designer as to the speed setting used for the tracking analysis (to be advised on the drawing).

- 2.6.5 7.0m entry width on North arm means 10m wide circulatory area exceeds 120% ratio?
- 2.6.6 No drainage information provided with regards to the surface water on the proposed roundabout and the connected arms.

2.7 Dwg No HRF-BWB-HGN-HW07-DR-CH-0100 S2-P02 GA Sheet 7 – A47 link road including bus interchange

- 2.7.1 Central reservation width to dual carriageway to be indicated on drawing.
- 2.7.2 Design layout dimensions for entries and exits from dual carriageway to bus layby to be shown.
- 2.7.3 Vehicle tracking has been provided on Dwg No HRF-BWB-HGN-HW07-DR-CH-0115 and indicates bus manoeuvres entering and existing the bus layby. Clarification required from the designer as to the size of bus used for the tracking analysis.
- 2.7.4 Forward visibility to proposed toucan crossing to be shown on the drawing.
- 2.7.5 For the proposed diversion of watercourse Ordinary Watercourse Consent will be required.

2.8 Dwg No HRF-BWB-HGN-HW08-DR-CH-0100 S2-P02 GA Sheet 8 – A47 link road including roundabout 2

- 2.8.1 Central reservation width to dual carriageway to be indicated on drawing.
- 2.8.2 Concern regarding shared footway/cycleway provision adjacent to embankment provision. Fencing to protect against falls required.
- 2.8.3 Vehicle tracking has been provided on Dwg No HRF-BWB-HGN-HW08-DR-CH-0115 and indicates multi-lane manoeuvres for the Max Legal Articulated vehicle. Clarification required from the designer as to the speed setting used for the tracking analysis.
- 2.8.4 Additional verge width required adjacent to footway/cycleway unless retaining wall design is modified to reduce size of vertical drop.
- 2.8.5 There appears to be an access from the A47 link road to a building which is greyed out on the drawing? Clarification is required.
- 2.8.6 It is unclear why the section of footway/cycleway on the southern radii of the roundabout appears to be only 2m in width?

2.8.5 RSA problems identified as below:

Problem 4

Location: Roundabout 2 – proposed uncontrolled pedestrian crossings.

Summary: The RSA1 identified narrow crossings on a shared route risk cycle to pedestrian collisions.

A 3m wide shared footway/cycleway is proposed along the northern side of the link road. However, the crossing point and route across the northern splitter island appear to be narrow and may not be of sufficient width to safely accommodate pedestrian and cycle movements. This risks cycle to pedestrian collisions.

Recommendation: The RSA recommended that all crossings linking shared footway/cycleway routes are of sufficient width to safely accommodate shared use.

Design Organisation Response: The designer agreed with RSA Recommendation and stated that all crossings on the link road have been reviewed to ensure the width of splitter islands and refuges is suitable.

LCC Comment: Proposed crossing widths across splitter island and central reserve need to be shown on the GA drawing for each of the crossing locations to confirm that this has been suitably addressed.

2.9 Dwg No HRF-BWB-HGN-HW09-DR-CH-0100 S2-P02 GA Sheet 9 – A47 link road including roundabout 1

- 2.9.1 Proposal for diverted water course results in an excessive length of culvert. Alternative proposals for this should be considered.
- 2.9.2 Roundabout provision on this drawing is only to facilitate sharp deviation in route, and this two-arm roundabout serves no purpose other than to avoid the need for a tight bend on the main alignment. There is no future development access provided for. CD116 guidance requires a roundabout should have 3 or more arms. Alternatives to this proposal that avoid unnecessary roundabout provision would need to be considered at this location.
- 2.9.3 Forward visibility to roundabout give-way lines need to be indicated on drawing.
- 2.9.4 Concern regarding shared footway/cycleway provision adjacent to embankments and retaining provision. Fencing to protect against falls required.
- 2.9.5 RRRAP also required.
- 2.9.6 Comments from LCC Structures team required regarding retaining wall provision.
- 2.9.7 Vehicle tracking has been provided on Dwg No HRF-BWB-HGN-HW09-DR-CH-0115 and indicates multi-lane manoeuvres for the Max Legal Articulated vehicle. Clarification required from the designer as to the speed setting used for the tracking analysis.
- 2.9.8 Potential issue with visibility to the proposed Pegasus crossing as you exit the roundabout southbound.

2.9.9 RSA problems identified as below;

Problem 6

Location: 10m bridleway corridor.

Summary: Risk of pedestrian, cycling and horse riding collisions.

The RSA identified several instances on plan where the 10m bridleway corridor narrows at bends in the route where forward visibility towards an oncoming user may be limited. It is not possible to ascertain the resulting width at these pinch points and thus likelihood of collisions and conflict between these users.

Recommendation: The RSA recommended that appropriate widths are maintained along the entirety of the bridleway corridor.

Design Organisations Response: The designer agreed with RSA Recommendation and stated that Forward visibility along the bridleway corridor will be reviewed during the detailed design. For the area noted by the RSA, the width of the corridor locally narrows to 3m. The designer will review this with the overseeing organisation with a view to agreeing a suitable forward visibility and will consider whether minor changes to the alignment of the bridleway in this location are required to achieve this.

LCC Comment: Proposed widths for the bridleway need to be shown on the GA drawing. As per the comment 2.9.2 there is concern regarding the two-arm roundabout proposal at this location.

2.10 Dwg No HRF-BWB-HGN-HW10-DR-CH-0100 S2-P02 GA Sheet 10 – A47 link road/M69 J2

- 2.10.1 Concern regarding two lane exit from gyratory onto B4699 Westbound. Needs to be checked for tracking. Forward visibility splay would need to be ensured on the exit and needs to be added to the drawing.
- 2.10.2 Forward visibility on Hinckley Road Eastbound approach to proposed signals needs to be indicated on drawing.
- 2.10.3 Vehicle tracking has been provided on Dwg No HRF-BWB-HGN-HW10-DR-CH-0115 and indicates multi-lane manoeuvres for the Max Legal Articulated vehicle. Clarification required from the designer as to the speed setting used for the tracking analysis. As per comment 2.10.1 above, the two-lane exit onto the Hinckley Road Westbound needs to be assessed.
- 2.10.4 M69 northbound off slip onto the roundabout looks almost to be a reverse curve, which is why I presume there is hatching on the offside to accommodate Swept Path Analysis for two parallel HGV movements?

2.10.5 RSA problems identified as below;

Problem 1

Location: M69 J2 southern circulatory carriageway.

Summary: Confusing road markings risk side swipe type collisions.

The RSA identified that around the southern carriageway of the circulatory the lane destinations show an “ahead” and a “right turn” arrow. However, approaching the junction and on the approaches before this point, “ahead” and “ahead and right” arrows are shown. This could lead to late lane changes, sudden and unexpected braking and side swipe type collisions due to driver confusion and late decision making as a result of confusing and misleading lane destinations.

Recommendation: The RSA1 recommended the markings are amended so that they are consistent with the available movements around the southern half of the circulatory and on the westbound link road exit.

Design Organisation Response: The designer agreed with RSA Recommendation and stated that road markings on the circulatory will be reviewed to ensure consistency.

LCC Comment: This concern could be addressed during the later design stages.

2.11 Dwg No HRF-BWB-HGN-HW01-DR-CH-0100 S2-P02 GA Sheet 11 – M69 J2

- 2.11.1 There is concern regarding the relocated pedestrian crossing on the Hinckley Road Eastern Arm. This would require an excessive crossing distance of the existing road with no refuge provision. It is noted that this was amended in response to RSA1 Problem 3 (see below) which raised concern regarding equestrians crossing closer to the circulatory. However, for pedestrians, it would be preferable to keep the crossing similar to that shown on Dwg No HRF-BWB-GEN-XX-SK-CH-SK049 S4 P03. This would enable pedestrians to cross whilst traffic is stationary at the signals, although an alternative route for equestrians may still be required.
- 2.11.2 Forward visibility to Hinckley Road Westbound approach to proposed signals needs to be indicated on drawing.
- 2.11.3 The merge distance from 2 lanes to 1 on the Hinckley Road Eastbound exit needs to be indicated on the drawing for compliance with CD123 requirements.
- 2.11.4 Vehicle tracking has been provided on Dwg No HRF-BWB-HGN-HW11-DR-CH-0115 and indicates multi-lane manoeuvres for the Max Legal Articulated vehicle. Clarification required from the designer as to the speed setting used for the tracking analysis.

2.11.7 RSA problems identified as below;

Problem 2

Location: M69 southbound approach to the new signalised junction.

Summary: Poor forward visibility of signals risks late braking and junction overshoot type collisions. The RSA raised concern that the SB off-slip approach to the proposed signals at Junction 2 has a significant vertical and horizontal alignment change on the approach to the current Give-Way line.

There is a concern that, given these changes and the existing signing infrastructure, that forward visibility towards the signal heads will not be provided for vehicles.

Recommendation: The RSA recommended that the signals are located and designed, including raised poles and/or gantry signals if needed, so as to provide adequate forward visibility for approaching vehicles. Furthermore, it is recommended that the signing on the approach is amended so as not to pose an obstruction.

Design Organisations Response: The Designer agreed with RSA recommendation and stated that visibility on the existing southbound diverge slip road will be assessed in detail and design of the signals reviewed to ensure that suitable visibility is available for the design speed of the connector road to the primary signal heads and the stop line.

LCC Comments: Forward visibility splays on slip road approach need to be shown on the drawing for both horizontal and vertical planes. Although this would be more of a concern on the National Highways network, it would also compromise safety on the gyratory.

Problem 3

Location: B4669 Hinckley Road approach to the M69 Junction 2.

Summary: Bridleway crossing relocation risks vehicle to equestrian collisions.

The existing bridleway crossing on the B4669 is set back from the carriageway by approximately 26m. Under the new arrangement equestrians will cross in front of the signal stop line, resulting in a diversion from the desire line and bringing riders towards the circulatory carriageway and traffic signals. There are concerns that the added noise and proximity to circulatory traffic may result in horses being 'spooked' and potentially result in vehicle to horse / equestrian collisions.

Recommendation: The RSA recommended that consultation is undertaken with local horse-riding groups and that, should the above concerns be realised, that the bridleway crossing is relocated.

Design Organisations Response: The designer agreed with RSA Recommendation and stated that the crossing point has been relocated further east to better sit on the desire line and shorten crossing distance.

ES Comment: As per comment 2.11.1, the preference would be to keep the pedestrian crossing as shown on the "M69 J2 South facing slip roads merge and diverge layout" drawing (provided within RSA1), but also provide a crossing route for equestrians more remote from the roundabout.

2.12 Dwg No HRF-BWB-HGN-HW16-DR-CH-0100 S2-P02 GA Sheet 16 – B4669/Stanton Lane, Sapcote

2.12.1 RSA1 'additional considerations' identified as below;

B4669/Stanton Lane Junction: Off-site mitigation

Additional Consideration 1

Whilst on site the RSA team observed that a level difference was present between the base of the hedgerow to the west of the Stanton Lane junction and the existing verge and footway. As part of the proposals this approach will be widened to accommodate the central hatched area and traffic signals infrastructure. As part of the detailed design, it is recommended that the finished levels of the footway and embankment here are reviewed and amended so that there is not an immediate drop to the back of the footway that would pose a risk of injury to pedestrians.

Design Organisations response; The designer agreed with RSA Recommendation and stated that the levels will be reviewed as part of the detailed design and any retaining or level difference will be provided with appropriate edge restraint to protect pedestrians.

LCC Comments: Agreed that this concern would be addressed at the later design stage.

Additional Consideration 2

The proposals include a significant set-back for the signals and stop line on the Stanton Lane arm of the junction. As part of the detailed design, it is recommended that suitable inter-greens and vehicle detection are provided so as to ensure that vehicles are able to clear the junction before opposing phases in the signals are 'released'.

Design Organisations response; The recommendation is noted, however the designer has reduced the set back of the stop line now that the topo survey of the junction has been completed which should eliminate the issue noted.

LCC Comment: LCC do not accept the designer's response, and the RSA problem remains. Intervisibility splays should be shown on the drawing.

2.13 Dwg No HRF-BWB-HGN-HW17-DR-CH-0100 S2-P02 GA Sheet 17 – B581/New Road/Hinckley Road, Stoney Stanton

2.13.1 The existing mini roundabout markings and dome would need to be removed.

2.13.2 Existing vehicular and pedestrian accesses to the Living Rock Church car park do not appear to have been taken into account.

2.13.4 RSA problems identified as below;

Hinckley Road/New Road Junction: Off-site mitigation

Problem 1

Location: Northern side of the proposed pedestrian crossing – New Road arm.

Summary: The RSA1 raised concern the parking abutting the crossing may restrict visibility for/of crossing pedestrians, risking vehicle to pedestrian collisions. It was observed on site that a number of vehicles frequently park immediately adjacent to the property to the east of the crossing. There is a risk that a parked vehicle will obstruct visibility for and of pedestrians waiting to cross here, and

that pedestrians may therefore enter the carriageway when it is unsafe to do so risking vehicle to pedestrian collisions.

Recommendation: The RSA recommended that waiting restrictions are provided and/or kerb alignment amended to ensure that the visibility envelope is kept unobstructed.

Design Organisations response: The designer agreed with RSA Recommendation and stated that following consultation with the overseeing organisation the eastern crossing has been removed from the scheme.

LCC Comment: Noted. This appears to have been actioned.

Problem 2

Location: Northern side of the proposed pedestrian crossing – New Road arm.

Summary: The RSA raised concern that a private driveway access risks damage to the crossing and trip type hazards and vehicles entering the junction when it is unsafe to do so. There is a private driveway access located immediately behind the northern side of the proposed pedestrian crossing, on the northern side of New Road. Should vehicles overrun the crossing there is a risk of damage to the tactile paving, creating trip type hazards. Furthermore, vehicles exiting from the driveway will enter the junction at a point where they cannot see a traffic signal, potentially entering in conflict with other movements resulting in collisions within the junction.

Recommendation: The RSA recommended that the private driveway arrangement is amended such that vehicles will not overrun the crossing and will be able to enter the junction with visibility of traffic signals.

Design Organisations response: The designer agreed with RSA Recommendation and stated that this eastern crossing has been removed and the private means of access is unaffected by the proposals.

LCC Comment: Noted. This appears to have been actioned.

Problem 3

Location: Station Road, Stoney Stanton - southern side of the pedestrian crossing.

Summary: The RSA raised concern that the pedestrian crossing within the depot access risks damage to the crossing / tactile paving overrun and trip type incidents. The proposed pedestrian crossing is situated within a long section of dropped kerb that appears to provide access to a depot car park, with the vehicular access directly behind the proposed pedestrian crossing. This could lead to vehicles overrunning the crossing in order to access the car park, posing a risk of collisions with pedestrians, unexpected stopping of vehicles within the junction risking shunts and damage to the tactile paving resulting in pedestrian trips.

Recommendation: The RSA team were unclear whether the site continues to serve the purpose of its initial construction. It is recommended that the current access arrangement is reviewed and, if

possible, amended so as to separate vehicle movements from both the crossing and signals so as to provide safe access and avoid safety problems at the crossing. Should this not be possible, it is recommended that the signal arrangement is amended appropriately and that the need for a pedestrian arm on this side of the junction is reconsidered subject to expected desire lines as no facility currently exists on this arm.

Design Organisations response: The designer agreed with RSA Recommendation and stated that the Junction has been amended to ensure that the access to the south of New Road is accessible and vehicles emerging can do so prior to the new stop line.

LCC Comment: Clarification would be required regarding vehicles exiting the adjacent parking area. There is concern with how this would impact the safe operation of the proposed signalised junction.

2.14 Dwg No HRF-BWB-HGN-HW19-DR-CH-0100 S2-P02 GA Sheet 19 – A47/A447 Ashby Road, Hinckley

- 2.14.1 Alterations to this junction have also been proposed as part of the planning application 'Land North of A47 Normandy Road and East of Stoke Road Hinckley' (ref 22/0318/OUT and 23/00432/OUT). It is noted that proposals for the planning application include for the provision of 3 lanes on the Ashby Road Northbound approach to the junction. This proposal therefore falls short.
- 2.14.2 Two lanes exit is proposed on A47 Westbound exit from the junction which then reduces to one lane approximately 80m from the junction. It would be necessary to ensure that the lane reduction follows CD123 Fig 7.12.1 recommendation. This would also apply to the lane reduction shown on the A47 Eastbound exit.
- 2.14.3 Forward visibility splays to the junction would need to be shown for each approach arm. These would need to be shown for both visibility of the signals and the back of queueing traffic.
- 2.14.4 Amendments are shown to the central islands so as to provide staggered crossings. Proposed widths for the islands need to be indicated.
- 2.14.5 Vehicle tracking has been provided on Dwg No HRF-BWB-GEN-XX-DR-TR-128 P1 and indicates turning manoeuvres for the Max Legal Articulated vehicle. Clarification required from the designer as to the speed setting used for the tracking analysis.
- 2.14.6 Vehicle tracking analysis should be shown for the proposed two-lane straight-ahead movements on A47 including the merge from two lanes to one.
- 2.14.7 Topo survey does not reflect recent addition of a footway link between Falmouth Drive and Normandy Way.
- 2.14.8 RSA problems identified as below;

A47/Normandy Way Junction: Off-site mitigation

Problem 1

Location: Ashby Road – southern arm of the junction.

Summary: Narrow refuge for shared use risks cyclist to pedestrian collisions.

The RSA team observed on site that a shared footway / cycleway is present along the southern side of the A47 through the junction. There is a concern that the proposed central island that segregates the two opposing traffic flows on this arm is not wide enough to safely accommodate shared use and there is therefore a risk of cycle to pedestrian collisions here.

Recommendation: The RSA recommended the facility is amended to accommodate safe shared use.

Design Organisations response: The designer agreed with the RSA Recommendation and stated that the refuge has been widened to 3.5m to allow cyclists to use the staggered toucan crossing proposed.

LCC Comment: Noted. This appears to have been actioned.

Additional Consideration 1: The RSA identified that intervisibility between the eastern and western A47 arms of the junction and the northern Ashby Road arm are currently restricted by the adjacent building lines. Whilst it is appreciated that this is an existing problem, the amendments to the stop line positioning will increase the length for which visibility is not provided, although visibility at the entry to the junction is good. As part of the detailed design, it is recommended that the inter-green times are checked and amended as necessary to accommodate the changes.

Design Organisations response: The designer agreed with RSA Recommendation and stated that this will be checked against the topo survey and any improvements that can be made will be incorporated into the detailed design.

LCC Comment: Noted. To be addressed at Detail Design Stage.

Additional Consideration 2: The RSA identified that the western side of the existing pedestrian crossing on the northern arm of the Ashby Road approach currently has a significant gradient. As part of the detailed design, it is recommended that the gradient at the realigned side of the crossing is amended so as to mitigate the impact of on mobility impaired pedestrians.

Design Organisations response: The designer agreed with RSA Recommendation and stated that this will be considered as part of the detailed design and improved as far as possible.

LCC Comment: Noted. This would need to be assessed at detail design stage.

Additional Consideration 3: As with AC 1 above, the RSA observed that at present visibility of approaching vehicles for pedestrians crossing the A47 eastern arm and Ashby Road northern arm is restricted by vegetation as well as the adjacent property boundaries. As part of the detailed design, it is recommended that the site clearance includes maximising inter-visibility for and of pedestrians at the crossing points.

Design Organisations response: The designer agreed with RSA Recommendation and stated that the Site clearance will assess all potential opportunities for vegetation clearance to improve junction intervisibility.

LCC Comment: Noted. This would need to be assessed at detail design stage.

2.15 Dwg No HRF-BWB-HGN-HW20-DR-CH-0100 S2-P01 GA Sheet 20 – A47/B4668 Leicester Road roundabout

- 2.15.1 Vehicle tracking has been provided on Dwg No HRF-BWB-GEN-XX-DR-TR-125 P1 and indicates turning manoeuvres for the Max Legal Articulated vehicle. Clarification required from the designer as to the speed setting used for the tracking analysis.
- 2.15.2 There is concern regarding the tracking shown which indicates that the design vehicle would encroach into the adjacent lane when making the left turn from Leicester Road to A47 Westbound. This may require some amendment to the proposed design to avoid this.
- 2.15.3 The drawing fails to include for the proposed toucan crossing on the A47. This therefore has not been subject to the interim RSA.

2.16 Dwg No HRF-BWB-HGN-HW21-DR-CH-0100 S2-P02 GA Sheet 21 – B4144/Croft Road, Croft

- 2.16.1 No comments.

2.17 Dwg No HRF-BWB-HGN-HW22-DR-CH-0100 S2-P02 GA Sheet 22 (NOTE THAT IMPROVEMENTS TO A4303 HAVE BEEN REMOVED FROM SUBSEQUENT DRAWING REVISIONS) – A5/A4303 Cross in Hand roundabout

- 2.17.1 Minor improvements to kerb radii at the Cross in Hand roundabout on the A5 near Lutterworth. Only small parts of this junction are LCC highway infrastructure and the works are mainly minor nearside strip widenings on individual roundabout entry arms and adjustments to central splitter islands and so these are not controversial.
- 2.17.2 Vehicle tracking has been provided on Dwg No HRF-BWB-GEN-XX-DR-TR-126 P1 and indicates turning manoeuvres for the Max Legal Articulated vehicle. Clarification required from the designer as to the speed setting used for the tracking analysis.
- 2.17.3 The vehicle tracking will need to be assessed for the proposed multi-lane entries to demonstrate that sufficient width has been allowed for each entry lane. There is concern that for the swept paths shown, the design vehicle is shown as encroaching into the adjacent lane which raises concerns as to vehicle conflict and side swipe collisions.

2.17.4 RSA problems identified as below;

A5/Coal Pit Lane Junction: Off-site mitigation

Problem 1

Location: Coal Pit Lane, B4027 and A5 northbound approaches to the junction.

Summary: Narrow lane widths risk side-swipe type collisions.

The RSA identified that the proposed two-lane approaches appear to show lane widths of under 3.0m. Given the high-speed approaches and high percentage of HGV movements observed and expected through the junction, there is a risk that narrow lanes may result in side-swipe type collisions.

Recommendation: The RSA recommended that the lane widths are reviewed, and that localised widening is provided so that suitable lane widths can be provided

Design Organisations response: The designer disagreed with RSA Recommendation and stated that the lanes on the approaches to the roundabout flare from 1 to 2 lanes. The designer stated that geometry here is in accordance with CD116 and the markings for the second lane commence as early as possible in accordance with para 6.1.3 of Traffic Signs Manual Chapter 5 which states: 'Where the carriageway is widened on the approach to a roundabout and extra lanes provided, drivers should be made aware of this by marking the lanes as early as possible. However, no lane should be less than 2 m wide at the start of the taper, or less than 3 m wide at the Give Way line (see Figure 6-1)'.

LCC Comment: The proposed entry lane widths need to be shown on the drawing for LCC review.

Problem 2

Summary: Outside lane entry path curvature risks kerb strikes / side swipe type collisions.

The RSA raised concern that the entry path curvature from the offside lane on the B4027 approach will direct drivers toward the centre of the roundabout, risking kerb strikes. Furthermore, the realignment of the approach also means that vehicles in the nearside lane are likely to "squeeze" drivers in the offside lane, risking side-swipe type collisions.

Recommendation: It is recommended that the entry path curvature is amended to guide vehicles in the offside lane around the circulatory.

Design Organisations response: The designer agreed with RSA Recommendation in part and stated that the geometry will be reviewed to ensure that the approach arm kerb lines are tangential with the road markings and centre island on the roundabout to ensure that traffic is directed to the correct location. The realignment of the arm is required to improve the entry path deflection and is seen as a significant safety benefit over the existing alignment.

LCC Comment: This concern doesn't appear to have been addressed on the GA provided.

2.18 Dwg No HRF-BWB-HGN-HW23-DR-CH-0100 S2-P02 GA Sheet 23 – B581 Station Road, Elmeathorpe

- 2.18.1 The proposals cross pedestrians onto the narrow existing footway on the West side of Station Road. Confirmation of visibility from approaching vehicles from the North at the crossing point location will need to be confirmed.
- 2.18.2 The existing pedestrian stile positioned over the vehicle restraint system should be removed completely. The corresponding dropped kerbs on the West side of Station Road should also be removed and replaced with full height kerbing.

2.18.3 RSA problems identified as below;

Bostock Close PDC: Off-site mitigation

Problem 1

Location: Station Road – western side of the proposed pedestrian crossing to the south of Bostock Close.

Summary: The RSA identified that restricted visibility risks vehicle to pedestrian collisions. When crossing west to east, visibility of approaching vehicles is restricted by the horizontal alignment of the carriageway and by the adjacent vegetation. This restricts visibility for and of pedestrians crossing at the proposed location and may result in them entering the carriageway when it is unsafe to do so, risking vehicle to pedestrian collisions.

Recommendation: It is recommended that the crossing is relocated such that visibility of approaching vehicles is provided for pedestrians. For example, this could be to the northern side of the junction with Bostock Close on the apex of the bend.

Design Organisations response: The designer agreed with RSA Recommendation and stated that the crossing point has been relocated to the north side of Bostock Close to provide better visibility.

LCC Comment: It is noted that the crossing has been relocated to the north side of Bostock Close and visibility splays of 120m to the South are shown to and from the crossing. Vehicle speed measurements would need to be undertaken to confirm the visibility distance required.

Problem 2

Location: Station Road – eastern side of the proposed pedestrian crossing to the south of Bostock Close.

Summary: Restricted visibility risks vehicle to pedestrian collisions. When crossing east to west, visibility of approaching northbound vehicles is restricted by the vertical alignment of the carriageway and by the adjacent vegetation. This restricts visibility for and of pedestrians crossing at the proposed location and may result in them entering the carriageway when it is unsafe to do so, risking vehicle to pedestrian collisions.

Recommendation: It is recommended that the crossing is relocated such that visibility of approaching vehicles is provided for pedestrians. For example, this could be to the northern side of the junction with Bostock Close on the apex of the bend.

Design Organisations response: The designer agreed with RSA Recommendation and stated that the crossing point has been relocated to the north side of Bostock Close to provide better visibility. The hedges on the north-eastern side of the B581 sit within the highway boundary and can be cut back to ensure that they do not impede visibility.

ES Comment: It is noted that the crossing has been relocated to the north side of Bostock Close and visibility splays of 120m to the South are shown to and from the crossing. Vehicle speed measurements would need to be undertaken to confirm the visibility distance required.

Additional Consideration 1: Whilst the footway to the south of the proposed crossing is shown as being 1.4m in width on the drawing, on site the footway is significantly narrowed by overgrown vegetation and leaf litter. As part of the detailed design, it is recommended that consideration is given to edging up the footway to ensure that the maximum width available is provided to pedestrians.

Design Organisations response: The designer agreed with RSA Recommendation and stated that there is a significant amount of overgrown vegetation which reduces the usable width of the footway and which will be considered as part of the site clearance works.

LCC Comment: Agreed, this would normally be a concern to be addressed at the detail design stage.

2.19 Dwg No HRF-BWB-HGN-HW24-DR-CH-0100 S2-P01 GA Sheet 24 – B4114/Coventry Road/Broughton Road

- 2.19.1 There is a S278 scheme at these junctions which has been subject to ongoing technical review. The drawing should be amended to reflect this scheme (as included in the base PRTM modelling).
- 2.19.2 There is an advanced cycle stop line provided at the Coventry Road junction on the Southbound B4114 but I can't see any other provision proposed. If the whole staggered junction is being signalised, then provision should be made on other approaches for consistency. It is noted that the S278 scheme has advance stop line provision on all approaches.
- 2.19.3 Vehicle tracking has been provided on Dwg No HRF-BWB-GEN-XX-DR-TR-133 P1 but this appears to only show turning manoeuvres at the B581 Broughton Road/Coventry Road junction.

2.19.4 RSA problems identified as below;

B581 Mitigation: Off-site mitigation

Problem 1

Location: Existing signalised junction of the B4114 and B581 Coventry Road.

Summary: The RSA identified that location of new advanced stop lines limits traffic signal visibility and risks vehicle to cycle shunts/collisions. The proposed advanced stop line waiting areas on the northern and eastern arms of the junction are in advance of the majority of the traffic signals within the junction. Should signal visibility be restricted there is a risk that following motorists will move off prior to cyclists getting underway, risking collisions between the two.

Recommendation: The RSA recommended that the signal and stop line arrangements are such that cyclists have a clear view of the traffic signals when waiting within the advanced stop line area.

Design Organisations response: The designer agreed with RSA Recommendation and stated that Locations of advanced stop lines will be reviewed and amended where required.

LCC Comment: Agreed, this detail can be resolved at detail design stage.

Problem 2

Location: B4114 Coventry Road – on the exit from the junction with the B581 Coventry Road.

Summary: Alignment for straight ahead southbound vehicle movements risks late lane changes and side-swipe type collisions.

The RSA identified that alignment of the ahead movement, when travelling southbound, means that drivers are naturally directed to continue into the right turn lane inadvertently, risking late lane changes and potential side-swipe or shunt type collisions.

Recommendation: The RSA recommended that the two-lane arrangement on the exit from the junction is started further south and the road markings amended so as to encourage drivers to make a conscious decision to enter the right turn lane.

Design Organisations response: The designer agreed with RSA Recommendation and stated that the alignment and lane markings will be reviewed, and amendment made to address the problem.

LCC Comment: Design should be amended to reflect the s278 scheme.

2.20 Dwg No HRF-BWB-HGN-HW18-DR-CH-0100 S2-P02 GA Sheet 18 – Sapcote village

- 2.20.1 The existing bus stop (currently next to the Co-op), is shown as being relocated next to Nos 1 to 7 Leicester Road. For vehicles overtaking a stationary bus at this location, there would be insufficient forward visibility of oncoming traffic. Also, visibility to the proposed zebra crossing would be insufficient, and vehicles approaching a stationary bus would have forward visibility obstructed by the bus.
- 2.20.2 The existing footway here is narrow and would not provide adequate width for bus stop provision. Ideally raised access kerbs would need to be provided (as per LHDG Fig DG7) but this would result in a backfall to the existing 3rd party wall.

- 2.20.3 Forward visibility splays to the proposed zebra crossing have been shown. It is noted that for vehicles travelling Eastbound along B4669, the splay for the 44m visibility distance cuts through the corner of the property (No 1 Church Street). 85th %ile speed measurements would be required to inform the design.
- 2.20.4 For the proposed zebra crossing, a public consultation exercise would need to be undertaken should this proposal be taken forward.
- 2.20.5 LCC will be interested to see the RSA1 for this proposal. In addition to the above comments there are serious fundamental safety concerns regarding the shared surface proposal outside of the Co-op for servicing and school bus provision in an area of high pedestrian activity including vulnerable school children waiting for the school bus. In addition, there are significant maintenance concerns, and associated safety concerns in respect of this proposal.
- 2.20.6 Vehicle tracking has been provided on Dwg Nos HRF-BWB-GEN-XX-DR-TR-135, 136 and 137 P02 (Sheets 1, 2 and 3). Clarification required from the designer as to the speed setting used for the tracking analysis.
- 2.20.7 The vehicle tracking analysis would need to take account of turning movements for a refuse vehicle (11.2m length) particularly the left turn from Leicester Road into Church Street.
- 2.20.8 LCC has concerns with the principal of the manoeuvres shown in the tracking drawings and associated safety implications.

2.20.9 RSA problems identified as below;

Problem 1

Location: Proposed bus stop – adjacent to the Sapcote Church School.

Summary: The RSA identified lack of forward visibility risks head on collisions involving overtaking vehicles. The bus stop is to be relocated from a lay-by arrangement outside of the Co-Op to an on-carriageway location adjacent to the Sapcote Church School. This is close to a right-hand bend in Leicester Road where the building line obstructs forward visibility of eastbound vehicles. Should a driver or rider decide to overtake a stationary bus here there is a risk that they will not see or be seen by an eastbound vehicle, risking a head-on/side swipe type collision.

Recommendation: It is recommended that the bus stop is relocated such that a westbound overtaking vehicle will be able to complete their manoeuvre safely and with adequate forward visibility based on the speed of approaching, eastbound vehicles.

Design Organisations response: The designer agreed with RSA Recommendation in part and stated that the on-carriageway bus stop adds to the general traffic calming features that are proposed through Sapcote in order to make this route less desirable for re-routeing traffic and therefore vehicles should be discouraged from overtaking stopped buses. The designer stated that location of the stop has been considered to ensure that suitable visibility is available to parked buses, and advised that 47m of forward visibility (as LCC Table DG4) is available from behind a parked bus to oncoming vehicles to enable overtaking of a parked bus.

LCC Comment: Designers response is not accepted. For vehicles overtaking a stationary bus, forward visibility to oncoming traffic would be much reduced and this is likely to result in vehicle conflict and safety concerns. Visibility to crossing pedestrians at the proposed zebra would also be severely impacted.

Problem 2

Location: Leicester Road - proposed Zebra crossing

Summary: Restricted visibility risks vehicle to pedestrian collisions.

The RSA raised concern that when crossing north to south, visibility for and of pedestrians crossing or waiting to cross is restricted to the east by the building line and boundary wall of the adjacent properties. This would be especially the case for wheelchair and pushchair users. Should they enter the carriageway when unsafe to do so there is a risk of vehicle to pedestrian collisions.

Recommendation: The RSA recommended that unobstructed pedestrian visibility commensurate with measured vehicle speeds is provided at the crossing point.

Design Organisations response: The designer agreed with RSA Recommendation and stated that while the zebra crossing replaces an existing uncontrolled crossing and is seen as an improvement in pedestrian safety, the exact location will be tweaked to provide the best visibility to and from pedestrians using the crossing.

LCC Comment: This remains a concern. 85th %ile vehicles speeds would need to be obtained to ascertain visibility requirements. There would still be a concern regarding the bus stop location and conflicts with the proposed zebra crossing.

Problem 3

Location: Leicester Road – footway to the east of the proposed Zebra crossing.

Summary: The RSA identified that narrow footway risks vehicle to pedestrian collisions. The footway immediately to the east of the proposed Zebra crossing is very narrow (<1m), with insufficient width for two-way pedestrian movements meaning pedestrians have to enter the carriageway in order to pass one another at a point where visibility of eastbound traffic is obscured by the adjacent property (refer to Problem 2). The location of the crossing will encourage an increase in pedestrian movements along this narrow footway, risking vehicle to pedestrian collisions.

Recommendation: The RSA recommended that the crossing is relocated to a location where sufficient footway widths on the approaches are available.

Design Organisations response: The designer agreed with RSA Recommendation in part and stated that the zebra crossing is a replacement for an existing uncontrolled crossing point and as a result additional pedestrians are unlikely to utilise the narrow section of footway. The designer's opinion is that a controlled crossing point makes it more likely that pedestrians will choose to cross the road to avoid using the narrow section of footway and as a result, the proposals reduce the safety risk posed by this existing section of footway. The designer stated that they will look at the exact location of the crossing and whether it is possible to relocate it to improve the problem noted.

LCC Comment: Designers response is not accepted. Alternative locations for the proposed crossing would need to be considered.

Problem 4

Location: Leicester Road - proposed traffic calming build-out.

Summary: Lack of illumination risks collisions with the feature during the hours of darkness. There are no street lights close to the proposed traffic calming feature location and there are several mature trees in close proximity. This means that the feature may be inconspicuous during the hours of darkness, risking it being struck by eastbound vehicles resulting in loss of control incidents.

Recommendation: The RSA recommended that the feature is sufficiently illuminated during the hours of darkness.

Design Organisations response: The designer agreed with RSA Recommendation and stated that the proposed location of the feature is in between two existing street lights, but the lighting levels will be assessed in detail at the detailed design stage.

LCC Comment: This proposal would appear to have been removed from the design.

Problem 5

Location: Proposed traffic calming feature – Leicester Road.

Summary: Low opposing flow risks late braking and kerb strikes / loss of control / head on collisions.

Traffic flows on Leicester Road were observed to be low, with little opposing two-way traffic observed. There is a concern that drivers will seldom be required to give way to oncoming vehicles and, as such, will not be prepared to slow or stop when approaching the give way. This is exacerbated by the location of the proposed feature – within the outbound lane on Leicester Road – meaning that vehicles required to give way will not have a feature to negotiate and therefore slow down in anticipation. This means that there is a risk of vehicles striking the kerbed build out, as well as failures to give way and late braking, resulting in loss of control or head-on collisions. In the experience of the Audit Team, these types of features in this scenario and as a first response to reducing speed on entry to a village, can result in collisions when used in isolation.

Recommendation: The RSA recommended that the gateway feature type is amended and / or that additional supportive measures are provided to ensure slow approach speeds at the feature. It is also recommended that should this feature type be provided, that the build-out is located within the in-bound lane, on the side that drivers will be required to give way.

Design Organisations response: The designer agreed with RSA Recommendation and stated that Details of the gateway feature will be reviewed and consideration given to changing the type if required.

LCC Comment: This proposal would appear to have been removed from the design.

2.21 Dwg No HRF-BWB-LSI-D1-DR-CH-00105 S4-P02 Long Sections Sheet 1 of 2

2.21.1 It is noted that desirable minimum crest K value of 30 would be provided over the rail bridge location. CD109 advice is that this 30K crest not be recommended on a single carriageway (refer to Table 2.10 and cl 9.25.2). The road markings shown on the plan (Dwg No HRF-BWB-HGN-HW04-DR-CH-0100 S2-P02 GA Sheet 4) indicate that this would be an overtaking section but this would be ruled out by the crest curve.

2.22 Geometric Design Strategy Record (ref HRF-BWB-HML-A47-RP-CH-00100 Nov 2023)

Design Speed;

- 2.22.1 As per comment 2.3.4, the length of 60mph speed restriction (100kph design speed) would be relatively short but would still potentially encourage higher speeds on the adjacent 40mph sections. It is suggested that this should be a continuous 40mph restriction.
- 2.22.2 Design speeds for the B4688 either side of the proposed roundabout are based on speed limit proposals. However, this should also be checked by 85th %ile speed measurements on the existing B4688.
- 2.22.3 Similarly design speeds for the B4669 to the East and West of M69 Junction 2 gyratory should be checked by 85th %ile speed measurements on the existing B4669 approaches.

Horizontal Design;

- 2.22.4 On the link between the two roundabouts (Ch 0 to 263.41) it is proposed to provide relaxations on horizontal curvature of 2 steps below desirable minimum. However, this would be on what CD109 would designate as the immediate approach to a junction for which relaxations are not permitted. Clarification is required from the designer regarding this which would potentially require a departure from standard.

3.0 STAGE 1 ROAD SAFETY AUDIT

- 3.1 In addition to Interim Stage 1 Road Safety Audit comments included above, the Interim RSA1 raised a general concern for the proposed link road as follows;

M69 JUNCTION 2/B4668, Hinckley

Location: General.

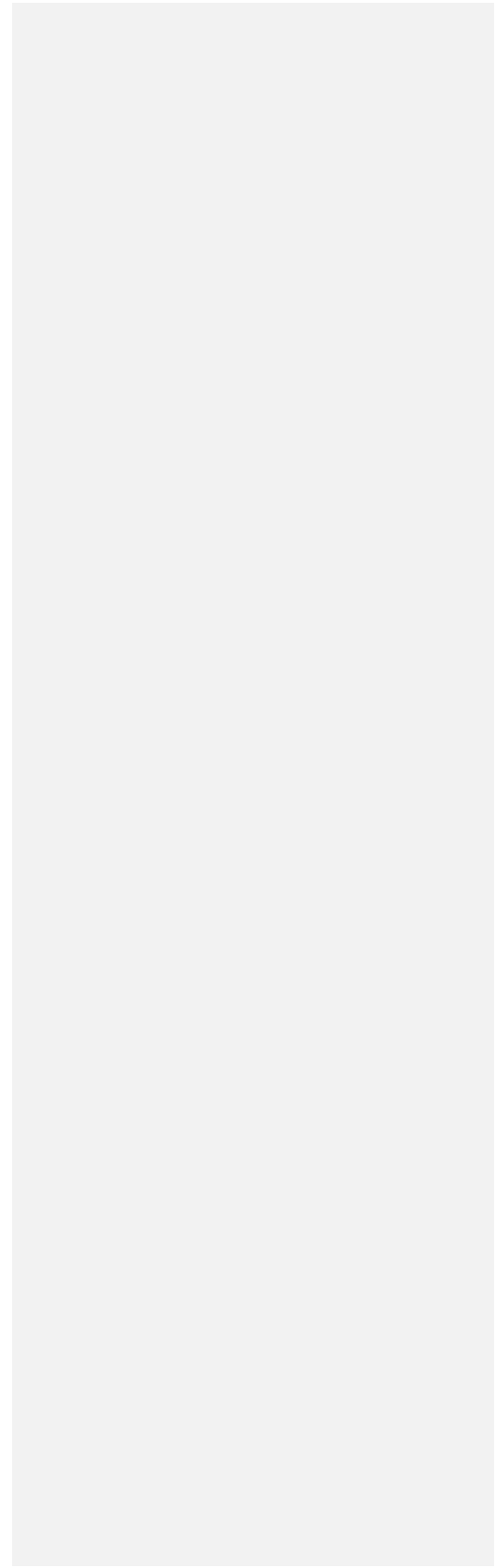
Summary: Risk of risk severity caused from secondary collisions.

The RSA identified several potential hazards identified along the link road that could promote a secondary collision type potentially resulting in an increased severity of injury to vehicle occupants. This relates to references on plan to retaining walls, embankments, acoustic fencing, and proximity of balancing ponds all of which can present a secondary hazard to an errant vehicle.

Recommendation: The RSA recommended that a full Road Restraint Risk Assessment is carried out in the first instance and outcomes reviewed against a local context given the limitation this approach can have in terms of outcomes and recommendations. It is further recommended that locations for signing are identified at the earliest opportunity to ensure compromises on design are not discovered later on and that the Design Team should ensure that adequate land can be provided, with consideration for any resulting protection measures, to accommodate traffic signs and any other street infrastructure associated with the wider proposals.

Design Organisations Response: The designer agreed with RSA Recommendation and stated that a full RRRAP will be carried out and road restraint design incorporated into the AIP reports in production for the structures associated with the link road.

LCC Comment: Adequate allowance will need to be made at this stage for any requirements for road restraint systems, as would potentially be identified by a RRRAP assessment.



Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Draft Section 106 Unilateral Undertaking

Document reference: 9.2

Revision: 01

February 2024

Planning Act 2008

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

Dated: 202[]

DEVELOPMENT CONSENT OBLIGATION BY UNILATERAL UNDERTAKING

**under section 106 of the Town and Country Planning Act 1990 (as amended)
relating to The Hinckley National Rail Freight Interchange**

Given by:

- **DAVID WILLIAM HEBBLETHWAITE and CAROLINE MARGARET HEBBLETHWAITE**
- **DAVID JOHN GAMBLE and SUSAN ALEXANDRA SAMPEY**
- **ANNE ELIZABETH WINCOTT**
- **MADLINE MACE**
- **JOHN CHARLES FOXON**
- **ANDREW GEORGE WINCOTT**
- **DAVID WILLIAM HEBBLETHWAITE and JAMES DANIEL HEBBLETHWAITE**
- **MATTHEW DAVID JOHNSON and RACHEL JEAN JOHNSON**
- **ANNE ELIZABETH WINCOTT, ANDREW GEORGE WINCOTT, and CAROLINE JANE ELLIS**
- **TRITAX SYMMETRY (BARWELL) LIMITED**
- **BARCLAYS BANK UK PLC**
- **TRITAX SYMMETRY (HINCKLEY) LIMITED**

To:

- **LEICESTERSHIRE COUNTY COUNCIL**
-

THIS UNDERTAKING is made on

[]

GIVEN BY:

- (1) **DAVID WILLIAM HEBBLETHWAITE and CAROLINE MARGARET HEBBLETHWAITE** of Bridge Farm, Burbage Common Road, Elmesthorpe, Leicestershire, LE9 7SE (**"the First Owner"**)
- (2) **DAVID JOHN GAMBLE and SUSAN ALEXANDRA SAMPEY** of Woodhouse Cottage, Burbage Common Road, Elmesthorpe, Leicestershire, LE9 7SE and the Blue Bell Inn, Long Street, Stoney Stanton, Leicester, Leicestershire, LE9 4DQ (**"the Second Owner"**)
- (3) **ANNE ELIZABETH WINCOTT** of Woodhouse Farm, Burbage Common Road, Elmesthorpe, Leicester, LE9 7SE (**"the Third Owner"**)
- (4) **MADLINE MACE** of Hobbs Hayes Farm, Hinckley Road, Sapcote, Leicester LE9 4LH (**"the Fourth Owner"**)
- (5) **JOHN CHARLES FOXON** of Freeholt Lodge, Hinckley Road, Sapcote, Leicester, LE9 4LH (**"the Fifth Owner"**)
- (6) **ANDREW GEORGE WINCOTT** of Woodhouse Farm, Elmesthorpe, Leicestershire (**"the Sixth Owner"**)
- (7) **DAVID WILLIAM HEBBLETHWAITE and JAMES DANIEL HEBBLETHWAITE** of Bridge Farm, Burbage Common Road, Elmesthorpe, Leicestershire, LE9 7SE (**"the Seventh Owner"**)
- (8) **MATTHEW DAVID JOHNSON and RACHEL JEAN JOHNSON** of Hobbs Hayes Farm, Hinckley Road, Sapcote, Leicestershire LE9 6LH (**"the Eighth Owner"**)
- (9) **ANNE ELIZABETH WINCOTT, ANDREW GEORGE WINCOTT, and CAROLINE JANE ELLIS** of Woodhouse Farm, Burbage Common Road, Elmesthorpe Leicester LE9 7SE and of Cyden Hill, Offchurch Road, Hunningham, Leamington Spa (**"the Ninth Owner"**)
- (10) **TRITAX SYMMETRY (BARWELL) LIMITED (CO 11331747)** of Unit B, Grange Park Court, Roman Way, Northampton, England, NN4 5EA (**"the Tenth Owner"**).
- (11) **BARCLAYS BANK UK PLC (CO 9740322)** of 1 Churchill Place, London, England, E14 5HP (**"the First Mortgagee"**)
- (12) **TRITAX SYMMETRY (HINCKLEY) LIMITED (CO 10885167)** of Unit B, Grange Park Court, Roman Way, Northampton, England, NN4 5EA (**"the Developer"**)

TO:

- (14) **LEICESTERSHIRE COUNTY COUNCIL** of County Hall, Glenfield, Leicester, LE3 8RA (**"the County Council"**)

BACKGROUND

- The County Council is a planning authority for the purposes of the 1990 Act and the highway authority as defined in the Highways Act 1980 for the area in which the Obligation Land is located and by whom the obligations contained in this Undertaking are enforceable.
- The Obligation Land forms part of the Order Limits of the DCO.

- The First Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title number LT79367 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Second Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title numbers LT237757 and LT402144 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Third Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title number LT247308 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Fourth Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title numbers LT260280 and LT278346 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Fifth Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title number LT264055 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Sixth Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title number LT325644 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Seventh Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title number LT339299 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Eighth Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title number LT362270 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Ninth Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title number LT490587 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Tenth Owner is the freehold owner of the part of the Obligation Land registered at HM Land Registry under title number LT117872 free from encumbrances that would prevent the Owner entering into this Undertaking.
- The Mortgagee has a registered charge dated 3rd July 2007 over the Second Owner's title LT237757.
- The Developer has the benefit of various options to acquire the Obligation Land and is the freehold owner of the parts of the Obligation Land registered at HM Land Registry under title numbers LT371683 and LT273590 free from encumbrances that would prevent the Owner entering into this Agreement. The Developer intends to construct and operate the Development as authorised by the DCO.
- The Owners have agreed to enter into this Undertaking with the intention that the obligations contained in this Undertaking may be enforced by the County Council against the Owners and their successors in title and to ensure the Development is regulated by the obligations as set out.

Commented [CS1]: LCC checking title.

Commented [CS2]: LCC checking title.

OPERATIVE PROVISIONS

INTERPRETATION

In this Undertaking, the following words and expressions have the following meanings:

"1990 Act" the Town and Country Planning Act 1990 (as

	amended)
"2008 Act"	the Planning Act 2008 (as amended)
"Application"	the application made pursuant to section 37 of the 2008 Act for the DCO to authorise the Development
"Commencement Date"	the date specified in clause 3.1 and "Commencement of Development" and "Commence Development" shall be construed accordingly
"the DCO"	the development consent order to be made under the 2008 Act currently titled The Hinckley National Rail Freight Interchange Order 202[X]
"the Development"	the development authorised by the DCO
"Index Linked"	increased by any such percentage (if any) as the figure for the Relevant Index most recently published prior to the date of payment of the sum to be paid bears to the most recently published figure for such index prior to the date of this Undertaking
"Obligation Land"	the land shown edged red on Plan 1 to which the obligations in this Undertaking apply
"Occupation"	the Occupation for use for which the relevant Unit was designed excluding occupation for the sole purpose of construction fitting out security marketing or repair and "Occupy" and "Occupied" shall be construed accordingly
"Order Limits"	the order limits of the DCO shown edged red on Plan 2
"the Owners"	collectively the First Owner, the Second Owner, the Third Owner, the Fourth Owner, the Fifth Owner, the Sixth Owner, the Seventh Owner, the Eighth Owner, the Ninth Owner and the Tenth Owner or either one of them or group of them as the case may be
"Plan 1"	the Plan attached at Appendix 1
"Plan 2"	the Plan attached at Appendix 2
"Relevant Index"	the All in Tender Price Index of Buildings Cost Information Services as published by the Royal Institution of Chartered Surveyors
"Unit"	a warehouse on the Development constructed pursuant to the DCO and "Units" shall be interpreted accordingly
"Working Day"	any day falling between Monday and Friday (both days inclusive) upon which the clearing banks in the City of London are open for normal business which is not Good Friday or a statutory bank holiday

In this Undertaking:

further definitions are contained in **Schedule 1**

the clause headings do not affect its construction or interpretation;

unless otherwise indicated, references to clauses and Schedules are to clauses of and Schedules to this Undertaking and references in a Schedule to a Part or paragraph are to a Part or paragraph of that Schedule;

words importing the singular meaning where the context so admits include the plural meaning and vice versa;

words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner;

all obligations made on or behalf of all the Owners are enforceable against all of the Owners jointly and severally unless there is an express provision otherwise;

references to any statute or statutory provision include references to:

all Acts of Parliament and all other legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by any subsequent legislation; and

any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision;

references to the Obligation Land include any part of it;

references to any party in this Undertaking include the successors in title of that party and in the case of the County Council includes any successor local planning authority and local highway authority exercising planning powers under the 1990 Act "including" means "including, without limitation";

any covenant by the Owners not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing; and

if any provision is held to be illegal, invalid or unenforceable, the legality, validity and enforceability of the remainder of the Undertaking is to be unaffected.

All third party rights arising under the Contracts (Rights of Third Parties) Act 1999 are excluded and no one other than the County Council and the Owners and as defined their successors in title or successor authorities shall have any right to enforce any obligation or term of this Undertaking.

EFFECT OF THIS UNDERTAKING

This Undertaking is made pursuant to section 106 of the 1990 Act as amended by s174 of the 2008 Act, Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other enabling powers and the planning obligations contained in **clauses 4.1** and **schedules 1 to 3 (inclusive)** shall bind the interest of the Owners and their successors in title and assigns to the Obligation Land and each and every party of the Obligation Land.

The Developer enters into this Undertaking to bind any legal interests it has in the Obligation Land. However the Developer shall not be bound by the obligations herein unless and until it acquires a legal interest in the Obligation Land being more than an option or a conditional contract or option agreement and then it shall only be liable in respect of such part of the Obligation Land as it has acquired.

Nothing in this Undertaking restricts or is intended to restrict the proper exercise at any time by the County Council of any of their statutory powers, functions or discretions in relation to the Obligation Land or otherwise.

Obligations to perform or carry out works or activities on any part of the Obligation Land or to observe and perform and perform and obligations only relating to part of the Obligation Land shall only be enforceable against persons with an interest in the part of the Obligation Land to which that obligation relates.

This Undertaking may be registered as a local land charge by the County Council.

COMMENCEMENT DATE

Save where specifically provided to the contrary the obligations contained in **clause 4.1** and **Schedule 1** to this Undertaking will not come into effect until the date on which the DCO has been granted and Development commences through the carrying out on the Obligation Land of a material operation as specified in section 56(4) of the 1990 Act PROVIDED THAT the following operations will not constitute a material operation for the purposes of this Undertaking:

the erection of any temporary means of enclosure for the purposes of Obligation Land security;

the temporary display of advertisements;

archaeological investigations or investigations for the purpose of assessing ground conditions or surveys;

remedial work in respect of any contamination or other adverse ground conditions;

provision of temporary site access for construction traffic;

the demolition of any existing buildings or structures;

the clearance of the Obligation Land;

pegging out;

tree protection;

testing and sampling (including soil testing);

works for the provision or diversion of drainage or mains services to prepare the Obligation Land for development or works to statutory undertaker's apparatus;

erecting contractors' compounds;

any other preparatory works as may be agreed in writing with the County Council.

OBLIGATIONS OF THE OWNERS

The Owners covenant with the County Council to comply with their obligations set out in **Schedule 1** in relation to the Development.

4.2 No person will be liable for any breach of the terms of this Undertaking occurring after parting with their interest in the Obligation Land or the part of the Obligation Land in respect of which such breach occurs but they will remain liable for any breaches of this Undertaking occurring before that date.

FUTHER PLANNING PERMISSIONS AND DEVELOPMENT CONSENTS

Nothing in this Undertaking shall prohibit or limit or affect in any way the right to develop any part of the Obligation Land in accordance with a planning permission issued pursuant to the 1990 Act or a development consent order granted pursuant to the 2008 Act (other than the DCO) either before or after the date of this Undertaking.

TERMINATION OF THIS UNDERTAKING

This Undertaking will come to an end if the DCO is quashed, cancelled or revoked prior to the Commencement of Development.

NOTICES

Any notice, demand or any other communication served under this Undertaking will be effective only if delivered by hand or sent by first class post, pre-paid or recorded delivery.

Any notice, demand or any other communication served is to be sent to the address of the relevant party set out at the beginning of this Undertaking or to such other address as one party may notify in writing to the others at any time as its address for service and in the case of the County Council shall be marked for the attention of the Team Manager, Planning Obligations and Systems Team, Planning and Historic and Natural Environment Department.

Unless the time of actual receipt is proved, a notice, demand or communication sent by the following means is to be treated as having been served:

if delivered by hand, at the time of delivery;

if sent by first class post, on the second Working Day after posting; or

if sent by recorded delivery, at the time delivery was signed for.

If a notice, demand or any other communication is served after 4.00 pm on a Working Day, or on a day that is not a Working Day, it is to be treated as having been served on the next Working Day.

For the avoidance of doubt, where proceedings have been issued in the Court of England, the provisions of the Civil Procedure Rules must be complied with in respect of the service of documents in connections with those proceedings.

THE COUNTY COUNCIL'S LEGAL FEES

Upon completion of this Undertaking the Developer is to pay to the County Council their reasonable and proper legal costs in connection with the preparation, negotiation and completion of this Undertaking up to the amount of £1,900 (TBC) (no VAT).

WAIVER

No waiver (whether expressed or implied) by the County Council or the Owners of any breach or default in performing or observing any of the covenants terms or conditions of this Undertaking shall constitute a continuing waiver and no such waiver shall prevent the County Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

CHANGE IN OWNERSHIP

The Owners agree with the County Council to give the County Council written notice within seven (7) days of any change in ownership of any of their respective

interests in the Obligation Land (with the exception of transfers to statutory undertakers) occurring before all the obligations under this Undertaking have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Obligation Land or unit of occupation purchased by reference to a plan.

JURISDICTION

This Undertaking is to be governed by and interpreted in accordance with the laws of England.

The courts of England are to have jurisdiction in relation to any disputes between the parties arising out of or related to this Undertaking.

INDEXATION

It is agreed that all amounts specified in or ascertainable by reference to this Undertaking shall be Index Linked (unless specified otherwise) from the date of this Undertaking until the date a contribution amount or payment is due to be paid.

If the Relevant Index is rebased or replaced an appropriate alternative index shall be substituted by the agreement of the parties to this Undertaking.

INTEREST

If any payment due to the County Council under this Undertaking is paid late interest will be payable from the date payment is due to the date of payment at 4% above the base lending rate of Barclays Bank plc prevailing at the time unless otherwise expressly stated in this Undertaking.

AGREEMENT

When the agreement, approval, consent or expression of satisfaction is required by the Owner from the County Council under the terms of this Undertaking such agreement, approval, consent or expression of satisfaction:

must be evidenced in writing; and

except when stated to be entirely at the discretion of the County Council shall not be unreasonably withheld.

MORTGAGEE'S CONSENT

The Mortgagee consents to the relevant Owners entering into and the completion of this Undertaking and declare that its interest in the Obligation Land shall be bound by the terms of this Undertaking as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Obligation Land and for the avoidance of doubt the Mortgagee shall otherwise have no liability under this Undertaking unless and until it becomes mortgagee in possession in which case it shall be bound by the obligations contained herein as if it were a successor in title to the relevant Owners.

EXECUTION

The parties have executed this Undertaking as a deed and it is delivered on the date set out above.

SCHEDULE 1
Covenants with the County Council

Definitions

"Archaeology Monitoring Fee"	the sum of £7,315 (seven thousand three hundred and fifteen pounds) (Index Linked) as a contribution towards the County Council's costs associated with monitoring compliance with the Archaeological Works	
"Archaeology Works"	the archaeological works to be carried out as part of the Development as authorised by the DCO	
"Bus Pass"	up to one (1) adult bus pass per Employee issued by the local bus services provider following an application by the Employee at any time prior to the expiry of six (6) months immediately following the Occupation of the relevant Unit in which the Employee is employed, such pass to entitle the holder of the bus pass to travel free of charge for a temporary period of six (6) months from the date of issue for travel between the Development and his/her place of residence and "Bus Passes" shall be construed accordingly	<p>Commented [ES3]: Provision of bus passes is secured in the Sustainable Transport Strategy and requirement 9 of the DCO TSH are content to update the STS to reflect the drafting included in this UU.</p> <p>Commented [CS4R3]: The deletion of the bus pass provisions is not agreed. It is standard LCC practice to deal with bus passes as a section 106 obligation. It also makes enforcement much more straightforward in this case.</p>
"Construction Traffic Routeing Scheme"	a scheme agreed in writing between the Owners and the County Council to include details of the routeing of construction traffic to and from the Development (including any off-site highway works) during the period that the Development is being constructed, such routeing to be shown by reference to a plan in order to assess and manage the impact of construction works on the road network	<p>Commented [ES5]: This is considered to be secured by requirement 23 - please see email from Sinead Turnbull to Rebecca Henson dated 13 February at 9:27am.</p> <p>Commented [CS6R5]: The deletion of the construction routeing provisions is not agreed. LCC do not accept the Applicant's position regarding Requirement 23 (LCC are not the discharging or enforcement Authority) and cannot understand the Applicant's reluctance to include within the UU if there is indeed a commitment.</p>
"Contributions"	the Traffic Regulation Order Contribution and the Gibbet Hill Contribution	
"Employee"	an employee to be employed at the Development	Commented [CS7]: Deletion not agreed.
"Framework Travel Plan"	a travel plan to be approved pursuant to Requirement 8 of Part 1 of Schedule 2 of the DCO	
"Gibbet Hill Contribution"	the sum of £[] ([] pounds) (Index Linked) to be paid to the County Council to be subsequently transferred in full to WCC, as a proportionate contribution towards the Gibbet Hill Contribution Purpose	<p>Commented [CS8]: LCC will agree, in principle, to accept the monies and transfer them to WCC, provided that the figure and purpose can be agreed. If this cannot be agreed LCC will not agree to this obligation.</p> <p>Commented [ES9R8]: Subject to instructions</p> <p>Commented [CS10R8]: Applicant to provide further details.</p>
"Gibbet Hill Contribution Purpose"	highway works and improvements to the part of the road network within Warwickshire	

	known as Gibbet Hill roundabout
"HGV Routeing Monitoring Fee"	the sum of £1,440 (one thousand four hundred and forty pounds) payable per HGV Route Monitoring Meeting towards the County Council's costs associated with attending annual HGV Route Monitoring Meetings
"HGV Routeing Monitoring Meeting"	a meeting to be attended by the District Council within one year of first Occupation (unless requested sooner by one of the parties) and attended subsequently upon identification and consideration of any reported breaches of the HGV Route Management Plan and Strategy
"HGV Route Management Plan and Strategy"	the HGV route management plan and strategy to be complied with pursuant to Requirement 18 of Part 1 of Schedule 2 of the DCO
"Monitoring Fee"	the sum of £300 (three hundred pounds) or 0.5% of the Contributions (whichever is the greater) as a contribution towards the County Council's costs associated with monitoring compliance with this Undertaking
"Occupier Travel Plan"	a travel plan specific to a Unit on the Development to be approved pursuant to Requirement 8 of Part 1 of Schedule 2 of the DCO and based on the Framework Travel Plan
"Occupier Travel Plan Monitoring Fee"	the sum of £6,000 (six thousand pounds) per Occupier Travel Plan as a contribution towards the County Council's costs associated with monitoring compliance with the Occupier Travel Plan
"Works and Skills Plan"	the agreed works and skills plan framework appended to this Undertaking at Appendix 3
"Works and Skills Plan Monitoring Meeting"	a meeting to be attended by the County Council to be held on a quarterly basis (unless the frequency is reduced in agreement with the County Council) (until a period of 1 year following Practical Completion) to monitor compliance with the Works and Skills Plan
"Works and Skills Plan Monitoring Fee"	the sum of £1,440 (one thousand four hundred and forty pounds) payable per Works and Skills Plan Monitoring Meeting towards the County Council's costs associated with attending the Works and Skills Plan Meetings
"Traffic Regulation Order"	an order to be made under the Road Traffic Regulation Act 1984 relating to traffic restrictions or speed limit changes
"Traffic Regulation Order Contribution"	the sum of: £8,756 (eight thousand seven hundred and fifty six pounds) (Index Linked) in respect of traffic restrictions (on a maximum of 3 (three) roads); or

Commented [CS11]: As above.

Commented [CS12]: This is not a defined term.

Commented [ES13]: Drafting updated for consistency with the drafting agreed with BDC and HBBC in the bilateral S106

Commented [CS14R13]: LCC do not agree to reduce the frequency as LCC needs to know if things are working. LCC will however agree to the frequency being reviewed.

	£9,392 (nine thousand three hundred and ninety two pounds) (Index Linked) in respect of speed limit changes, payable per Traffic Regulation Order required
"Travel Pack"	a pack providing information on public transport and other means of sustainable travel to and from the Development other than by means of private car including an application form for a bus pass
"Travel Pack Administration Fee"	the sum of £500 (five hundred pounds) as a contribution towards the County Council's costs associated with reviewing and approving the Travel Pack
"Travel Plan Co-ordinator"	the person responsible for the implementation of the Framework Travel Plan and the Occupier Travel Plans for the lifetime of the Development
"Travel Plan Monitoring Fee"	the sum of £11,337.50 (eleven thousand three hundred and thirty seven pounds and fifty pence) as a contribution towards the County Council's costs associated with monitoring compliance with the Framework Travel Plan
"WCC"	Warwickshire County Council

THE OWNERS' COVENANTS

The Owners covenant to:

1. PART 1 – Travel Packs and Bus Passes

No later than 2 (two) months prior to the first Occupation of the Development:

to submit a sample Travel Pack to the County Council together with the Travel Pack Administration Fee for approval in writing; and

not to Occupy the Development until such approval has been given.

Deliver one Travel Pack directly to each Employee upon commencement of their employment.

Notify the County Council of the number of Travel Packs issued after the expiry of six (6) months from first Occupation of each Unit.

Provide each Employee commencing employment at the Development with a Bus Pass following receipt of a written request from such Employee for a period of up to six (6) months from the first Occupation of the Unit in which they are employed.

Notify the County Council of the number of Bus Passes issued after the expiry of six (6) months from first Occupation of each Unit.

Part 2 –Travel Plan

Commented [ES15]: TSH is willing to include drafting and commitments relating to the monitoring and reporting in the Sustainable Travel Strategy. As mentioned above, bus passes drafting can be updated to reflect LCC's preferred drafting suggested in this UU. In terms of providing / delivering the Travel Welcome Packs - this is secured in the Site Wide Framework Travel Plan

Commented [CS16R15]: Deletion of these paragraphs is not agreed for the reasons stated previously.

To appoint a Travel Plan Co-ordinator no later than three (3) months prior to first Occupation of the Development, and to ensure that the Travel Plan Co-ordinator remains in place for the lifetime of the Development.

To pay the Travel Plan Monitoring Fee to the County Council prior to first Occupation of the Development and not to Occupy the Development until the Travel Plan Monitoring Fee has been paid to the County Council.

To pay the Occupier Travel Plan Monitoring Fee payable for a relevant Unit to the County Council prior to first Occupation of the relevant Unit and not to Occupy the relevant Unit until the Occupier Travel Plan Monitoring Fee has been paid to the County Council.

Part 3 – Archaeology Monitoring Fee

To pay the Archaeology Monitoring Fee to the County Council prior to Commencement of Development and not to Commence Development until the Archaeology Monitoring Fee has been paid to the County Council.

Part 4 - Traffic Regulation Contribution

To pay the Traffic Regulation Order Contribution to the County Council in the event that the Owner requires the making of a Traffic Regulation Order in connection with the Development no later than 30 days following technical approval of the highway works referred to in Requirement 5 of Part 1 of Schedule 2 of the DCO.

Part 5 – HGV Route Monitoring Fee

To pay the HGV Route Monitoring Fee per HGV Route Monitoring Meeting to the County Council within 30 days of a written request from the County Council.

Part 6 – Works and Skills Plan Monitoring Fee

To pay the Works and Skills Plan Monitoring Fee per Skills and Training Plan Monitoring Meeting to the County Council within 30 days of a written request from the County Council.

Part 7 – Monitoring Fee

To pay the Monitoring Fee to the County Council prior to first Occupation of the Development and not to Occupy the Development until the Monitoring Fee has been paid to the County Council.

Part 8 – Gibbet Hill

To pay the Gibbet Hill Contribution to the County Council prior to Commencement of Development and not to Commence Development unless and until the Gibbet Hill Contribution has been paid to the County Council in full.

9. Part 9 – Construction Traffic Routeing

9.1 Not to Commence Development until a Construction Traffic Routeing Scheme has been submitted to and agreed in writing by the County Council to ensure that the construction traffic coming to or leaving the Development (including any off-site highway works) in the course of construction of any part of the Development causes minimum disruption to the surrounding area upon entering or leaving the Development.

9.2 To implement and monitor the approved Construction Traffic Routeing Scheme for the duration of the construction work at the Development.

9.3 To comply at all times with the Construction Traffic Routeing Scheme.

10. Part 10 – Notifications

Commented [ES17]: subject to instructions

Commented [ES18]: see comments above relating to the Construction Traffic Routeing Scheme

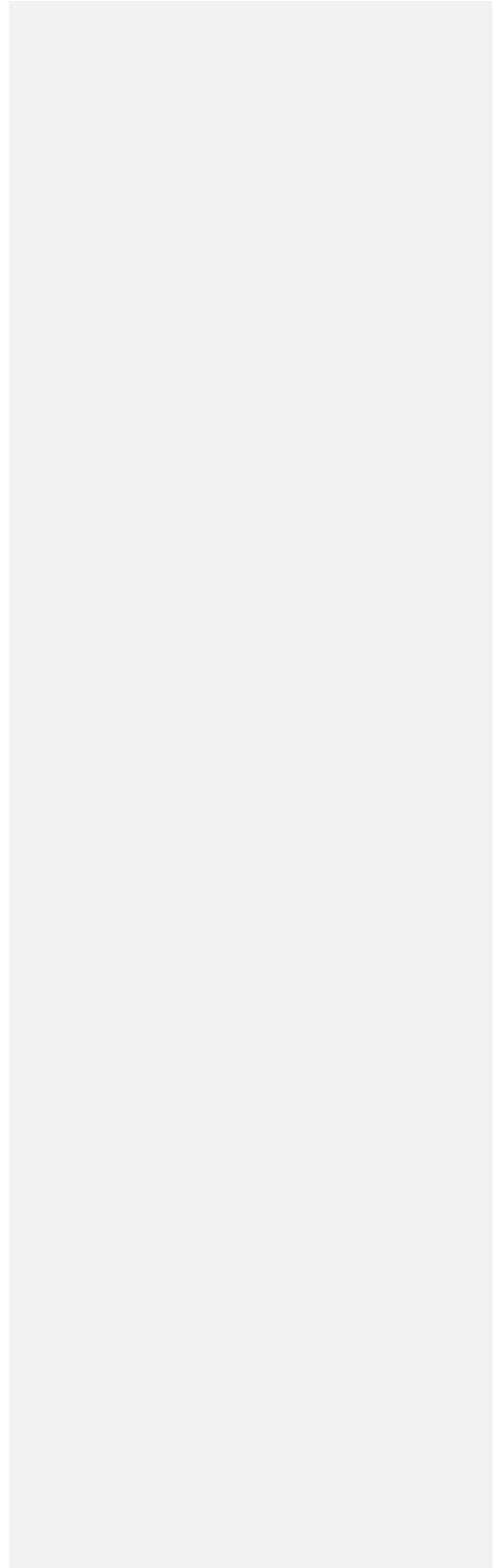
Commented [CS19R18]: For the reasons stated above the deletion of this wording is not agreed.

10.1 To notify the County Council seven (7) days in advance of the Commencement of Development. 10.2 To notify the County Council seven (7) days in advance of first Occupation of the Development.

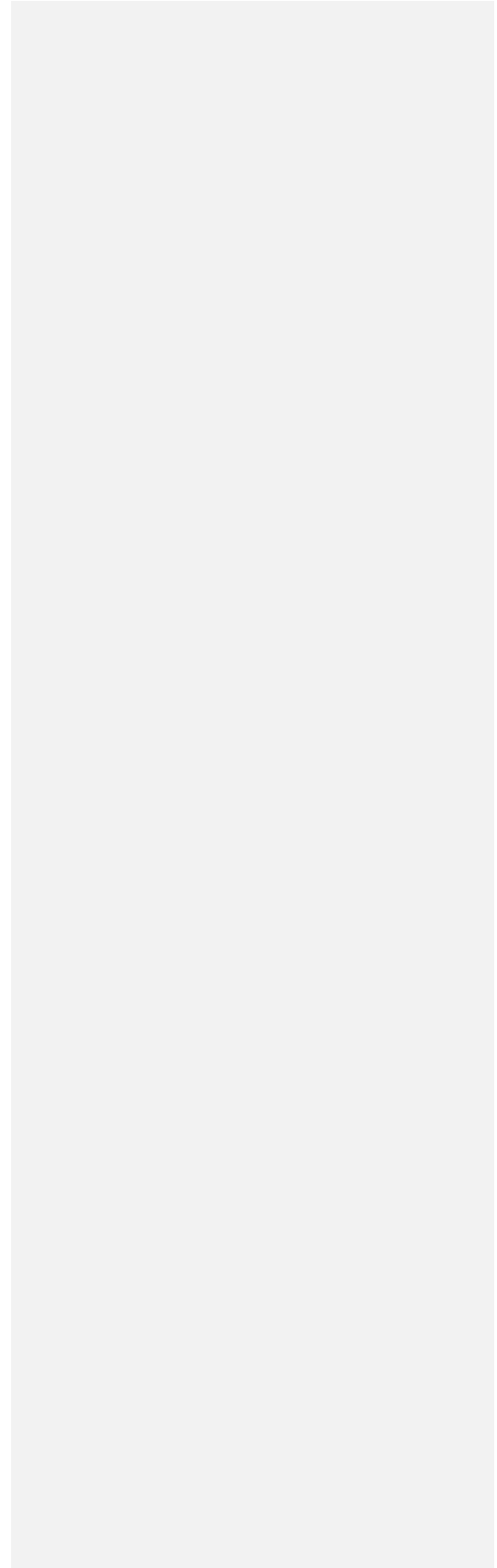
10.3 To notify the County Council seven (7) days in advance of first Occupation of each Unit.

APPENDIX 1
PLAN 1 – Obligation Land

APPENDIX 2
PLAN 2 – Order Limits



APPENDIX 3
WORKS AND SKILLS PLAN



EXECUTED AS A DEED BY)

TRITAX SYMMETRY (HINCKLEY) LIMITED acting by)
.....

in the presence of)
.....

Witness Signature

Name

Address

Occupation

EXECUTED AS A DEED BY)

TRITAX SYMMETRY (BARWELL) LIMITED acting by)
.....

in the presence of)
.....

Witness Signature

Name

Address

Occupation

EXECUTED AS A DEED BY)

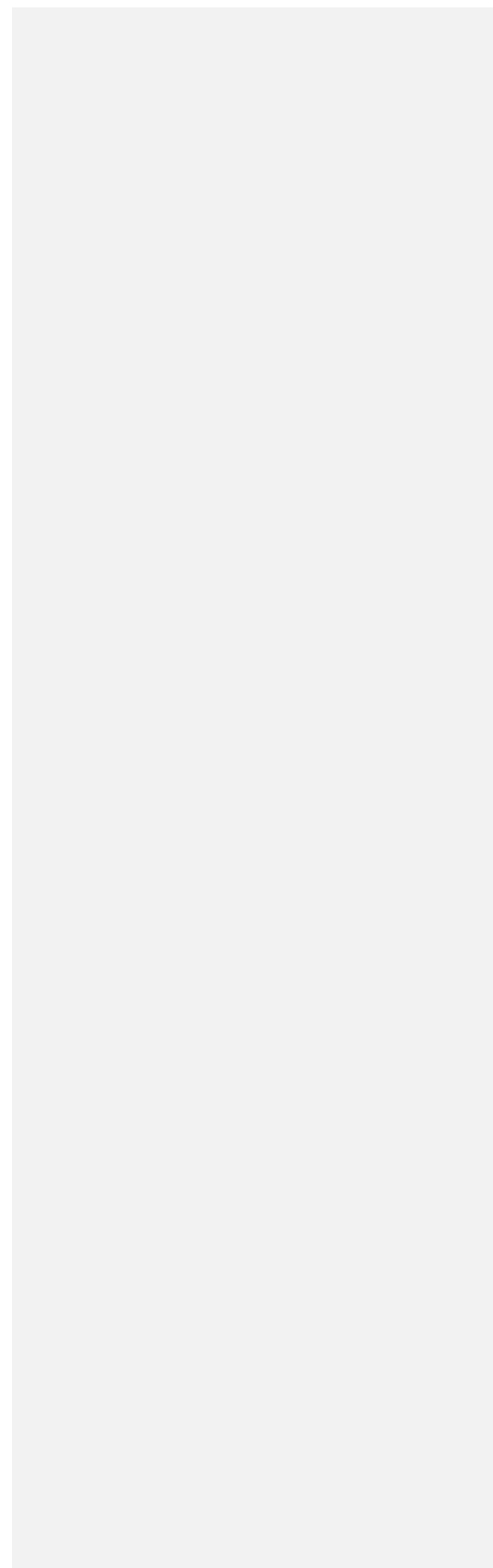
BARCLAYS BANK PLC acting by its)
.....

attorney(s) in the presence of)
.....

Witness Signature

Name

Address



Occupation

Executed as a deed by
DAVID WILLIAM HEBBLETHWAITE
in the presence of:

.....
Signature

Witness signature

Name

Address

Executed as a deed by
CAROLINE MARGARET HEBBLETHWAITE

.....

in the presence of:

Signature

Witness signature

Name

Address

Executed as a deed by
DAVID JOHN GAMBLE
in the presence of:

.....
Signature

Witness signature

Name

Address

Executed as a deed by
SUSAN ALEXANDRA SAMPEY
in the presence of:

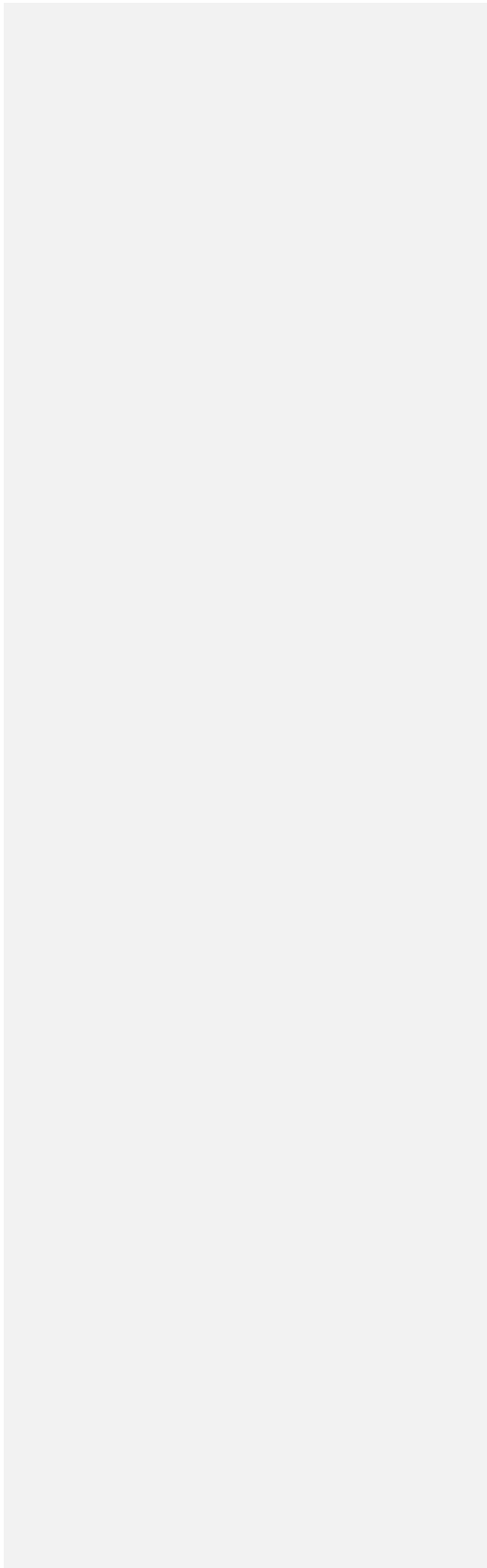
.....
Signature

Witness signature

Name

Address

Executed as a deed by



ANNE ELIZABETH WINCOTT

in the presence of:

Witness signature

Name

Address

.....
Signature

Executed as a deed by

MADLINE MACE

in the presence of:

Witness signature

Name

Address

.....
Signature

Executed as a deed by

JOHN CHARLES FOXON

in the presence of:

Witness signature

Name

Address

.....
Signature

Executed as a deed by

ANDREW GEORGE WINCOTT

in the presence of:

Witness signature

Name

Address

.....
Signature

Executed as a deed by

JAMES DANIEL HEBBLETHWAITE

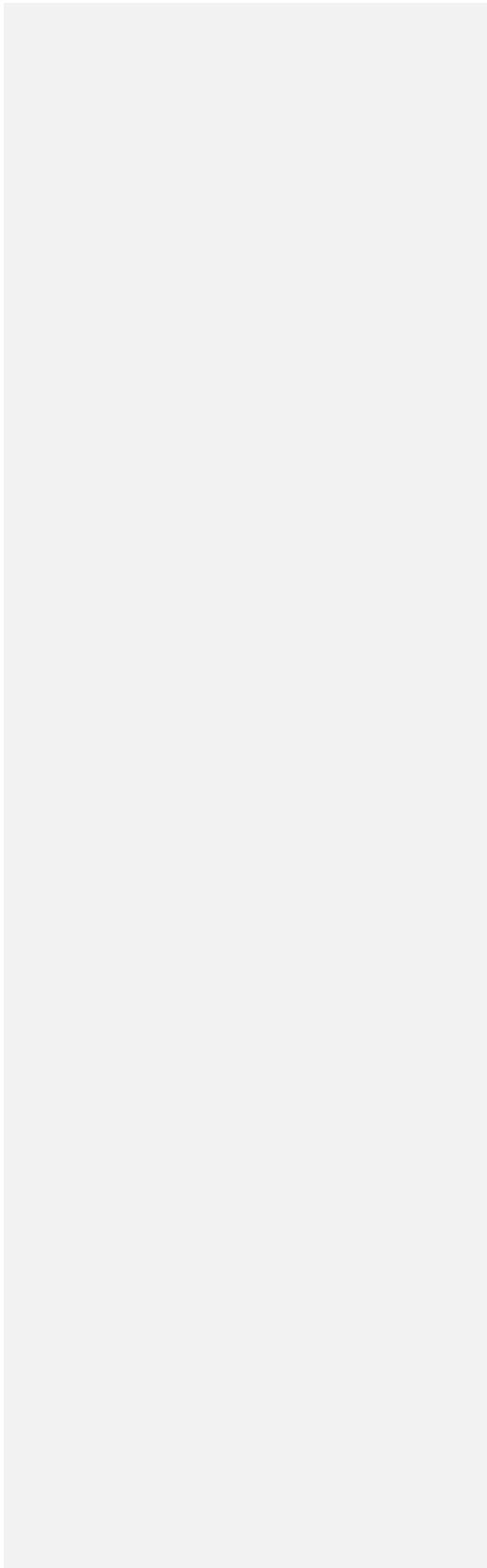
in the presence of:

Witness signature

Name

Address

.....
Signature



Executed as a deed by
MATTHEW DAVID JOHNSON
in the presence of:

.....
Signature

Witness signature

Name

Address

Executed as a deed by
RACHEL JEAN JOHNSON
in the presence of:

.....
Signature

Witness signature

Name

Address

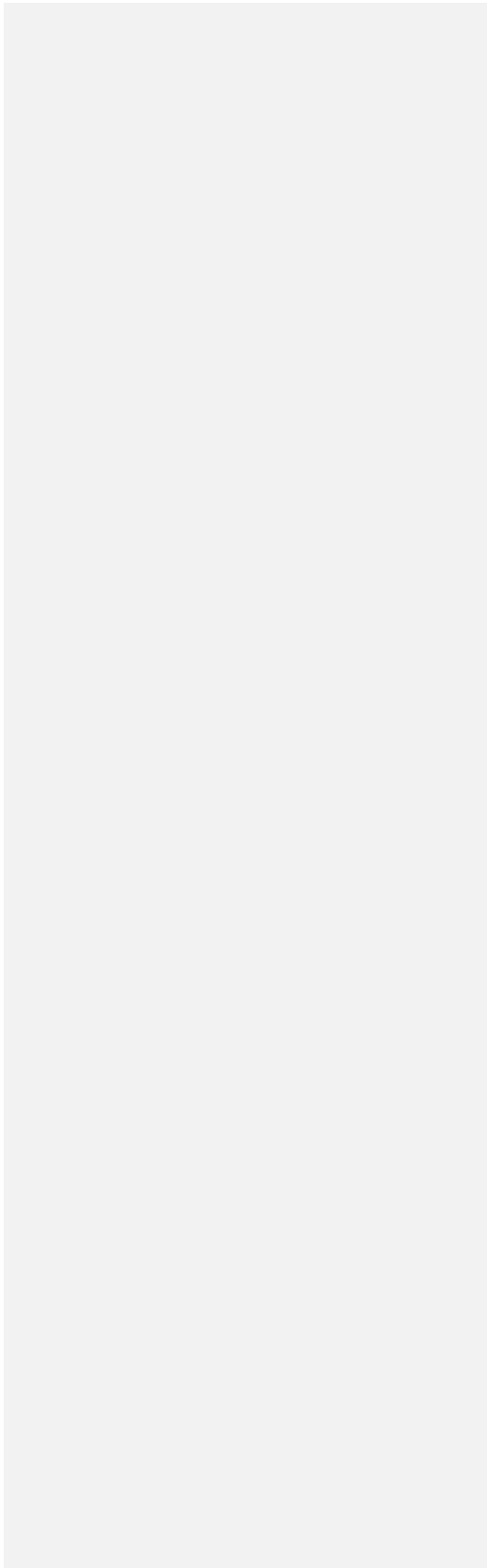
Executed as a deed by
CAROLINE JANE ELLIS
in the presence of:

.....
Signature

Witness signature

Name

Address



Hinckley NRFI LCC s106 Heads of Terms

20.02.2024

Obligation	Amount	Trigger point	Comment
<p>Employee travel packs – means information approved by the County Council to be supplied to each Employee by the Owner containing bus pass application forms, and details of walking, cycling and public transport, local amenities, shops and details of car sharing schemes operating at the Site and for the avoidance of doubt a travel pack will only be provided to the first Employee and does not relate to subsequent Employees</p>	£500.00	Pre-occupation	<p>LCC have suggested wording for inclusion within the UU. This has not been accepted by the Applicant. The Applicant wishes to include reference to some packs within the Sustainable Transport Strategy and some within the UU. This position is not accepted. LCC consider that all financial commitments should be within the UU in their entirety including all of the travel pack provisions for clarity. It is standard LCC practice to deal with travel packs as a section 106 obligation. It also makes enforcement much more straightforward in this case given that LCC are not a discharging or enforcing</p>

			Authority in respect of the DCO Requirements.
Employee bus passes - one adult pass per Employee entitling the holder of each Bus Pass to travel free of charge on local bus services over a period of six (6) months commencing from when the Employee commences their job as the case may be and for the avoidance of doubt a Bus Pass will only be provided to the first Employee and does not relate to subsequent Employees	Up to £510/pass dependent on operator. This commitment is not explicit in the Sustainable Transport Strategy and Plan. This needs to be amended if LCC are to accept the position of the Applicant that it is covered by Requirement 9.	On-occupation	LCC have suggested wording for inclusion within the UU on the basis there is reference in the Sustainable Transport Strategy. This has not been accepted by the Applicant. LCC consider that all financial commitments should be within the UU in their entirety. It is standard LCC practice to deal with bus passes as a section 106 obligation. It also makes enforcement much more straightforward in this case given that LCC are not a discharging or enforcing Authority in respect of the DCO Requirements.
Site Wide Travel Plan monitoring fee	£11,337.50	Pre-occupation	Agreed.
Occupier Travel Plan monitoring fee	£6,000 per employment unit	Pre-occupation	Agreed.
Travel Plan Co-ordinator	Provision of a Travel Plan Co-	Pre-occupation	Agreed.

	ordinator in perpetuity		
Traffic Regulation Orders	£8,756 in respect of traffic restrictions (on a maximum of 3 roads), payable per TRO £9,392 in respect of speed limit changes, payable per TRO	Within 10 days following technical approval of the highway works	Agreed.
Public Transport	Provision of bus services serving the site – defining routes, hours/days of operation and frequency This commitment is not explicit in the Sustainable Transport Strategy and Plan. This needs to be amended if LCC are to accept the position of the Applicant that it is covered by Requirement 9.	Pre-occupation	Applicant to confirm changes to Sustainable Transport Strategy and Plan and submit revised document at deadline 6 or agree s106 obligation detailing service provision
Construction traffic routeing	This commitment is not explicit in the Construction Traffic Management Plan. This needs to be amended if LCC are to accept the position of the Applicant that it is covered by Requirement 23. Alternatively, LCC standard wording to be included in Agreement.		Subject to inclusion of LCC standard wording (as provided) and acceptance of this wording by the Applicant. The Applicant considers that this is addressed by Requirement 23. LCC do not accept this position (LCC are not the discharging or enforcement Authority) and

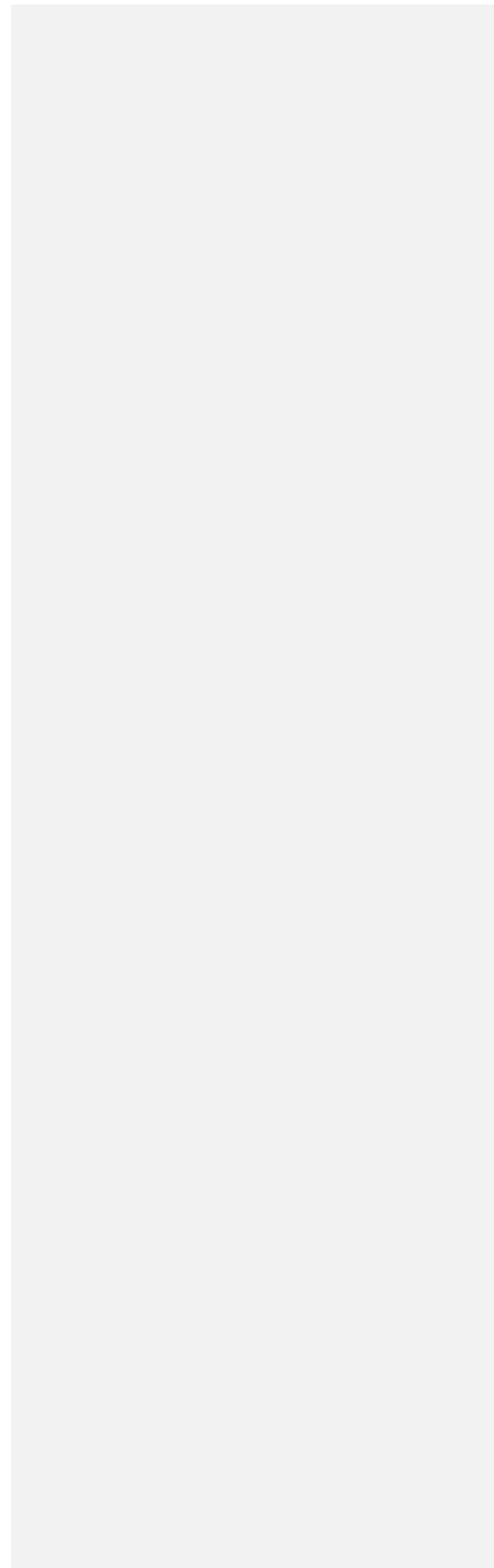
			cannot understand the Applicant's reluctance to include within the UU if there is indeed a commitment.
The HGV Route Management Plan & Strategy	£200,000 The HGV Route Management Plan & Strategy includes for a £200,000 contribution should the Strategy not be effective. LCC await details as to what this would contribute to in order for the figure to be verified	Following the submission of the first monitoring report to LCC	Principal agreed subject to wording and provision by the Applicant team of details of remedial measures and associated verification of costs and obligation to be provided in a revised HGV Route Management Plan & Strategy at Deadline 6
ANPR Monitoring contribution	£X to be confirmed pending the Applicant confirming role of LCC in enforcement and monitoring in a revised HGV Route Management Plan & Strategy to be submitted at Deadline 7	To be discussed following receipt of revised Strategy	Applicant to confirm changes to HGV Route Management Plan & Strategy and submit revised document at deadline 6
Archaeology fee	£7,312.50	Prior to carrying out archaeology works	Agreed.
S106 Monitoring fee	£300.00 or 0.5% whichever is greater	Pre-occupation	Agreed.
Gibbet roundabout	£X contribution payable to WCC on behalf of NH and LCC to mitigate the impact of the development at this junction	Pre-commencement	Applicant to provide details of a scheme to mitigate impact of development for costing and calculation of a contribution in

			lieu of works
Desford Crossroads	£1,516,344.42 to mitigate the impact of the development at Desford Crossroads as defined in the submitted Transport Assessment	Pre-occupation	Applicant does not agree with request
Work and Skills Plan monitoring	£1440 per meeting to facilitate LCC obligations as defined in the Work and Skills Plan	30 days from date of invoice	Principal agreed subject to inclusion of LCC standard wording (as provided) and acceptance of this wording by the Applicant
MOVA validation	£5000.00 per junction (total £20,000.00): Spa Lane/Leicester Road, Hinckley A47 Clickers Way/Station Road, Elmesthorpe Park Road/London Road, Hinckley London Road/Brookside, Hinckley	50% Following occupation of the first unit 50% at 75% occupation	Applicant does not agree with request
PRoW	Obligation to carry out improvements to PRoW relied upon for access to the site on the basis that this commitment is not explicit in the Public Rights of Way Strategy If the Applicant is relying on Requirement 25 then the Strategy requires amendment to include clear identification of commitments at Deadline 5 or		Applicant does not agree with request

	accept an obligation (not financial contribution) to improve PRoW to be defined in the Agreement		
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Title

This was provided by the Applicant to LCC on 5th, 8th and 16th February 2024. LCC are checking the title to ensure that all of the relevant land is bound by the terms of the Unilateral Undertaking, and that the parties to the Unilateral Undertaking are correct.



LCC comments on Protective Provisions within REP4-028 Development Consent Order

**SCHEDULE 13
PART 3**

**FOR THE PROTECTION OF LEICESTERSHIRE COUNTY COUNCIL
AS HIGHWAY AUTHORITY**

Application

1. The provisions of this Schedule have effect.

Interpretation

2. In this Schedule—

“as built information” means the following information—

- (a) drawings showing the highway works as constructed;
- (b) list of supplies and materials, test results and CCTV drainage;
- (c) product data sheets, technical specifications for all materials to be used;
- (d) as built information for any utilities discovered or moved during the highway works;
- (e) method statements for highway works to be carried out;
- (f) road lighting, signs and traffic signals
- (g) organisation and methods manuals for all products used;
- (h) as built programme;
- (i) drawings referred to in paragraphs (a), (k) and (l) in Auto CAD;
- (j) test results and records;
- (k) landscape drawings;
- (l) highway drainage drawings; and
- (m) plans identifying land which is highway maintainable at public expense;
- (n) RSA3 and exceptions agreed;

“detailed design information” means the drawings, specifications and other information which must be in accordance with the general arrangements of the highway works shown on the highway plans unless otherwise agreed between the local highway authority and the undertaker—which show the following:

- (a) site clearance details;
- (b) boundary environmental and mitigation fencing;
- (c) road restraint systems (vehicle and pedestrian);
- (d) drainage and ducting;
- (e) earthworks;
- (f) road pavements;
- (g) kerbs, footways and paved areas;
- (h) traffic signs, signals and road markings;
- (i) road lighting (including columns and brackets);
- (j) CCTV masts and cantilever masts;
- (k) electrical work for road lighting and traffic signs;
- (l) motorway communications;

Commented [RH20]: General comment – The Applicant has advised that all of the highway works are to be completed upfront and will not be phased. No phasing plan has been submitted. In light of this, LCC believes that all references to phasing in this Schedule should be deleted.

This is not agreed as above. Requirement 5, as currently drafted, is not agreed. As such, LCC cannot agree to phasing and all references thereto in the document should be deleted.

Commented [RH21]: LCC have consistently advised that they will not adopt the structure over the live railway line. This is on the basis that LCC have no powers to take possession of a live railway for purposes of inspection, maintenance, and in an emergency situation. LCC have consistently advised that this structure should be adopted by Network Rail consistent with other structures on the line, including the next bridge that carries the public highway at Station Road, Elmesthorpe. We have removed all reference to the bridge throughout the document

- (m) highway structures;
- (n) landscaping;
- (o) utility diversions;
- (p) identification of any land to be dedicated as highway;

“development inspector” means the officer of the highway authority appointed by it to inspect the highway works on its behalf; and

“director” means the director of Environment and Transport of the highway authority or any successor post responsible for the highway authority function of Leicestershire County Council;

“final certificate” means the final certificate issued by the director for each phase of the highway works in accordance with paragraph 5;

“highway authority” means Leicestershire County Council;

“highway plans” mean Highway Works Plans 2.4A, 2.4B, 2.4C, 2.4E, 2.4F, 2.4H, 2.4K relating to the highway works;

“highway related structures fees” means the total costs properly and reasonably incurred in undertaking the technical approval design checking and inspection of any highway related structure;

“highway works” means those parts of the authorised development to be carried out in the areas identified as Works Nos. 7 to 17 (inclusive) on the highway plans the general arrangement of which is shown on the highway plans and any ancillary works thereto;

“maintenance period”, in relation to each phase of the highway works, means 12 months from the date of issue of the provisional certificate for that phase;

“phase” means those parts of the highway works to be carried out as separate packages of works in the areas identified as Works Nos. 7 to 17 (inclusive) on the highway plans or such other arrangement as must be agreed in writing by the highway authority in advance of commencement of that package of works;

“provisional certificate” means the provisional certificate of completion issued by the director for each phase of the highway works in accordance with paragraph 4;

“specification”

means—

- (a) in relation to design—
 - (i) Leicestershire Highway Design Guide; and
 - (ii) Design Manual for Roads and Bridges;
- (b) in relation to specification—
 - (i) Leicestershire County Council’s Specification for highway works for new developments; and
 - (ii) Leicestershire County Council’s Standard drawings;
- (c) in relation to street lighting—
 - (i) design in accordance with BS5489; and
 - (ii) Leicestershire County Council’s Street Lighting Specification; and
- (d) in relation to traffic signs—
 - (i) the Traffic Signs Regulations and General Directions 2016 and any modifications of them;
 - (ii) the Traffic Signs Manual (DfT); and
 - (iii) Leicestershire County Council’s Traffic Signs and Road Markings Specification;

“works fees” means a sum equal to 10% of all the costs of the carrying out of the highway works in relation to—

Commented [CS22]: Definition amended to accord with standard s278 provisions.

- (a) considering and approving the detailed design information;
- (b) the work carried out by the development inspector including travel expenses to and from the highway works and all other expenses properly incurred by the development inspector in connection with his duties; and
- (c) administration in relation to paragraphs (a) and (b) above;
and
- (d) highway related structures fees.

Highway works

3. (1) The undertaker must carry out and complete the highway works in accordance with— (a) the detailed design information approved under paragraph 13; and (b) the programme of works approved under paragraph 23 or as subsequently varied by agreement between the undertaker and the highway authority.

(2) The undertaker must carry out and complete the highway works and shall not occupy any building to be constructed on the site until the highway works (including all works ancillary or incidental thereto) are completed in accordance with the stipulations requirements and conditions laid down in this Schedule.

(3) Before commencement of the highway works and at no expense to the highway authority the undertaker shall obtain such consents licences or permissions as may be required for the purposes of carrying out the highway works (including all requirements under the Traffic Management Act 2004), save where the need for such consents, licences or permissions is disapplied by this Order, and shall comply with the highway authority's requirements for booking the necessary time and permits to carry out the highway works and to indemnify and keep the highway authority indemnified from and against all liabilities costs claims actions demands or expenses which may arise from the undertaker's failure to obtain or to comply with such consents licences or permissions.

(4) The undertaker shall once having commenced the highway works proceed with them conscientiously and expeditiously and with all due diligence and shall complete the same not later than eighteen months from the date of commencement of the highway works (completion of the works shall be taken as the issuing of the provisional certificate).

(5) Subject to the provisions of this Schedule and immediately on the issuing of the provisional certificate for each phase of the highway works the undertaker shall dedicate as public highway (and the highway authority shall forthwith accept) all such land as is within its ownership and is required for the construction of that phase of the highway works which does not already form part of the public highway or is already maintained as if it were a public highway.

Provisional certificate and maintenance period

4. When and so soon as each phase of the highway works has been completed including such road safety audits as required in accordance with paragraph 28 to the reasonable satisfaction of the director, the director must issue a provisional certificate for each phase of the highway works, and the undertaker at its own expense must maintain that phase of the highway works in a good state of repair and to the satisfaction of the director for the duration of the maintenance period and must carry out such routine maintenance as may be necessary or required by the director to facilitate use by the public; and for the avoidance of doubt the undertaker must undertake all other work and maintenance in respect of that work including but not limited to any defect or damage until issue of the final certificate in respect of that phase under paragraph 5 and that phase of the highway works becomes highways maintainable at the public expense.

Final certificate

5.—(1) The undertaker must apply to the director for issue of the final certificate in respect of each phase at the expiration of the maintenance period in respect of that phase or on a date (whichever is the later) on which any defect or damage arising during the maintenance period is made good to the reasonable satisfaction of the director or completion of all or any works identified by any road safety audit required in accordance with paragraph 28.

(2) Upon receipt of the as built information in respect of a phase and approval of the same, the director must issue a final certificate in respect of that phase and as from the date of such final certificate the highway works become highways maintainable at the public expense.

(3) If the undertaker does not apply for a final certificate for a phase within two years of the issue of the provisional certificate in respect of that phase the undertaker must pay to the highway authority a further administration charge of five hundred pounds (£500.00).

Commented [RH23]: LCC has removed "as agent for the highway authority". The remainder of the standard wording needs to remain. The wording in Requirement 5 is not acceptable to LCC as was discussed at the hearings last year.

Indemnity

6. The undertaker must indemnify the highway authority from and against all costs, expenses and liabilities arising from or in connection with or ancillary to any claim, demand, action or proceedings resulting from the design, carrying out and maintenance of the highway works including but without limitation on the scope of this paragraph any claim against the highway authority under the Land Compensation Act 1973(a) or by virtue of the application of the

(a) 1973 c. 26.

provisions of the Noise Insulation Regulations 1975(a), including any liability failing upon the highway authority by virtue of its exercising its discretionary powers under the said Regulations provided that—

- (a) the foregoing indemnity must not extend to any costs, expenses, liabilities and damages caused by or arising out of the neglect or default of the highway authority or its officers servants, agents or contractors or any person or body for whom the highway authority is responsible;
- (b) the highway authority must notify the undertaker straight away upon receipt of any claim;
- (c) the highway authority must not accept any such claim without first having given the undertaker details of such claim and having given the undertaker the opportunity to make representations to the highway authority as to the validity and quantum of such claim;
- (d) the highway authority must, in settling any such claim, give full and due regard to any representations made by the undertaker in respect of the claim;
- (e) the highway authority must, following the acceptance of any claim, notify the quantum of the claim to the undertaker in writing and the undertaker must within 14 days of the receipt of such notification pay to the highway authority the amount specified as the quantum of such claim;
- (f) the undertaker must notify the highway authority of the intended date of opening of each phase of the highway works to public traffic not less than 14 days in advance of the intended date; and
- (g) the undertaker must notify the highway authority of the actual date that each phase of the highway works are open to public traffic on each occasion within 14 days of that occurrence.

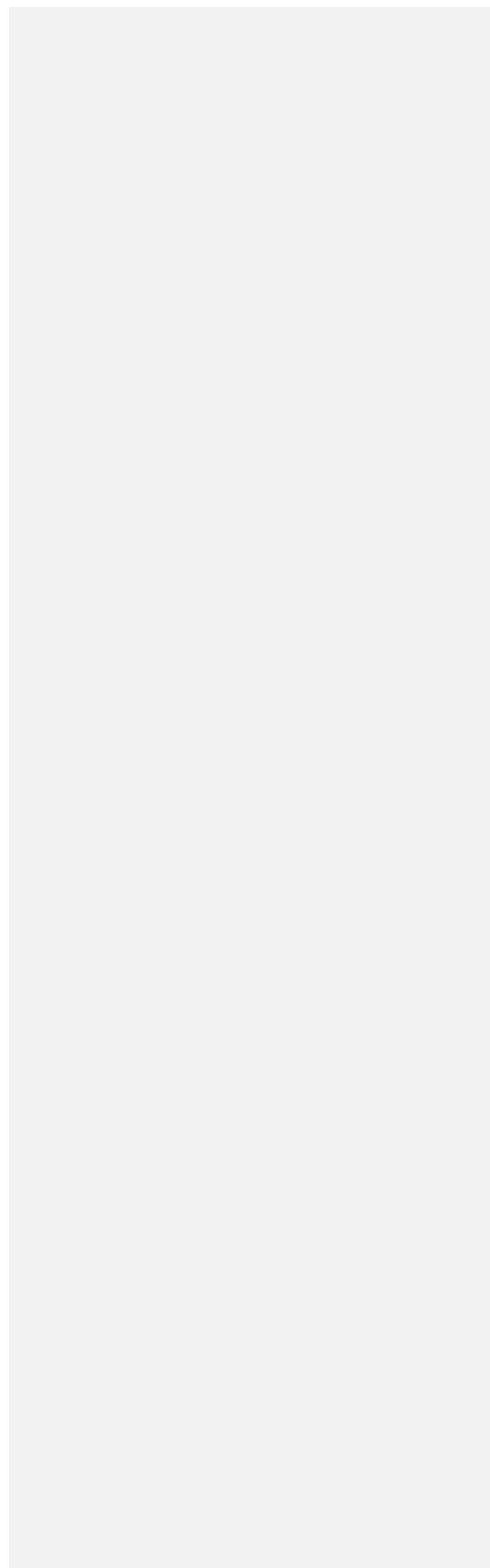
Construction (Design and Management) Regulations 2015

7. The undertaker must comply with all aspects of the Construction (Design and Management) Regulations 2015(b) and in particular must ensure that all obligations imposed on the client (as defined in those Regulations) are satisfied and must indemnify the highway authority against all claims, liabilities and actions arising out of a failure to so do.

Security

8. Prior to the commencement of each phase of the highway works the undertaker must secure the cost of it by the deposit with the highway authority of a bond, drafted substantially as detailed in Form 2 contained in paragraph 9, in a sum equal to 100% of all the costs of the carrying out of the phase of the highway works (including any statutory undertakers works) together with any commuted sum payable to the highway authority or such other sum agreed between the undertaker and the highway authority or must provide some alternative form of security acceptable to the highway authority. Upon issue of the provisional certificate the highway authority shall refund to the undertaker 90% of the deposit remaining 10% being refunded after the issue of the final certificate

(a) S.I. 1975/1763, amended by S.I. 1988/2000. (b) S.I. 2015/ 51.



9. Form 2 as referred to in paragraph 8—

Form 2

Bond – Leicestershire County Council

BY THIS BOND WE [the undertaker] whose registered office is situate at [] (hereinafter called “the Undertaker”) and [the Surety] (Company Registration Number []) whose registered office is situated at [] (hereinafter called “the Surety”) are held and firmly bound unto **LEICESTERSHIRE COUNTY COUNCIL** (hereinafter called “the Authority”) in the sum of [] (£[]) (“the Surety Sum”) the payment of which sum the Undertaker and the Surety bind themselves their successors and assigns jointly and severally by these presents

WHEREAS the Developer intends to carry out Phase [] of the highway works referred to in Schedule 13 in the Hinckley National Rail Freight Development Consent Order [] (“the DCO”) **NOW THE CONDITION** of the above written bond is such that if the Undertaker well and truly performs and fulfils its obligations in Schedule 13 to the DCO or if on failure by the Undertaker so to do the Surety must pay to the Authority the Surety Sum then the above written Bond is null and void but otherwise it must be and remain in full force and the giving by the Authority of any extension of time for the performing of the obligations in Schedule 13 Part 3 to the DCO on behalf of the Undertaker to be performed or fulfilled or any forbearance or forgiveness on the part of the Authority to the Undertaker in respect of any matter referred to in or concerning provisions of Schedule 13 Part 3 to the DCO must not in any way release the Surety from the Surety’s liability under the above written Bond provided that upon the issue of the provisional certificate under Schedule 13 Part 3 to the DCO the liability of the Undertaker and the Surety under this Bond is to be reduced to a sum equivalent to ten per cent of the cost of the phase of the highway works together with the value of the commuted sum for that phase as calculated in accordance with paragraph 20(2) of Schedule 13 Part 3 to the DCO upon the issue of the provisional certificate in respect of that phase or a minimum sum of one thousand pounds (£1,000) whichever is the greater and upon the issue of the final certificate in respect of that phase the liability of the Undertaker and the Surety under this Bond must absolutely cease.

[Attestation]

Notices etc.

10. Where under the provisions of this Schedule the highway authority or the director is required to agree, to approve, to express satisfaction with or to give notice of any matter such agreement, approval, satisfaction or notice must not be unreasonably withheld or delayed and is to be deemed to have been given or expressed if not given or refused (along with reasons for such refusal) within 42 working days.

Dispute resolution

11. Regardless of article 52 (arbitration) any dispute under or arising out of the operation of this Schedule may be referred to a single arbitrator if all parties to the dispute agree such arbitrator or in default of agreement to be nominated (upon the application of any party to the dispute) by the President for the time being of the Law Society in accordance with and subject to the provisions of the Arbitration Act 1996(a) or any statutory modification or re-enactment thereof for the time being in force.

(a) 1996 c. 23.

Privately and publicly owned apparatus

12. For the avoidance of doubt it is expressly declared that the undertaker in carrying out the highway works must at its own expense divert or protect all or any pipes, wires, cables or equipment belonging to any person having power or consent to undertake street works under the 1991 Act as may be necessary to enable such works to be properly carried out or may be reasonably directed by the director and all alterations to existing services must be carried out to the reasonable satisfaction of the appropriate persons, authorities and statutory undertakers.

Detailed design approval

13.—(1) The undertaker must take the specifications into account in preparing the detailed design information for submission to the highway authority

(2) No phase of the highway works is to commence until the detailed design information (including traffic signal equipment) has been submitted to and approved by the director.

Workmanship

14. All the highway work is to be carried out to the reasonable satisfaction of the director.

Conditions

15. The Developer shall comply with Leicestershire County Council's Standard Conditions Applying to Highway Works for New Developments

Traffic and safety control

16. In carrying out work in or adjoining the public highway the undertaker must comply in all respects with chapter 8 of the Traffic Signs Manual 2009.

Site safety

17. The undertaker must in respect of each phase of the highway works keep that phase safe and in a good state of efficiency and repair including the fencing and lighting of all open trenches and must keep all building materials and plant clear of the carriageway and footways.

Approval of persons undertaking the highway works

18. The undertaker must not engage or permit the engagement of any person to carry out the highway works (or any part thereof including their design) unless that person has first been approved in writing by the highway authority as suitable to carry out such works.

Inspection of the highway works

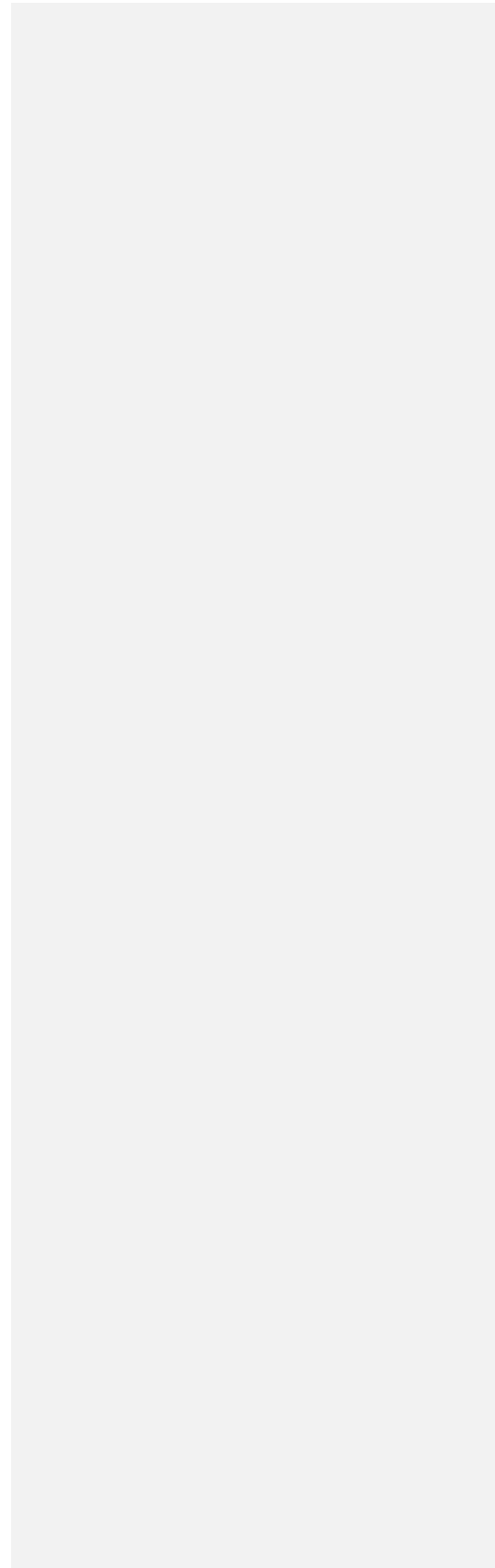
19. The undertaker must permit and must require any contractor or sub-contractor engaged on the highway works to permit at all reasonable times persons authorised by the highway authority whose identity has been previously notified to the undertaker to gain access to the site of the highway works for the purpose of inspection to verify compliance with the provisions of this Schedule in accordance with the highway authority's inspection policy.

Design and inspection payment

20.—(1) The undertaker must pay the works fees to the highway authority within 30 working days following receipt of an invoice issued by the highway authority to the undertaker following the first submission of detailed design information for approval.

Commented [RH24]: Inserted as per standard s278 agreement.

(2) The undertaker must provide the following for the development inspector— (a) workplace on the site of the highway works including welfare facilities;



- (b) w i f i
- (b) safe transportation around the site; and
- (c) parking provisions.

Highway Related Structures

21. The undertaker must pay the highway related structures fees to the highway authority within 30 working days following receipt of an invoice issued by the highway authority to the undertaker.

Commuted sum

22.—(1) Immediately prior to the issue of the final certificate in respect of any phase the undertaker must pay to the highway authority any commuted sum payable in respect of that phase calculated as provided for in sub-paragraph (3).

(2) The rates to be applied in calculating the commuted sums payable must be based on those contained with the Leicestershire Highway Design Guide (or any replacement of it) or in the absence of relevant rates within that Guide must be agreed between the undertaker and the highway authority at the date of calculation.

Programme of works

23. The undertaker must, prior to the commencement of each phase of the highway works, submit to the director for their approval a programme of works setting out the undertaker's proposed timetables for executing those works and following such approval (which may be given with or without modification) the undertaker must use all reasonable endeavours to ensure that the programme of works is complied with.

Power to execute works in default or emergency

24.—(1) If at any time the undertaker does not comply with any of the terms of this Schedule in respect of any phase of the highway works, having been given notice of an alleged breach and opportunity to remedy it by the director, the highway authority must on giving to the undertaker fourteen days' notice in writing to that effect be entitled to carry out and complete that phase of the highway works and any maintenance works on the undertaker's behalf and the undertaker must within 28 days pay to the highway authority the cost so incurred by the highway authority.

(2) Nothing in this Schedule prevents the highway authority from carrying out any work or taking such action as deemed appropriate forthwith without prior notice to the undertaker in the event of an emergency or danger to the public, the cost to the highway authority of such work or action being chargeable to and recoverable from the undertaker.

Insurance

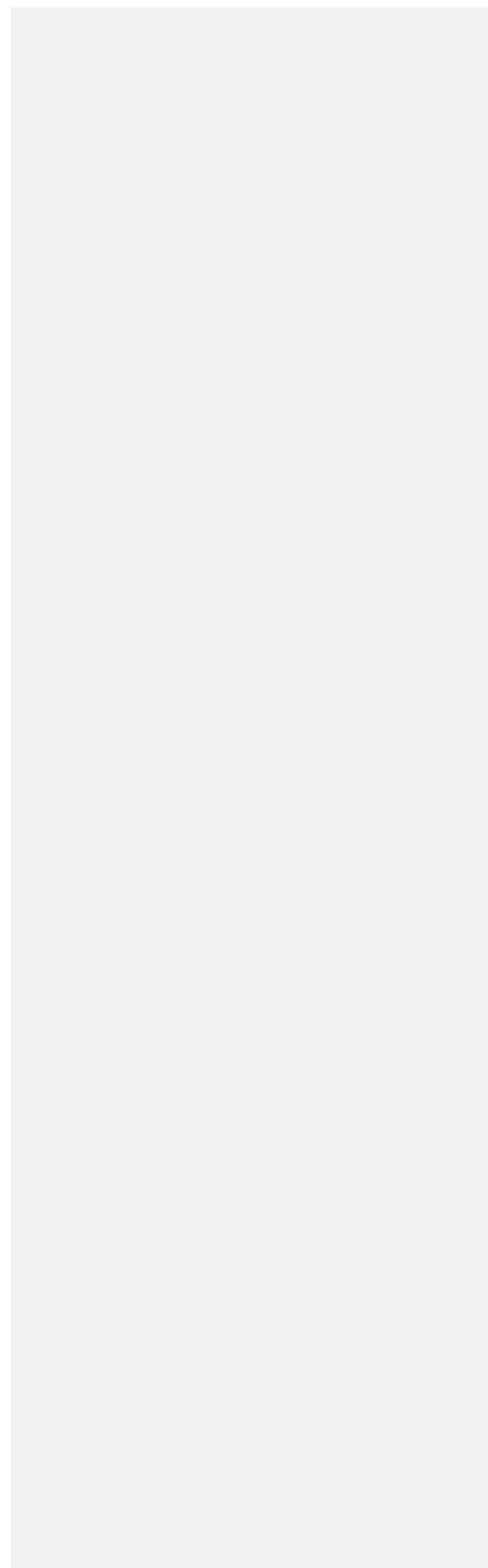
25. The undertaker must, prior to commencement of the highway works, effect public liability insurance with an insurer in the minimum sum of £10,000,000.00 for any one claim against any legal liability for damage, loss or injury to any property or any persons as a direct result of the execution and maintenance of the highway works or any part of them by the undertaker.

Notice of commencement of highway works

26. The undertaker must, prior to the commencement of each phase of the highway works, give the highway authority at least five weeks' notice (or such shorter period to be agreed between the undertaker and the highway authority) in writing of the proposed date on which each phase of the highway works will start and such date must be subject to the agreement of the director.

Approval of team undertaking Road Safety Audits

27. The undertaker must not engage or permit the engagement of any audit team unless that audit team has first been approved by the highway authority as suitable to undertake Road Safety Audits in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit (formerly HD19/15) or any replacement or modification of that design manual.



Road Safety Audits

28.—(1) At any time during the detailed design stages the director may require that an interim Road Safety Audit be carried out in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit and be submitted to the director and if so required by the director any recommendations in such interim report must be implemented to the director's satisfaction.

(2) Prior to the approval of the detailed design information for a phase, a Stage 2 Road Safety Audit must be carried out in respect of that phase in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit or any replacement or modification of that design manual and must be submitted to the director and if so required by the director any recommendations made in the Stage 2 report must be implemented to the director's satisfaction.

(3) Prior to the issue of the provisional certificate in respect of a phase, a Stage 3 Road Safety Audit must be carried out for that phase in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit and must be submitted to the director and if so required by the director any recommendations made in the Stage 3 report must be implemented to the director's satisfaction.

(4) A Stage 4 12-month monitoring Report ("the 12-month report") carried out in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit in respect of each phase of the highway works must be submitted to the director no sooner than 8 weeks and no later than 12 weeks following the first anniversary of the opening of that phase for public use and if so required by the director any recommendations made in the 12-month report must be implemented to the director's satisfaction AND the undertaker will secure by the deposit of a bond with the highway authority a sum equivalent to the director's reasonable estimate of the cost of the potential liability of the developer in respect of works arising from the Stage 4 12-month report prior to the issue of the final certificate.

(5) In the event that the director does not require a 12-month report to be submitted following receipt of the Stage 3 Road Safety Audit then the final certificate shall be issued following the implementation of any recommendations made in that report to the director's satisfaction

Traffic signal equipment

29. The undertaker must permit the highway authority access at all reasonable times to any part of the site upon which the highway works are being carried out and in which cables, pipes, ducts or other apparatus associated with the traffic signal equipment is to be or are located to enable the highway authority to undertake works reasonably required for the maintenance of the said cables, pipes, ducts or other apparatus including any works which are undertaken to improve the performance of the traffic signals.

Use of sums paid

30. The highway authority must use such sums as are payable in accordance with the terms of this Schedule together with any interest which may accrue only for the purposes for which they are expressed to be paid.

Statutory procedures and orders

31. The undertaker must pay to the highway authority upon demand the total costs properly and reasonably incurred by the highway authority in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the highway works and whether or not such procedure or order is or are experimental, temporary or permanent provided that this paragraph does not apply to the making of any orders which duplicate the orders contained in this Order.

Consultation

32. The undertaker shall pay to the highway authority upon demand the total costs properly and reasonably incurred by the highway authority in undertaking any public consultation in respect of the highway works

be the consultation a statutory requirement or any other form of consultation that the highway authority would normally carry out if it were undertaking the highway works.

