

Tritax Symmetry (Hinckley) Limited

## **HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE**

---

### **The Hinckley National Rail Freight Interchange Development Consent Order**

Project reference TR050007

### **Applicant's response to Deadline 5 Submissions [part 3 - LCC]**

Document reference: 18.19

Revision: 01

**20 February 2024**

---

Planning Act 2008

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

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
REP4-028	DCO	<p>As discussed at ISH6 LCC has concerns with the drafting of the DCO as submitted. LCC has requested amendments to Protective Provisions to reflect its standard s38 and s278 Highways Act 1980 Agreements. The Applicant provided draft revised Protective Provisions wording to LCC on 1st February 2024. LCC provided a response to the Applicant on 2nd February 2024, and subsequently the Applicant responded on 6th February 2024. Unfortunately, the current drafting proposed by the Applicant remains unacceptable to LCC. A copy of the Protective Provisions wording that is acceptable to LCC is appended to this letter.</p> <p>In addition, LCC await revisions to Requirements as discussed at ISH2, ISH5 and ISH6. These revisions include clarity in respect of Requirement 10 – Rail in relation to occupation of floorspace, as well as a commitment to use the Rail Freight Terminal; simplified wording in respect of Requirement 5 – Design and phasing of highway works; and an additional Requirement as suggested by Mr Peter Frampton at ISH2 defining commitments to delivery of bus services serving the site, and as referenced as a commitment in para 10.5 of REP4-054 Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan but not reflected in the dDCO.</p> <p>LCC stated at Deadline 3 (REP3-127) and Deadline 4 (REP4-181) that we are not content with the drafting of Requirement 5. This does not appear to have been addressed by the Applicant. LCC have consistently advised the Applicant that the wording of Requirement 5 could be simplified significantly if their intention is for all access and off-site highway infrastructure works to be completed pre-occupation of any part of the development (noting the absence of phased modelling). Therefore, the Applicant should re-word this Requirement to specify all access and off-site highway infrastructure is to be delivered pre-occupation of any part of the development.</p> <p>LCC also suggested the following amended wording for Requirement 12 at Deadline 4 (REP4-181) that does not appear to have been considered by the Applicant:</p> <p>12. (1) No phase is to commence until such time as a written scheme of investigation for that phase, informed by the provisions of the archaeological mitigation strategy, has been</p>	<p>The Applicant's position in respect of the protective provisions with LCC is set out in its Protective Provisions Table submitted at Deadline 5 (document reference: 18.16.2, REP5-038) in response to ExQ2.5.8. The Applicant has made significant concessions in trying to reach agreement with LCC but LCC fails to acknowledge that the Applicant is delivering a nationally significant infrastructure project and LCC's standard cannot always be applicable, appropriate, reasonable or justified.</p> <p>The Applicant has been clear where it has agreed to update requirements and where it does not agree. Requirement 10 was updated to refer to ancillary office space at Deadline 4 as confirmed at ISH5. The Applicant has since confirmed at Deadline 5 in response to HBBC and BDC that it has agreed to add further wording to the requirement in respect of notification of occupation and in respect of the retention of the rail terminal throughout the occupation of the warehousing. The Applicant does not accept that an obligation to use the rail terminal is acceptable. The Applicant responded to LCC's comment on this point in the Applicant's Responses to LCC's Written Representations (Document Reference 18.3 [REP2-064], page 47 - 49). As has been confirmed to LCC directly, Mr Frampton's reference at ISH2 to the securing of the bus service through requirements, was in the context of the explanation that bus services would be removed from the s106 Agreement since LCC did not agree to their inclusion, and that they would instead be secured via the Sustainable Transport Strategy which is secured through DCO requirement 9.</p> <p>The Applicant has responded to this point on several occasions and has not received any proposed amended alternative drafting to the requirement. The Applicant's position is that the requirement reflects the mitigation requirements, since the offsite highway works are required to be delivered once the M69 slip roads are open to the public. The triggers for delivery are therefore based on this and the Applicant considers that this is clear.</p> <p>The Applicant responded to this point at Deadline 5 which seems to be identical to LCC's Deadline 4 comment. The Applicant has agreed to amend the requirement as requested by BDC as set out in its Deadline 5 response (Applicant's Response to Deadline 4 Submissions [part 3 – LCC] (Document Reference 18.17 [REP5-042]) (item 28). The Applicant considers that LCC's requests are dealt with in any event through the agreed amendments with BDC but the Applicant is willing to discuss further amendments should the two authorities agree on revised drafting.</p>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		<p>submitted to and approved in writing by the relevant planning authority.</p> <p>(2) For land that is included within each phase, no demolition/development shall take place other than in accordance with the provisions of the agreed WSI, which shall include the statement of significance and research objectives, and</p> <p>(a) details of the on-site recording methodology;            (b) details of sampling, analysis and reporting strategy;</p> <p>(c) details of monitoring arrangements;</p> <p>(d) details of timetable and personnel, and;</p> <p>(e) details of post-investigation assessment and subsequent analysis, publication &amp; dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI</p> <p>(3) No part of the authorised development on the main site is to commence until a level 3 record of the buildings of historic interest identified in the archaeological mitigation strategy has been undertaken. The survey, analysis, reporting and archive deposition, must be carried out in accordance with a written specification first agreed with the relevant planning authority in consultation with Leicestershire County Council and prepared by a competent building recorder in accordance with Historic England Understanding Historic Buildings, A Guide to Good Recording Practice, 2016.</p> <p>(4) A copy of any analysis, reporting and publication required as part of the written scheme of investigation must be deposited with the Leicestershire and Rutland Historic Environment Record within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme of investigation.</p> <p>In addition, LCC have raised concerns with the Applicant in respect of Requirements that refer to the implementation of Plans/Strategies where the contents of those Plans/Strategies and associated commitments, monitoring and enforcement</p>	<p>The Applicant has reviewed the management plans and as the ExA is aware, commitments tables were added to the Sustainable Transport Strategy, HGV Route Management Plan and Strategy and the Travel Plan at Deadline 5. The Applicant has made further amendments to these documents at Deadline 6 and is undertaking a further and final review to ensure that all commitments are suitably clear and detailed to enable enforcement. Any further necessary amendments to the Application Documentation will be made at Deadline 7.</p>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		<p>remain inadequate, absent or unclear as discussed at ISH2 and ISH6 and documented in LCC Written Representations (REP1-152), LCC Deadline 3 response (REP3-127) and LCC Deadline 4 response (REP4-181) i.e. Requirement 7 - Construction Environmental Management Plan, Requirement 8 - Travel Plan, Requirement 9 – Sustainable transport strategy, Requirement 18 – HGV Route Management Plan and Strategy, Requirement 23 – Construction traffic management plan, Requirement 25 – Public Rights of Way Strategy.</p> <p>LCC note the inclusion of Requirement 33 – Lorry Park Management Plan.</p> <p>In respect of approval bodies, it is not clear why National Highways would need to issue approvals for the A47 link road. In addition, the Cross in Hand roundabout is within the boundaries of LCC, National Highways and WCC. LCC suggest that the lead approval body should be National Highways. LCC have requested that the Applicant discuss rationalisation of highway boundaries in this location with all 3 Highway Authorities. To date this has not happened.</p> <p>LCC are not content with the wording of Article 4. The deviation of highway works either laterally or vertically would only be acceptable if those works continued to meet the design standards as set out in the Leicestershire Highway Design Guide. Therefore, the wording of Article 4 should be amended to reflect.</p>	<p>In respect of the A47 link road, the Applicant agrees and had also noted this error – NH was removed from requirement 5 as a “relevant highway authority” for Work No. 7 in the dDCO submitted at Deadline 4 (Document Reference 3.1C [REP4-027 and 28]).</p> <p>The Applicant has proposed wording to all three highway authorities which it understands to be agreed in principle (LCC have confirmed the wording is agreed) that the parties may agree that one authority will take the lead approval responsibility for the Cross In Hand (Work No. 16) highway works and this will be included in the protective provisions with all parties in the final dDCO to be submitted at Deadline 7. The Applicant confirmed its position on LCC's request to “rationalise” the highway boundaries at Deadline 5 (Applicant's Response to Deadline 4 Submissions [part 3 – LCC] (Document Reference 18.17 [REP5-042]) (item 27).</p> <p>The Applicant has responded to this point at Deadline 5 (Applicant's Response to Deadline 4 Submissions [part 3 – LCC] (Document Reference 18.17 [REP5-042]) (item 25). LCC's position is a misunderstanding of how the DCO provisions operate. The requirement for the highway works to meet the design standards set out in the Leicestershire Highway Design Guide is set out in the Protective Provisions in the DCO (Part 3 of Schedule 13) which require that the design, carrying out and maintenance of the highway works are approved by LCC and so there is no need to amend Article 4. Article 4 is simply providing a permissive mechanism for deviation, but does not circumvent the rest of the Order, including the protective provisions. The Protective Provisions provide for the highway works to be carried out in accordance with the approved detailed design information and require the Applicant to take into account the design standards set out in the Leicestershire Highway Design Guide when preparing the detailed design information to be submitted to LCC.</p>
<p>REP4-053 REP4-054</p>	<p>6.2.8.1B Hinckley NRFI ES Appendix 8.1 Transport Assessment - part 15 of 20 - Sustainable Transport Strategy and Plan and Appendices</p>	<p>The Strategy states at para 5.24 that a car passenger modal share of 12% is achievable, however, it is not clear how and where there is commitment to this figure.</p> <p>Para 5.25 states that the proposals will enable employees to walk to the site. However, limited infrastructure is to be provided to facilitate these walking movements. Indeed, at ISH6 the Applicant team made a statement to the contrary, stating that walking to the site “was not an option”.</p> <p>Para 8.6 states that existing pedestrian provision does not meet current standards but based on predicted usage,</p>	<p>Table 1 of the STS (document reference: 6.2.8.1C, REP5-009) sets out the commitments of the document including the car passenger modal share goal. Commitment 6 states: <i>‘The performance of the car sharing scheme will be reviewed annually and shared with Leicestershire County Council Highways and the Travel Plan Steering Group as part of the Site Wide Travel Plan monitoring.’</i></p> <p>This is misconstruing the Applicant's clearly intended statement which was to explain that walking to the site is less likely than other modes of transport and this was indeed clarified by the Applicant in the hearing. LCC must accept that due to the nature of the development and its need to be located close to the SRN and the railway, SRFIs often need to be located in a countryside location (as is noted in the NPS-NN, paragraph 4.84). The Applicant explained that infrastructure is provided alongside the proposed Link Roads which connects with existing footways around the site.</p> <p>Again, this is misrepresenting what the document <u>states</u>. Paragraph 8.6 states: <i>It is accepted that facilities to areas such as Sapcote and Stoney Stanton are below current LCC highway</i></p>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		<p>environmental impacts and cost viability, improvements are not being made.</p> <p>The document appears to suggest that walking provision to the site has been considered, with various options ruled out on the basis of cost viability etc.</p> <p>In summary, proposals are limited to:</p> <ul style="list-style-type: none"> <li>• Option 1 – Enhancement to Barwell, Toucan crossing on A47</li> <li>• Option 2 - Enhancement to Barwell, Gateway at The Common</li> <li>• Option 8 – Enhancement to Hinckley and Burbage, New Cycle Lane to the B4669 between Smithy Lane and Wilkinson Avenue</li> </ul> <p>Furthermore, there is only commitment to deliver the above following occupation of 43% floorspace. LCC note that no supporting Linsig assessment has been submitted for the Toucan crossing, and the three options have not been captured by the interim Road Safety Audits.</p> <p>Enhancement 3, 4a, 4b, have been ruled out on the basis of cost and constraints. LCC are unclear what the constraints are. In addition, no breakdown of costs has been provided for LCC to verify, nor has LCC received a viability report. Furthermore, the Applicant hasn't demonstrated how employees will reach the site using existing infrastructure.</p> <p>Enhancement 5 has also been ruled out on the basis of cost and constraints. LCC consider that this is the key access route for residents of Hinckley and note that it comprises 44% of the Applicants predicted cycle usage to the site. Whilst an alternative route an additional 1km in length (LCC has calculated at 1.76km) is proposed, this would also divert users from the desire line and is unlikely to be attractive to use.</p> <p>Enhancement 6 has been ruled out by the Applicant stating that Sport England are likely to raise objections. However, no evidence has been presented to suggest discussions have taken place with Sport England or the Rugby Club despite LCC asking the Applicant to do so at a meeting held on 13th November 2023, indeed the Rugby Club may welcome improved pedestrian access to their site.</p>	<p><i>design standards. However, these are very lightly used and consequently would still provide adequate routes for the limited number of employees predicted to walk to the site from these locations.</i></p> <p>The STS maintains that alternative links (DRT) are provided to the villages and are more likely to be used based on distance and environment.</p> <p>As the ExA is aware, the Applicant agreed to consider the further Enhancements at LCC's request and the Applicant undertook a detailed review of all of the suggested Enhancements to assess their deliverability. The Enhancements committed are intended to be delivered following the completion of 105,001sqm of floorspace. An assessment of the A47 Link Road and the Toucan crossing is included within the 2023 Transport Update (document reference: 18.13.2, REP4-131).</p> <p>The STS sets out that the cycling enhancements are not required to achieve the desired modal shift, are therefore seen as additional to our core infrastructure, access and mitigation works and have a proposed trigger point of being delivered prior to the occupation of 105,001sqm of floorspace as opposed to prior to first occupation as for the rest of the works to be audited. The STS states that these enhancements will be subject to a separate highway agreement process and it follows that they will require a Road Safety Audit process to be carried out at a suitable time, but given that the trigger means there may be a significant gap between completion of the main infrastructure works and implementation of these enhancements, it is the Applicant's view that the RSA processes should be kept separate.</p> <p>Appendix 4 of the STS (document reference: 6.2.8.1C, REP5-011 and 6.2.8.1D) contains a summary of the viability review and headline costings.</p> <p>Enhancement 8 provides linkage to Hinckley and Burbage which has a more direct connection to the quiet routes to the railway station. Enhancement 5 is constrained by limited land availability and topography to widen for an improved cycleway/footway along the B4668. Enhancement 8 is deliverable and connects to both the link road infrastructure at J2 and existing connections at Smithy Lane. Enhancement 8 via Smithy Lane is circa 1km, from Junction 2 and the main entrance to HNRFI it is around 1.7Km.</p>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		<p>Enhancements 9 and 9a. The Applicant has ruled proposals out as a consequence of their red line boundary not allowing deliverability. LCC has not stated that it would not accept a contribution in lieu of works to PRoW. LCC has stated that the Applicant should commit to and deliver PRoW improvements, and this should be defined in the Public Rights of Way Appraisal and Strategy.</p> <p>Para 8.13 states that "there is good cycle access to the site". However, para 4.6 states that "Figure 5 shows that although there is cycle infrastructure in place in the area, the access to the site is relatively limited". Again, the Strategy is contradictory.</p> <p>Para 5.26 makes reference to cycling access but fails to mention the eastern villages or Burbage.</p> <p>The document states at para 8.4 that PROW will be "complemented with new infrastructure". However, there is no confirmation of what this means, nor any commitment to delivery.</p> <p>The document continues to remain silent on commitment to delivery of bus services (please also see comments on dDCO) above.</p>	<p>Enhancement 6 is reliant on third party approvals. Widening to improve the route would impact upon Rugby pitches to the south and west of the existing PRoW.</p> <p>Suggestions for funding to deliver enhancements through a contribution have been rejected by LCC. The Enhancements put forward within the STS (document reference: 6.2.8.1C, REP5-011 and 6.2.8.1D) are deliverable within Highway Boundary and cost effectively provide cycle access to a good proportion of the local population within a 5km of the site.</p> <p>Paragraph 8.14 (within the latest document) (document reference: 6.2.8.1D) references the extensive footway cycleway which is to be constructed and links with existing routes. Paragraph 4.46 (within the latest document) goes on state: <i>However, the A47 does benefit from cycle infrastructure from the A5 through to the roundabout with Leicester Road (north of Earl Shilton) in the form of a shared footway/cycleway. To the north of that roundabout there are on-road cycle lanes. There are also shared footway/cycleways on sections of both the A447 Ashby Road and the B4668 Leicester Road.</i> This is not contradictory.</p> <p>Para 5.27 (within the latest document) states that Barwell, Hinckley and Earl Shilton are identified as 'the most populated settlements within suitable cycling distance from HNRFI' This is further evidenced within Appendix 2 catchment profiles.</p> <p>The document is not silent on the commitment to delivery of bus services. Commitments are included within Table 1 of the most recent STS, this is in line with requests from the ExA at ISH6.</p>
REP4-056	6.2.8.2B Hinckley NRFI ES Appendix 8.2 Framework Travel Plan	<p>It remains unclear to LCC how modal shift targets will be achieved given the limited commitments to sustainable travel provision and walking and cycling infrastructure. LCC have reiterated this point throughout the examination process and have nothing further to add to comments previously made which do not appear to have been addressed by the Applicant.</p> <p>LCC note the following insertion to the document "Should mode shift from single occupancy car trips not be met, then a commitment of £100,000 fund is secured through the Travel Plan. This is to cover additional measures, should they be required, including a review of items included in paragraph 5.11 and potential enhancements to services and incentives". No</p>	<p>The STS is secured through requirement. Annual monitoring is committed to throughout the document to ensure that targets are being reviewed and achieved within the horizons set out. The targets are based on best available data, though once the site is live, real information will help shape further adjustments/provision. The Applicant maintains that the proposed enhancements to Cycling and Walking Infrastructure is proportionate and appropriate to the likely numbers it will attract. Evidence has been provided on this within the STS but has not been acknowledged by LCC.</p> <p>The STS (document reference: 6.2.8.1D) and the FTP (document reference: 6.2.8.2C, REP5-012) provide facts regarding the delivery, monitoring, enforcement and securing mechanism for the Sustainable Transport Strategy (document reference: 6.2.8.1D) commitments how it is</p>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		discussion has taken place with LCC in respect of this payment and measures, and it is noted that it does not appear within the Unilateral Undertaking issued to LCC.	secured. The plan itself outlines the mechanisms for further actions and the monetary amount has been removed as it is not necessary, further actions will determine costs of implementation.
REP4-060	6.2.11.2B Hinckley NRFI ES Appendix 11.2 Public Rights of Way Appraisal and Strategy	Having reviewed the Strategy our position remains as per our Written Representations (REP1-181). The development proposals will have a significant impact on PRow both during construction and operation. Given the lack of proposals for new walking and cycling infrastructure as described above, there is a reliance on PRow for providing access to/from the site on foot. There has been very limited engagement with LCC LHA on PRow despite requests. This has been documented through our formal responses. The Applicant has made no firm commitments to PRow improvements.	<p>The Applicant has had extensive engagement on PRow throughout the application process both at formal and informal consultation stages as well as post-submission. Comments and concerns by the local community have all been fully considered and taken on board as part of the PRow Strategy. The resulting proposals include a fully upgraded traffic-free bridleway route, the removal of level rail crossings and safer alternatives provided via bridges and underpasses. LCC have requested detail on the deliverability of the PRow routes which has been provided in the form of detailed design routes showing widths and gradients, a level of detail which would normally be reserved for the detailed design stage. Signage and access gates associated with the new and diverted routes will be provided.</p> <p>To enhance opportunity for recreational connection from the A47 Link Road to Burbage Common Road a connecting footpath will be added, this will be updated at Deadline 7 in the following documents:</p> <p>Illustrative Masterplan                      Illustrative Context Masterplan                      Figure 3.1 Illustrative Masterplan                      2.4A Highways Plan Sheet 1                      Access and Rights of Way Plan Sheet 1                      2.2A Works Plan Sheet 1                      Figure 11.14 Public Rights of Way and Informal Open Space Strategy                      Figure 11.20 Illustrative Landscape Strategy                      Design Code                      Design and Access Statement</p> <p>The Applicant's final dDCO submitted at Deadline 7 will also reflect this change.</p>
REP4-077	6.3.11.14A Hinckley NRFI ES Appendix 11.14 Public Rights of Way and Informal Open Space Strategy	It is not 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.	The relocation of the bus lay-by and associated amendment to footpath/cycleway is the only amendment in revision A. Revision B submitted at Deadline 5 altered the proposed permissive footpath/cycleways alongside the A47 link road to proposed adopted highway footpath/cycleways and Revision C submitted at Deadline 6 (document reference: 6.3.11.14B) added an additional bridleway link between the adopted highway footpath/cycleway adjacent the A47 link road north of the railway and the bridleway at the southern end of Burbage Common Road.
REP4-088	8.1A Hinckley NRFI Design and Access Statement	LCC note the reference to NPPF and NPS in respect of walking and cycling. However, LCC remain of the opinion that the proposed walking and cycling provision to the site fall significantly short of national policy requirements. Please refer to comments above on REP4-053 and REP4-054.	As stated within the STS summary: <i>This Sustainable Transport Strategy (STS)</i> (document reference: 6.2.8.1D) <i>has been produced to analyse the opportunities to maximise the use of sustainable modes of transport to and from the site. Due to the location of the site and the nature of the development, it is anticipated that this will primarily be achieved through car sharing, public transport and cycling. Consequently, this is the main focus of the STS. Nevertheless, it is considered that the existing local facilities would adequately cater for those wishing to walk to the site.</i>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
			<p>It aligns with NPS for National Networks in that <i>Mitigation measures for schemes should be proportionate and reasonable, focussed on promoting sustainable development.</i> And NPPF <i>Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</i></p>
REP4-092	S106 Heads of Terms	<p>A revised s106 Agreement was forwarded by the Applicant to LCC during the course of ISH6 on 24th January 2024. LCC responded to the Applicant on 31st January 2024 confirming that not all LCC requests have been captured (and provided a detailed table of requests), that the obligations in the Agreement do not align with commitments referenced in Strategies, and nor does the Agreement reflect discussions at ISH6 (noting that the Agreement was circulated during the course of the hearing).</p> <p>The Applicant requested that LCC confirm their position in respect of signing a bi-lateral Agreement where there is no agreement to its contents. LCC confirmed to the Applicant on 31st January 2024 that it would not sign an Agreement where there is no agreement to its contents.</p> <p>The Applicant responded stating “thank you for sending this through. Clearly, we are apart on a number of items that we will not agree on, I have instructed Eversheds to prepare a Unilateral Undertaking and advise your legal team accordingly”.</p> <p>The Applicant submitted a draft Unilateral Undertaking to LCC on 1st February 2024. LCC subsequently revised the detailed table of requests and sent a revised table to the Applicant on 5th February 2024, a copy of which is appended below.</p> <p>LCC has received partial title from the Applicant and awaits the remaining title documents to enable it to be satisfied as to the correct parties to the Unilateral Undertaking.</p> <p>LCC requested a cost undertaking from the Applicant's legal team confirming that LCC's legal costs will be met. This was received on 7th February 2024 and LCC subsequently requested a revised Unilateral Undertaking to take account of the further points put forward by the Applicant on 6th February 2024. Comments will be provided by LCC on the revised Unilateral Undertaking when it is received.</p> <p>LCC remain concerned that Warwickshire County Council (WCC) and Leicester City Council (LCiC) no longer appear as parties to</p>	<p>The Applicant's position in respect of the s106 planning obligations with LCC was outlined in its s106 table at Deadline 5 in response to ExQ2.0.4 (Document Reference 18.16.1 [REP5-037]).</p> <p>The Applicant was understandably keen to ensure that logistical arrangements could be put in place with sufficient time to ensure finalisation and signature of the s106 agreement and therefore asked LCC to confirm its position on whether it would still enter into a bi-lateral agreement should the Applicant not be in a position to agree all of LCC's requests (for example non-acceptance of a contribution to Desford Cross Roads and non-acceptance of the inclusion of mitigation which is clearly secured through requirements and not planning obligation in accordance with planning practice guidance). The Applicant was concerned to avoid a late change of conversion to unilateral undertaking should LCC's position be a refusal to sign a bi-lateral agreement, which was confirmed to be the case. The Applicant therefore needed to alter the s106 agreement to reflect this.</p> <p>The Applicant has also provided its updated response to LCC's s106 table in its Deadline 6 submissions (document reference: 18.19).</p> <p>The Applicant does not agree with LCC that LiCC or WCC can be party to the s106 Agreement for reasons previously explained in respect of ability to bind land within those administrative areas and the Applicant had understood that LCC now understood and accepted the Applicant's position in this regard. Indeed, LCC's s106 table submitted at Deadline 5 clearly states that they now agree with this.</p>



Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		<p>the s106 Agreement (in addition to LCC). The omission of WCC is most concerning on the basis of the Applicants commitment to a contribution to improvements at Gibbet roundabout as referenced in REP4-131 and as discussed at ISH6. In addition, it is understood that LCiC are requesting contributions to sustainable transport measures within the City boundary.</p>	
REP4-094	13.1B Hinckley NRFI Design Code	<p>LCC note the reference to NPPF and NPS in respect of walking and cycling. However, LCC remain of the opinion that the proposed walking and cycling provision to the site fall significantly short of national policy requirements. Please refer to comments above on REP4-053 and REP4-054.</p> <p>In addition, para 6.2 is deceiving noting that the Applicant is not proposing a continuous footway/cycleway on both sides of the A47 link road. This point was discussed at ISH6 and LCC note that at para 6.3 the Applicant has now removed all referenced to a continuous link.</p> <p>LCC take this opportunity to remind the Applicant that any landscaping (including grass, trees, shrubs etc) within the extents of the public highway must be safe and appropriate (including not impeding visibility splays and for purposes of ongoing maintenance), species must be in line with the adopted LCC Highway Design Guide, and commuted sums will be payable. A planted central reservation raises significant highway safety concerns with LCC in respect of the safety of maintenance operatives as well as the traffic management necessary to carry out ongoing maintenance. Maintenance on the public highway would be carried out in line with LCC's maintenance schedule and not to a schedule desired by the Applicant.</p> <p>Any street lighting within the extents of the public highway will need to be provided fully in accordance with the adopted LCC Highway Design Guide.</p> <p>LCC note that all internal roads are to remain private in perpetuity on the basis they do not appear to be designed to adoptable standards.</p> <p>LCC note that the Design Code references upgrading the PRoW network. However, no details of surfacing materials or extents are provided, there is no reference to lighting etc. Indeed, the Design Code is silent on LCC's PRoW Guidance for Developers. Moreover, this information is not provided in the Public Rights</p>	<p>The Applicant provided a written account of our position on the walking and cycling facilities to the development, along with a supplementary drawing (REP5-033) at Deadline 5. This shows significant lengths of continuous, uninterrupted footway/cycleway and the provision of safe crossing points where crossing of carriageways is necessary.</p> <p>It is noted that street lighting provision within the public highway will need to be provided in accordance with the LCC Design Guide and the specific details of this will be agreed at the detailed design stage.</p> <p>It is the intention for the internal roads to remain private and the detailed design of these will be developed within the constraints of the parameters plan as the various parts of the development are progressed.</p> <p>The latest iteration of the Design Code, document ref 13.1 v4 submitted at Deadline 4, specifically states within section 8.5.2, that all footpaths, bridleways and cycle routes are to be in accordance with LCC Highways Design Guidance, which would include surfacing and would be agreed as part of any Requirement 4, Detailed Design application.</p> <p>It is not proposed to light the PROW's or Bridleways as they are set, purposefully, within the landscaped corridors surrounding the main development area for environmental and ecological reasoning.</p> <p>The applicant is very aware of road safety with regard to planting and visibility splays. The applicant is also very aware of the positive benefits of trees within streets and highway corridors in terms of air quality, climate control and public amenity. Whilst there is no specific policy aspiration within the NPS given it is 10 years old, Paragraph 136 of NPPF Dec 23 particularly notes that 'Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users'. The applicant looks forward to collaborating with LCC and the local authorities to overcome some of the stated maintenance constraints and achieve an outcome that brings the additional benefits of planting to the end user.</p> <p>The applicant will have regard to Leicestershire's Highway Design Guide, Part 7 Appendix G: Landscaping on new developments and in highway-improvement schemes.</p> <p>The Design Code includes reference to the geometry and surfacing to footpaths, bridleways and cycle routes to follow LCC Design Guidance at Paragraph 8.5.2.</p>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		of Way Appraisal and Strategy (REP4-060), and therefore not covered by Requirement 25.	The proposed PRoW bridleways and amenity footpaths will not be lit as these are designed as natural amenity routes. Footpath and cycle users have the option of lit routes through the development should they prefer during the hours of darkness.
REP4-110	17.1A Hinckley NRFI Construction Environmental Management Plan	LCC note that the document includes revisions to working hours on site to address concerns raised by BDC and HBBC. Whilst LCC welcomes this change, it remains unclear what impact this will have on the works programme as presented in REP3-048. LCC has sought clarification from the Applicant on this matter at Deadline 3 (REP3-127). LCC were anticipating that a revised Gantt Chart would be submitted at Deadline 4, but this does not appear to be the case.	<p>The working hours agreed with BDC and HBBC for the Phase 1 infrastructure works have not been reduced beyond a normal working schedule for infrastructure works.</p> <p>The typical Saturday working hours in subsequent build-out phases of the development will be typical for the building works and will not have an impact on the indicative works programme.</p> <p>The programme as presented in REP3-048, was produced to show how the works are proposed to be phased and is not a detailed design and construction programme.</p> <p>Detailed programmes and phasings of the off-site highway mitigations will be produced once Leicestershire County Council will permit their Highways and Road Space Management teams to speak with the Applicant.</p>
REP4-114	17.4B - HGV Route Management Plan & Strategy	<p>The revised Strategy includes at Para 5.26 a £50,000 commitment to mitigate if the Strategy does not work. This "commitment" is not reflected in the Unilateral Undertaking submitted to LCC. In addition, as discussed at ISH6, it is unclear to LCC what measures £50,000 could realistically fund.</p> <p>Para 5.40 includes for commitment to producing a Data Processing Agreement and Data Protection Impact Assessment. However, it remains unclear how this will be shared with LCC and there appears to be no commitment to implementation.</p> <p>The revised document still fails to include the location plans of ANPR cameras and fails to address responsibilities on LCC and associated requirement for financial resource.</p>	<p>Submissions at Deadline 5 (document reference: 17.4D) have revised the figure upwards to £200,000 along with suggested interventions within the village that could be considered further.</p> <p>Data Processing Agreement and Data Protection Impact Assessment is included within the document and secured by requirement.</p> <p>ANPR locations have been shared and were included within the Deadline 5 revision. Apparatus is the responsibility of the Applicant as discussed at ISH6.</p>
REP4-115	17.8.1 Hinckley NRFI Strategic Road Network Incident Plan	The Applicant has not involved LCC in the development of this Plan. LCC do not agree that the additional traffic movements from the HNRFI will not have a significance to the frequency of interruptions to the free flow of traffic or consequential inconvenience on the LRN. No evidence has been provided by the Applicant to demonstrate that this would be the case. Moreover, a simple assumption would be that the additional vehicular traffic generated by the HNRFI and affected by any temporary closures would inevitably have a significance in respect of the free flow of traffic and associated inconvenience, as well as potential associated highway safety implications. Indeed, on the basis of the approach to mitigation taken by the Applicant i.e., displacing traffic from the SRN onto the LRN, this	<p>In terms of the significance the Applicant maintains that the additional traffic movements from the HNRFI will not have significance to the frequency of interruptions, as is also confirmed by NH through their inputs to the Strategic Road Network Incident Plan (document reference: 17.8.1, REP4-115) Paragraph 8.</p> <p>As mentioned in the M69 Emergency Closure Plan (document reference: 17.8, REP3-043) In circumstances where closure of the SRN occurs, the Emergency Routing Plan would come into force. A further document has been submitted at Deadline 4 which outlines the Incident Plan in more detail (document reference: 17.8.1, REP4-115) It is a locational requirement for SRFIs to be close to major trunk roads. (NPS – NN 2.45) in order to primarily route the HGV short haul movement, via the SRN. The additional traffic associated with HNRFI will not have a direct bearing upon the frequency of closures of the SRN, which are not directly related to the</p>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		would exacerbate the magnitude and extent of impacts of any closure of the M69. LCC note that in the absence of information provided by the Applicant the impacts remain unclear.	<p>volume of traffic. Accidents may happen for a range of reasons and cannot be modelled for frequency.</p> <p>The future Site management will have the opportunity to communicate to the occupiers to limit or stop trips onto the LRN while the SRN closures are in place. Further detail is included within the HGV Route Management Plan and Strategy (document reference: 17.4D) paragraphs 4.11-4.17 Delays associated with the closures or diversions onto inappropriate routes would not be commercially attractive to logistics operators.</p>
REP4-117	Technical Note Collision Data Review	LCC welcome the revised Note including reference to 5-year data as requested at Deadline 3. This will be helpful to the Road Safety Auditor. However, it remains the case that the Collision History Study area has not been discussed and agreed with the Highway Authorities. Therefore, the concerns of LCC as identified in our Written Representations (REP1-152 paragraphs 2.37-2.38) remain.	The Applicant is unclear what further information is required to be discussed. REP1-152 Paragraphs 2.37 and 2.38 require further information to the 5-year period and the AOI. It is contended that the submission on the 5-year data is highly detailed and directly relevant to the areas impacted by traffic from HNRFI.
REP4-119	18.6.8A Narborough Level Crossing Traffic Modelling	<p>As discussed at ISH6, LCC scoped new traffic surveys with the Applicant team to establish queue lengths on all approaches to the crossing as requested by both LCC and the ExA. However, despite this, new survey data does not appear to have been appended to the submitted document for review. Moreover, the Applicant has not summarised existing lengths in terms of numbers, nor defined what the additional impact of barrier downtime will be on these queue lengths. Therefore, the impact of the development on the local road network in this location remains unclear.</p> <p>The Applicant stands by the Note submitted at Deadline 3 (REP3-053), and no further detailed assessment has taken place, including impact on NMU's. This is in the context of increased wait times for those who are mobility impaired and unable to use the existing steep stepped footbridge. The Applicant continues to refute the need for mitigation in this location.</p>	<p>As discussed at ISH6 the survey data was unfortunately missed from the original submission, this was rectified is within the Deadline 5 submission.</p> <p>The analysis is clear that queues are quantified numerically indicated on a plan with description of the additional queuing and delay within the document. The Applicant has also provided detailed projections to the future year to assist the ExA understand when queues will or will not clear between train paths.</p>
REP4-122	18.13 Applicant's response to deadline 3 submissions (Part 3-LCC)	LCC note that the Applicants response to the LCC Deadline 3 submission does not correctly reflect the current position on a number of matters as set out in this LCC Deadline 5 response.	See response to Deadline 5 submissions.
REP4-130	18.13.1 Applicants response to deadline 3 submissions Appendix A – Post Covid Update following Deadline 3 submission (18.6.1 Transport General Update)	LCC do not agree with the Applicants findings and conclusions. LCC provided local data evidencing this position at Deadline 4 (REP4-181). Please refer to LCC's response to ExA question 1.0.3 which corrects the Applicants assumptions	REP3-139 Provided notes from the meeting on the 13 November 2023. It was outlined in the meeting that the updated traffic surveys for the modelling inputs were the key focus for LCC rather than the agreed Global Factor response which was agreed by the Authorities at ISH2 and submitted at Deadline 4 (REP4-130). The Applicant maintains that they have been transparent in all the submissions and have endeavoured to address all items raised by LCC. It is disappointing that this is being used as a point of contention, when considerable effort went into commissioning and gathering survey information and reviewing the PRTM once again.

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
REP4-131	18.13.2 Applicants response to deadline 3 submissions (Appendix B - Transport 2023 Update)	<p><b>Furnessing</b> – Please refer to comments below in response to ExA questions.</p> <p><b>A47 Longshoot/Dodwells roundabout</b> – The Applicant has submitted a VISSIM model at Deadline 4. LCC will review the model as soon as possible. However, the assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation is required. LCC are unlikely to agree with this conclusion given knowledge of the junctions operating over capacity gained from review of other development assessments, including Padge Hall Farm.</p> <p><b>M69 J1</b> – The Applicant has submitted a revised VISSIM model for the M69 J1 at Deadline 4. This is to take account of the Padge Hall Farm development. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation will be required. The Applicant had previously proposed re-validation of MOVA signal control. LCC will defer to National Highways on this matter but are concerned that removal of mitigation proposals could result in a highway safety issue in the form of queuing onto the mainline M69.</p> <p><b>M69 J2</b> – The Applicant has submitted a revised VISSIM model for the M69 J2 to take account of the signalised toucan crossing on the A47 link road being called. LCC will review this model to check that it has now been coded correctly.</p> <p><b>M69 J3/M1 J21</b> – The Applicant has modelled M1 J21/M69 J3 in Linsig with Lutterworth East mitigation and submitted this at Deadline 4. 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. As per comments on this Strategy, this assumption cannot be relied upon.</p>	<p>See Deadline 5 additional submission on Junction 21 and commentary (document reference: 18.17, REP5-051). The conclusions remain as originally posted: <i>Based on the analysis included within this note, it is concluded that there is a small residual impact due to the HNRFI traffic at M1 J21, but the cumulative impact is not severe nor causes a highway safety issue. Therefore, the Development should not be prevented or refused on this basis.</i></p>

Comments on Applicant's Deadline 4 Submissions

Examination Ref	Document Name	LCC Comments	Applicant's Response
		<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> <p><b>Gibbet roundabout</b> - A Linsig assessment has been submitted by the Applicant at Deadline 4 despite the Highway Authorities consistently advising that a VISSIM model is required. The Applicant proposes a contribution to a wider National Highways scheme. This is welcomed with a figure to be agreed with National Highways following submission by the Applicant of a fully costed scheme of mitigation. This approach has been taken with other developments that impact this junction. Warwickshire County Council (WCC) hold the s106 monies on behalf of the Highway Authorities. However, as above, neither WCC nor LCC are party to the s106 as drafted.</p> <p><b>Cross in Hand roundabout</b> - The Applicant has updated their capacity assessment of the Cross-in-Hand roundabout following new 2023 surveys. The Applicant has reduced the proposed scheme of mitigation which now excludes any improvements on the LCC network (A4303). LCC need review the survey data, furnishing spreadsheet, and revised capacity assessment ahead of Deadline 6.</p>	<p>A costed plan has been developed based on the impacts of the HNRFI scheme. This is being considered by National Highways.</p> <p>A further sensitivity test has been carried out for WCC, who now consider that the works in Warwickshire may no longer require the amendments proposed at Cross-in-Hand. However, this position has not been agreed with NH or LCC at this stage and the mitigation as submitted at Deadline [ ] will remain in the DCO. It is intended that requirement 5 of the dDCO will be revised to allow the authorities and the Applicant to agree that the works may not be required, once LCC and NH have considered the information provided in respect of this sensitivity test.</p>
REP4-136	19.3B SoCG between the Applicant and Leicestershire County	It is unfortunate that the Applicant submitted this document with changes that had not been shared with LCC in advance. To this end and to assist the ExA in its understanding of matters agreed and not agreed, LCC has provided a SoCG appended to this document.	Noted- The Applicant has sought to reach agreement with LCC on items on the SoCG throughout the process. As has been demonstrated throughout the Examination, items that were previously agreed have been removed by LCC with further questions. This has been indicative of the engagement with the Authority throughout the pre-submission process and the examination period.
REP4-150	Applicant's response to ExA Written Questions Appendix I – Construction Traffic Derivation	At ISH3 the Applicant team referenced construction traffic modelling. At ISH3 the Highway Authorities requested sight of this modelling. The document submitted does not include for construction traffic modelling, but details select link analysis. LCC await submission of the promised construction traffic modelling if indeed this has been carried out by the Applicant.	As already provided, Construction Traffic has been set out within the Construction Traffic Management Plan (document reference: 17.6B, REP3-041). Indicative numbers have been provided based on best knowledge of construction traffic origins. Traffic route plans are set out within the report and will be subject to review by the main contractor.

**Comments on Applicant's Deadline 4 Submissions**

Examination Ref	Document Name	LCC Comments	Applicant's Response
REP4-151	21.1 Hinckley NRFI Stage 1 Road Safety Audit Response Report	<p>LCC raised fundamental highway safety concerns with the mitigation scheme presented for Sapcote village and also questioned how this would address the impact of a doubling of HGV movements through the village.</p> <p>These concerns have been borne out in the Interim Stage 1 Road Safety Audit Response Report. Consequently, the Applicant team have submitted revised proposals at Deadline 4 within REP4-025 Geometric Design Strategy Record (sheet 18). The proposals as submitted continue to raise serious fundamental highway safety concerns, which relate primarily to the safety of vulnerable road users. Moreover, the concerns raised by both LCC and the Interim RSA have not been incorporated in the revised design.</p> <p>This document includes for interim RSA's on the Local Road Network on drawings which now appear to have been superseded. In addition, the problems identified by the Auditor have not satisfactorily been addressed by the Designer in their response.</p> <p>As discussed at ISH6 the Applicant team submitted RSA briefs to LCC on 23rd January 2024. LCC have reviewed these briefs and provided comment. The briefs as drafted do not correctly reference submitted drawings, moreover they appear to omit auditing of the 3 walking and cycling options proposed by the Applicant. LCC await the submission of revised briefs</p>	Please see the Applicant's responses to Items 29-32 and 46-48 within LCC Written Statement of Oral Case for our position on the Sapcote mitigation and the status of the Stage 1 Road Safety Audit.
REP4-152 – REP4-164	Select Link Analysis	<p>The Select Link Analysis (SLA) provided is not the information that has been provided to LCC previously and that LCC requested be presented to the ExA to assist both the ExA and local residents. The information requested was SLA for the village of Sapcote demonstrating increases in flows, including HGV traffic. Figures are only visible if zoomed at 3200% which distorts the base mapping and renders the information unusable, the split between vehicle types is unclear, and the flows are reported in pcu's not vehicle numbers.</p>	The Select Link Analysis is the PRTM 2.2 outputs which was provided to the Applicant by LCC NDI's consultant team in the format uploaded. PCU's were requested by LCC when the original data was presented to them in May 2022

Applicant's Response to Hearing Action Points

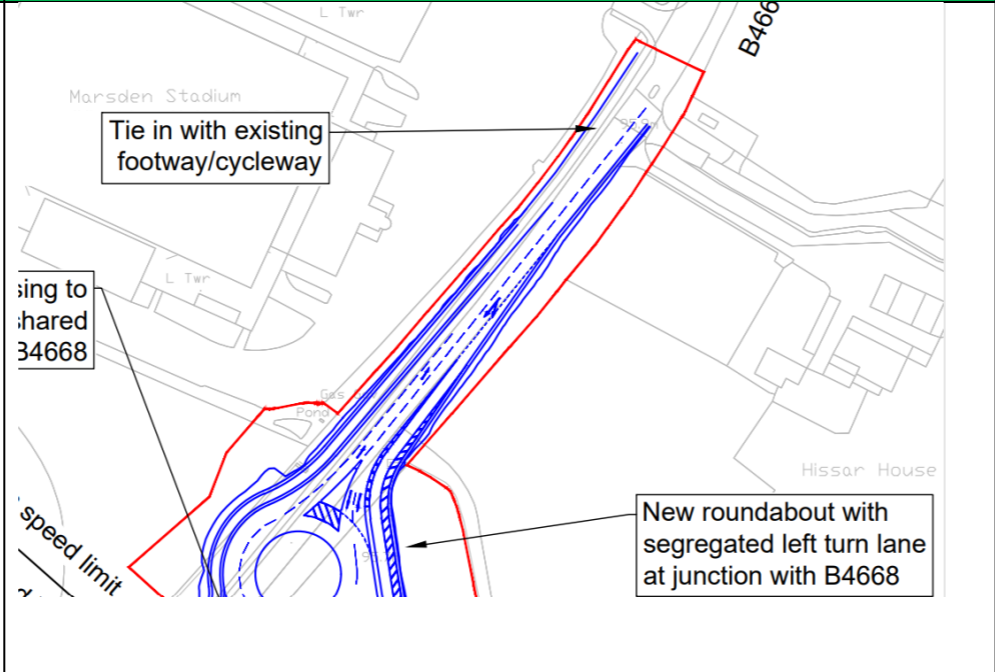
AP No	Action	LCC Response	Applicant's Response
123	Continuous review of local junction models and engagement with Applicant, with particular regard to furnessing	<p>LCC are aware that the Applicant has commissioned new surveys at junctions where off-site mitigation is proposed only. At a meeting held on 2nd February 2024, LCC, NH and WCC requested that the Applicant team make this data identifiable on the shared Sharepoint site.</p> <p>At this meeting, the Applicant team committed to various actions in respect of providing clarification on the furnessing methodology used. These include:</p> <ul style="list-style-type: none"> <li>• Applicant team to provide clarifications on calculations and the application of the methodology</li> <li>• Applicant to provide a note addressing discrepancies between old and new survey data (noting differences between target and observed flows)</li> <li>• Applicant team to check that demand inputted included for traffic queuing, not just that passing a stop line.</li> <li>• Applicant team to model Gibbet roundabout in VISSIM and present the results to the Highway Authorities (as requested in REP1-152)</li> </ul> <p>Timescales for the above rest with the Applicant. Whilst awaiting this information, LCC is pressing ahead with its review of the survey data to check that it has been correctly transferred into the furnessing spreadsheet. LCC will be in a position to confirm to the ExA if this is the case at Deadline 6.</p> <p>In respect of overall junction models, these cannot be agreed until the outstanding furnessing matters have been addressed by the Applicant, and LCC have confirmed that data has been correctly inputted. LCC would expect that the Applicant would address this in a timely manner given the impending examination end date, and LCC are hopeful that we will be in a position to agree furnessing methodology by 12th March 2024.</p>	<p>These actions do not align with the agreed list of actions arising from the meeting. The actions shared with the TWG by the Applicant following the meeting on the 02 February were as follows- there was no further feedback on these points and appear to differ from those set out by LCC. Furnessing. The full action list is:</p> <ul style="list-style-type: none"> <li>• BWB to review Gibbett vehicle turning proportions within Junctions 10 model as a sensitivity test. <i>Done and provided to NH on 07 February</i></li> <li>• BWB to check the survey data to allow for demand flows and queuing. <i>This was checked with the survey team and confirmed, queue length surveys were also recorded. All survey data was signposted on 02 February.</i></li> <li>• M69 mainline flows clarity on how these were furnessed for the VISSIM at J2. <i>This was shared with the TWG on 05 February</i></li> <li>• AECOM to provide VISSIM (standalone) for Gibbett. <i>Not received- no model exists. Confirmed by NH on 02 February. A corridor model previously sent by NH is the only model held on file.</i></li> <li>• Any clarifications to be dealt with directly via technical consultants. Noted- further conversations/ correspondence with respective teams.</li> <li>• BWB to ensure Sharepoint folders are in logical order. <i>This was done and reported on 02 February</i></li> </ul> <p>The Applicant maintains that the original 2019 survey flows provided a robust base for the furnessing approach- much of the preparation for the submission was done under post-covid conditions which were not deemed robust previously. It was the insistence of the TWG for updated flows for 2023 that has further delayed the ability to review in depth.</p>

Applicant's Response to Hearing Action Points

AP No	Action	LCC Response	Applicant's Response																																																						
		<p>Table 5.21 M1 Junction 21 Gyratory With Improvements scheme - 2036 With Development</p> <table border="1" data-bbox="961 260 1724 512"> <thead> <tr> <th rowspan="2">Lane Description</th> <th colspan="2">AM</th> <th colspan="2">PM</th> </tr> <tr> <th>Deg Sat (%)</th> <th>MMQ (PCU)</th> <th>Deg Sat (%)</th> <th>MMQ (PCU)</th> </tr> </thead> <tbody> <tr> <td>M1 Southbound off-slip</td> <td>80%</td> <td>14</td> <td>80%</td> <td>14</td> </tr> <tr> <td>Opposing</td> <td>67%</td> <td>14</td> <td>64%</td> <td>3</td> </tr> <tr> <td>A5460 East</td> <td>112%</td> <td>71</td> <td>118%</td> <td>88</td> </tr> <tr> <td>Opposing</td> <td>67%</td> <td>4</td> <td>64%</td> <td>3</td> </tr> <tr> <td>M1 Northbound off-slip</td> <td>84%</td> <td>6</td> <td>96%</td> <td>10</td> </tr> <tr> <td>Opposing</td> <td>92%</td> <td>9</td> <td>89%</td> <td>15</td> </tr> <tr> <td>M69 West</td> <td>80%</td> <td>9</td> <td>80%</td> <td>10</td> </tr> <tr> <td>Opposing</td> <td>48%</td> <td>0</td> <td>43%</td> <td>0</td> </tr> <tr> <td><b>PRC%</b></td> <td></td> <td><b>-25%</b></td> <td></td> <td><b>-31%</b></td> </tr> </tbody> </table> <p>The results show that the junction would operate in excess of its capacity. However, when the results of the 2036 with development and mitigation scenario in The results show that the junction would</p> <p>Prepared for: Leicestershire County Council <span style="float: right;">AECOM 101</span></p> <hr/> <p>East Lutterworth Strategic Development Area Transport Assessment Supplementary Report 2</p> <p>operate in excess of its capacity. However, the proposed improvement on the M1 northbound slip has resulted in queue of four PCUs and six PCUs compared with eight PCUs and 12 PCUs for the without improvements in the AM morning and PM evening peak hours respectively.</p>	Lane Description	AM		PM		Deg Sat (%)	MMQ (PCU)	Deg Sat (%)	MMQ (PCU)	M1 Southbound off-slip	80%	14	80%	14	Opposing	67%	14	64%	3	A5460 East	112%	71	118%	88	Opposing	67%	4	64%	3	M1 Northbound off-slip	84%	6	96%	10	Opposing	92%	9	89%	15	M69 West	80%	9	80%	10	Opposing	48%	0	43%	0	<b>PRC%</b>		<b>-25%</b>		<b>-31%</b>	
Lane Description	AM			PM																																																					
	Deg Sat (%)	MMQ (PCU)	Deg Sat (%)	MMQ (PCU)																																																					
M1 Southbound off-slip	80%	14	80%	14																																																					
Opposing	67%	14	64%	3																																																					
A5460 East	112%	71	118%	88																																																					
Opposing	67%	4	64%	3																																																					
M1 Northbound off-slip	84%	6	96%	10																																																					
Opposing	92%	9	89%	15																																																					
M69 West	80%	9	80%	10																																																					
Opposing	48%	0	43%	0																																																					
<b>PRC%</b>		<b>-25%</b>		<b>-31%</b>																																																					
128	<p>The Applicant to provide additional raw survey data, including queue length details, for Narborough Level Crossing.</p> <p>This is to be shared with relevant authorities for comment.</p>	<p>LCC welcome submission of this information by the Applicant at Deadline 6.</p>	<p>This was submitted as part of Deadline 5 (document reference: 18.6.8B, REP5-027) Appendix H- following the comments during ISH6.</p>																																																						
135	<p>Further discussions between Leicestershire County Council and the Applicant in relation to the design of the footway/cycleway adjacent to the A47 link road to take place, with clarification in this regard submitted into the examination.</p>	<p>LCC met with the Applicant team, together with National Highways and Warwickshire County Council on 2nd February 2024. At this meeting the Applicant team confirmed that on the basis there will be "no demand" for employees to walk and cycle on the eastern side of the A47 link road north of the railway line i.e., the development side of the link road, no continuous footway/cycleway will be provided.</p> <p>LCC note that the Applicant has constrained the red line adjacent the A47 link road north/B4668 Leicester Road to the extent that delivery of a continuous footway/cycleway would not be possible, please see extract from REP4-006 below:</p>	<p>It should be noted that the footway/cycleway on the B4668 is currently on the northern side of the road (the same side as the sports clubs) and that there is no provision on the southern side of the B4668 beyond a bus stop some 400m from the new roundabout. The footway/cycleway provision on the B4668 provides good links to Hinckley (via Barwell Lane), Barwell (via The Common) and Earl Shilton (via either The Common or the A47 footway/cycleway facilities). The Applicant has sought to provide the best connection from the new link road to the B4668 footway/cycleway facility and this is achieved from the western side of the link road. The footway/cycleway from the western side of the link road provides a crossing point over the B4668 on the quieter arm of the new roundabout with a splitter island to be used as a refuge. Once on the new link road, there is a significant length (around 1.5km) of continuous, high quality footway/cycleway provided to the development, with suitable crossing points provided to allow access to the northern or southern parts of the development. Further information on this, including illustrations and travel distances of the routes to the development using footway/cycleways has been submitted at Deadline 5 (document reference: 18.15.3, REP5-033).</p>																																																						



Applicant's Response to Hearing Action Points

AP No	Action	LCC Response	Applicant's Response
		 <p>The diagram is a site plan showing a road layout. A main road runs diagonally from the bottom-left towards the top-right. At the top-right, it meets a road labeled 'B4668'. A callout box points to this junction with the text 'New roundabout with segregated left turn lane at junction with B4668'. At the bottom-left, there is a callout box with the text 'Tie in with existing footway/cycleway' pointing to a blue line along the road. Another callout box on the left side says 'ing to shared 34668' pointing to a specific area. A 'speed limit' sign is also indicated. Other labels include 'Marsden Stadium' at the top, 'Hissar House' on the right, and 'L. Tower' in two locations. The road is shown with blue lines for lanes and a red line for the boundary.</p>	

Applicant's Response to Hinckley NRFI LCC S106 Heads of Terms

No.	Obligation	Amount	Trigger Point	Comments	Applicant's Comment
	<p><b>Employee travel packs</b> – 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>	<p>£500.00</p>	<p>Pre-occupation</p>	<p>Principal agreed subject to inclusion of LCC standard wording</p>	<p>The Applicant has agreed an obligation to submit to and obtain the LCC's approval of employee travel packs and to pay the travel plan administration fee (£500) no later than 2 months prior to first Occupation of the Development.</p> <p>The Applicant has received and reviewed LCC's 'standard drafting' which seeks to include obligations in the S106 Unilateral Undertaking (document reference: 9.2, REP5-021) relating to the delivery of travel packs direct to each employee and provide a report on the number of travel packs issued after the expiry of six months from first occupation of each unit on the development.</p> <p>The Applicant considers that the provision of travel packs is secured within the Framework Site Wide Travel Plan (document reference: 6.2.8.2C, REP5-012) and secured by requirement 8.</p> <p>The Applicant fundamentally disagrees that it is appropriate to include obligations in a planning obligation, where commitments are secured by requirement.</p> <p>Planning guidance confirms that, where the same objective can be met using a condition or a planning obligation, planning conditions (which also applies to requirements) should be used rather than seeking to deal with the matter by planning obligation.</p>
	<p><b>Employee bus passes</b> - 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</p>	<p>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.</p>	<p>On-occupation</p>	<p>Applicant to confirm changes to Sustainable Transport Strategy and Plan and submit revised document at deadline 5 or agree s106 obligation</p>	<p>The Applicant does not agree that the bus pass provision should be included as a s106 obligation in the Unilateral Undertaking to LCC (document reference: 9.2, REP5-021). The bus passes will be provided by the Applicant in accordance with the commitments included in the Sustainable Transport Strategy (document reference: 6.2.8.1D) secured by requirement 9, and directly through agreement with the bus service provider. The provision of bus services was originally proposed to be secured through s106 obligation but was removed following LCC's refusal to accept it. The Applicant has since then undertaken significant work to discuss service provision directly with the bus service providers and this is detailed in the Sustainable Transport Strategy instead, as well as the bus pass provision. The Applicant has confirmed that it would be prepared to include LCC's proposed drafting relating to bus pass provisions with the Sustainable Transport Strategy (document reference: 6.2.8.1D).</p> <p>The Applicant considers that LCC's insistence that matters should be covered through s106 obligation demonstrates their lack of</p>

Applicant's Response to Hinckley NRFI LCC S106 Heads of Terms

No.	Obligation	Amount	Trigger Point	Comments	Applicant's Comment
					<p>engagement with the substantial detail secured through the requirements and management plans. Indeed, the Applicant has received little commentary or proposed drafting amendments from LCC on the drafting of the requirements either before or through the Examination.</p> <p>As above, the Applicant fundamentally disagrees that it is appropriate to include obligations in a planning obligation, where commitments are secured by requirement.</p> <p>Planning guidance confirms that, where the same objective can be met using a condition or a planning obligation, planning conditions (which also applies to requirements) should be used rather than seeking to deal with the matter by planning obligation.</p>
	<b>Site Wide Travel Plan monitoring fee</b>	£11,337.50	Pre-occupation	Principal agreed subject to inclusion of LCC standard wording	The Applicant has received and accepted LCC's proposed drafting amendments to the relevant obligations.
	<b>Occupier Travel Plan monitoring fee</b>	£6,000 per employment unit	Pre-occupation	Principal agreed subject to inclusion of LCC standard wording	The Applicant has received and accepted LCC's proposed drafting amendments to the relevant obligations.
	<b>Travel Plan Co-ordinator</b>	Provision of a Travel Plan Co-ordinator in perpetuity	Pre-occupation	Principal agreed subject to inclusion of LCC standard wording	The Applicant has received and accepted LCC's proposed drafting amendments to the relevant obligations.
	<b>Traffic Regulation Orders</b>	£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	Pre-commencement	Principal agreed subject to inclusion of LCC standard wording	The Applicant has received and accepted LCC's proposed drafting amendments to the relevant obligations, subject to a minor amendment to the payment timeframes, which is in line with other payment timeframes suggested by LCC and accepted by the Applicant.
	<b>Public Transport</b>	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 5 or agree s106 obligation detailing service provision	<p>The latest position is as above in respect of the bus pass provision.</p> <p>The bus services will be provided by the Applicant in accordance with the commitments included in the Sustainable Transport Strategy (document reference: 6.2.8.1D) secured by requirement 9, and directly through agreement with the bus service provider. The provision of bus services was originally proposed to be secured through s106 obligation but was removed following LCC's refusal to accept it. The Applicant has since then undertaken significant work to discuss service provision directly with the bus service providers and this is detailed in the Sustainable Transport Strategy (document reference: 6.2.8.1D) instead.</p> <p>As above, the Applicant fundamentally disagrees that it is appropriate to include obligations in a planning obligation, where commitments are secured by requirement.</p> <p>Planning guidance confirms that, where the same objective can be met using a condition or a planning obligation, planning conditions (which</p>

Applicant's Response to Hinckley NRFI LCC S106 Heads of Terms

No.	Obligation	Amount	Trigger Point	Comments	Applicant's Comment
					<p>also applies to requirements) should be used rather than seeking to deal with the matter by planning obligation.</p>
	<p><b>Construction traffic routeing</b></p>	<p>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.</p>		<p>Applicant does not agree with request. Could be resolved with inclusion of LCC standard wording.</p>	<p>The Applicant has received and reviewed LCC's suggested drafting in the S106 unilateral undertaking (document reference: 9.2, REP5-021) but, disagrees that construction traffic routeing is not explicit in the Construction Traffic Management Plan (document reference: 17.6B, REP3-040) and requirement 23, which requires that a detailed CTMP must be approved for each phase (prior to commencement of construction of each phase) and contains express provision that each detailed CTMP for each phase must include:</p> <ul style="list-style-type: none"> <li>(a) details of the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use, including details of the access points to the construction site to be used by light goods vehicles and heavy goods vehicles;</li> <li>(b) details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads, including agreed routes, the numbers of abnormal loads to be delivered by road and measures to mitigate traffic impact;</li> <li>(c) the construction programme; and</li> <li>(d) any necessary measures for the temporary protection of carriageway surfaces, the protection of statutory undertakers' plant and equipment, and any temporary removal of street furniture.</li> </ul> <p>The Applicant does not accept LCC's concern that construction traffic routeing is not explicitly secured by requirement 23.</p> <p>As above, the Applicant fundamentally disagrees that it is appropriate to include obligations in a planning obligation, where commitments are secured by requirement.</p> <p>Planning guidance confirms that, where the same objective can be met using a condition or a planning obligation, planning conditions (which also applies to requirements) should be used rather than seeking to deal with the matter by planning obligation.</p>
	<p><b>The HGV Route Management Plan &amp; Strategy</b></p>	<p>£50,000 The HGV Route Management Plan &amp; Strategy includes for a £50,000 contribution should the Strategy not be effective. At ISH6 the ExA requested details</p>	<p>Following the submission of the first monitoring report to LCC</p>	<p>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</p>	<p>The relevant figure has been revised to £200,000 and is included as a commitment in the HGV Route Management Plan &amp; Strategy (document reference 17.4D). The Applicant does not consider it necessary to include an obligation in the S106 planning obligation to LCC.</p>

Applicant's Response to Hinckley NRFI LCC S106 Heads of Terms

No.	Obligation	Amount	Trigger Point	Comments	Applicant's Comment
		be submitted of what the £50,000 would contribute to in order for the figure to be verified		Management Plan & Strategy at Deadline 5	
	<b>ANPR Monitoring contribution</b>	£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 5	To be discussed following receipt of revised Strategy	Applicant to confirm changes to HGV Route Management Plan & Strategy and submit revised document at deadline 5 or agree s106 obligation to be calculated once LCC understand its obligations under the revised Strategy	LCC has not suggested amendments to the S106 Unilateral Undertaking (document reference: 9.2, REP5-021) in respect of this proposed obligation.  It is the Applicant's position that ANPR monitoring is secured as a commitment in the HGV Route Management Plan and Strategy (document reference: 17.4D) and there is an obligation in the S106 Unilateral Undertaking (document reference: 9.2, REP5-021) to pay towards LCC's costs of attending HGV Route Management Plan and Strategy monitoring meetings.
	<b>Archaeology fee</b>	£7,312.50	Prior to carrying out archaeology works	Agreed	Noted and agreed
	<b>S106 Monitoring fee</b>	£300.00 or 0.5% whichever is greater	Pre-occupation	Applicant has not commented on LCC request	The Applicant had commented on LCC's request prior to Deadline 5 and this is confirmed in the Applicant's S106 Table submitted at Deadline 5 (document reference: 18.16.1, REP5-037).  The Applicant has received and accepted LCC's proposed amendments to the drafting of the relevant obligations.
	<b>Gibbet roundabout</b>	£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	The Applicant advised National Highways in a meeting 2 February 2024 that details of a mitigation scheme for Gibbet roundabout would be provided and a costing of a contribution in lieu would be set out to contribute to a comprehensive scheme for Gibbet roundabout to be delivered by National Highways. WCC currently hold a funding pot which a number of schemes have paid into for this roundabout. This scheme and cost plan has now been provided to National Highways and they are currently reviewing it.
	<b>Desford Crossroads</b>	£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	This is correct. The Applicant does not agree the request is necessary. This is explained in the Applicant's S106 Table submitted at Deadline 5 (document reference: 18.16.1, REP5-037).
	<b>Skills and Training Plan monitoring</b>	£1440 per meeting to facilitate LCC obligations as defined in the Skills and Training Plan	Invoiced quarterly in arrears	Principal agreed subject to inclusion of LCC standard wording	The Applicant has received and reviewed LCC's proposed amendments to the drafting.  The relevant obligations apply to Blaby District Council and Hinckley and Bosworth Borough Council, as well as LCC, the Applicant therefore considers it necessary that the obligations in the relevant S106

**Applicant's Response to Hinckley NRFI LCC S106 Heads of Terms**

No.	Obligation	Amount	Trigger Point	Comments	Applicant's Comment
					Planning Obligations are consistent to ensure effective delivery and compliance.
	<b>MOVA validation</b>	£5000.00 per junction (total £20,000.00): Spa Lane/Leicester Road, Hinckley A47 Clickers Way/Station Road, Elmhurst 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	This is correct. The Applicant does not agree the request is necessary. This is explained in the Applicant's S106 Table submitted at Deadline 5 (document reference: 18.16.1, REP5-037).
	<b>PRoW</b>	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 accept an obligation (not financial contribution) to improve PRoW to be defined in the Agreement		Applicant does not agree with request	This is correct. The Applicant does not agree the request is necessary. This is explained in the Applicant's S106 Table submitted at Deadline 5 (document reference: 18.16.1, REP5-037).

**Title**

This has not been provided to date and so LCC cannot comment on the parties. This should be provided asap.

**Applicant's Response:** It is not correct to say that title had not been provided. The Applicant provided up to date title registers and plans to LCC as follows:

- 5 February 2024 – the majority of title registers and plans were provided to LCC for review but, four title plans were not available immediately via the Land Registry's website;
- 8 February 2024 – the 4 outstanding title plans were received from the Land Registry and sent to LCC;
- 16 February 2024 – the latest draft S106 UU was issued to LCC. It was noted that two small parcels of land included within the Obligation Land had not been reflected in the S106 UU, the draft S106 UU was therefore updated accordingly and title registers and plans relating to the relevant land parcels were issued to LCC.

Response to questions posed by the Examination Authority

Examination Ref	Question	LCC Response	Applicant's Response
2.5.6	<b>DCO Schedule 2, Part 2 – Fees</b> The Applicant has finalised its drafting of these provisions. Could the Local Authorities indicate whether they are content with this. If not, could they please provide alternative drafting, explaining why they consider this should be preferred	N/A	Noted
2.11.2	<b>PRTM Reviews</b> The Applicant indicates that “Sharepoint and full models previously shared with schedule of inputs and dates. A full schedule was shared with the TWG on the 23.11.23”. Could the parties provide their understandings of the latest positions as to whether the model is agreed, and if not, when final positions are likely to be identified?		
		<ul style="list-style-type: none"> <li>LCC agreed to the use of PRTM (REP1-152)</li> </ul>	Noted
		<ul style="list-style-type: none"> <li>LCC formally signed of the PRTM base model review (REP1-152)</li> </ul>	Noted
		<ul style="list-style-type: none"> <li>LCC formally signed off the PRTM “Trip Generation Addendum”. However, as per REP1-152 LCC are still waiting for the Applicant to complete a comparability exercise in respect of sites selected as “comparable”. In addition, as per LCC’s Deadline 4 (REP4-181) response and as discussed at ISH6, LCC await clarification from the Applicant in respect of generation of managerial trips</li> </ul>	The process of agreeing the PRTM is recorded in the Deadline 1 Submission- Highways Position Statement (REP1-033). This highlights that the agreements were in place prior to the running of the PRTM 2.2 model. The trip generation was included within this suite of agreements. Comparability was noted at the time as being appropriate and in line with other SRFI sites. LCC chose to review this position after the forecast model had been run and results shared- at no point in the process was this raised ahead of Deadline 1. Clarification on managerial trips has been provided in response to ExA questions and further detail added post ISH6.
		<ul style="list-style-type: none"> <li>As raised in REP1-152 LCC remains unclear in respect of proposed employee numbers. The “Forecast Modelling Brief” included for 8,000 employees. We have heard various figures throughout the course of the examination and remain unclear if this assumption of 8,000 employees is correct</li> </ul>	Employee number clarification was addressed at ISH2 and a note was submitted at Deadline 1 (document reference: 18.1.1, REP1-018).
		<ul style="list-style-type: none"> <li>As a consequence of the above, and as detailed in REP1-152, the Applicant should revisit trip distribution</li> <li>As per paras 2.53-2.58 in REP1-152 LCC formally signed off the PRTM Uncertainty Log. However, this was signed off before the Padge Hall Farm scheme was consented. Whilst the Applicant submitted a VISSIM model of A5 Longshoot/Dodwells at Deadline 4 (to be reviewed by LCC before Deadline 6), Padge Hall Farm and other subsequently</li> </ul>	The Trip Distribution is not dependent on the Trip Generation figures- indeed the Trip Distribution was agreed prior to the final input figures to the PRTM were signed off. The uncertainty log covered all reasonably foreseeable developments and was produced wholly in line with the TAG M4 guidance. This was fully agreed and signed off as described. The Padge Hall Farm site gained approval after HNRFI submission and was not an allocated site, nor identified as being delivered in the short to medium term. Indeed, final sign off was only achieved in December 2023, three months into the HNRFI examination period. The Applicant has further addressed the Padge Hall Farm site through VISSIM models provided by NH and reported in the Transport 2023 Update (document reference: 18.13.2, REP4-131).

Response to questions posed by the Examination Authority

Examination Ref	Question	LCC Response	Applicant's Response
		<p>committed developments were not included in the PRTM modelling</p> <ul style="list-style-type: none"> <li>At para 2.30 of REP1-152 LCC raised that the model results of the A47 link road dualled in its entirety (as per the agreed Forecast Modelling Brief) have never been reported in the Applicants Transport Assessment. This remains the case</li> <li>As a consequence of the above, LCC does not accept the outputs of the PRTM exercise, nor their interpretation</li> </ul>	<p>The sensitivity test was included at the request of LCC within the PRTM forecast model output. The Applicant has never proposed to provide a dualled carriageway north-west of the railway bridge nor is it necessary- connecting roads and links to the northwest, including the A47, are single carriageway. The outputs within the Forecast Modelling Report (APP-148) do not indicate significant change in traffic flow because of the extension of the dualled link.</p> <p>The outputs from the PRTM are a function of the agreed inputs. LCC have been party to all PRTM information and have requested extensive detailed outputs, that have been provided to them in 2022.</p>
		<p>The Sharepoint site that the Applicant references does not contain any of the above PRTM information.</p>	<p>The Sharepoint site has contained all iterations of the PRTM outputs the Applicant has received from LCC's consultants AECOM who are the custodians of the PRTM.</p>



Written submission of Oral Case  
ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
	1.	Leicestershire County Council ("LCC") participated in relation to Agenda Items 3 and 5.	
<b>Agenda item 3: road highway network</b>			
1	1a) Furnessing		
	2-5	<p>LCC explained that it has worked with the Applicant to identify and agree the junctions which required further surveys, the dates on which the surveys were to be undertaken and issued permits to the Applicant to allow them to carry out the surveys.</p> <p>These surveys have now been carried out and LCC understands that the Applicant has subsequently updated the furnessing spreadsheet.</p> <p>LCC need now to check that that data has been translated from the surveys to furnessing spreadsheet correctly and then, in turn, interpreted in the local junction models appropriately.</p> <p>LCC confirmed that it hopes to be able to do this by Deadline 5 but will, in any event, update the ExA on the latest position at that deadline.</p>	Noted- the data has been updated within the spreadsheet, which was shared with the TWG on 18.12.23.
2	b) Padge Hall Farm & A5/ A47 Junctions		
	6-11	<p>As confirmed by Hinckley and Bosworth Borough Council, the Padge Hall Farm planning permission has now been granted ("the Planning Permission"). The Planning Permission includes land for drainage works that are required in connection with the proposed lowering of the carriageway on the A5 to create more headroom under the bridge which is frequently struck by high-sided vehicles.</p> <p>Whilst LCC does not suggest there is a particular delivery problem, there is no guarantee that the Padge Hall Farm Planning Permission will be built out. The Applicant cannot deliver the same works to lower the carriageway of the A5 under the bridge given the need for land outside of the highway for the necessary flood attenuation works.</p> <p>There is no scope now within the remaining Examination period for the Applicant to seek additional land. The only route now available, therefore, to ensure that the works to the A5 are carried out prior to the operation of the Scheme, is a requirement in the form of a Grampian condition that would prevent use of the scheme until the works had been carried out.</p> <p>The lowering of the carriageway will allow high sided fleet to use the A5 leading to a 20% uplift in HGVs using that route. LCC asked for revised modelling of the A47 Longshoot/ Dodwells junction to include the Padge Hall Farm Planning Permission and the mitigation proposed as part of it.</p> <p>This appears to have been submitted at Deadline 4 and is summarised in the Applicant's response to deadline 3 submissions (appendix B – Transport 2023 Update) [REP4-131]. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation is required.</p>	<p>The Applicant does not agree that HNRFI requires the delivery of the lowering of the A5 beneath the railway bridge and fundamentally does not accept that a Grampian condition is justified, proportionate or reasonable. Our mitigation assumes that the Padge Hall works are not implemented, see below.</p> <p>The VISSIM model for the Dodswell/Longshoot was shared by NH and data from the Padge Hall farm site has been included. A full sensitivity with the 20% uplift in HGVs was also included. The 20% figure remains unsubstantiated by NH.</p> <p>The inclusion of the A47 link road and connections to the A5 remain a routing choice for high sided vehicle leaving the HNRFI site. A further clarification note has been provided at Deadline 5 (document reference: 18.15.2, REP5-032) following comment from the ExA during ISH6. This provides a summary of potential high-sided HGVs which would need to route via the A5 using the 20% figure required by the highway authorities. The absence of the carriageway lowering at Nutts Lane Bridge would not preclude the delivery of the scheme as an alternative route is clearly available.</p> <p>The impacts of the development have been derived through the LCC PRTM model. The outputs of the model indicate that following the creation of the Junction 2 slips and the completion of the A47 link road, there are changes to background traffic assignment along with additional routing options for development traffic. This has not been accounted for in other PRTM runs for different schemes, as the site is not committed, which is a requirement for the uncertainty logs within the DfT TAG Unit M4 guidance.</p>

Written submission of Oral Case  
ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
		LCC need to review the modelling. However, LCC's preliminary view is that it is unlikely to be able to agree with this conclusion. LCC is currently involved in several development sites which impact this junction. The consistent evidence is that it operates overcapacity now. This does not sit comfortably with the Applicant's conclusion that it is not required to mitigate its impacts. It should be noted in this regard that the Padge Hall Farm development does not create capacity, it merely mitigates its own effects. Further, as National Highways ("NH") pointed out at the hearing, the modelling focuses only on the junction itself and does not consider impacts on the wider area.	The impacts from HNRFI at Dodwells/Longshoot are not significant or severe, it is therefore not the responsibility of the HNRFI scheme to deliver further infrastructure in this location. The requirements for Dodwells/Longshoot remain longstanding, evidenced by the removal of changes at Longshoot originally included within NH's RIS 3 pipeline in the summer of 2021. This was done in favour of a whole route review of the A5 from M69 J1 to the M42.
3	c) M69 Junction 1		
	12	A revised VISSIM model for the M69 J1 taking account of the Padge Hall Farm development appears to have been submitted at Deadline 4 and is summarised in the Applicant's response to deadline 3 submissions (appendix B – Transport 2023 Update) [REP4-131]. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation will be required. The Applicant had previously proposed mitigation being the re-validation of MOVA signal control at the junction. A failure here would lead to queuing onto the M69 mainline which is not LCC's network. It is therefore principally a matter for NH. However, there is potentially a highway safety issue here.	A further sensitivity test has been submitted at Deadline 5 to account for Padge Hall Farm traffic at Junction 1 M69 (document reference: 18.15.1). Observed 2023 traffic has also been used as agreed with the TWG. Reassignment of traffic through the junction is because of the additional infrastructure provided by HNRFI. This has a positive effect on the operation of the junction reducing queuing and improving journey times overall.
	M69 Junction 2		
	13-14	LCC have raised two matters in relation to the M69 J2. First, LCC sought revised VISSIM modelling of the junction to take account of the signalised crossing on the A47 slip road being called, which had previously been omitted. This appears to have been submitted at Deadline 4 and is summarised in the Applicant's response to deadline 3 submissions (appendix B – Transport 2023 Update) [REP4-131]. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation will be required. LCC need to review the model to check that the crossing has been coded correctly. It is likely that this issue can be agreed.  Secondly, LCC asked for assurances and evidence that the structures (owned by NH) supporting the circulatory (which is a LCC road) would not be adversely impacted by the new south bound slipways. LCC has not yet had any sight of the requisite engineering details to provide that assurance.	The signalised Pegasus crossing and the secondary pedestrian/cycle crossing on the A47 link Road was checked using LinSig and worst-case flows. This was included in the Link Road Review submitted at Deadline 3 (document ref XX)  Record drawings obtained from National Highways were submitted at Deadline 5 (document reference: 2.31, REP5-005) and have been uploaded to the Transport Working Group sharepoint site on February 8 <sup>th</sup> 2024. The large scale (1:500) plans included within the GDSR first submitted at deadline 3 (document reference: 2.29, REP3-005) and subsequently revised at deadline 5 (document reference: 2.29B, REP5-004) show the location of the new slip roads in relation to the existing bridge structures and note that the existing bridge structures are unchanged by the proposals at J2.
	e) M1 Junction 21/ M69 Junction 3		
	15-22	The ExA asked LCC to confirm where the boundary with Leicester City Council's administrative area was located. LCC confirmed that Leicester City Council's administrative area began at the Braunstone Lane East Junction which is some distance away such that impacts at this junction are for NH and LCC.  The junction has now been modelled but in Linsig (with Lutterworth East mitigation) at Deadline 4 and is summarised in the Applicant's response to deadline 3 submissions (appendix B – Transport 2023 Update) [REP4-131].  This 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. 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	At ISH2, it was agreed that modelling would be produced for M1J21. LCC had previously requested a VISSIM model of the junction. It is accepted that a VISSIM model would be beneficial in enabling LCC/NH to identify a comprehensive improvement scheme and if such a model were already available. However, this is not the case and consequently, the LINSIG modelling for the Lutterworth Urban Extension was used. This was a scheme that was brought forward by LCC and did not require the use of a micro-simulation model. A PARAMICS model had been built in 2016 for the J21 network by LCC, but this had not been validated and had been raised only once in April 2021 during discussions between the Applicant and the Transport Working Group.  The LUE mitigation works themselves were primarily provided to avoid queues on the M1J21 northbound approach and have been secured via planning condition. The traffic for LUE is already included in the PRTM 2.2 WoD and WD models. Consequently, the

Written submission of Oral Case  
 ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
		<p>based on the effects of the Sustainable Transport Strategy. LCC does not accept that these reductions can be achieved on the basis of the Sustainable Transport Strategy.</p> <p>It should be noted that whilst the Lutterworth East Transport Assessment, which LCC has reviewed and undertook to provide to the Examination at the next deadline, concluded that whilst 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. NH said during the hearing that it had raised concerns about the need to assess properly this junction using a VISSIM model, but had been stonewalled by the Applicant. LCC has consistently made the same point.</p> <p>The use of the Linsig model is not appropriate. The Linsig model will not capture all the complex movements and free flow link at this junction and so will not capture the full extent of the impacts. The Applicant has, however, refused to use a VISSIM model.</p> <p>Extraordinarily, the Applicant sought to justify this at the hearing by suggesting that the Linsig was appropriate in circumstances where the impacts were negligible, as they are on the Applicant's assessment, but that is to put the cart before the horse. The purpose of the modelling is to <i>determine</i> the impacts. Only the VISSIM model will allow the full extent of the impacts to be understood.</p> <p>The failure to model properly and engage with the impacts and required mitigation at this junction is an intractable problem at the heart of this application. The Applicant chose a strategy to displace traffic onto the local road network and not to address its impacts at this junction, which is already overcapacity. It is this early strategic choice and a refusal to revisit it which sits at the heart of the many problems with the traffic assessment and impacts of this Scheme.</p>	<p>baseline for HNRFI modelling should also include the associated mitigation works. However, a scenario based on the existing arrangement has also been assessed. (Albeit this still includes the LUE traffic)</p> <p>As agreed with the TWG, traffic surveys were undertaken at M1J21 on 29th November 2023 and the same agreed furnishing methodology was used to produce 2036 WoD and WD turning flows. (Peak hour flows have reduced by 11% and 13% during peak periods compared with the 2019 survey/base model.)</p> <p>At the request of LCC, a theoretical assessment has also been undertaken where no background traffic diverts. This does not follow the agreed methodology used for all other junctions within the Transport Assessment. Therefore, it is provided as a sensitivity test only.</p> <p>The modelling demonstrates the magnitude of impact is negligible in both scenarios and whilst the junction operation is worse without the committed LUE improvements, the impact on queues and delay remains marginal. Hence, the impact is not considered to be a 'severe' and it is maintained that highway mitigation is not justified.</p> <p>Further work has been carried out using video data at M69 J1 submitted at Deadline 5 (document reference 18.18 Hinckley NRFI M1 J21 Modelling Notes (Appendices), REP5-052). This has sought to detail the interactions of queuing with the M1 mainline flows and where they affect capacity on the circulatory carriageway. The evidence suggests that queuing due to well documented mainline flow capacities causes peak hour blocking of the M69 (eastbound) stopline.</p> <p>In accordance with National Government Policy, the development would seek to limit future traffic growth at the junction through the reduction of single occupancy car trips as secured through the STS and via its contribution to transferring freight from road to rail, which aims to reduce long distance trips on sections of the SRN like M69 and M1. An effect that hasn't been accounted for within the assessment work. However, like the impact of the development itself, the beneficial impact of these measures is considered marginal too.</p>
	f) Narborough Level Crossing (road and NMUs)		

Written submission of Oral Case  
ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
	23-28	<p>LCC scoped new traffic surveys with the Applicant team in order to seek to establish accurately queue lengths on all approaches to the crossing, as requested by both LCC and the ExA.</p> <p>The surveys have now been undertaken. However, the new survey data does not appear to have been appended to the Deadline 4 submissions [REP4-119]. Moreover, the Applicant has not summarised queue lengths in terms of numbers. At present, therefore, LCC cannot know whether the Narborough Level Crossing Report is accurate.</p> <p>Nor has the Applicant analysed what the additional impact of barrier downtime will be on these queue lengths. This means that the Applicant has simply not assessed the impact of the development, which is precisely what the Applicant should be doing.</p> <p>LCC therefore does not know if the existing situation has accurately been identified by the Applicant and, moreover, there is no attempt to assess the impact of the development. No mitigation is proposed but, given the above, there is no way to assess whether or not mitigation is required. The impact of the development on the wider local road network in this location also remains unclear and unassessed.</p> <p>Further, the Applicant has not properly assessed the impact on NMUs. In this location, many NMUs will not be able to cross when the barrier is down due to the lack of accessible crossing facilities.</p> <p>The Applicant confirmed that they would provide a model of the junction to LCC as soon as possible to enable LCC to comment on it at Deadline 5.</p>	<p>As raised voluntarily within the ISH6, an administrative oversight meant that the appendices for the Narborough report were not submitted at Deadline 4. The Applicant provided the document (document reference: 18.6.8B, REP5-027) to the Transport Working Group on the BWB sharepoint site on the 29<sup>th</sup> January 2024 and the count data and models were made available prior to this on the 12<sup>th</sup> of January 2024.</p> <p>The report (document reference: 18.6.8A, REP4-118) clearly contains the analysis of additional barrier downtimes on the queue length. This is quantified and tabulated within the reports and is as discussed with the TWG on the 13 November 2023. A considerable amount of analysis has been done to project the impacts to the 2036 with observed and modelled flows. Individual hourly models have also been carried out to assess the barrier downtimes and its impact on queuing.</p> <p>The Applicant has also provided a further response to the ExA WQ 2.11.19 in relation to specific timings of barrier downtimes and the arrival of HNRFI trains forecast across a 24-hour period. This provides additional clarity on clearance of queues at the busiest times.</p> <p>A footbridge is currently present at the Narborough Level Crossing for pedestrians wishing to cross during the barrier downtime, while cyclists and the mobility impaired would generally wait at grade for signal changes. Given that the majority of downtimes would be around 2:30 minutes, it is considered that pedestrians would most likely wait for the barrier to raise, rather than use the bridge. However, on the occasions that train paths cross, the footbridge could be an attractive alternative for some users.</p>
	g) Sapcote		
	29-32	<p>The ExA asked about the removal of the gateway at Sapcote. LCC had said a gateway was not necessary as gateways are generally used as traffic calming measures and there was no evidence of speeding to justify the gateway.</p> <p>LCC said it would set out its highway safety concerns in relation to the mitigation now proposed in Sapcote. LCC had very serious safety concerns with what was previously proposed and, further, questioned how that mitigation scheme would address the impact of a doubling of HGV movements through the village.</p> <p>LCC's concerns were reflected in the Interim Stage 1 Road Safety Audit Response Report [REP4-151]. Consequently, the Applicant team have submitted revised proposals at Deadline 4 within Geometric Design Strategy Record (Sheet 18) [REP4-025]. However, the proposals as now submitted continue to raise serious fundamental highway safety concerns, which relate primarily to the safety of vulnerable road users. The proposed scheme creates potential conflicts between vehicles and non-motorised users of the crossing and shared surface in front of the Co-op. The concerns previously raised by both LCC and the Interim RSA have not even been incorporated in the revised design. The Sapcote mitigation scheme is fundamentally flawed.</p>	<p>As noted, the gateway features were removed by the Applicant further to meetings with LCC.</p> <p>The proposals in the centre of Sapcote have been subjected to a Stage 1 RSA which raised concerns regarding visibility to the proposed crossing point, past buses stopped on carriageway, and regarding the width of footways through the area. The Applicant provided a response report to accompany the RSA [REP4-151] which set out the changes made to the area to address the concerns of the audit. For example, in response to a concern about visibility to the zebra crossing, the Applicant's response was to agree with the recommendation of the RSA and stated '<i>While the zebra crossing replaces an existing uncontrolled crossing and is seen as an improvement in pedestrian safety, the designer has reviewed the location and the northern B4669 kerb line has been amended to provide more footway width and to ensure suitable forward visibility to users waiting to use the crossing. This is illustrated on the revised drawings</i>'. The updated drawings appended to the GDSR [REP4-025], showed visibility lines in both directions from the zebra crossing of at least 44m. This is in excess of the LCC Design Guide Table DG4 requirement for light vehicles travelling between 26 and 30mph and for heavy vehicles travelling between 21 and 25mph.</p>

Written submission of Oral Case  
 ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
			<p>In response to the RSA comment relating to footway widths to the east of the crossing point (an existing problem), the Applicant has, as part of a longer response relating to pedestrian desire lines, set out that <i>'the designer has revised the northern kerbline of the B4669 to provide a wider footway where possible and to enhance visibility to pedestrians crossing.'</i> The revised drawings appended to the Interim Stage 1 Road Safety Audit Response Report (document reference: 21.1, REP4-151) show a significantly widened footway (up to 3.6m) on the northern side of the B4669 between the proposed zebra crossing and Stanton Lane.</p> <p>Further to comments by LCC that the current bus stop in front of the Co-op is utilised by vehicles servicing the Co-op at present, as well as for school buses to wait, the Applicant has sought to provide a loading bay within a public realm area the likes of which are commonly seen in town centre regeneration schemes across the country. It is the Applicant's view that with proper use of tactile paving and given its infrequent use, this area will be safe for use by all road users. Vehicle tracking of the area in existing and proposed states was included in the design appended to 21.1, REP4-151.</p> <p>Given the above the Applicant does not accept the comment that the concerns previously raised by LCC and the Interim RSA have not been incorporated into the revised design, nor that the scheme is fundamentally flawed.</p>
e		<p>The select link information provided is not the information that has been provided to LCC previously and that LCC requested be presented to the ExA. The information requested was select link analysis for the village of Sapcote demonstrating increases in flows, including HGV traffic. However, the figures are only visible if zoomed in to 3,200% which distorts the base mapping and renders the information unusable. Neither is it clear if the figures are bi-directional or relate to one direction. Nor do the figures break down the number of cars and HGVs within them. The information is unusable and of no assistance whatsoever.</p>	
		h) A5/ A426 Gibbet Hill Junction	
	33-37	<p>Again, LCC has consistently requested that the junction is modelled in VISSIM and advised that there is a standalone VISSIM model for the junction, but the Applicant has not done this.</p> <p>As to the proposed contribution for mitigation at this junction, LCC has concerns about the contribution both in terms of quantum and securing it.</p> <p>When other developers have identified and assessed schemes of mitigation to address the impacts of their particular development, they have then costed the mitigation scheme and a contribution has been offered in lieu based on the cost. This has not been done here and the methodology behind the suggested contribution is opaque.</p> <p>In terms of securing mitigation there are two problems: first, no contribution is offered within the 106 Heads of Terms; secondly, WCC holds the funds and is not a party to the section 106. LCC is not prepared to hold monies. WCC is set up to do so for this junction and is already doing so on behalf of other developers already.</p>	<p>A standalone model does not exist at Gibbet Hill junction- as reported by NH on the 7 February. This was mis-reported by the Authorities at ISH6 and to the Applicant on the 13 November prior to the Deadline 4 reporting. The VISSIM model that exists relates to an extensive corridor network, which as explained below, is not appropriate for use to assess the HNRFI impacts.</p> <p>A prior signalised scheme was modelled in the originally submitted Transport Assessment alongside a standalone model of the baseline position. The signalised scheme formed part of the submission for the Magna Park Extension. NH informed the Applicant that the Magna Park scheme had been superseded (NH Meeting- 24 July 23) and that a further design had been developed. However, this is not in the public domain, nor had it been shared with the Applicant.</p> <p>A VISSIM model of the baseline position within an extensive corridor network was shared by NH in early 2021. The Applicant's team reviewed and informed the TWG that for the HNRFI forecast impacts, to update the full corridor model was disproportionate as most of the network was unaffected by HNRFI forecast traffic. This was further</p>

Written submission of Oral Case  
ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
		Accordingly, it seems likely that this item needs to be dealt with by requirement which would need to be included in draft DCO.	supported with outputs from the Rugby Rural Area Model. Hence the submitted standalone capacity-based modelling included within the Transport Assessment. Without a model of the re-designed Gibbet Hill, the requirement from NH was to develop a theoretical scheme to mitigate the HNRFI impacts alone. The Applicant has done this, only within the standalone capacity model rather than the Corridor Study VISSIM.  The suggested scheme has informed the contribution to a S106.
	(i) Cross-in-Hand Roundabout		
	38	The Applicant has updated their capacity assessment of the Cross-in-Hand roundabout following new surveys. This has been submitted at Deadline 4 and is summarised in the <b>[REP4-131]</b> . The Applicant has reduced the proposed scheme of mitigation which now excludes any improvements on the LCC network (A4303). LCC were not aware of this proposed change and cannot agree to this until it has had an opportunity to review the survey data, furnishing spreadsheet, and revised capacity assessment. LCC notes that the Applicant's data does not capture U turn movements which occur at this junction. This leads to some concern about the latest survey data or its interpretation and application in the modelling which LCC is investigating.	The Applicant noted the changes at the Cross-in-Hand Roundabout due to the furnished 2023 survey data. This was submitted at Deadline 4. The Furnished Spreadsheet was shared with the TWG on the 18.12.23 via the established Sharepoint site and model outputs were uploaded on 12 Jan (shortly after the Deadline 4 submission). Survey data is robust and was carried out by a licensed third party. WCC officers confirmed within the ISH6 that U-turn data they had picked up was likely to be errors in previous surveys/models held by WCC rather than the new data.
	j) HGV Routeing and Enforcement		
	39-45	LCC raised a number of issues with regards the HGV Route Management Plan & Strategy <b>[REP4-114]</b> .  First, LCC notes the inclusion of reference to GDPR and the Applicant's commitment to producing a Data Processing Agreement and Data Protection Impact Assessment (paragraph 5.40), however, it remains unclear as to how it will be shared with the highway authorities.	A further updated version of the HGV Routing Strategy was submitted at Deadline 5. This was primarily to clarify points on measures and funds for works in Sapcote in tandem with a full summary of the commitments within a tabular format. This report and its previous iterations have been clear on the requirement to set up a Steering Group by the Site management company to inform and consult with the Highway Authorities (paragraph 5.1)
		Secondly, whilst the Applicant has said the ANPR camera locations have been set out, LCC has not been provided with these. The Applicant explained that the locations are set out generally in the strategy itself, rather than specifically on plans. This confirmed that the locations have not been agreed.  The Applicant points to Requirement 18 which provides that the HGV route management plan and strategy must be complied with at all times following the first occupation of warehouse floorspace on the authorised development.  Clearly, the camera locations would have to be identified and included specifically in the HGV route management plan and strategy in order for Requirement 18 to properly secure the cameras. It should also make clear that any Data Processing Agreement and Data Protection Impact Assessment must be shared with the highways authorities and complied with.	The updated HGV Routing Plan and Strategy submitted at Deadline 5 (document reference: 17.4C, REP5-022) includes detailed locations of ANPR cameras for further agreement along with a clear table of commitments within the report. The Location of ANPR cameras were uploaded to the BWB sharepoint site and shared with LCC/WCC/NH on the 2 <sup>nd</sup> of February 2024, following discussions with the TWG.  The Applicant does not agree that locations need to be identified and included specifically in the plan for Requirement 18 to properly secure their provision. The HGV Routing Plan and Strategy includes provision for the cameras to be agreed with LCC and provided, therefore LCC have comfort that their approval will be needed through the plan and therefore the Requirement ensures this is secured.
		Thirdly, the HGV route management plan and strategy also includes (see paragraph 5.26) a £50,000 commitment to mitigate if the HGV route management plan and strategy does not work. This commitment is not reflected in the section 106 Heads of Terms and if mitigation (e.g. signing and TROs) is necessary to ensure that HGV's follow designated routes, this should	The updated HGV Routing Plan and Strategy (document reference: 17.4C, REP5-022) submitted at Deadline 5 includes detailed further information relating to potential measures should the HGV Route Plan and Strategy not work. This includes interventions and has led to the increase in commitment funding to £200,000. This

Written submission of Oral Case  
ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
		be identified now and form part the application. In particular, as this step is necessary to assess whether or not the £50,000 is sufficient.	does not need to be included in the s106 obligation, which does allow for TRO contributions, on a "per TRO" basis.
		Fourthly, in so far as the HGV route management plan and strategy places a monitoring burden on LCC that approach is not accepted as suitable without adequate resources being provided by the Applicant.	The HGV Route Management Plan and Strategy (document reference: 17.4C, REP5-022) clearly outlines the commitment from the Applicant in terms of monitoring, reporting and remedial actions should they be necessary. These are all managed by the Site Management Company. A short report and meeting with the Highway Authorities on outcomes is the only 'burden' placed on LCC. Additionally, As LCC was aware at the time of their Deadline 5 submission, the Applicant has agreed to an annual contribution to LCC for their attendance at monitoring meetings and this is included in the Unilateral Undertaking.
k) Road Safety Audits			
	46-48	<p>LCC has reviewed the Interim Stage 1 Road Safety Audit Response Report [REP4-151]. This document includes interim RSA's on the Local Road Network on drawings which now appear to have been superseded. Further, the Auditor comments have not satisfactorily been addressed by the Designer in their response. LCC has fundamental safety concerns including in the centre of Sapcote which are set out above.</p> <p>LCC would welcome a preliminary design freeze by the Applicant team to allow the Applicant to submit RSA briefs and supporting documentation for agreement and subsequent commissioning of RSA1's on the Local Road Network.</p> <p>LCC received the draft briefs for the Stage 1 RSA on 23 January 2023 at 10:12 and in consequence has not been able to review them prior to the hearing on 24 January 2023.</p>	<p>It should be noted that the design that was subject to the interim RSA has been updated in response to the items raised within the road safety audit as set out in the response report.</p> <p>The Applicant considers that the drawings included within the GDSR submitted at Deadline 5 (document reference: 2.29B, REP5-004) are suitable for a formal Stage 1 RSA and that given the proposals have been subject to an interim Stage 1 RSA and updated to suit, any further changes resulting from a formal safety audit would be minor in nature.</p> <p>The Applicant notes that there was a design meeting with LCC on 15<sup>th</sup> February, further to which updated Road Safety Audit briefs have been submitted to LCC (15<sup>th</sup> February). These were returned signed by LCC on 20<sup>th</sup> February and the Stage 1 RSA has been formally instructed.</p>
l) Traffic Modelling			
	49	<i>Effect of COVID-19</i> LCC set out its position in [REP4-181, pp.27-31, §1.11.24]. LCC summarised that response at the hearing. It is not repeated here.	The Applicant has provided previous responses to the positions quoted by LCC at response number 38 in Applicant's Response to LCC Deadline 4 Submission - Comments on any additional submissions received by Deadline 3 (document reference REP5-045).
	50	<i>Summary of position</i> LCC's view is that it is unlikely agreement will be reached on traffic modelling by the end of the Examination. LCC fundamentally disagree with the approach to M1 Junction 21/ M69 Junction 3 with regards to the displacement of traffic onto the LRN and the lack of mitigation proposed. Further, the junction specific models will need to be updated and revised following any changes resulting from the RSAs and any consequent changes to junction geometry.	As summarised above and in previous representations both in response to the LCC comments and detailed reporting submitted, the Applicant maintains that the approach taken to modelling is proportionate and relevant to the impacts of the scheme. Throughout the pre-submission, post-submission and the Examination process the Applicant has sought to address all technical points raised by the respective Highway Authorities- it is not the position of the Applicant to address underlying issues within the County's network and it is maintained that the access and off-site infrastructure mitigates the impact of the development and redistribution of traffic it induces. It is concurred that agreement is unlikely to be reached before the end of the Examination.
<b>Agenda item 5: Sustainable Transport Connections</b>			
a) Active travel			

Written submission of Oral Case  
 ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
	51	Asked by the ExA where the parties had got to since November 2023 in relation to Active Travel, LCC's response was that matters have gone backwards. LCC makes the following points:	
		(i) At ISH2, the Applicant undertook to provide 1:500 drawings of the Link Road but said that there was continuous pedestrian and cycling facilities on each side of the Link Road. LCC has now been provided with the drawings and they do not show continuous pedestrian and cycling facilities on each side of the Link Road. As such, pedestrians and cyclists will have to cross the Link Road in order to navigate it.	A drawing illustrating footway/cycleway provision on the link road has been provided, along with narrative within the Applicant's Written Submission of Oral Case for ISH 6 at Deadline 5 (document reference: 18.5, REP5-025)
		(ii) At a meeting in November 2023 with the Applicant, LCC highlighted a number of walking and cycling proposals that LCC would expect a development at this scale and in this location would provide. The Applicant committed to review these proposals. However, at the next meeting in December 2023 the Applicant rowed back from them.	It should be noted that within the Sustainable Transport Strategy and Plan most recently updated at Deadline 6, (document reference: 6.2.8.1D) it is clear that a number of potential walking and cycling enhancements were reviewed in line with the commitment to do so made at the November meeting referred to. At the December meeting referred to, far from having 'rowed back' from these, the Applicant brought forward three of these enhancements to be committed to within the Sustainable Transport Strategy and Plan (document reference: 6.2.8.1D). Further to this meeting, additional lengths of footway/cycleway facilities were added between Smithy Lane and M69 J2 based on comments made by LCC.
		(iii) Paragraph 8.13 of the Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan [REP4-054] states that "there is good cycle access to the site". However, paragraph 4.6 states that "Figure 5 shows that although there is cycle infrastructure in place in the area, the access to the site is relatively limited". The document appears to suggest that cycle provision to the site has been considered, with various options ruled out on the basis of cost viability etc. The evidence supporting these assumptions is in Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan appendices [REP4-053]. LCC is reviewing this information in more detail but it appears that LCC concerns do not appear to have been addressed.	A network of pedestrian/cycle routes are proposed throughout the site, which would connect to a footway/cycleway on the southern side of the A47 Link Road to provide direct cycle connections to Identified Hinckley Cycle Network via Route 5 (Figure of the STS) on Leicester Road. Connections would also be provided to Smithy Lane and Burbage Common Road. Additional enhancements have been investigated on the basis on scope for delivery and connection to the main population centres within a reasonable cycling distance from the site. As with other SRFIs, such as East Midlands Gateway where less than 1% of staff walk and less than 1% cycle, Circular 1/2022 (Paragraph 30) recognises that the requirement to be close to rail and strategic highways can often limit the scope to encourage significant numbers of active travel trips.
		(iv) The Applicant has looked at nine options of which it intends to take forward three. They are: Option 1 – Enhancement to Barwell, Toucan crossing on A47; Option 2 – Enhancement to Barwell, Gateway at The Common – filling in the gap – dropped curve and widening – 30/40m; and Option 8 – Enhancement to Hinckley and Burbage, New Cycle Lane to the B4669 between Smithy Lane and Wilkinson Avenue (i.e. not even to the Site itself). Furthermore, there is only commitment to deliver the above following occupation of 43% floorspace. This is an arrestingly small offer in the context of a scheme this size and where it relies on a reduction of 10-13% in use of car.	The Sustainable Transport Strategy and Plan submitted at Deadline 6 (document reference: 6.2.8.1D, is clear that the modal shift set out is <u>not</u> reliant upon the implementation of the cycling enhancements put forward. The Applicant has used evidence from other SRFI schemes, most notably East Midlands Gateway within Leicestershire to target sustainable transport in areas that are most likely to achieve modal shift such as car sharing and enhanced public transport. For clarity, the updated version of the Sustainable Transport Strategy and Plan (document reference: 6.2.8.1D) contains a commitments table with the relevant triggers and durations for each clearly set out.
		(v) Paragraph 5.25 of Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan States [REP4-054] states that the proposals will enable employees to walk to the site. However, it remains unclear what infrastructure is to be provided to facilitate these walking movements and this directly contradicts what was said by the Applicant at the hearing. If the Applicant is relying on walking to deliver the modal shift but recognises at the same time that walking is not "a realistic option", that must undermine the modal shift and that in turn undermines the junction modelling results and whether or not individual junctions required mitigation.	It is correct that the proposals will enable employees to walk to the site utilising the footway/cycleway infrastructure to be installed as part of the highway works associated with the development, and existing and enhanced footways and footway/cycleways beyond the development. The Sustainable Transport Strategy (document reference: 6.2.8.1D) and Plan is also clear, using evidence from East Midlands Gateway and other similar sites that it is unlikely that significant numbers of employees will choose to walk to the development (this is less than 1% of employees



Written submission of Oral Case  
 ISH6 – Traffic & Transport, and Noise

Applicants No.	No	LCC Further Submission	Applicant's Response
			at EMG) and as a result the focus of achieving modal shift is through commitments to car sharing, and public transport enhancements.
		(vi) LCC reconfirmed at the hearing that it cannot undertake to maintain the surface of the Outwood Bridge the design of which LCC has not been shown	Details of this have been provided to LCC by email on 6 <sup>th</sup> February and submitted at Deadline 5 (document reference: 2.32, REP5-006).
	b. Cycling		
	52	See above.	See response above
	c. Bus connections		
	53-55	<p>LCC position has not changed since its deadline 3 submission <b>[REP3-127]</b>.</p> <p>Paragraph 10.5 of Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan <b>[REP4-054]</b> states that bus provision is going to be secured by a requirement. This is not reflected in the draft Development Consent Order <b>[REP4-028]</b>.</p> <p>Neither is the offer contained in the Sustainable Transport Strategy and Plan clear, as the Applicant itself accepted in the hearing. LCC will review the updated Sustainable Transport Strategy and Plan now to be submitted in light of this concession at Deadline 5.</p>	<p>Bus connections are committed in the Sustainable Transport Strategy (document reference: 6.2.8.1D), which is secured by requirement, and this is reflected in the summary table of Commitments included in the latest version of the Sustainable Transport Strategy. This has been produced to reflect comment by the ExA at ISH6.</p>
	d. Car sharing		
	56	<p>The Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan states <b>[REP4-054]</b> at paragraph 5.24 that a car passenger modal share of 12% is achievable, however, it is not clear if there is a commitment to achieving this figure and otherwise securing the modal shift. The short point is that car sharing feeds directly into the modelling and from there junction impacts and mitigation. The lack of clarity around car sharing has potentially wider implications for the validity of the assessment of the Scheme as a whole.</p>	<p>The 12% car sharing target is rooted in observed mode share at EMG- commitment to achieving mode shift targets has been further clarified in the latest version of the Sustainable Transport Strategy (document reference: 6.2.8.1D). This is a ten-year target and is to be reviewed on an annual basis.</p> <p>Modelling has been based on a worst case (with no reductions due to car sharing) as has been communicated with the TWG throughout the pre-submission process. This does not invalidate any of the assumptions made as infrastructure interventions are based on the highest likely impacts to be experienced in the 2036 horizon year.</p>