

Your ref: TR050007
My ref: DCO/TR050007/HinckleySRFI



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Mr R Jackson
Planning Inspector
National Infrastructure Planning
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27th February 2024

Dear Sirs

**TR050007 Hinckley SRFI – Warwickshire County Council (20040686)
Comments on Documents Requested to be Submitted by Deadline 7**

Further to the most recent Rule 8 Letter dated 23rd November 2023 and the Rule 17 Letter dated 20th February Warwickshire County Council (WCC) would like to submit comments as set out below:

Rule 17 Letter – response re Planning Obligations

Section 106 Agreement (doc ref 9.1B)

The s106 bilateral agreement includes landowners, developer, and mortgagees Hinckley Borough Council and Blaby District Council as parties. There is no reference to Warwickshire County Council (WCC), and Hinckley and Blaby are described as the LPA's for the "Obligation Land". As this land is not within Warwickshire then it is understood that WCC should not be included as WCC are not the LPA or LHA and have no authority to carry out any enforcement action should it be necessary. Therefore WCC do not have any comments to make in relation to the drafting of this agreement.

However, WCC do consider that should contributions be required in order to mitigate for development impacts, and where the obligations require more than one party to deliver them, then these obligations should be included with the s106 agreement as opposed to a Unilateral Undertaking. Such an example would include any contributions for the Gibbet Hill junction.

Unilateral Undertaking (Doc ref 9.1)

The s106 unilateral agreement is drafted such that obligations are given by landowners/developer/mortgagee to Leicestershire County Council (LCC). Warwickshire County Council (WCC) are not a party but there is reference within the

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agreement to the Gibbet Hill Contribution and its payment to WCC. Therefore WCC would be reliant on LCC to enforce if the contribution was not paid in accordance with the agreement.

The agreement prevents occupation until the Gibbet Hill Contribution has been paid to Warwickshire County Council (“WCC”) in full. It is WCC’s understanding that this sum still has to be agreed with National Highways. However as it is National Highways and not WCC who will be responsible for delivering the highway works and improvements to the Gibbet Hill roundabout, there is no obligation within this document to ensure that the contribution is then paid to National Highways. On this basis WCC are of the view that this schedule should be amended so that the Gibbet Hill Contribution is paid to National Highways.

The Gibbet Hill Contribution Purpose is defined as “*highway works and improvements to the part of the road network within Warwickshire known as Gibbet Hill roundabout*”, whilst this is a general definition and a more detailed description would be preferred it is understood that this is not possible at this time. However if the National Highways scheme should prove to not be deliverable for some reason, then the fall-back position should either be the delivery of the scheme of works shown to mitigate for the impacts of the proposed development, or some other scheme which the Highway Authorities are satisfied will also mitigate for the development impacts.

Comments made by the Applicant at D6 to our D5 submission are attached with our updates in green font.

Any remaining comments in respect of the HGV Route Management Strategy (doc ref 17.4), the Sustainable Transport Strategy (doc ref 6.2.8.1) and the Construction Environmental Management Plan (doc ref 17.1) will be provided at Deadline 8 as part of the overall position summary. It is understood that updates to these documents will be submitted by the Applicant and extensive comments have already been provided on these documents.

Yours faithfully

A solid black rectangular box used to redact the signature of Joanne Archer.

Joanne Archer
Delivery Lead Planning & Highways Development Management