

Tritax Symmetry (Hinckley) Limited  
**HINCKLEY NATIONAL  
RAIL FREIGHT INTERCHANGE**

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**The Hinckley National Rail Freight  
Interchange Development Consent Order**  
Project reference TR050007

**Applicant's response to Deadline 6 Submissions [part 7 -  
Parish Councils]**

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**27 February 2024**

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Planning Act 2008

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

Elmesthorpe Parish Council Comments on any additional submissions received by Deadline 5

Comments	Applicant's Response
<p>2.4. The pumping station in Bostock Close is immediately next to residential homes. When the pumping station is being worked on by STW it causes direct disruption to residents and impacts those working from home, sleep and general enjoyment and amenity of homes and gardens.</p> <p>2.5. The main sewer line that services the majority of the village runs parallel to B581 Station Road, from the A47 Clickers Way to Bostock Close pumping station, and is only accessible via entry to resident's rear gardens along Station Road. Any work required to the main sewer line will directly impact residents and include disruption and potential damage to private property.</p>	<p>2.4 The operation and maintenance of the pumping station in Bostock Close is the responsibility of STW. HNRFI are connecting into the existing public sewer network within Burbage Common Road</p> <p>2.5 Noted, however these are public sewers, owned and maintained by STW.</p>
<p>2.6. Similarly in situations where the foul drainage system is overwhelmed, it will directly impact those residents along Station Road B581 and Bostock Close.</p> <p>2.7. Elmesthorpe Parish Council agrees with the Applicant that STW will need to undertake mitigation works to deliver an effective solution. We ask that the Examining Authority considers the extra disruption that residents will face as a result of the essential work that STW will need carry out, that will be directly associated with accommodating the HNRFI proposal should it be approved.</p>	<p>2.6 If required, STW will undertake any upgrades to their assets.</p>
<p>3. Construction Hours</p> <p>3.1. Elmesthorpe Parish Council welcome that there is to be no construction on Sundays, bank holidays or public holidays.</p> <p>3.2. Construction hours are indicated as being 7am-7pm Monday-Friday, 7am-1pm (3pm for Earthworks) Saturday.</p>	<p>Construction Hours have been agreed with Blaby District Council and Hinckley and Bosworth Borough Council</p>

<p>3.3. Taking into account the provision that “deliveries, movements to work, maintenance and preparation works” are able to be done an hour either side of these times, this effectively renders the active hours on site to 6am-8pm Monday-Friday, 6am-2pm (4pm for Earthworks) Saturday</p>	
<p>3.4. The list of caveated works that are permitted outside of these works are so broad they could encompass nearly all types of construction</p>	<p>These items have been agreed with Blaby District Council and Hinckley and Bosworth Borough Council and are standard for this type of development. The caveated works are not broad, but allow particular elements to be undertaken in certain circumstances.</p>
<p>3.5. Elmesthorpe Parish Council is concerned that when considering point 3.4 there is very little reassurance, respite or protection for the residents of Elmesthorpe against relentless construction and associated noise for a period of 10+ years.</p>	<p>Earth bunds will be formed as part of the earthworks phase of the scheme, which form part of the noise mitigation.</p>
<p>3.6. Elmesthorpe Parish Council supports the ExA’s request at EXQ2 2.5.5 with regard to Acoustic Barrier phasing during Construction. The applicant’s response asserts that these are only required for when the element is operational however building acoustic barriers in the same phase as the element being constructed would offer further protection to the residents of Elmesthorpe for noise associated with the construction works.</p>	<p>The acoustic barriers are required for and have been designed to reduce noise from the operational phase of the HRNFI and not construction noise. Noise mitigation for the construction phase will be determined at the appropriate time once a contractor is on board and is secured through the CEMP (document reference: 17.1A).</p> <p>The new Requirement 4(4) deals with the phasing of the acoustic barriers and secures the provision of those barriers at the appropriate phase, and has been inserted for clarity as per the Applicant’s response to the ExA’s commentary on the DCO (requirement 27) (document reference 3.5, REP6-004). .</p>
<p>4. Visual Impact</p> <p>4.1. Elmesthorpe Parish Council highlighted, at Deadline 5, the confusion surrounding Viewpoint 20 in the document 6.3.11.12a Hinckley NRFI ES Figure</p>	<p>As noted in the Applicant’s Deadline 6 Response, the change in angle between the daytime and night-time view is noted. This was not intentional and is the first time the discrepancy has been brought to the Applicant’s attention. It does not, however, change</p>

<p>11.12 Night-time Views and Photomontages. Photo Viewpoint 20 is the view from the M69 bridge B581. Standing on the M69 bridge on the B581 as per the daytime photomontages viewpoint 20, would show significant change at night. With the current error or omission in information supplied, no one is able to assess the massive scale of change in the character of the area, or the effect of the lighting on those living just 300-350m from the site itself on Stanton Lane (B581/Burbage Common Road junction). We remain interested to see this image once it had been corrected, and reserve our representations on this matter until that time</p>	<p>the nature of the assessment which does take into account the broader view as well as the impact of the motorway at night, the fleeting nature of the view from the bridge and the nature of the receptors, for these reasons this view will not be updated further.</p> <p>With regard to those living in the vicinity, the residential assessment identifies a higher significant effect on those living on the B581 to the east of the M69 (see Residential Assessment No 6, Appendix 11.6 - document reference: 6.2.11.6, REP4-063) and those living on the B581 west near the Burbage Common Road Junction (see Residential Assessment No 7, Appendix 11.6 - document reference: 6.2.11.6, REP4-063).</p>
<p>5. Noise</p> <p>5.1. Elmhurst Parish Council are very interested to learn more about the Soft Dock technology, which we are expecting to receive information on in the publication of Deadline 6 documents. We reserve right to comment on this until that time</p>	<p>A response has previously been provided for this at Deadline 6 - 6.7 of the written summary of BDC's oral case for Issue Specific Hearing 6 (ISH6) (document reference: 18.19, REP6-018). It is reproduced below for clarity.</p> <p>The Applicant has obtained further information regarding source noise measurements undertaken by another acoustic consultancy (Vanguardia Limited) on 24th February 2022 for soft dock technology at East Midlands Gateway. The measurements specifically relate to 'Eco' reach stackers but would also apply to gantry cranes adopting the same technology.</p> <p>Units employing soft dock technology showed significant improvement in the impact noise associated with engaging the twist locks during a lift operation. The units have several features that have assisted in this respect, including:</p>

	<ul style="list-style-type: none"> <li>• Lifting gear-mounted cameras that allow the driver to properly align the twistlocks with the container corner casting holes;</li> <li>• Automatic sensors that slow the downward motion of the lifting gear twist locks just as they are engaged into the container; and</li> <li>• Toughened plastic twistlock seating pads that prevent metal-to-metal contact when lifting the container.</li> </ul> <p>The observations from consultant in attendance were that the technology virtually eliminated the ‘bang’ produced during the lifting portion of the container movement. This will therefore significantly reduce the number of occurrences of impact noise levels.</p> <p>The Applicant has also added to Requirement 26 some specific wording to ensure that details of this technology will be submitted to the relevant planning authority.</p>
<p>5.2. Elmesthorpe Parish Council requested information regarding train-scheduling assumptions from the Applicant on 23/01/24 ahead of ISH6. Information was received on 06/02/24 however only assumptions for Eastbound trains were provided so further information was requested. A response was received from the Applicant on 09/02/24 and advised that, “At the moment we have only produced indicative train times from the East...Our assumptions for trains travelling west from HNRFI are for 6 trains in each direction when the terminal is at full capacity. Whilst the indicative times for these trains are not yet known...Once the terminal is open, the train operators will apply for specific paths on the route based on freight demand.”</p>	<p>The Rail Report (document reference: 6.2.3.1, APP-131) identified capacity for 6 trains each way to and from the west of HNRFI.</p> <p>The assessment did not go into the same detail on pathing as it did for the paths through Narborough, east of Elmesthorpe. The greater detail at Narborough related to evidencing the likely impact on its level crossing downtime.</p>
<p>5.3. Elmesthorpe Parish Council is grateful for the responses from the Applicant and understands that definitive pathways will not be confirmed until</p>	<p>BS4142:2014+A1:2019 Method for rating an assessing industrial and commercial sound requires operational noise associated with</p>

<p>occupiers are found for the warehouses. However, we uphold that some assumptions must have been made in order for the applicant to model noise during daytime and nighttime periods, peak traffic flows and other associated effects.</p>	<p>the Proposed Development to be assessed over a 1-hour period during the daytime and 15-minute period during the night-time. The assessment assumes one train per 1-hour/15-minute period for the daytime and night-time respectively. For HGV movements, the number of movements is based on the worst-case hour during the daytime and worst-case 15min period during the night-time. I.e those periods where the highest number of trips are predicted.</p> <p>The operational phase modelling inputs and source data is agreed through the Statement of Common Ground with BDC and HBBC.</p>
<p>5.4. Similarly if assumptions were able to be made for demonstrative purposes on the effect on Narborough Station, then the same should have been done in consideration of the whole operational effect on the residents of Elmesthorpe.</p> <p>5.5. Elmesthorpe Parish Council are concerned that without this information, even assumptions on a worst case basis, it impedes our ability to inform our understanding regarding anticipated timing for peak train and operational noise; particularly at night. Therefore, we are unable to properly represent our village in the effect of train noise on residents to the fullest of our abilities</p>	<p>The western connection to HNRFI is c1.7Kms from Elmesthorpe and trains on the mainline will not pass closer to Elmesthorpe ,as they will be coming and going via Hinckley – being further away, not nearer, Elmesthorpe.</p> <p>The operational effects of the terminal, sitting between the western and eastern connections has been assessed.</p>
<p>5.6. The list of caveats applied in the dDCO with regards to noise nuisance associated with construction and operation are extensive and all encompassing.</p>	<p>The Applicant is unsure which caveats are being referred to but assumes this is a repetition of the PC’s comments in respect of the construction hours and refers to its responses in this regard.</p> <p>The inclusion of the statutory defence to nuisance in the DCO (document reference: 3.1D) is standard in most DCO and important to provide certainty to the undertaker that the development which has been assessed, examined and authorised due to its national significance will not be impeded so long as it is being constructed</p>

	<p>and operated in accordance within the parameters and restrictions pursuant to which it has been authorised.</p>
<p>6. ProW</p> <p>6.1. The Applicant responded to our answer to the EXA's EXQ1.0.4 with regards to Equalities Impact Assessment. They highlighted that we did not detail in our response which specific protected characteristics could be impacted by extending PRow routes. We apologise for this omission and wish to further qualify here.</p> <p>6.2. EXQ1.0.4: "Equality Impact Assessment Could all interested parties provide the Examination with their views as to how the Proposed Development would affect any person with any protected characteristics set out in section 4 of the Equality Act and whether it would (in line with s149 of this Act): a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."</p> <p>6.3. Relevant excerpt from Elmesthorpe Parish Council's original response to EXQ1.0.4: "It is a concern that by extending the distances of the PRow routes, the Applicant is actually exacerbating access for persons who share a relevant protected characteristic. This will be further expanded upon in our response to 1.11.32</p> <p>6.4. A detailed response to the effect of the considerable extension to the PRow routes and also the effect on the amenity value of the alterations to</p>	<p>Thank you for clarifying which protected characteristics Elmesthorpe Parish Council believe are impacted by extending the PRow.</p> <p>It is still unclear however, why this constitutes an Equality Impact. To clarify:</p> <ul style="list-style-type: none"> <li>a) The extension of the PRow does not constitute any illegal discrimination to any protected characteristic, where everyone using the PRow will experience the same change, and there is no discriminatory loss of access or accessibility.</li> <li>b) The protected characteristic that Elmesthorpe Parish Council highlight, is not evidence of illegal discrimination, but those protected characteristics who the Parish Council believe may have a disproportionate sensitivity to change, of which mirror those already assessed in the Equality Impact Assessment, alongside the scale, nature and significance of the change. This is not considered by Elmesthorpe Parish Council in their response.</li> </ul> <p>On this basis, the Applicant stands by its position that there is no equality impact. As per parts a, b &amp; c of the s149 Equality Act test:</p> <ul style="list-style-type: none"> <li>a) There is no illegal discrimination from any aspect of the project. Elmesthorpe Parish Council concur with the protected characteristics already identified as sensitive to</li> </ul>

PRoW routes was included at EXQ1.11.32. We will not repeat the entire response again.

6.5. For clarity, we have detailed the protected characteristics we believe would be affected here. The characteristics that are protected by the Equality Act 2010 are:

- age. AFFECTED
- disability. AFFECTED
- gender reassignment. NOT AFFECTED
- marriage or civil partnership (in employment only) NOT AFFECTED
- pregnancy and maternity. AFFECTED
- race. NOT AFFECTED
- religion or belief. NOT AFFECTED
- sex. NOT AFFECTED

change, and assessed accordingly, and no evidence of illegal discrimination has been provided by any party.

- b) Opportunities to advance equality have been explored through design, and include permissive routes through the HNRFI site, including an underpass of the rail chord serving the rail connected buildings. These permitted routes supplement the new PRoW's that maintain connections to amenities, facilities and social networks.
- c) Opportunities to foster relationships between those with and without protected characteristic have been explored through inclusive design (i.e. design that facilitates open to all).

The Public Sector Duty for Due Regard has also been clearly met, where an Equality Impact Assessment has been provided, no gaps have been identified and no evidence to the contrary provided by any party.

The Inspector has further requested that all interested parties provide the Examination with their views as to how the Proposed Development would affect any person with any protected characteristics set out in section 4 of the Equality Act.

This forms a final prompt to interested parties and a gap analysis for the Inspector to consider in the deliberation.