

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 6 Submissions [part 5- Non-Statutory Bodies]

Document reference: 18.20

Revision: 01

27 February 2024

Planning Act 2008

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

Comments	Applicant's Comment
HINCKLEY RAIL FREIGHT TERMINAL Comments for Deadline 6 CPRE Leicestershire Unique Reference: 20038675 (With Sapcote Parish Council (UR 20039514)) February 2024	
1. Introduction	
1.1 It has been prepared jointly to address a few selected issues where we consider additional comments to our existing statement may be helpful to the examining authority	Noted
1.2 It has been prepared jointly to address a few selected issues where we consider additional comments to our existing statement may be helpful to the examining authority	Noted
1.3 We have already made some comments in relation to the four issues below and do not seek to repeat those in detail but to address new material	Noted
1.4 We would also ask the Inspectors to note that none of these documents address our original concerns.	Noted
2. HGV Routing TR050007-002151-17.4C Hinckley NRFI HGV Route Management Plan and Strategy TR050007-002149-17.4C Hinckley NRFI HGV Route Management Plan and Strategy (Appendices)	
<p>2.1 The Deadline 5 submission include a new Route Management Strategy (RMS) and an appendix which shows updated camera locations.</p> <p>2.2 There are a number of further changes to the previous RMS (which we commented on at Deadline 4) which give us concern about whether in practice HGVs will be prevented from using unsuitable roads and what opportunity local residents will have to prevent a rise in HGVs in villages such as Sapcote.</p> <p>2.3 The first significant change is in Para 5.1 where Parish Councils will no longer be on the steering group that monitors the RMS but 'Reports can be forwarded to parish councils as appropriate'. The term 'as appropriate' is not defined so it is not clear that parish council will receive information which will allow them to fully assess the impact of development and diverted HGVs.</p>	Parish Councils will be forwarded a copy of a HNRFI HGV Strategy Review report if there is a breach in their Parish. This has been clarified in the HGV Route Management and Strategy, paragraph 6.1 and 6.61, submitted at Deadline 7 (document reference: 17.4E)
2.4 They will also be one step removed from any discussion of measures to deal with HGVs going through their villages unless they are included in the steering group.	The Parish Councils will be consulted upon for any stage 3 mitigation measures proposed in their villages. This has been clarified in the HGV Route Management and Strategy, paragraph 6.57, submitted at Deadline 7 (document reference: 17.4E)
<p>2.5 Then, according to Para 5.19: The system will compare all number plates of vehicles from the seven off-site ANPR cameras with those at each HGV entrance to HNRFI.</p> <p>2.6 This has been raised from four but the additional cameras are some way off, close to Magna Park. Indeed, some may actually be existing cameras.</p>	The location of cameras has been communicated with the highways authorities including Warwickshire County Council. All of the proposed ANPR cameras are new cameras
2.7 In terms of the Eastern Villages there would be a single camera location on the B581 and one on the B4669. However, the camera on the B4669 is between the M69 and Stanton Lane. The modelling suggests a significant number of HGVs would use Stanton Lane (as we have previously discussed) making it hard to definitively show from camera data the number of HGVs going through Sapcote	The ANPR cameras would pick up HNRFI HGVs going through Sapcote. A commitment in the HGV Route Management Plan and Strategy (document reference 17.4E) Secures the monitoring of. Background HGV traffic levels. This will be measured and reported to the HGV Strategy Steering Group on an annual basis and will inform whether triggers for further traffic management are met If this is the case then £200,000 of funds are available through the commitments to implement measures, which are set out in the HGV Route Management Plan and Strategy.

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<p>2.8 According to Para 5.24: In addition to the local Planning and Highway Authorities, the parish councils of Sapcote, Stoney Stanton, Wolvey and Pailton will also be provided with the contact details of the nominated individual working on behalf of the Site Management Company- the Travel Plan Coordinator to enable specific concerns to be raised and investigated. The contact details for this nominated individual will be displayed on the HNRFI website, along with reporting mechanisms at the County Councils.</p> <p>2.9 Para 5.25 goes on to say: In addition to the monitoring of HGVs to and from the development, overall HGV traffic will be measured on the B581 through Stoney Stanton and the B4669 through Sapcote using the ANPR cameras. This will be undertaken on a quarterly basis and reported as part of the HGV Route Management Plan & Strategy.</p> <p>2.10 However, without clear evidence of how many HGVs are actually going through Sapcote and with no certainty what information Parish Councils will be given, this does not provide us with reassurance, especially since, as discussed below, averages are now proposed.</p>	<p>The number of HGV's going through Sapcote will be measured quarterly, the reporting of this monitoring will be shared with Sapcote Parish Council, this has been updated in the HGV Route Management Plan and Strategy, paragraph 6.1 and 6.61, submitted at Deadline 7 (document reference: 17.4E).</p> <p>See above</p>
<p>2.11 Para 5.51 considers where breach points occur and what will happen. The sum of the HNRFI peak hour trips is approximately 10.2% of the daily generation. This has been used to estimate daily flows in the villages based on PRTM peak hour flows. These have then been used to set out suggested trigger points for the HNRFI in terms of daily breaches. The maximum one-way HGV flows that could use routes through Sapcote, Stoney Stanton, Wolvey and Pailton on a typical weekday when the whole development has been built out have been considered and are shown in Table 4. Based on these figures, the HGV Routing Strategy will be considered to have failed if more than those breaches are recorded on an average day. The process will then be escalated to Stage 3 and the Strategy Panel will assess the HGV Routing Strategy and revise it.</p>	<p>Breach figures have been updated in the HGV Route Management Plan and Strategy submitted at Deadline 6 (document reference: 17.4D, REP6-015) and carried through to Deadline 7 (document reference: 17.4E). These were originally set according to percentages of the expected flows. However, this was not deemed onerous enough to deter drivers from the route. The revised figures are absolute and averaged across the three-month reporting period, though monitoring will enable focus on specific days, should multiple breaches be recorded.</p> <p>Correct</p> <p>Monitoring is recorded in detail on a quarterly basis. Further review on data for days when congestion of breaches are much higher will be assessed in the reporting. This will help to understand patterns which will need to be addressed.</p>
<p>2.12 The expected HGVs through the villages has not changed according to Table 4, but the level of breach appears to have been reduced dramatically to 10 HGVs in all the villages. However, such a comparison would be misleading because Para 5.51 has critically changed the criteria from a single breach to an average breach.</p>	
<p>2.13 The new Para 5.54 explains that: The thresholds need to be breached on an average daily flow across the reporting period to be escalated to the next stage.</p>	
<p>2.14 From this, we can assume the average period would be, in accordance with Para 5.25, over the quarterly monitoring period although the text is not specific about that.</p>	
<p>2.15 That would imply taking an average over 90 days which potentially waters down any issues. One would expect breaches to be much more likely during congested periods, for example weekdays. More serious breaches would also be particularly likely if there is congestion or a restriction on the strategic highway network. In other words, averaging breaches, means that there may be days when there are very serious breaches which are masked by the average.</p>	
<p>2.16 A second problem then arises in how average breaches will be counted if they are only being considered over the reporting period. If the breach average is only counted once it would take 2.5 years to reach 10 breaches in Sapcote based on an 'average' breach every quarter.</p>	

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<p>2.17 Furthermore, if applying this as a restraint on an individual company there is the further consideration that they may use the B4669 on specific days but not others, so may send high numbers of HGVs down that route on one day a week or month, but not meet the average criteria because they do not do it every day.</p>	<p>It is average daily breach.</p>
<p>2.18 In other words, the use of averages, the camera location and the uncertainty in the role of Parish Councils, as well as the already discussed limitations on local authority enforcement powers and time, give us continued cause for concern about whether it will be possible for local people to effectively raise concerns about development HGVs through the villages, let alone non-development HGVs diverted through villages, such as Sapcote, as a result of the changes to the road network.</p>	<p>As per point 2.15 above.</p>
<p>2.19 And, even if the problem is acknowledged, it remains unclear what, if anything, will be done about it. Assessing the HGV Routing Strategy and revising it does not guarantee that an effective solution is available.</p>	<p>The Travel Plan Co-ordinator will have responsibility for reporting to the local authorities in order to minimise the burden on the public purse. Contacts details for the Travel Plan Coordinator will be provided for local people and Parish Councils can express concern about HGVs. As above the document has been updated to confirm that copies of the reports will be provided to Parish Councils.</p>
<p>2.20 These most recent changes to the RMS have not, in our view, resolved the issues we raised in our Deadline 4 submission, but may have made it harder for any effective action to be taken to control HGV breaches.</p>	
<p>2.21 This is, of course, a matter of serious concern to villagers on local road, particularly Sapcote residents who are predicted to see large increases in traffic, particularly HGVs, as a result of these proposals or by the construction of the slip roads necessitated by them.</p>	<p>The HGV Route Management Plan and Strategy (document reference: 17.4E) explains that the consequence of breaching the plan will result in fines. Fining operators disincentivises them from using prohibited routes and is an accepted approach for such developments and has been successfully implemented recently at Redditch Gateway. Routing plans and communication strategies are set out in the Table of Commitments.</p>
<p>2.22 In this regard it is also important to stress that the relevant requirement in NPPF is that access routes are 'safe and suitable'. This applies on all occasions while an activity is in operation. This was well-articulated in the conclusions of the Planning Inspector at the Roseacre Exploratory site² who refused permission on traffic grounds: Whilst the actual duration of the highest HGV flows would be relatively short, the volume and percentage increases in HGV traffic, in particular the OGV2 vehicles, that would arise at those times would be high. This, combined with the deficiencies of the route, would be likely to result in a real and unacceptable risk to the safety of people using the public highway, including vulnerable road users. The selected route is therefore unsuitable for its intended purpose. (Para 12.449)²</p>	
<p>2.23 While clearly the matters at issue were very different in that case, the conclusion in principle was clear that high HGV flows on a route with safety deficiencies which at the same time represented a risk to the safety of the public (and particularly vulnerable users), would fail the NPPF test.</p>	<p>The B4668 through Sapcote is a designated HGV route, as recorded within LCCs Network Management Plan. It is therefore an existing suitable access route with no structural or environmental weight restriction on it. The HGV Route Management Plan and Strategy (document reference: 17.4E) is intended to restrict HNRFI development traffic from using the identified route. The ANPR technology also permits monitoring of background traffic to quantify any increases and subsequent interventions, alongside a £200,000 commitment to fund further mitigation measures should they be agreed to be necessary by the HGV Route Management Strategy Steering Group. Parish Councils will also be consulted upon for any stage 3 mitigation measures proposed in their villages .</p>
<p>2.24 We contend that the deficiencies in Sapcote and the failures in mitigation mean the route breaches that NPPF test and reliance on average testing only accentuates those inadequacies.</p>	<p>The reference to a particular appeal decision relating to development in Preston Lancashire is of no assistance to the Examining Authority because the impact of traffic arising from that development is particular to the proposed development and specific site circumstances. Neither of these issues is known to the ExA. TSL through its specialist consultants BWB has prepared a comprehensive transport assessment as to the impact of traffic arising from HNRFI on the surrounding highway network. The fact the development will generate additional traffic movements on the surrounding highway network does</p>

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	<p>not equate with a contention that highway safety will be prejudiced. No party has presented cogent evidence to contest that the traffic movements associated with HNRFI will create unsafe highway conditions.</p> <p>The Applicant disagrees with the respondent's comments, and contends that with the access infrastructure, mitigation packages, the commitments within the Management Plans and the provision of on-demand bus services to the Eastern Villages, that the HNRFI has provided a proportionate response to its impact on highway safety and suitable access for all users. The residual cumulative impacts on the road network are not severe, which complies with the NPPF (paragraph 115).</p>
<p>3. Sustainable Transport TR050007-002143-6.2.8.1C Hinckley NRFI ES Appendix 8.1 Transport Assessment [Part 15 of 20] Sustainable Transport Strategy and Plan TR050007-002146-6.2.8.2C Hinckley NRFI ES Appendix 8.2 Framework Site Wide Travel Plan [part 1 of 4]</p>	
<p>3.1 The updated Sustainable Transport Strategy includes a new opening section entitle commitments:</p>	
<p>3.2 Para 1.9 states that: Many options are already available to cyclists travelling to Hinckley, Barwell and Earl Shilton, however the enhancements identified provide alternatives and additional options for cyclists. The STS satisfies National policy for sustainable travel without these additional enhancements however the applicant in seeking to work collaboratively with the LHA have explored further cycle enhancements and identified three schemes which can be progressed through this Sustainable Transport Strategy.</p>	<p>Noted- the enhancements are to provide commitment to improving mode share for cyclists as the development is built out.</p>
<p>3.3 This is echoed in the new Para 8.1 of the Travel Plan: 8.1. As can be seen from Figure 5-4 many options are already available to cyclists travelling to/from Hinckley, Barwell and Earl Shilton. Three viable enhancements have been identified over and above the proposed infrastructure that could be delivered within public highway, but are subject to post DCO consent detailed design, being within highway boundary and technical approval. The enhancements identified provide alternatives and additional options for cyclists. The STS satisfies National policy for sustainable travel without these additional enhancements however the applicant in seeking to work collaboratively with the LHA. 8.2. These additional enhancements are: • Option 1 – Enhancement to Barwell, Toucan crossing on A47 • Option 2 - Enhancement to Barwell, Gateway at The Common • Option 8 – Enhancement to Hinckley and Burbage,</p>	<p>Noted</p>
<p>3.4 A number of options have been identified and the STRAVA data (as previously discussed) supports those but the new options are limited, especially in relation to the Eastern villages. What the text still does not acknowledge is the disincentive to cycle on routes where there are significant traffic increases.</p>	<p>The primary focus of the STS has been to identify appropriate non-car modes for a number of users and destinations. The DRT provision and Car Share is a major focus for settlements that sit at or beyond the 5km catchment but have lower populations when compared with Hinckley and Barwell. The cycle infrastructure enhancements are focused on where they are likely to achieve the biggest mode share and are typically segregated from the main carriageways providing safer cycling routes.</p>
<p>3.5 Both paragraphs refer to these 'additional enhancements' but not increased actual cycling.</p>	
<p>3.6 We consider the result of these proposals will be a significant disincentive to cycle on more-congested routes.</p>	
<p>4.0 Modelling TR050007-002127-18.18 Hinckley NRFI M1 J21 Modelling Note</p>	
<p>4.1 This note takes flows derived from a traffic model that is designed to take account of the limited capacity of links and junctions. The modelled flows therefore reflect this by showing very minor changes where congestion is severe. It notes that background traffic will have been displaced to other routes.</p>	<p>The M1 J21 Modelling note provides a summary of the key congestive impacts. This has assessed the observed and forecast flows with commentary on each to be read in conjunction with the information provided within the Transport 2023 Update (document reference: 18.13.2, REP4-131). Its conclusions remain unchanged from the original submission documentation.</p>
<p>4.2 It refers to recent traffic counts of observed traffic. Observed traffic counts will also reflect the congested nature of the junction and obviously do not take account of any currently displaced traffic or</p>	

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<p>the traffic that will be added to the road network in future years as a consequence of existing commitments and other factors.</p>	
<p>4.3 There are no known proposals to change the M1, the M69 or Junction 21. Previous proposals are not being progressed.</p> <p>As a result, this latest modelling still does not give us comfort about the operation of this junction or surrounding roads.</p>	
<p>5.0 Rail Report TR050007-002158-NRIL - Summary Rail Report v4.2</p>	
<p>5.1 We note that this report (prepared and approved in October 2023) still only looks at the section of railway between Wigston and Nuneaton which means it cannot address constraints beyond that.</p>	<p>Please see the response to 5.5 below.</p>
<p>5.2 Para 7.9.4 refers to a Midland Connect report which says there is consideration of a 53km section of the A5 between M1 and M6. It says it understands that this has a completed the Strategic Outline Business Case (SOBC) stage.</p>	<p>Noted. This is a highway scheme not a railway scheme.</p>
<p>5.3 Para 7.9.5 states that the form of this scheme is unclear but it assumes this is likely to be a dual carriageway. However, CPRE is not aware of any proposals to reconstruct the A5 Watling Street railway bridge near Padge Farm with the capability to take a dual carriageway.</p> <p>5.4 Anyway, the existing M69 Junction 2 and many other roads would become very congested if the A5 was dualled.</p>	<p>Should the highway scheme be dualled, the Applicant understands that Network Rail has assessed that the necessary bridge infrastructure to accommodate dualling can be constructed without a significant adverse impact on HNRFI's operation. Whether it is dualled is a matter for others, not Network Rail or the Applicant.</p> <p>Dualling is being reviewed by National Highways, but at this stage is not in the Road Investment Strategy.</p>
<p>5.5 In Para 9.2.5 the report: Recognises the aspirations to improve capacity in the Leicester corridor over time. This includes 4 tracking through the corridor, grade separation at Wigston, doubling of Syston south chord. This work is not currently a committed scheme and is undated.</p> <p>5.6 In other words, the report fails to consider whether crossing the busy MML at Leicester and the ECML at Peterborough are likely to be a problem. We suggest this may need to be reconsidered in the light of recent decisions regarding HS2.</p>	<p>Network Rail has identified aspirational enhancements to the Network but assessed the overall deliverability of rail paths within the current working timetable. That is why it has identified the limited availability for freight paths during the morning and evening peaks, when the referenced junctions will be at their busiest.</p> <p>The recent decision to cancel Phase 2 of HS2 has led to early investment being made available for schemes such as at Eley, on the Felixstowe to Nuneaton line to increase capacity on this key strategic freight route, which connects directly to HNRFI. The impact of HS2's cancellation has been considered and it, along with the subsequent announcement of the works at Eley and the Freight Growth Target, reinforce the importance of HNRFI to Network Rail and Great British Railways Transition Team.</p>