

**Hinckley & Bosworth Borough Council**  
**Interested Party Reference Number:**  
**20039546**

**Deadline 8 Submission:**  
**Hinckley & Bosworth Borough Council**  
**Final Summary**

**Application by Tritax Symmetry**  
**(Hinckley) Limited for an Order**  
**Granting Development Consent for the**  
**Hinckley National Rail Freight**  
**Interchange**

**(ref. TR050007)**

## **1. Introduction**

1.1 Hinckley & Bosworth Borough Council is an Interested Party (20039546) in the examination of this Nationally Significant Infrastructure Project (NSIP). Part of the development – the Link Road to the north west of the railway line and some off-site junction improvements and some sustainable transport measures are within the Borough boundary. The Council is also an Affected Person as it owns land at Burbage Common which is the subject of compulsory acquisition proposals.

1.2 The Council has taken a proactive role in every stage of the project from pre application through to the end of the examination; engaging in offering information and opinion to the Examining Authority (ExA), inputting into an agreed Statement of Common Ground with the applicant, attending and inputting at all the hearings and agreeing the content of the proposed s106 agreement. The Council welcomes this opportunity to provide a final summary of its position following the examination of the project.

## **2 The Adequacy of Consultation**

2.1 The Council submitted its adequacy of consultation statement in March 2023 (AoC-005). The Council set out its reasons why it felt that the consultation fell short of what was expected for a NSIP proposal. The Council's view was that the consultation was incomplete, inaccurate and vague and that there was information left outstanding, despite requests for it to be provided. On this basis the Council considered the consultation inadequate.

2.2 The Council fully understands that this matter is not for consideration as part of this examination, but nevertheless wanted to make the point that having submitted its response as required, in its notification of its decision to accept the application (PD-001) the Planning Inspectorate offers no explanation of its decision to accept the application in the face of the inadequacy of consultation set out by the Council and others and the Council considers that this absence of detail undermines the transparency of that part of the process.

### **3 The Relevant Representations**

- 3.1 At the pre-examination stage the Council was required to submit its Relevant Representations – a summary of the Council’s views on the application. The Council advised that it did not support the development proposed as it had considerable concerns regarding the range of individual and cumulative impacts which would be caused by the development and which the Council felt had not been adequately addressed by the applicant by way of mitigation.
- 3.2 The Council set out its concerns on a topic by topic basis under the headings of ‘site selection and scheme evolution’, ‘relevant legislation and policy’, ‘land use and socio-economic effects’, ‘transport and traffic’, ‘air quality’, ‘noise and vibration’, ‘landscape and visual effects’, ‘ecology and biodiversity’, ‘surface water and flood risk’, ‘energy and climate change’, ‘cumulative and in combination effects’ and ‘national policy and drivers of need’.

### **4 Local Impact Report and Written Representations**

- 4.1 Once the ExA opened the examination the Council was required to submit its Local Impact Report (REP1-138) and its Written Representations (REP1-135) and summary (REP1-136). The Local Impact Report established the local characteristics of the area and the wider setting of the application site within its surroundings. The Report also established the Council’s objective view of the likely impact of the proposed development on the surrounding geography, concluding that the proposed development would have significant and irreversible negative impacts on the landscape and visual setting of the development site itself as well and the wider area, including local ecology and nature conservation, traffic and transport and health. Although the Council recognised that the development may give rise to some positive impacts in terms of employment opportunities and training, this is far outweighed by the negative impact the proposal.
- 4.2 These matters were then further examined in the Written Representations under the headings of ‘need and site selection’, ‘design’, ‘the development plan’, ‘landscape and ecology’, ‘highways and transport’, ‘socio-economic effects’, ‘health’, ‘energy generation’ and ‘the Development Consent Order (DCO) Requirements’. The Written Representations explained why the Council is opposed to the development.

## **5 The Summary Position**

5.1 In setting out its summary position at the end of the examination the Council will use the same topic headings as it did at the Written Representations stage.

### **5.2 Need and Site Selection**

5.2.1 The Council has accepted that the 'Warehousing and Logistics at Leicester and Leicestershire: managing growth and change' (April 2021) report establishes the need for a strategic rail freight interchange within Leicestershire. This report identifies a need for 718,875 square metres of rail served sites up to 2041. The Council also acknowledges that the applicant has demonstrated the alternative locations which were considered in selecting the application site and the reasons why it has chosen the application site.

5.2.2 The Council has accepted that it is reasonable for the applicant to construct up to 105,000 square metres of floorspace prior to the rail port becoming operational as set out in Requirement 10, although the Council has not been able to agree with the applicant that this satisfies paragraph 4.84 of the Draft National Policy Statement for National Networks. Notwithstanding that, the Council considers that the provisions of Requirement 10 should be expanded to include a requirement that the applicant should appoint a rail freight coordinator who would report quarterly to the local planning authorities on matters relating to the operation of the facility to demonstrate that the facility was used to its full potential. This matter has not been agreed by the applicant and is recorded under 'matters not agreed' in the final Statement of Common Ground (REP7 – Applicant's document 19.6C). The applicant has assured the ExA that there is a need for this facility to serve a gap in the market and on that basis the Council does not consider it unreasonable for the applicant to be required to report on its continued usage.

### **5.3 The Development Plan**

5.3.1 The Council recognises that the National Policy Statement for National Networks (NPSNN) is the primary consideration in terms of examining the merits of the Development Consent Order (DCO) proposal.

- 5.3.2 The Development Plan for the Borough is the Hinckley and Bosworth Core Strategy DPD 2006 - 2026 (adopted in 2009)(REP4-178) and the Hinckley and Bosworth Site Allocations and Development Management Policies (adopted in 2016)(REP4-177). The Council has also adopted a 'Good Design Guide' Supplementary Planning Document (2020) which it considers relevant for the ExA to consider, especially in the context of design which is discussed later.
- 5.3.3 Part of the development – the Link Road to the north west of the railway line which affords access to the A47, highway junction improvements and some sustainable transport measures – are within the borough of Hinckley & Bosworth. The land is designated as 'countryside' and also as 'Green Wedge' which aims to preserve the identity and separate the edge of Hinckley and the settlements of Barwell and Earl Shilton to the north east (The relevant plan was submitted by the Council at deadline 7).
- 5.3.4 Introducing the new link road into this part of the Green Wedge is contrary to the Development Plan. Further, the alignment of the A47 link road runs parallel to Burbage Common and Woods near the designated wildlife site which covers the Common and the Aston Firs Site of Special Scientific Interest (SSSI). The Council also considers that the impact of the proposed development on these sensitive wildlife areas renders the proposal contrary to the Development Plan. As will be explained later, the Council does not consider the sustainable transport measures proposed will satisfactorily deliver a range of sustainable means of transport access to the site from nearby local communities, nor does the Council consider that the proposal meets the test of 'good design' and these also render the development contrary to the Development Plan.
- 5.3.5 The applicant proposes an extension to Burbage Common and Woods by way of 22.62 Ha of additional 'open space' which is also proposed as part of the Biodiversity Net Gain (BNG) requirements. The Council does not agree with the applicant that this provision meets the Development Plan policy requirement to overcome the concerns about the impact on the Green Wedge. The Council remains concerned that there is a potential conflict between the use of the land to meet BNG requirements as well as offering additional open space accessible to the public. The Council also does not consider that this addition would

provide sufficient separation between the Common and Woods and the development.

- 5.3.6 The Council recognises that through the provisions of the draft s106 Agreement the applicant has offered several improvements in and around the Common and Woods area which will enable the Council to improve the offer to visitors, whilst this is welcome, the Council does not consider that this overcomes the conflict with the Development Plan.

## **5.4 Design**

- 5.4.1 Despite the amendments the applicant has made during the examination to the Design Code (latest version REP4-093) the Council remains firmly of the view that the proposal does not constitute 'good design' as set out in the National Policy Statement for National Networks (NPS). Jointly with Blaby District Council (BDC) the Council commissioned a Landscape Design Review (REP1 - 134) from its consultants LUC. This review considered the proposal against the National Design Guide, National Model Design Code and the HBBC Good Design Guide SPD. The latest assessment of the design aspects is found in REP5-063.
- 5.4.2 The Design Review considered the merits of the proposal against the ten characteristics of a well-designed place as set out in the National Design Guide – context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. In the Council's opinion the development is imposed on the landscape with insufficient attention paid to how the layout and design of the operation and buildings can be configured to have minimal impact on the landscape and nearby receptors. It appears to the Council that first and foremost the development has been designed for optimal operational configuration aimed at maximising the developable floorspace resulting in a development which is incapable of satisfactory assimilation into its wider setting.
- 5.4.3 The resulting design is not sensitive to its landscape context in terms of scale, massing, local vernacular, or general materiality. Consequently, the proposal sits awkwardly within its setting and has a significant negative affect on the surrounding area. Although the applicant has made various changes to the Design Code (REP2-062 and REP4-094)

during the course of the examination in order to retrospectively justify the layout of the development, it has not persuaded the Council that the development is 'good design' and this remains a matter of disagreement between the parties and recorded in the Statement of Common Ground.

## **5.5 Landscape and Ecology**

- 5.5.1 The development will entirely replace the existing rural vale landscape which is comprised of a mix of arable and grazed farmland enclosed by a network of mixed hedgerows with mature trees, crossed by minor stream and water features. The site is part of a relatively tranquil rural landscape between the urban areas of Burbage, Hinckley, Barwell and Earl Shilton which lie to the west/north and the M69 part of a wider vale which extends from the settlements to the Soar tributaries in the east. The development will irrevocably change the character of the extensive site from open countryside to industrial/urban, with complete loss of all features including the mature trees (and the veteran tree) and hedgerows, water features and rural farms within the site. The existing network of footpaths/bridleway and the rural lane will be lost as these are either stopped up and/or re-routed around the site.
- 5.5.2 The impact of the development on the local landscape will be visible from a wide area and the nature of the surrounding landscape and villages of the vale will change as a result of the bulk and scale of the development. The rural village of Elmesthorpe which sits on a ridge will be backdropped by large scale buildings forming a close skyline. The sense of the vale extending to the west away from the ridgetop settlements of Hinckley and Barwell will be blocked by the development, and it will be prominent from the landscape west of the M69 with associated effect on the overall sense of rural tranquillity of the vale.
- 5.5.3 Despite the landscaping proposed around the site it will remain visible and its presence will be most acutely felt by those receptors in close proximity to the site including the gypsy and traveller communities at Aston Firs and on the Leicester Road at the north west end of the new Link Road. The Council recognises the reduction in height and phasing of the container stacks set out in Requirement 11, which is an improvement on the original DCO, but nevertheless the landscaping around the stacking area even at maturity will not completely screen the stacked containers.

- 5.5.4 Burbage Common & Woods LNR is a site of National importance located immediately adjacent to the development, as is the Aston Firs SSSI and Freeholt Wood. The applicant proposes retaining and buffering the key habitats and corridors around the perimeter of the order limits, however retaining connectivity of habitats is under explored within the application. In addition, the current lighting strategy is brief and unsupported by appropriate surveys to determine the effect of the proposed development on the surrounding/retained habitats.
- 5.5.5 There has been considerable discussion between the Council, its consultants, LUC, and the applicant and their consultants during the course of the examination in order to reach agreement on as many matters as possible through the Statement of Common Ground and it is agreed between the parties that there would be a large number of significant adverse residual landscape and visual effects (at Year 15 and beyond).
- 5.5.6 What has not been capable of agreement between the parties is the levels of effects reported for some landscape and visual receptors, which in the opinion of the Council would also experience significant residual effects (Year 15 and beyond); the levels of night-time effects on some visual receptors, which in the opinion of the Council would experience significant (Year 15 and beyond); and that measures set out in the LVIA and Landscape Strategy would mitigate the effect of the development, as demonstrated by the large number of significant residual effects.
- 5.5.7 The Council has not been able to reach agreement with the applicant over a number of matters relating to ecology and these are set out in the Statement of Common Ground. Most notable is that the Council remains firmly of the view that the development does not go far enough in demonstrating that it can deliver a 10% increase in BNG. The applicant confirms that although BNG for NSIPs will not be mandatory until 2025, it will still provide for a 10% increase as part of the development. Whilst this is welcomed, the Council would expect more detail than has been provided as to how this is going to be achieved.



## 5.6 Highways & Transport

- 5.6.1 The Council recognises that the highway authorities for roads affected by the proposal are Leicestershire County Council, Warwickshire County Council and National Highways. However, the wider transport impact of the proposal is a key concern to the Council who has appointed its own consultants, Markides Associates, to work alongside these responsible bodies and to advise the Council on highways matters pertaining to the Borough.
- 5.6.2 The ExA has spent a considerable amount of time interrogating the applicant over the highways impact of the proposal, including two hearing days, indicating the extent of the concerns relating to this matter. It appears to the Council as an attendee at the face to face hearings and from the active role that it has taken in making representations at each deadline (and in particular in support of the efforts of Leicestershire County Council) that there remain significant shortcomings in the applicant's ability to satisfy the statutory authorities on matters relating to highway impact such that the ExA should not be able to recommend to the Secretary of State that approval is given to the DCO.
- 5.6.3 The matters not agreed between the applicant and National Highways and the two Local Highway Authorities in the respective Statements of Common Ground submitted at Deadline 7 are too numerous and too important for the ExA to recommend approval to the DCO. It is extremely disappointing that for a project of this scale and importance which has been developed over a considerable period and included a working group dedicated to highway matters before the application was even submitted that the applicant has still failed to resolve far too many fundamental issues relating to this matter.
- 5.6.4 The Council does not intend to repeat all the matters which the statutory authorities will no doubt reiterate in their summary reports, the Council has made its points in its submissions at all the deadlines (REP3-123, REP3-124, REP4-179, REP5-059, REP6-032 and at deadline 7), suffice to say that the Council is in full support of their respective positions and the matters they raise. The Council would particularly like to draw attention to the impact this development will have on the existing congestion issues which already occur on the A5, particularly at the Longshoot and Dodwells junctions. The existing peak time traffic congestion is already an impediment to future planned

growth of the borough through its developing Local Plan and further traffic accessing this site from the A5 will exacerbate an already intolerable problem. The Council also remains concerned about the impact on J21 of the M1, where the applicant has not provided sufficient analysis and has offered no mitigation but is diverting existing motorway traffic onto local roads.

5.6.5 There are though two particular matters which the Council does wish to highlight relating to the HGV Route Strategy and the Sustainable Transport Strategy. The routing of HGVs remains a concern to the Council in terms of the potential for HGVs to be attracted to use routes through Hinckley and Burbage and access and leave the site via the Link Road to and from the A5 in particular. Figure 3 of the HGV Routeing Strategy (REP6-015) identifies the M69 and the A5 as Key Advisory Routes for HGVs. Figure 4 then adds to the Key Advisory Routes the HGV prohibited routes, including many which would take HGVs through the built-up areas of Hinckley and Burbage. However, the A47 which runs from the A5 around the north western periphery of Hinckley is not listed as a prohibited route and the effect of this is that HGVs travelling east along the A5 will be attracted to the opportunity to use the A47 in order to access the site, rather than travel to J1 of the M69 and up to J2 of the M69 to access the site; similarly HGVs wishing to leave the site and head west along the A5 will use that route in reverse. The effect of this will be to attract additional traffic through the Hinckley area and increase the likelihood (in the event of traffic build up or other impediments to using the A47) for HGVs to use the prohibited routes in order to find their way to or from the A5. The Council maintains that this could be simply avoided by making the proposed Link Road a prohibited route from the point at which it crosses the railway line. The Council wishes to draw the ExA's attention to the fact that in the original submission by the applicant (the HGV Management Strategy -17.4 Rev 08 Document reference: APP-362) it was described in the text in paragraph 3.11c and shown in Figure 4 that use of this route would be undesirable. The public and stakeholders reviewing this submission would therefore have assumed that HGV's from the site would not use this route.

5.6.6 In terms of the Sustainable Transport Strategy (STS) the Council has similarly made representations at the various deadlines (as listed in 5.6.5 above) regarding the inadequacies of the provisions of the STS. The Council is mindful of the provisions of Circular 01/2022 – Strategic Road Network and the Delivery of Sustainable Development which no doubt will feature in the National Highways response, and it considers that the provisions associated with the development fall short of what

should be expected of a project of this scale. There are local communities in Hinckley, Burbage, Barwell and Earl Shilton (circa 70,000 residents) where potential new employees are located and who should expect readily available public transport to and from the site at convenient times in order to reduce reliance on the car.

5.6.7 What the applicant proposes does not offer sufficient certainty, even with the latest table of commitments, that there will be useable alternative means of getting to the site. Those local populations should expect safe and easy means of walking or cycling to the site and these are not as comprehensive or extensive as they could be in order to offer these means of transport as a realistic possibility. We are advised that the applicant has been in a dialogue with existing bus operators and has memoranda of understanding in place to re-direct buses (X6 and 8) into the site, but the applicant has submitted no documentation from the operators to support this. A simple letter of comfort from the operators would have offered more certainty on this matter. Upon examination of the proposed timetables in the submitted STS it is apparent that the evening service of the 8 service only has one bus from the site after 18.00 at 21.08 dropping off at stops in nearby Burbage and then nothing until 04.58, which is hardly convenient for any shift pattern changing during the evening.

5.6.8 We are advised that an alternative Demand Responsive Travel (DRT) service will endure for the life of the development to service local communities and that again there is a memorandum of understanding in place with the operator. Whilst the principle of this is understood and is welcomed, a letter of comfort from the operator would have been helpful. Notwithstanding this, the Council remains concerned that the DRT Level of Service is not set out (at all) to provide sufficient confidence that it will be a viable transport service for local residents, that there will be no free travel pass as is being offered for other buses and that the service will not be able to cope with multiple demands from different locations all requiring to access the site for the start or leave of the same shift pattern. Given the limitations of the 8 evening service above, this will add to the pressure on the DRT service during the evening. It will not take too much before journey times become too long to make all pick ups/drop offs that the service becomes unattractive.

5.6.9 Based on the provision of Requirement 9 to comply with the sustainable transport strategy, the Council contends that the STS is insufficiently robust, precise and certain to guarantee the delivery of meaningful sustainable transport opportunities.

## **5.7 Socio-economic effects**

5.7.1 Together with BDC the Council commissioned Icenl as expert consultants to assist with the response to socio economic matters. During the course of the examination the Council has been able to reach a satisfactory position with the applicant over socio economic matters and there are no matters of disagreement.

5.7.2 The Council, together with its local authority partners, has been able to agree with the applicant a Work and Skills Plan which forms part of the s106 Agreement, which will benefit the residents of the Borough in terms of employment and training opportunities.

## **5.8 Health**

5.8.1 The Council and BDC also commissioned Icenl to provide advice on matters relating to health. The Council canvassed early in the discussion with the applicant that a full Health Impact Assessment should be carried out to assess the impact of the development on a range of health outcomes. The applicant rejected this idea and fell back on the scoping opinion which advised that a HIA was not required – the Council maintains that this was an unfortunate outcome and that a HIA would have been more thorough. The Council acknowledges the health appraisal summary matrix now included in the applicant's Health and Equalities Briefing Note (REP3-013).

5.8.2 Similar to the point above the Council considers that the application would have benefitted from the applicant undertaking a Mental Wellbeing Impact Assessment to assess the likely mental health impact of the development (especially on those nearby receptors). The absence of such a thorough assessment leaves the matter of mental health underexplored. Both this and the above remain as matters not agreed with the applicant in the Statement of Common Ground.

## **5.9 Climate Change**

5.9.1 The Council has been able to reach agreement with the applicant on matters relating to climate change as set out in the Statement of Common Ground.

## **5.10 Air Quality, Lighting, Noise and Vibration**

5.10.1 The Council recognises that those receptors most affected by these environmental matters are within Blaby district rather than Hinckley and Bosworth borough. Consequently, the Council has been able reach agreement with the applicant on matters pertaining to air quality and lighting on the basis that the applicant is able to undertake the development in accordance with the documentation that has been submitted with the application (particularly the Constriction Environmental Management Plan – CEMP) and in accordance with the respective Requirements.

5.10.2 Regarding noise, the Council has worked closely with BDC and their consultants on the matter of noise and there are certain areas where the Council has not been able to reach agreement with the applicant and these are set out within the Scott Schedule forming part of the Statement of Common Ground. The Council remains concerned that the effects of the operational phase of the development including maximum noise levels, noise from off site road traffic, the residual impacts, the effectiveness of the acoustic barriers have not been assessed in the manner in which the Council believes they should have been and that consequently the proposed mitigation may not be effective at reducing the impact of noise from the development on the nearest sensitive receptors.

## **5.11 Land subject to compulsory acquisition**

5.11.1 Plot 120 of the Book of Reference (REP3-007) concerns land in the ownership of the Council on Burbage Common amounting to 748 sq m or thereabouts which is required to connect the proposed re-routed bridleway from the east to the existing bridleway on the Common. Rather than see this land acquired for the simple means of connecting the bridleway, the Council has agreed to issue the applicant with a simple licence to facilitate the operations and this is currently in draft form with the applicant for comment.

## **5.12 Conclusion**

5.12.1 The Borough Council welcomes this opportunity to summarise its position on the proposed development following the examination and extensive discussions with the applicant to reach agreement on the Statement of Common Ground.

5.12.2 The Council has undertaken a proactive role throughout the examination process and has retained a positive dialogue throughout with the applicant, nevertheless the Council's position has not changed since that set out in the Relevant Representations and Written Representations and the Council remains opposed to the development and asks the ExA to find that the proposal is not capable of being recommended to the Secretary of State for approval.