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Date: 8th March 2024
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Dear Sirs

**Application by Tritax Symmetry (Hinckley) Limited for an Order Granting
Development Consent for the Hinckley National Rail Freight Interchange – Deadline 8
submission**

Please find attached submissions on behalf of Leicestershire County Council (LCC) in relation to Deadline 8 of the Examination Timetable as set out in a letter from Mr Robert Jackson dated 26th January 2024.

The attached documents are as follows:

- Comments on Applicant's Deadline 7 submission
- LCC Final summary
- LCC signed Statement of Common Ground

Please do not hesitate to contact me should any further information be required.

Kind regards

[REDACTED]

Julie Thomas
Head of Planning, Historic and Natural Environment

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Comments on Applicant's Deadline 7 submission

Examination library reference	Document name	Leicestershire County Council comments
REP7-004	2.2A Hinckley NRFI Works Plans [Sheet 1 of 8]	LCC note that this document has been amended to reflect an additional cycle link from the A47 link road to Burbage Common Road.
REP7-005	2.3A Hinckley NRFI Access and Rights of Way [Sheet 1 of 4]	LCC note that this document has been amended to reflect an additional cycle link from the A47 link road to Burbage Common Road.
REP7-006	2.4A Hinckley NRFI Highway Plans [Sheet 1 of 8]	LCC note that this document has been amended to reflect an additional cycle link from the A47 link road to Burbage Common Road. It should be noted that this revised drawing did not form part of the signed Stage 1 Road Safety Audit brief.
REP7-007	2.8B Illustrative Masterplan	LCC note that this document has been amended to reflect an additional cycle link from the A47 link road to Burbage Common Road.
REP7-008	2.9B Illustrative Context Masterplan	LCC note that this document has been amended to reflect an additional cycle link from the A47 link road to Burbage Common Road.
REP7-029	6.2.8.1E Hinckley NRFI ES Appendix 8.1 Transport Assessment - part 15 of 20 - Sustainable Transport Strategy and Plan and Appendices	LCC welcomes the insertion of wording confirming frequency of proposed bus services and provision of Travel Packs as previously requested. LCC note details provided in respect of a DRT App. LCC comments on commitments to sustainable transport provision remain as per our previous submissions, and as summarised below.
REP7-031	6.2.8.2D Hinckley NRFI ES Appendix 8.2 Framework Site Wide Travel Plan [Part 1 of 4]	LCC note the updates to this document to align with the Sustainable Transport Strategy (REP7-XXX). LCC comments on the Framework Site Wide Travel Plan remain as per our previous submissions, and as summarised below.
REP7-033	6.2.11.2D Hinckley NRFI ES Appendix 11.2 Public Rights of Way Appraisal and Strategy	LCC note the additional wording at paragraph 1.95 to confirm that any detailed design of Public Rights of Way (PRoW) will comply with the LCC adopted Design Guide. However, it remains unclear what improvements to PRoW are to be made, and where these commitments are detailed.
REP7-040	6.3.3.1B Hinckley NRFI ES Figure 3.1 Illustrative Masterplan	LCC note that this document has been amended to reflect an additional cycle link from the A47 link road to Burbage Common Road.
REP7-041	6.3.11.14C Hinckley NRFI ES Figure 11.14 Public Rights of Way	LCC note that this document has been amended to reflect an additional cycle link from the A47 link road to Burbage Common Road.

	and Informal Open Space Strategy	
REP7-045	8.1C Hinckley NRFI Design and Access Statement	LCC note that this document has been amended to reflect an additional cycle link from the A47 link road to Burbage Common Road.
REP7-049	9.2A Hinckley NRFI Unilateral Undertaking	LCC note that a final version of the Unilateral Undertaking was submitted by the Applicant at Deadline 7 (REP7-049). This does not take account of the changes requested by LCC as submitted to the Applicant team, and as shared with the ExA at Deadline 7 (REP7-084).
REP7-052	13.1C Hinckley NRFI Design Code	<p>LCC note the additional wording at paragraphs 6.1 and 6.3 to confirm that any detailed design of the A47 link road will be subject to a technical approval process. LCC also notes the wording inserted at paragraph 6.4 that design of landscaping within the public highway will be in accordance with the adopted LCC Design Guide.</p> <p>LCC note the insertion at paragraph 8.5.1 to include an additional cycle link from the A47 link road to Burbage Common Road.</p>
REP7-056 REP7-057	17.4E - HGV Route Management Plan & Strategy & Appendices	<p>LCC welcome the inclusion of the B4669 towards Hinckley as a “prohibited route” in Table 1 and associated amended Figure 4.</p> <p>LCC note reference to the Hinckley NRFI Strategic Road Network Incident Plan (REP4-115). LCC commented on this plan in its Deadline 5 response (REP5-075) advising that LCC was not involved in the development of this Plan despite the negative impacts this will have on the Local Road Network. This remains the case.</p> <p>LCC note the insertion of “parking controls on estate roads” at table 1. The wording does however also reference roads to be public highway i.e. A47 link road. It should be noted that the Site Management Company will have no powers to enforce Traffic Regulation Orders on the public highway.</p> <p>LCC note changes in the frequency of proposed Steering Group meetings and reporting periods.</p> <p>LCC remains concerned that measures suggested in Table 3 e.g., inclusion of gateway features, narrowing’s etc. have already been ruled out through the Road Safety Auditing process. The table also only references Sapcote. Therefore, it is unclear what realistic additional mitigation</p>

		<p>can be delivered through the village of Sapcote, or indeed other impacted villages. Moreover, the Applicant has once again failed to provide any indication of the costs of delivering these measures and therefore an indication of how far £200,000 would realistically extend.</p> <p>LCC previous comments in relation to ANPR locations remain, noting the amendments to state that these are now “approximate”.</p> <p>LCC comments in respect of multiple breaches of the Strategy by one vehicle on a single journey as set out in our Deadline 6 response (REP6-033) remain.</p>
REP7-060	17.6C Hinckley NRFI Construction Traffic Management Plan	<p>There appear to be limited tracked changes within this document. However, LCC note that changes have been made to Appendix A to reflect potential routing of construction traffic to the site. LCC note at paragraph 1.1 5% of construction traffic is now anticipated to use the Local Road Network (LRN) via A47/B4668 (noting the other 95% will use the LRN at M69 J2). LCC note that this pattern differs to the routing assessed in the Environmental Statement, where routing via A47/B4668 was not considered.</p>
REP7-076	22.2 Hinckley NRFI Transport Technical Note Cross-in-Hand & Gibbet Roundabouts	<p>LCC have reviewed this submitted Technical Note. LCC had not been party to discussions on Gibbet roundabout flows despite two of the arms of the junction being on its network until a meeting held by the Applicant team on 1st March 2024 also attended by National Highways (NH) and Warwickshire County Council (WCC). LCC understand that flows have now been agreed with both National Highways and Warwickshire County Council.</p> <p>However, whilst the Applicant has submitted an Arcady model, this is contrary to the requests of the Highway Authorities. All three Highway Authorities have consistently advised the use of the NH VISSIM model for this junction to accurately replicate the complex movements. This is the approach taken by other developers, including recently by the developers of the Magna Park Distribution Centre. Nonetheless, NH have reviewed the Arcady model and have identified several inaccuracies with the geometric inputs, as well as errors with the conversion of HGV movements into passenger car units. These discrepancies will impact capacity.</p> <p>LCC note that this model (with its inaccuracies) has then been used to develop a scheme of</p>

		<p>mitigation. Based on the basic drawing submission, the proposal would appear to do little to increase capacity through the junction and appears to be little more than kerbline tweaks to improve Arcady model outputs. In the absence of VISSIM modelling it is unclear if these tweaks would increase capacity on the ground.</p> <p>This scheme of mitigation has then been costed with no cost breakdown shared with LCC or WCC or verified by NH. Furthermore, the total contribution of £344,967.07 appears to have been inserted into the Unilateral Undertaking (UU) submitted by the developer at Deadline 7 (REP7-049) without the sharing of this information with LCC. Based on the above, LCC cannot confirm that the modelling is accurate, that the proposed scheme will mitigate the impact of the development, nor if the contribution in the UU would be sufficient to implement the scheme.</p> <p>The Applicant team submitted further information to the Highway Authorities on the evening of 5th March 2024 with corrections to the modelling. It is unfortunate that LCC has simply ran out of time in the Examination process to review.</p> <p>Like Gibbet roundabout, LCC had not been party to discussions on flows at Cross-in-Hand roundabout until the meeting on 1st March 2024, despite one of the arms (the A4303 that leads directly to Magna Park and to M1 J20) being on its network.</p> <p>In its Deadline 5 response (REP5-075) LCC highlighted that the Applicant had updated their capacity assessment of the Cross-in-Hand roundabout following new 2023 surveys. The Applicant had reduced the proposed scheme of mitigation to exclude any improvements on the LCC network (A4303). In its Deadline 6 response (REP6-033) LCC stated that initial reviews had identified concerns with the interpretation of the survey data and the associated furnishing methodology. It now appears that these flows have been amended.</p> <p>The flows now increase the amount of traffic predicted to use the A4303 and therefore LCC is concerned that the mitigation on this arm previously proposed and then omitted may need to form part of the mitigation strategy. It is unfortunate that this information has been submitted too late in the examination process for LCC to review the revised modelling in any detail.</p>
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		Therefore, uncertainty remains as to whether the impact of the development at the Cross-in-Hand roundabout can be mitigated by the proposed scheme.
REP7-063	18.20 Applicant's response to Deadline 6 Submissions [part 3 - LCC]	LCC note the Applicant team's response to the LCC detailed design review submitted at Deadline 6 (REP6-033). LCC note that the Applicant team has committed to addressing some of the comments at detailed design stage, others have been disregarded. Where these comments have been dismissed, LCC will raise these again through any future technical approval process to ensure compliance with both local and national design standards to ensure that a safe and appropriate scheme is delivered. LCC await with interest the findings of the Stage 1 Road Safety Audits to see if they raise the same or similar issues to those raised through the interim Road Safety Audit process and highlighted again by LCC in its detailed design review. It is understood that the Applicant will submit Stage 1 Road Safety Audits to the ExA at Deadline 8. It is unfortunate that LCC will not therefore have any further opportunity to review and comment.
	Statement of Common Ground (SoCG)	LCC returned a SoCG that it was prepared to sign to the Applicant on 27 th February 2024. This was returned by the Applicant with a signature but undated on 28 th February 2024. On 6 th March 2024 LCC returned a counter signed and dated copy of the SoCG to the Applicant and requested it be dated by them and a copy returned to us. To date LCC have not received this copy and had assumed that the version that LCC has signed will be submitted to the ExA by the Applicant. However, it is unclear if this will be the case and therefore LCC have appended the signed document to assist the ExA.

Leicestershire County Council final summary

INTRODUCTION

1. This is Leicestershire County Council's ("LCC") Final Summary. It sets out briefly the position reached on main issues in so far as LCC is concerned and signposts to the key documents where the detail of the issues is laid out.
2. This is not intended to be a full closing statement but rather a summary and sign posting document. It is hoped that this approach is helpful to the Examining Authority ("ExA") rather than generating another lengthy document.
3. It is important to note that LCC has no objection to the principle of a Strategic Rail Freight Interchange (SRFI) and accepts the need for a SFRI to be located in South Leicestershire. It is really disappointing, therefore, that we reach the end of the examination and are unable to support the Scheme, but that this is the case is entirely down to choices made by the Applicant.
4. LCC has been liaising with the Applicant since 2018 on this Scheme alongside other relevant Highway Authorities (HAs) and Local Planning Authorities (LPAs), all of whom have raised significant and similar concerns which the Applicant has had many years to address but has chosen not to do so.
5. The background is explained in detail at **[REP1-152, §§2.16-2.23]**. In particular, the Applicant refused to analyse the extent to which it could mitigate the development's impact on M1 J21/M69 J3 so as to attract back any Strategic Road Network (SRN) traffic that would otherwise be displaced onto the Local Road Network (LRN). In the end, therefore, all of the mitigation works proposed on the LRN are not demonstrated to be necessary in the sense that they may have been capable of being addressed at one junction on the SRN, if only the Applicant had explored that obvious option.

6. The Applicant has made, therefore, an early and fundamental decision to ignore the advice of the local Highway Authorities and National Highways and plough ahead with a scheme that has not addressed a basic and obvious issue. This is a very material failing sufficient to warrant refusal of the Scheme.
7. The fact that the Applicant finds itself in this position lies entirely at its own door. It is important that Development Consent Orders (DCO) are not waved through. Applicants must properly assess their schemes. If they do not do so, they should expect to be refused.
8. LCC have been disappointed to see that in recent submissions, the Applicant has sought to suggest that LCC do not understand the DCO process and sought to side-line some of LCC's recent submissions on this basis.
9. We do not propose to trouble the ExA with a detailed response on these inaccurate jury points. We hope that the ExA has found LCC's contributions to be helpful, proportionate, and measured. It seems that, having failed to tackle the ball, the Applicant now goes for the man. To our mind, it is indicative of a failure to provide substantive answers to the remaining serious issues with this Scheme.

MAIN LCC DOCUMENTS

10. The main LCC documents are as follows:
 - (i) LCC Written Representation **[REP1-152]**.
 - (ii) LCC Local Impact Report **[REP1-154]**.
 - (iii) Statement of Oral Case at ISH2 and 3 **[REP3-127]**.
 - (iv) Comments on Deadline 3 documents **[REP4-181]**.

- (v) Comments on Deadline 4 documents **[REP5-074]** which document also includes:
 - a) Written submission of ISH6 oral case;
 - b) Response to further questions posed by the Examining Authority;
 - c) LCC sections 106 Heads of Terms;
 - d) LCC comments on dDCO Protective Provisions;
 - e) Information requested by the ExA (Hearing Action Points); and
 - f) Leicestershire County Council Statement of Common Ground (“SoCG”).

- (vi) Comments on Deadline 5 documents **[REP6-033]** which document also includes:
 - a) LCC highway design comments;
 - b) LCC comments on Unilateral Undertaking;
 - c) Section 106 Heads of Terms; and
 - d) LCC comments on dDCO Protective Provisions.

ACCESS INFRASTRUCTURE

11. REP6-033 includes (at PDF p.8 and ff) LCC’s design review comments on the access infrastructure. There remain several outstanding design issues set out in that response, including:
- (i) LCC are still yet to see Stage 1 Road Safety Audits for the access infrastructure (or, indeed, the off-site junction improvements).
 - (ii) LCC remain concerned about the deliverability of the A47 link road within the constraints of the red line boundary.
 - (iii) There is no continuous footway/cycleway route proposed on each side of the link road which LCC regard as a significant failure (in particular, where this is a new road).

- (iv) The VISSIM model for M69 J2 still has not been updated to reflect the toucan/Pegasus crossing being called. Further, this remains a stand-alone assessment and it is unknown, therefore, whether this will cause a queue back through roundabout 1. This is another example of an issue that could easily have been addressed by the Applicant which has not been.
- (v) LCC notes that Roundabout 1 on the Link Road appears principally to have been proposed to address alignment issues that cannot be addressed without amendments to the red line boundary. Whilst it is acknowledged that there is some flexibility for the internal road to be linked into Roundabout 1, it remains the case that the roundabout is necessary for road alignment.
- (vi) The proposed design at M69 J2 still does not make provision for safe crossing of the slip roads by pedestrians/cyclists.

STRATEGIC MODELLING

- 12. The key issue is the interpretation of the outputs which is addressed below.
- 13. It is agreed that the PRTM is fit for purpose and the base year model review is also agreed. LCC has remaining concerns in respect of trip generation (mainly based on discrepancies in employee numbers) and comparability of sites selected. No information has been provided by the Applicant to demonstrate comparability. LCC would expect to see up to date survey data for rail connected sites with lorry parks, but this has not been provided. There has been no phased testing of development which LCC regards as a material omission and as set out below there remains a lack of information provided in the Transport Assessment to identify impacts on links including through local villages. Furthermore, as LCC has previously noted, that whilst the uncertainty log in the PRTM was agreed in 2021, a number of developments have been permitted since then (not least of which is Padge Hall Farm).

STRATEGIC MODEL OUTPUTS

14. There is a fundamental disagreement in interpretation of strategic model outputs between the Applicant and LCC as Local Highway Authority. The Applicant fails to acknowledge any impact at M1 J21/M69 J3.
15. LCC explained that so far, the Applicant has declined to carry out further modelling on this junction despite LCC requests (alongside the other Highway Authorities) to include an unconstrained scenario where it could be established what the actual impact of the development would be at this junction.
16. LCC confirmed that it only seeks the Applicant to address its own impacts at this junction, and not to mitigate against an existing problem.
17. The junction is already constrained, and the strategic model shows development traffic using the junction and displacing other traffic onto the LRN. The Applicant should look to mitigate its effects on the junction in order to attract back the displaced modelled traffic. This would potentially lower the need for mitigation on the LRN, but the Applicant has simply failed to engage in this fundamental part of the process.
18. That said, LCC is aware that a scheme of mitigation has been designed for this junction by the Applicant (it was presented to LCC's archaeologist for consideration of its impact on a significant archaeological feature), but this scheme has not been shared with LCC in its capacity as the local Highway Authority. Without this scheme of mitigation here, the consequences are impacts on the 45 junctions on the LRN and the associated requirements for mitigation.
19. The junction has now been modelled but in Linsig. The Applicant 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, as set out in **[REP6-033]** the Applicant relies on the delivery of the Lutterworth East scheme (which cannot be guaranteed) and on a reduction of 10-13% of development traffic routeing through the

junction 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.

20. In addition to there being no guarantee that the Lutterworth East scheme will be built out, the associated Transport Assessment shows that the mitigation proposed mitigated the impact of the Lutterworth East development only and did not provide any additional capacity for other development.
21. Furthermore, 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. 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 determine the impacts. Only the VISSIM model will allow the full extent of the impacts to be understood.
22. The failure to model properly and engage with the impacts and required mitigation at this junction remains an intractable problem at the heart of this application. The Applicant chose a strategy to displace traffic onto the LRN and not to address its impacts at this junction, which is already over capacity. 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.
23. In relation to the impacts on Sapcote Village, the Applicant did not provide the detailed select link analysis as requested by LCC and the ExA. What was provided was unreadable. 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 provided was unusable and of no

assistance whatsoever. This is a material failure given the importance of mitigation through the village and the very material safety concerns with what is proposed.

FURNESSING

24. National Highways have now agreed flow numbers at the Gibbet Hill and Cross in Hand roundabouts such that the issue on furnessing in relation to the interpretation of flows is now resolved.

RAIL IMPACTS AND THE LRN

25. Ultimately, the position remains as set out in LCC's written representation [**REP1-152, §2.81-2.84**].
26. The increased number of trains serving the development will increase barrier down time at the Narborough level crossing. This increase in down time will have an impact on all users of the LRN.
27. In respect of pedestrians and cyclists this will increase delay at a crossing with a stepped footbridge i.e., cyclists must dismount and carry their cycles across the footbridge or wait for the barrier to lift, and those with mobility problems are unable to cross until the barrier is lifted.
28. LCC requested early on a VISSIM assessment, but this has never been done. Further, whilst surveys were carried out by the Applicant, the Applicant has not analysed what the additional impact of barrier downtime will be on queue lengths. This means that the Applicant has simply not assessed the impact of the development, which is precisely what the Applicant should have done. 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 LRN in this location also remains unclear and unassessed. This is a material omission that could have easily been rectified.

29. It is not clear why the Applicant has resisted doing so. In the face of a refusal to engage properly with this issue, the ExA can assume material impacts on the LRN, which reflects LCC/the public's experience at current levels of barrier down time or at least place significant negative weight on the Applicant's failure to assess this issue properly.

MITIGATION STRATEGY AND PROPOSALS

30. As set out above, there is a fundamental issue as to the mitigation strategy. The Applicant ought to have explored if it could address its own impacts on the SRN and not simply accepted the redistribution of traffic onto the LRN. Further, the focus of mitigation appears to be on road infrastructure, and not on sustainable access and transport, contrary to the NPPF paragraphs 104, 110 and 112 and NPSNN paragraph 5.213.
31. In the absence of a detailed assessment of M1 J21/M69 J3, LCC requested detailed assessment of 45 junctions on the LRN, but the Applicant has only assessed 21 in detail. LCC continues to regard this as a material omission.
32. The issues with Junction 3 B4114 Coventry Road/Broughton Road remains as per LCC's Written Representations **[REP1-151, §2.93]**. LCC simply does not understand why an alternative lesser scheme of mitigation has been proposed than that already committed by another development and included in the PRTM base modelling.
33. Proposals for mitigation in the village of Sapcote do not appear to relate to the identified impact i.e., predicted doubling of vehicular traffic. This traffic will include vehicles of all types, including HGV's drawn to the SRN by the addition of new south facing slip roads on the M69. Whilst it is proposed to control the routing of HGV traffic to/from the development, general HGV traffic will not be controlled and its impacts on the residents of Sapcote remain unknown. Originally it was proposed to

bypass Sapcote due to the pejorative effects on the village. Now it appears that the two-way flows through the village will double (but this is hard to tell due to the failure to properly report select link analysis), limited mitigation is proposed, and what is proposed has obvious and clear safety issues as identified in the Interim RSA. Moreover, the nature of the mitigation proposed (surfacing, benches and planters) does not properly relate to the impacts (a doubling of traffic).

HGV ROUTE MANAGEMENT PLAN AND STRATEGY

34. LCC continues to question the deliverability, enforcement and legality of the proposed scheme. These points are developed in LCC's Deadline 5, 6 and 7 responses. In particular, LCC notes:

- (i) The HGV strategy is not accounted for in the Applicant's modelling.
- (ii) The revised Strategy includes a £200,000 commitment to mitigate if the Strategy does not work. It refers only to Sapcote and suggests mitigation such as gateway features that have already been ruled out through the Interim Road Safety Auditing process. Therefore, it is unclear what realistic additional mitigation can be delivered in Sapcote or elsewhere. Further, the Applicant has not provided any indication of the costs of delivering any required measures and therefore an indication of how far £200,000 would realistically extend.
- (iii) There remain a number of detailed points about the proposed position of ANPR cameras that have not been resolved.
- (iv) Moreover, it remains unclear how these cameras will identify HGV breaches. The camera locations as proposed will not pick up more than one breach per vehicle i.e., an HGV travelling through the village of Sharnford or Broughton Astley and then through Sapcote will only be identified by the camera in Sapcote despite having breached prohibited routes through other villages. An HGV could travel

along a prohibited route e.g., through Hinckley town centre and not be detected by any camera whatsoever.

PROW NETWORK

35. LCC is disappointed with the Applicant's failure to improve access to the proposed development on PROWs. The Applicant's engagement on this issue with LCC has been limited. It appears that the Applicant's general approach has been coloured by its view that staff are unlikely to use the PROW network to reach the site, but that is a self-fulfilling prophecy and not a proper approach to sustainable travel.
36. LCC has requested that the Applicant commits to an obligation to carry out improvements to the PROW relied upon for access to the site on the basis that such a commitment is not explicit in the Public Rights of Way Strategy, but the Applicant has declined to do so. In the result, there is no commitment to improving surfacing and lighting. There is a huge missed opportunity with regards sustainable transport infrastructure generally and PROWs within it. Given the importance of active travel, this is a further serious failure.
37. We also note that:
 - (i) LCC's request to stop up V35/1 has not been engaged with;
 - (ii) LCC's concerns about the length of diversion of U17 and the safety of proposed route have not been addressed; and
 - (iii) LCC's concerns about the safety of proposed route for T89/1 have not been addressed.

CONSTRUCTION IMPACTS

38. The position remains as set out in LCC's written representations [**REP1-152, §§2.113-2.116**]. There remains a dispute between LCC and the Applicant as to the necessity of including the Construction Traffic Routing Scheme within the section 106 obligation (UU). LCC maintains this is necessary as it is a main Highway Authority for the scheme but not a discharging or enforcing authority for the requirements. Its input into construction traffic routing is imperative, but not currently provided for by either the draft DCO or the s106 (UU).

FRAMEWORK SITE WIDE TRAVEL PLAN AND SUSTAINABLE TRANSPORT STRATEGY

39. 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 re-iterated this point throughout the examination process. LCC's position is summarised in the ISH6 Written Submission of Oral Case [**REP5-074, §§51-56**].

PLANNING POLICY

40. For all of the reasons set out above, the policy requirements set out in LCC's written representations at [**REP1-151, §§2.4-2.15**] have not been met. These include the NNNPS. Failure to accord with such policies should lead to the refusal of the scheme (section 104(3) to the Planning Act 2008).

CONCLUSION

41. Although LCC are disposed to supporting a SRFI in South Leicestershire in principle, there are a number of very material deficiencies with this Scheme which cannot be addressed by further requirements or obligations. The reality is that the Applicant has taken the wrong approach to the assessment and mitigation of effects on both the strategic and local road networks. In LCC's submission, the proper course now is to

refuse the application and to require the Applicant to go back and assess and mitigate the highway impacts of the Scheme properly. The residents of Leicestershire should not have an improperly assessed and mitigated Scheme imposed upon them. The failure here lies at the Applicant's door.