

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



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8th March 2024

Dear Sirs

**TR050007 Hinckley SRFI – Warwickshire County Council (20040686)
Comments on Documents Requested to be Submitted by Deadline 8**

The following comments and position summary are submitted on behalf of Warwickshire County Council (WCC) in relation to Deadline 8 of the Examination Timetable:

dDCO (Document Ref 3.1B)

As previously advised negotiations have been ongoing over the wording of the dDCO, in particular the section dealing with Protective Provisions (Schedule 13, Part 4) as they apply to WCC.

The inclusion of the additional wording at Part 4 para 1 relating to the inclusion of Section 4/6/8 Agreements is acceptable.

There is one element of the current drafting which WCC do not accept and that is Part 4, para 13 under Approvals regarding a 42 day deemed consent. As previously advised, the Authority is a public body and would not unreasonably delay processing applications, the scale and complexity of highway works would necessitate refusals being issued when in fact reviews and consultations are being carried out.

It is noted that there is no obligation on The Applicant to respond with updated submissions within 42 days, but the expectation that local authority engineers will immediately consider HNRFI submissions irrespective of ongoing workloads.

Other elements, that WCC would wish to highlight that may cause issues and/or delay delivery are:

1. Schedule 2, Part 2, para 2 & 3 and 5. Para's 2 & 3 relate to time for discharge of information submitted to Local Planning Authorities, and Para 5 relates to

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refunds of fees associated with time to discharge information. WCC would highlight that it is unlikely that if an LPA needs to consult with an external authority, that they would receive a response within the specified 10 day period to identify that further information will be required, and 42 days for an LPA to consult and receive a response (21 days consultation period) for what are likely to be complex applications/submissions is likely to present difficulties.

2. No provision is included for commuted sums for trees/landscaping should any be required to be removed to accommodate infrastructure required to be installed in mitigation for the development impacts. Further to our response to the ExA1 questions, it is understood that The Applicant does not expect any trees or such to be impacted at Cross-in-Hands junction or in the siting of ANPR cameras. WCC consider that it would be prudent to include a provision should the matter arise to avoid the requirement for further consultations, particularly noting the Duty to Consult on Tree Felling (Section 115 of The Environment Act (2021)).

Section 106 Agreement (doc ref 9.1C)

As previously advised at Deadline 7 there is no reference to WCC, and as the development land is not within Warwickshire then it is understood that WCC should not be a signatory, and as WCC are not the LPA or LHA and have no authority to carry out any enforcement action should it be necessary.

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

Unilateral Undertaking (Doc ref 9.2A)

As previously advised at Deadline 7, the s106 unilateral undertaking is drafted such that obligations are given by landowners/developer/mortgagee to Leicestershire County Council (LCC), as set out on the second and third pages.

Warwickshire County Council are not a party to those obligations, but there is reference within the agreement to the Gibbet Hill Contribution and its payment to WCC. There is no formal agreement in place requiring WCC to 1) confirm a receipt of a contribution to LCC, or 2) to forward it to National Highways. WCC do hold other contributions towards an improvement at Gibbet Hill for those developments that are sited within the administrative boundary of Warwickshire.

Therefore whilst WCC would ordinarily be reliant on LCC/Blaby DC/Hinckley&Bosworth BC to enforce under a s106 agreement, if the contribution was not paid in accordance with the agreement, it is not clear where the responsibility for enforcement falls in respect of the Gibbet Hill contribution.

The agreement prevents occupation until the Gibbet Hill Contribution has been paid to Warwickshire County Council ("WCC") in full. It is WCC's understanding that this sum still has to be agreed with National Highways. On this basis WCC are of the view that

this schedule should be amended so that the Gibbet Hill Contribution is paid to National Highways.

Should the National Highways scheme for Gibbet Hill prove to not be deliverable for some reason, then the fall-back position should be the delivery of an agreed scheme of works shown to mitigate for the impacts of the proposed development. It is understood that the scheme of works proposed has not been agreed with National Highways, and WCC consider that VISSIM modelling should have been undertaken to identify the impact of the additional development traffic, and to model a mitigation scheme, as the ARCADY assessments carried out do not reflect the peak hour queues observed on the A426 Northbound. See further comments below.

HGV Route Management Strategy (Doc Ref 17.4E)

Detailed comments have been provided at the Deadline submissions as well as direct to BWB. For the most part these have been included in the Deadline 7 (rev 17.4E) document, and these have addressed most of the concerns WCC have raised.

However the following matters are not agreed with regard to daily breaches:

- Para 6.60 is still not sufficiently clear – why do 3-5 or 6-9 breaches need to be proportionately shared amongst occupiers based on floor area? WCC consider that Table 4 is unnecessary, all breaches should be notified and investigated. Table 5 sets out the levels of breaches for Stages 1 and 2, it is stated in the document that 10+ breaches cumulatively would necessitate a review of the overall strategy
- There are no penalties identified should say up to 3 HGVs associated with a particular occupier persistently breach. There needs to be a mechanism for such occupiers for the penalty to go straight to stage 2.
- Disagree with the reference to ‘one-way’ at para 6.57, HGVs will impact on amenity and potentially highway safety irrespective of direction of travel.

Also corrections are required for the following:

- corrections to road numbering required to read ‘B4109 (apologies believe WCC used B4108 in error) and B4065 through Wolvey’ (in Table 1 on page 9 and also in paragraphs 3.15 and 6.17 and ‘B4027 through Pailton and Stretton under Fosse’ (in Table 1 on page 9 and paragraph 3.15)
- Table 1, no. 16 measure v and para 6.53 – this should be for the Travel Plan Coordinator not the occupier

Sustainable Transport Strategy (Doc Ref 6.2.8.1E)

As advised at Deadline 6 the document has helpfully been updated with a table summarising the measures/commitments, and provides for the extension of the existing #8 service to Nuneaton which also serves Magna Park. WCC was advised that the timetables appended are indicative only and that further work will be carried out with the operator in order to ensure that the timing of the services dovetail with the shift start and end times at the development site (as stated at paragraph 7.18), otherwise the patronage and mode shift will not be realised.

It is noted that a shuttle bus will operate between the bus stops on the Link Road and the internal circulation routes within the site. However the document does not detail

where the shuttle buses will wait to ensure they are not occupying the Link Road layby/stops when the commercial services are arriving/departing.

It is noted that employees at first occupation of buildings on the site can apply for a free 6 month bus pass within the first 6 months following occupation (paragraph 7.12). The wording is now more precisely defined, but would disadvantage any employees if an occupier has a phased recruitment strategy, WCC would prefer that this should be reviewed as part of the Framework Travel Plan ongoing monitoring and review.

In our previous Deadline submissions and in discussions with The Applicant we have consistently raised that the existing workforce profile in the Rugby area has a significant proportion of employees engaged in the logistics and distribution sector, WCC consider that Rugby, which is currently the fastest growing town in the West Midlands, could be a significant source of employees, and these are not catered for within the STS or Travel Plan documents other than the potential for them to car share. The Applicant does not consider it necessary to provide public transport or DRT connectivity to Rugby from day one, although it is understood that this will be reviewed on an annual basis as set out at para 7.31 of the STS. The STS does not detail what level of patronage or employee levels would trigger the provision of a bus service, this is something that should be included as part of the annual Travel Plan Steering Group review.

Construction Traffic Management Plan (Doc Ref 17.6C)

WCC are generally in agreement with this document, and note that much of the detail relies on the appointment of a Principal Contractor. The routes detailed for construction traffic to follow rely on the SRN and as such are considered appropriate. However, should drivers deviate from the prescribed routes for any reason, the document does not detail how monitoring and enforcement would be carried out. WCC consider this should be addressed in any proposed strategy submitted by a Principal Contractor for discharge.

Cross-in-Hands Roundabout

WCC has reviewed the forecast traffic flows for this junction that sits within Warwickshire and Leicestershire and includes the A5 which forms part of the SRN. Based on the concerns raised in our previous Deadline submissions, additional junction modelling has been carried out in ARCADY. WCC raised concerns over some of the forecast turning movements that were derived from the furnishing process, which have been addressed with the application of the 2023 observed entry proportions.

The modelling (submitted to WCC on 13th February) shows that with these revisions, the B4027 and Coal Pit Lane approaches, are not forecast to experience the increases in traffic that the PRTM model forecast, and is closer to the future year RRAM results in terms of queueing.

Therefore WCC advised on 23rd February that the proposed works to mitigate the development impacts on these entry arms will not be required, however it was noted that turning movements had changed on other approach arms and that the information should be submitted to Leicestershire County Council and National Highways for their review.

Wording has been added to the dDCO to allow for flexibility over not providing works, however it is not clear if works should be necessary on the A5 or A4303 approaches or the circulatory if the dDCO allows for this.

However, the modelling has yet to be agreed with Leicestershire County Council or National Highways, so it is not clear as to whether or not works at Cross-in-Hands will be required to mitigate for the development traffic impacts.

Gibbet Hill Roundabout

As with Cross-in-Hands, concerns were raised by WCC with regard to some of the turning flows from the Gibbet Lane approach that had been derived from the PRTM and furnishing, and National Highways raised similar concerns for the A5 south approach. These have been addressed in so far as the turning proportions are now more reflective of the 2023 observed turning count data.

This junction is not included within the WCC RRAM model, and WCC have consistently requested that the development impacts be assessed within the National Highways VISSIM model which is validated and more closely represents the network and observed queuing. PRTM whilst a validated model, is strategic in nature and does not explicitly model junctions. The Applicant team have advised that they do not consider the level of impact should require VISSIM modelling to be carried out.

The Applicant has submitted updated ARCADY modelling to National Highways for the existing junction layout and a scheme of proposed mitigation to address comments made by National Highways in regard to the need to use the lane simulation tool (HGVs cannot travel in parallel around the circulatory A5 east to west) and include proportions of HVs. This information has been summarised in the form of a Technical Note (Doc Ref 22.2 and we expect it to be submitted by The Applicant at Deadline 8) and we received a copy of the TN and ARCADY models on 5th March. Meetings have been held over the last week to discuss the modelling and the proposed scheme of mitigation, however this has not been agreed with National Highways. The Applicant has provided a cost estimate to National Highways for review (understand this is the amount included in the UU - £344,967.07), the breakdown/Bill of Quantity has not been provided to WCC or LCC, however we did provide information to The Applicant on 7th February to advise that WCC's Engineering Design Service recommend a contingency of between 50% and 60% be applied to any concept stage plans to reflect the level of risk to the delivery authority in respect of increases in construction rates, absence of details around construction specifications and design, absence of statutory undertakers equipment, ground investigations, drainage details, absence of consideration for traffic management/diversions/hours of working and other such unknowns.

The preferred approach would be for a contribution to be made towards the National Highways scheme for improvement at this junction, as their scheme will be designed to accommodate the cumulative impacts of several committed developments. However should the National Highways scheme not progress for any reason, then the fallback should be the provision of the scheme of mitigation that has been agreed as sufficient to mitigate for the development impacts. Therefore the cost estimate used to inform an agreed contribution needs to be as robust as possible to reduce the risk of a scheme not being delivered at all, or the public purse having to bridge any potential funding gap. If the contribution were to be agreed and included within a s106 agreement, there could

be a clause included such that any underspend would be proportionately returned to the various parties.

VISSIM – M69 junction 1, A5 Longshoot-Dodwells

It has not been possible to provide WCC comments on the development impacts on those parts of the WCC network, as we are reliant on the National Highways models, and for the above locations the forecast models have not been agreed.

We trust that these comments are helpful to the ExA in their considerations.

Yours faithfully

Joanne Archer

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