

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

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

**SoCG between the Applicant and Hinckley and
Bosworth Borough Council [Signed]**

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8 March 2024

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations
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GLOSSARY

Term	Definition
BDC	Blaby District Council
BIA	Biodiversity Impact Assessment
BNG	Biodiversity Net Gain
BREEAM	Buildings Research Establishment Environmental Assessment Method
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
CO ²	Carbon Dioxide
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DEFRA	Department for Environment Food and Rural Affairs
EMMP	Ecological Mitigation and Management Plan
ES	Environmental Statement
EV	Electric Vehicle
ExA	Examining Authority
GCN	Great Crested Newts
GHG	Greenhouse Gas
HBBC	Hinckley and Bosworth Borough Council
HNRFI	Hinckley National Rail Freight Interchange
IEF	International Environment Forum
LCC	Leicestershire County Council
LEMP	Landscape Ecological Management Plan
NPPF	National planning Policy Framework
NPSNN	National Policy Statement for National Networks
NSIP	Nationally Significant Infrastructure Project
NVAs	Night Visual Aids
PV	Photovoltaic
SADMP DPD	Site Allocations and Development Management Policies DPD
SoCG	Statement of Common ground
SoS	Secretary of State
SQE	Suitably Qualified Ecologist

STATEMENT OF COMMON GROUND ♦ HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

SRFI	Strategic Rail Freight Interchange
TCPA	Town and Country Planning Act
TSH	Tritax Symmetry Hinckley (Limited)

1. MATTERS OF AGREEMENT AND DISAGREEMENT

1.1 Planning

Version	Date	Issued by
01	May 2023	TSH
02	20/06/23	HBBC
03	04/07/23	TSH
04	05/09/23	HBBC
05	11/10/23	TSH
06	13/10/23	HBBC
07	16/10/23	TSH
08	18/10/23	HBBC
09	24/10/23	TSH

Matters agreed – Alternative Sites

Ref.		Record of agreement
1.	Chapter 4 of the submitted Environmental Statement (ES) (document reference: 6.1.4, APP-113) appropriately outlines the Alternative locations studied and has provided indication by the Applicant as to the reasons for the selection of Hinckley National Rail Freight Interchange (HNRFI).	Agreed through this SoCG.
2.	It is agreed that the <i>'Executive Summary of the Leicester and Leicestershire Strategic Distribution Sector Study'</i> published November 2014 identified a requirement of around 115 hectares of new land for rail – served by logistics sites.	Agreed through this SoCG.
3.	The Applicant has set out the alternative considerations in the evolution of design of HNRFI on the main HNRFI site by reference to the issues identified in chapter 4 of the Environmental Statement (document reference: 6.1.4, APP-113) paragraph 4.133.	Agreed through this SoCG.

Matters not agreed – Alternative Sites

Ref.		
	None	

Matters agreed – Need For HNRFI

Ref.		Record of agreement
1.	The need for a strategic rail freight interchange (SRFI) has been established within the joint authority evidence base <i>‘Warehousing and Logistics at Leicester and Leicestershire: managing growth and change’</i> (April 2021)	Agreed through this SoCG.
2.	That the Study above identifies a short fall of 718,875 sqm of rail served sites which should be planned for the period 2041 – and that a supply shortfall for rail served sites ‘starts to emerge around the mid-2020s’ (Leicester and Leicestershire Authorities’ <i>‘Statement of Common Ground relating to Strategic Warehousing and Logistics Needs’</i> (September 2021 paragraphs 3.4-3.5)	Agreed through this SoCG.
3.	It is agreed that the identified business market for HNRFI is not fully served by existing and committed SFRIs within Leicester and Leicestershire as established in joint evidence report <i>‘Warehousing and Logistics in Leicester and Leicestershire: managing growth and change’</i> (April 2021).	Agreed through this SoCG.
4.	Both the <i>‘Warehousing and Logistics at Leicester and Leicestershire Managing Growth and Change’</i> (April 2021 amended March 2022) jointly commissioned by the local authorities in Leicestershire and the <i>‘Market Needs Assessment’</i> commissioned by the Applicant identify a need for rail served logistics sites but the differing	Agreed through this SoCG.

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	methodologies give different results. It is agreed that there is a need for rail served logistics sites and in principle HNRFI would meet this rail related need.	
5.	That the <i>'Warehousing and Logistics'</i> study will form part of the evidence base for Leicester and Leicestershire planning authorities in the preparation of the reviews of their development plan in meeting future development needs.	Agreed through this SoCG.
6.	Hinckley and Bosworth Borough Council will not advance argument against HNRFI alleging that HNRFI will adversely impact upon the operational viability of existing or committed SRFIs.	Agreed through this SoCG.
7.	The Applicant has undertaken a <i>'Market Needs Assessment'</i> (document reference: 16.1A, REP4-096) which has demonstrated HNRFI is located near to the business market it will serve and is linked to key supply chain routes.	Agreed through this SoCG.

Matters not agreed – Need For HNRFI

Ref.		
	N/A	

Matters agreed – Strategic Rail Freight Interchanges

Ref.		Record of agreement
1.	That HNRFI will be developed in a form that can accommodate both rail and non-rail activities. (NPSNN, paragraph 4.83)	Agreed through this SoCG.
2.	Requirement 10 Rail which supports the construction and occupation of up to 105,000 sqm of logistics floorspace is Reasonable and proportionate prior to the	Agreed through this SoCG.

	<p>Rail Port (Phase 1) becoming operational as Set out within the submitted Planning Statement (document reference: 7.1B, REP4-086).</p> <p>Requirement 10. <i>No more than 105,000 square metres of warehouse (including ancillary office) floorspace to be provided as part of the authorised development may be occupied until the rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated rail infrastructure has been completed.</i></p>	
3.	Requirement 16 Construction Hours	Agreed through this SoCG

Matters not agreed – Strategic Rail Freight Interchanges

Ref.		Any actions rising
1.	There is disagreement between the parties whether the proposal for HNRFI satisfy the guidance for good design in the National Policy Statement for National Networks (NPSNN) (paragraphs 4.28-4.35) with particular reference to the alleged impact of HNRFI on the surrounding landscape.	
2	<p><u>The addition of the (red text) below to Requirement 10.</u></p> <p><u>10. (1) No more than 105,000 square metres of warehouse (including ancillary office) floorspace to be provided as part of the authorise development may be occupied until the rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated infrastructure has been completed.</u></p> <p><u>(2) The undertaker must notify the local planning authority of the date of the first occupation of more than 105,000 square metres of warehousing within 28 days of such occupations occurring.</u></p>	

	<p><u>(3) Following completion of the rail terminal works the undertaker must retain, manage and keep the rail terminal works available for use.</u></p> <p><u>(4) The undertaker must appoint a rail freight co-ordinator prior to the completion of the rail terminal works who must report to the local planning authority</u></p> <p style="padding-left: 40px;"><u>no less than once a quarter on the operation of the rail terminal when open including—</u></p> <ul style="list-style-type: none"> <u>a. the appointment of a rail operator to operate the rail terminal;</u> <u>b. the amount of rail freight usage of the rail terminal;</u> <u>c. the number of trains using the rail terminal;</u> <u>d. the warehousing receiving or sending goods through the rail terminal; and</u> <u>e. the amount of goods being received or sent through the rail terminal by freight</u> <p><u>(5). The undertaker must maintain a person in the position of rail freight co-ordinator throughout the life of the authorised development unless otherwise agreed with the local planning authority.</u></p>	
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Matters agreed – Other matters arising from the policy provisions of the development plan

Ref.		Record of agreement
1.	It is recognised 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. The Development Plan sets out the framework for guiding development in the District under the Town and County Planning Act 1990 (TCPA) 1990 and provides a wider context for the HNFRI proposal.	Agreed through this SoCG.
2.	That the relevant part of the development plan for the Borough Council comprises: Hinckley and Bosworth Core Strategy DPD 2009 Hinckley and Bosworth Site Allocations and Development Management Policies 2016	Agreed through this SoCG.
3.	The Council has adopted a 'Good Design Guide' Supplementary Planning Document (2020) which the Examining Authority (ExAO /Secretary of State (SoS) may consider material to the decision taking.	Agreed through this SoCG.
4.	HNRFI is in conflict with the policy in the development plan for Hinckley and Bosworth Borough which identifies the DCO site being within a location designated as 'Countryside' in the Development Plan. In this respect, it is acknowledged that the NPSNN recognises that due to locational requirements for a SRFI, countryside locations may be required (NPSNN, paragraph 4.84).	Agreed through this SoCG.
5.	That the HNRFI has a direct physical impact on land which forms part of the allocated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge and gives rise to a conflict with Policy 6 of the adopted 2009 Core Strategy of the 2016 adopted 'Site Allocations and Development Management Policies DPD' (SADMP DPD), arising from the construction of the A47 Link.	Agreed through this SoCG.

6.	That the scale and locational requirements for a SFRI could not be accommodated within the limits of a built-up area within Hinckley and Bosworth Borough.	Agreed through this SoCG.
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Matters not agreed – Other matters arising from the policy provisions of the development plan

Ref.		
1.	The Planning Statement, ES or other documents do not give a detailed consideration of the Development Plan documents.	
2.	<p>Reference the provision to the south of the A47 Link Road with the proposals for 22.62 hectares of public open space adjoining Burbage Wood amounts to some 25% of the area of land comprised of Burbage Common and Wood. Such provision is consistent with the strategic interventions supported by Policy 20 'Green Infrastructure' within the adopted Core Strategy to 'increase the size of the site to increase both the community value and biodiversity holding capacity and improve access to the site potentially for pedestrians and cyclists</p> <p>HBBC (Hinckley and Bosworth Borough Council) consider that in order to meet this policy the proposal would need to clearly demonstrate that the community value for cyclists and pedestrians can be improved while also increasing the biodiversity holding capacity, ensuring that each is dealt with independently and by making improvements for pedestrians and cyclists, their proposals will not have a detrimental impact on biodiversity.</p>	
4.	Whether the Parameters Plan is consistent with the guidance in the Good Design SPD.	
5.	Whether the extent to which the	

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	construction of the A47 is in conflict with the provision of Core Strategy Policy 6 Green Wedge, and the weight to be applied to such conflict.	
6.	Whether in order to consider the visual impact of the proposed link road on the Green Wedge, illustrative elevational details are required.	
7.	Whether in consequence of the proximity of HNRFI to Burbage Wood and Aston Firs SSSI which is designated as a Local Wildlife Site BUR76, <i>'HNRFI will have a detrimental impact and thereby be in conflict with Policy DM6 of the 2016 Adopted Site Allocations and Management Policies DPD which aims to protect nationally and internationally designated sites.'</i>	
8.	Whether in abutting the eastern edge of land forming part of Burbage Common and Wood which is designated an area of Natural and Semi Natural Open Space (BUR76) the proposal is in conflict with Policy DM9 of the 2016 <i>'Adopted Site Allocations and Management Policies DPD'</i> which aims to protect and enhance such sites.	

Matters agreed – Draft Policy Statement National Networks

Ref.		Record of agreement
1.	The Draft NPSNN is potentially capable of being an important and relevant consideration in the decision taking process on HNFRI. The extent to which the Draft NPSNN is relevant to the determination of the DCO for HNRFI is a matter for the Secretary of State to consider within the Planning Act 2008. (NPSNN, paragraph 1.17)	Agreed through this SoCG.
2.	The Draft NPSNN states that <i>'to meet the Government's ambitions for rail freight growth there remains a need for appropriately located SRFI across all regions to enable further unlocking of the benefits.'</i> (NPSNN, paragraph 3.103)	Agreed through this SoCG.

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3.	That in meeting the Government’s ambitions for rail freight growth there remains a continuing need for appropriately located SRFIs across all regions to enable further unlocking of benefits (Draft NPSNN, paragraph 3.103)	Agreed through this SoCG.
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Matters not agreed – Draft Policy Statement National Networks

Ref.		
1.	Whether the phasing of development for HNRFI is consistent with the provisions of paragraph 4.84 of the Draft NPSNN).	

1.2 Lighting

Version	Date	Issued by
01	18 May 2023	TSH
02	15 June 2023	HBBC
03	22 January 2024	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	HNRFI complies with the NPSNN paragraphs 5.81 – 5.89 in relation to artificial light by proving a detailed investigation of the issues and recommending appropriate mitigation measures are identified to avoid any adverse impact upon the site or adjacent areas.	Agreed through this SoCG
2.	It therefore seeks to minimise impacts of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation by complying with best practice for roads / highways and workplaces (including BS 5489, BS 13201 and BS EN 12464) as well as the reduction of obtrusive light (ILP Guidance Note 01/21).	Agreed through this SoCG
3.	Requirement 30 – lighting is agreed	Agreed through this SoCG
4.	The lighting section of the Construction Environmental Management Plan (CEMP) (document reference: 17.1A, REP4-109) Paragraphs 1.46 – 1.49 is agreed (see below)	Agreed through this SoCG

1.3 Climate

Version	Date	Issued by
01	19/05/23	TSH
02	14/06/23	HBBC
03	23/06/23	HBBC
04	03/07/23	TSH
05	26/07/23	HBBC

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 18 (document reference: 6.1.18A, REP4-045) been prepared in accordance with the NPSNN. The proposal supports the DfT's NPSNN for National Networks by providing sustainable development through the reduction of transport-based greenhouse gas (GHG) emissions by encouraging a modal shift of freight from road to rail. Furthermore, this modal shift will help to reduce traffic congestion and improve air quality in the wider East Midlands region.	Agreed through this SoCG
2.	ES Chapter 18 has been prepared in accordance with the National Planning Policy Framework (NPPF) (2023) by mitigating and adapting to climate change, including moving to a low carbon economy (paragraph 8c). The development has been designed in ways to a) avoid increased vulnerability to the range of impacts arising from climate change and b) help to reduce greenhouse gas emissions (paragraph 159b). To help increase the use and supply of renewable and low carbon energy and heat, the development: a) provides a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily	Agreed through this SoCG

	(including cumulative landscape and visual impacts); b) considers suitable areas for renewable and low carbon energy sources, and c) identifies opportunities to draw its energy supply from renewable or low carbon energy supply systems (paragraph 160c).	
3.	<p>The assessment methodology has been accepted comprising:</p> <ul style="list-style-type: none"> • A Study of the baseline characteristics using both survey data and third party information; • An Assessment of the resilience to likely climatic changes; • An Assessment of the likely effects on climatic change; <p>Recommendations to mitigate likely significant effects</p>	Agreed through the Scoping Opinion, additional consultation and this SoCG.
4.	<p>The assessment is sufficient to estimate the effects GHG emissions sources, including:</p> <ul style="list-style-type: none"> • Vehicular emissions during the construction stage; • Embodied carbon in construction materials; • Vehicular emissions during the operational stage; and <p>Energy demand during the operational stage.</p>	Agreed through this SoCG
5.	<p>Although the Proposed Development is not an Energy NSIP, the provision of provision of roof-mounted photovoltaic (PV) arrays with a generation capacity of up to 42.4 megawatts peak (MWp) providing direct electricity supply to the building or exporting power to battery storage, and also incorporating provision of an energy centre, HNRFI supports the Draft National Policy Statement for Renewable Energy Infrastructure 2021.</p>	Agreed through this SoCG
6.	<p>HNRFI supports Hinckley and Bosworth Borough Councils (HBBC) core strategies ('Spatial Objective 12') by minimising the</p>	Agreed through this SoCG

	impacts of climate change by promoting the sustainable use of resources, investing in green infrastructure, minimising the use of resources and energy, increasing reuse and recycling of natural resources, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.'	
7.	ES Chapter 18 (document reference: 6.1.18A, REP4-045) (acknowledge and supports HBBCs and own commitments to acknowledging a climate emergency.	Agreed through this SoCG
8.	<p>It is agreed that the assessment of greenhouse gas emissions (GHGs) is an integral part of evaluating the environmental impact of various proposals and initiatives. However, it is important to acknowledge that the assessment of GHGs is inherently reflective of the outlined nature of these proposals, which can present certain limitations: since the proposals are often presented at an early stage of development or are subject to change, the assessment is based on projected data rather than actual measurements. Furthermore, the outlined nature of proposals may not capture all potential emissions sources or accurately account for indirect or secondary emissions (this is explained in the methodology section).</p> <p>While efforts are made to consider a comprehensive range of factors, such as direct emissions from operations, the emissions associated with operational circumstances throughout entire life cycle, or potential emissions caused indirectly through supply chains, cannot be assessed at this stage in time and therefore transparent and accurate projections for</p>	Agreed through this SoCG

	<p>units to transition to net-zero is not feasible.</p> <p>It is acknowledged that UK companies have legal commitments and obligations to commit to net-zero emissions as part of the government's strategy to address climate change; SECR is a mandatory reporting framework that applies to large UK companies. It will therefore require that companies operating on the site will need to report their energy consumption, greenhouse gas emissions, and energy efficiency measures in their annual reports. It's important to note that the legal commitments and requirements for companies to commit to net-zero in the UK may evolve over time as policies and regulations are updated or introduced.</p> <p>Ongoing monitoring, regular updates, and transparent reporting are recommended to address uncertainties and refining the assessments as more accurate data becomes available.</p>	
9	<p>The materials demand of the development will be addressed by maximising the use of reclaimed and recycled materials where practicable throughout the construction process. The demand upon the development for the provision of recycling and waste storage will be addressed in the early detailed design stages and when detailed discussions can be held with prospective operators regarding the specific operations of the proposed units. In addition, recycling and waste will be considered for the Construction Stage. Provision has been made in the scheme for the inclusion of recycling and waste storage / compaction within the identified service areas.</p>	Agreed through this SoCG

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10.	<p>This commitment by Tritax Symmetry Hinckley (TSH) to deliver net-zero buildings should result in a significant reduction in embodied carbon sources during construction that are not anticipated to materially affect the ability of the UK to achieve its carbon reduction targets, and thus are not predicted to have a significant effect on the global climate. Opportunities for further reduction will be encouraged and captured through the incorporation of carbon targets within the procurement process.</p>	Agreed through this SoCG
11.	<p>The Construction Traffic Management Plan (CTMP) (document reference 17.6C) will minimise and mitigate the environmental impacts of construction activities, including the reduction of GHG emissions.</p>	Agreed through this SoCG
12.	<p>The Framework CEMP (document reference: 17.1A, REP4-109) includes best practice mitigation measures to reduce emissions during construction, including from construction plant, for example:</p> <ul style="list-style-type: none"> • Training employees in how to handle machinery to reduce GHGs; • Switching off machinery and vehicles when not in use; • Regular maintenance of machinery to ensure they work efficiently; • Using electric or alternative low/zero carbon emission machinery where possible; • Reducing water consumption where possible; and <p>Using efficient vehicles and machinery where possible.</p>	Agreed through this SoCG
13.	<p>During the demolition of on-site structures, the re-use, recycling and reduction of construction waste will be promoted to reduce HNRFI's overall carbon footprint by reducing the need to extract raw materials.</p>	Agreed through this SoCG

14.	Embedded emissions of HNRFI will be calculated at each stage of design as it develops to ensure that it is meeting its project specific targets and legal requirements including Building Regulations Part L and to seek to achieve a Buildings Research Establishment Environmental Assessment Method (BREEAM) 'Excellent' rating. This will consider both operational CO ₂ emissions affected by design and embodied carbon. HNRFI will consider sourcing building materials from sustainable and, where possible, local sources whilst restricting materials which cause environmental harm. Ultimately, this strategy will reduce the overall carbon footprint and lead to a potential reduction in GHG emissions associated with HNRFI over its lifetime.	Agreed through this SoCG
15.	The increase in electrical vehicles throughout the lifespan of HNRFI will result in a decrease of direct emissions, though it will in turn increase the demand on the national grid where indirect emissions may result depending on the energy source.	Agreed through this SoCG
16.	HNRFI proposes a suite of transport and access improvements which will help reduce GHG emissions associated with the transport of employees to and from the Main HNRFI Site during the operational phase.	Agreed through this SoCG
17.	The impacts of climate change on HNRFI during the construction stage would be managed through the outline CEMP, which would contain detailed procedures to mitigate any potential impacts associated with extreme weather events, as listed in Appendix 18.6 (document reference: 6.2.18.6, APP-222). This will compliment best practice mitigation measures employed in the construction industry. The lead contractor will ensure appropriate	Agreed through this SoCG

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	measures within this outline CEMP (document reference: 17.1A, REP4-109) are implemented and, as appropriate, additional measures to ensure the resilience of the proposed mitigation of impacts during extreme weather events.	
18.	The lead contractor’s Environmental Management System will consider all measures deemed necessary and appropriate to adapt to and manage extreme weather events and should specifically cover training of personnel and prevention and monitoring arrangements.	Agreed through this SoCG
19.	During operational circumstances, adaptation and resilience to climate and weather-related risks would be considered periodically through maintenance regimes. A schedule of general inspections and principal inspections of each structure should be carried out to determine condition of the structure and identify any potential maintenance requirements.	Agreed through this SoCG
20.	Requirement 17 Energy Strategy	Agreed through this SoCG

Matters not agreed

Ref.	Matter not agreed
1.	None

1.4 Air Quality

Version	Date	Issued by
01	22.05.2023	TSH
02	15.06.2023	HBBC
03	28.07.2023	TSH
04	08.08.2023	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The air quality impacts would not adversely impact on the considerations set out in NPSNN, paragraph 5.13.	Agreed through this SoCG.
2.	Methodology applied to the assessment including the following: <ul style="list-style-type: none"> - Construction phase dust assessment utilising Institute of Air Quality Management (IAQM) guidance; and - Construction and Operational phase road traffic impact assessment utilising IAQM and Environmental Protection UK (EPUK) guidance to determine the significance of impacts at human receptor locations and Design Manual for Roads and Bridges (DMRB) guidance to determine the requirement to consider ecological designations. 	Agreed through this SoCG.
3.	Incorporation of mitigation measures within the HNRFI to minimise the impact of the HNRFI on local air quality, including: <ul style="list-style-type: none"> - Electric Vehicle (EV) charging provision; - Provision of bus stop; - Use of Photovoltaic (PV) array as primary energy source; 	Agreed through this SoCG.

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	- Site Wide Travel Plan to promote active and low emissions transport uptake to the HNRFI.	
4.	The CEMP (document reference: 17.1A, REP4-109) paragraphs 1.77 to 1.79 under the heading Dust and Air Quality are agreed.	Agreed through this SoCG.
5.	Assessment of back-up Combined Heat and Power (CHP) unit emissions on local air quality.	Agreed through this SoCG
6.	Requirement 28 Combined Heat and Power is agreed.	Agreed through this SoCG
7.	Confirmation should be given that the 2022 version of the Department for Environment Food and Rural Affairs (DEFRA) Technical and Policy Guidance has been used	Agreed through this SoCG It can be confirmed that the 2022 version of the DEFRA Technical and Policy Guidance has been used, as detailed in Chapter 9 of the ES (document reference: 6.1.9, APP-118) paragraph 9.98 and reference 15.
8.	An air quality addendum (Doc Ref: 6.4.1) has been prepared and submitted which takes consideration of the quality assessment results in accordance with the revised PM2.5 air quality objectives published in early 2023. Overall, the impact of the HNRFI is predicted to be not significant in relation to the future PM2.5 objectives.	Agreed through this SoCG.

Matters not agreed

Ref.	Matter not agreed	Any actions arising
	N/A	

1.5 Ecology

Version	Date	Issued by
01	18.05.2023	TSL
02	19.06.2023	HBBC
03	28.06.2023	TSL
04	11.08.2023	HBBC
05	05.02.2024	TSL
06	14.02.2024	HBBC
07	23.02.2024	TSL
08	23.02.2024	BDC
09	26.02.2024	TSL
10	26.02.2024	BDC
11	27.02.2024	BDC
12	27.02.2024	TSL

Matters agreed

Ref.		Record of agreement
General Comments		
1	ES Chapter 12 (document reference: 6.1.12A, REP4-043) and its associated appendices and figures have been prepared in accordance with, specifically, paragraphs 5.20 to 5.38 of the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG.
2	The consideration for terrestrial GCN (Great Crested Newts) within the EMMP (Ecological Mitigation and Management Plan) are sufficient.	Agreed through this SoCG.
Ecology Baseline (document reference: 6.2.12.1A, REP4-065)		
3	Executive summary – Paragraph 1.3, Ecology Baseline (APP-197, 6.2.12.1A). That the Applicant has carried out sufficient phase 1 and phase 2 species surveys.	Agreed through this SoCG.
4	Methodology – Paragraph 1.14, Ecology Baseline (APP-197, 6.2.12.1A). The search radii employed for the majority of	Agreed through this SoCG.

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	the ecological receptors.	
5	Extended Phase 1 survey – Paragraph 1.28, Ecology Baseline (APP-197, 6.2.12.1A). The Extended Phase 1 Habitat Survey was undertaken within the optimal survey period for such surveys.	Agreed through this SoCG.
6	Paragraphs 1.29 through to 1.39, Ecology Baseline (APP-197, 6.2.12.1A). All Phase 2 surveys were undertaken in accordance with standard guidance and during the optimal survey periods.	Agreed through this SoCG.
7	Annex 4, Ecology Baseline (APP-197, 6.2.12.1A).– Bat surveys – Paragraph A4.16. The bat emergence/re-entry surveys were undertaken during the optimal survey period for roosting bats, particularly with reference to potential summer roosts.	Agreed through this SoCG.
8	Annex 4, Ecology Baseline (APP-197, 6.2.12.1A) – Bat surveys – Paragraph A4.16 The inclusion of updated GCN surveys to be undertaken prior to any habitat loss.	Agreed through this SoCG.
9	Annex 5, Ecology Baseline (APP-197, 6.2.12.1A) – GCN surveys – Paragraph A5.25. The inclusion of updated GCN surveys to be undertaken prior to any habitat loss.	Agreed through this SoCG.
10	That the Metric 3.1 and associated condition sheets was the appropriate Metric methodology at the time of assessment.	Agreed through this SoCG.
11	Annex 4 – Bat surveys – Paragraph A4.4. That no surveys were undertaken within areas that were considered to be ' <i>at no risk of significant adverse impacts to potentially roosting bats</i> ', these areas are to be given suitable consideration should any changes to the project occur.	Agreed through this SoCG.
12	Annex 4 – Bat surveys – Paragraph A4.18. No night visual aids are mentioned with regard to emergence/re-entry surveys. The updated Bat Conservation Trust guidance was published after these surveys but the Applicant has confirmed that any planned pre-construction surveys will be undertaken in accordance with the updated Night Vision Aid guidance.	Agreed in line with the Applicant's comment – updated emergence surveys to include Night Vision Aids.
Ecology and Biodiversity ES Chapter		
13	The correct guidance has been cited regarding biodiversity net gain and development at paragraph 12.15 of the revised document	Agreed through this SoCG.

	(document reference 6.1.12C).	
14	LUC on behalf of BDC queried the information provided at Paragraphs 12.157, 12.158, 12.172, 12.183 of the ES Chapter 12 (document reference 6.1.12C, REP4-043), with regards to wet ditch habitat retention and protection, re-routing of the stream, adequate bat mitigation during construction, and consideration of fragmentation. Existing information considered adequate, with further details on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.	Agreed through this SoCG.
15	Paragraph 12.204. The potential presence of GCN has been adequately considered, with appropriate wording of the EMMP regarding amphibians (document reference 17.5, APP-363). Update surveys will be undertaken at the appropriate time, and the CEMP includes consideration of off-site ponds during site clearance works (paragraph 1.87).	Agreed through this SoCG.
16	Badger mitigation measures are acceptable. Further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.	Agreed through the SoCG.
Biodiversity Impact Assessment		
17	The Biodiversity Metric (document reference 6.1.12B) has been submitted at Deadline 7 and includes additional information and updates following discussions with LUC. This includes assessor comments within the metric (annex 1); rationale for condition categories (annex 1); a river corridor assessment (annex 2) and rationale as to how target condition will be achieved; addition of off-site hedgerows into the off-site hedgerow baseline; and strategic significance applied to existing and proposed habitats with justification provided (annex 1 and paragraphs 1.9 – 1.10).	Agreed through this SoCG. Applicant confirms that a full Biodiversity impact Assessment (BiA) report, inclusive of condition assessment sheets will be delivered at detailed design stage as part of the BNG Strategy (Requirement 29). The detailed metric will be reviewed by a Suitably Qualified Ecologist (SQE) and be required to be approved by the planning authority.
18	Paragraphs 1.18 to 1.19. The use of off-site land for BNG will be delivered through a suitable mechanism and	Agreed through this SoCG.

	their calculation and delivery plan must will be agreed with the planning authority and reviewed by an SQE.	
19	Paragraph 1.22. It is noted in the Metric 3.1 guidance that newly planted trees should be categorised as ‘small’. For any newly planted trees entered as medium or higher, justification will be provided. As per paragraph 7.11 of the Metric 3.1 User Guidance, trees entered as medium will be required to achieve 30dbh at 30yrs.	Agreed through this SoCG.
20	Paragraphs 1.32 to 1.33. Should 10% BNG not be met on site, an appropriate planning mechanism, such as the forthcoming register of habitat banks should be used to purchase credits or land should be acquired that will fall under the management of the proposed management company.	Agreed through this SoCG.
21	Annex 1. Where the same habitat type is expected to reach different conditions (such as grassland), this will be separated into its component parts and assessed individually as per Metric guidelines. The detailed LEMPs (Requirement 19) will prescribe management measures in line with the Habitat Condition Assessments.	Agreed through this SoCG.
22	The BiA is in line with BS 8683 Process for Designing and Implementing Biodiversity Net Gain (2021).	Agreed through this SoCG.
Woodland Management Plan (WMP)		
23	Requirement 31 wording is agreed. No phase shall commence until a WMP has been submitted and approved by the relevant planning authority. A single upfront WMP is appropriate, as opposed to phase-specific WMPs.	Agreed through this SoCG.
24	The detailed WMP secured through Requirement 31 will include distinctions between BNG-specific management measures and general good practice management measures for both on site and off-site woodland and trees. This will be agreed with the planning authority and reviewed by an SQE.	Agreed through this SoCG.
25	The proposed buffers to offsite designated and ancient woodland are appropriate.	Agreed through this SoCG.
Landscape and Ecological Management Plan		

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26	Paragraphs 2.2 to 2.3. The LEMP covers a period of 30-years following Applicant updates to document at Deadline 4. This is considered appropriate.	Agreed through this SoCG.
27	P.g.11. Distinctions within the detailed LEMPs (Requirement 19) will be made between SuDS that are intended for water quality and attenuation versus those which are intended to provide additional benefit for wildlife. The LEMPs must make provision for additional maintenance for wildlife ponds that is sensitive to amphibians, invertebrates, birds and small mammals.	Agreed through this SoCG.
28	The LEMP is outline in nature, and further detail will be provided within the detailed LEMPs as per the Requirements. These will be subject to local authority review and will include reference to BNG and habitat condition assessments.	Agreed through this SoCG.
Construction Environmental Management Plan		
29	Paragraphs 1.181 to 1.190 under the section Ecology of the CEMP are agreed.	Agreed through this SoCG.
30	Further detail will be provided within the future iterations of the CEMP as per the Requirements. Method statements and species/habitat specific working restrictions and protocols should be included within the detailed CEMPs (Requirement 7). This will include, where appropriate, consideration of potential acoustic impacts on badgers and will be informed by updated survey work.	Agreed through this SoCG.
Lighting Impacts		
31	The revised wording in respect of Requirement 31 Lighting is agreed.	Agreed through this SoCG.
Air Quality		
32	In accordance with Requirement 7 of the Draft DCO, a Dust Management Plan will be prepared to set out methods of dust control. The following changes are agreed in respect of Requirement 7: (q) Details of any necessary temporary (or otherwise) flood risk and surface water management measures; (r) Details of any necessary temporary (or	Agreed through this SoCG. The principles of the suggested amendments have been incorporated into the dDCO Requirement 7.

	<p>otherwise) flood risk and surface water quantity and quality management measures; and</p> <p>(s) Details of temporary lighting.</p> <p>(3) The detailed construction environmental management plan for each phase is to be kept under review and may be updated, if necessary, as construction proceeds with the approval in writing of the relevant planning authority.</p> <p>(4) The authorised development must be carried out in accordance with the detailed construction environmental management plan as approved in writing by the relevant planning authority including any updates subsequently approved.</p>	
33	<p>No significant impacts are anticipated on Freeholt Wood ancient woodland following the provision of further information regarding appropriate buffer widths (Figure 11.17 has now been updated submitted at deadline 7 [ref. 6.3.11.17b]) and indicative appropriate screen planting (LEMP paragraphs 4.12 – 4.16) submitted at deadline 7 [document reference 17.2C]).</p>	Agreed through this SoCG.
Noise and Vibration		
34	<p>Potential impacts from noise pollution have been fully assessed within ES Chapter 10: Noise and Vibration (document reference: 6.1.10) and ES Chapter 12: Ecology and Biodiversity (document reference: 6.1.12). Further details are included at paragraphs 1.71 to 1.76 within the Construction Environment Management Plan (CEMP), (document reference: 17.1), which includes specific mitigation measures to ensure that noise pollution does not adversely impact ecological receptors.</p>	Agreed through this SoCG.
Scope of Surveys		
35	<p>The scope of ecological survey work as described within Appendix 12.1: Ecology Baseline (Document reference: 6.2.12.1). Ecological surveys are deemed to have been undertaken at the appropriate time during the optimal survey period.</p>	Agreed through this SoCG.
36	<p>Sufficient surveys were undertaken that cover the DCO Order Limits providing that the</p>	Agreed through this SoCG.

	scheduled 2024 resurveys are completed as per discussion during the SoCG meetings.	
Ecological Mitigation and Management Plan		
37	<p>Requirement 20 Ecological Mitigation Management Plan is agreed as follows:</p> <ol style="list-style-type: none"> 1. Subject to paragraph (3) no phase shall commence until a detailed ecological mitigation and management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed ecological mitigation and management plan must be in accordance with the principles set out in the ecological mitigation and management plan and must: <ol style="list-style-type: none"> a. apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians; b. ensure that mitigation and compensation measures have demonstrable and measurable outcomes, which are monitored and reported on; and c. create alternative habitats to an agreed form to compensate for the loss of irreplaceable habitats. 2. Any detailed ecological mitigation and management plan approved under paragraph (1) must include an implementation timetable and must be carried out as approved in writing by the local planning authority. 3. If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the relevant planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to paragraph (1). A phase for which a 	37

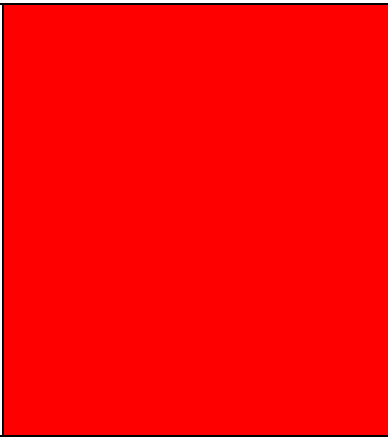
	<p>notification has been given in accordance with this sub-paragraph must not commence until the relevant planning authority has confirmed in writing that not no ecological mitigation and management plan is required for that phase.</p> <p>Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitable qualified person or body.</p>	
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Matters not agreed

Ref.	Matters not agreed	Record of agreement
1	<p>That the full survey results with reference to water vole, otter and badger should be provided separately, rather than within the body of ES Chapter 12 (document reference: 6.1.12A, REP4-043). LUC on behalf of BDC and HBBC consider this is necessary to understand the ES's conclusions. The Applicant considers its approach and inclusion of relevant information in the ES's main text is appropriate.</p>	Not agreed.
2	<p>The barbastelle search radii</p> <p>LUC on behalf of BDC and HBBC considers that standard guidance (Davidson-Watts, I. & Zeale, M. (2017) The Barbastelle Bat Conservation Handbook. Pelagic Publishing, Exeter) for barbastelle uses a 10km buffer, as determined by evidence on commuting and/or foraging activities.</p> <p>The Applicant considers it has sufficiently investigated the potential for impacts to barbastelle. As identified in the latest version of the bat survey guidelines (Collins, J (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition), The Bat Conservation Trust) the core sustenance zones for barbastelle maternity roosts should be considered within 6km of a maternity roost. Across the site a single barbastelle has been recorded through static detector surveys, and</p>	Not agreed.

	<p>the 6km data search (from the site boundary) identified no known barbastelle maternity roosts. Given the site is located towards the northern edge of the barbastelle's range, that very low numbers have been identified on-site and there are no statutory designations for barbastelle within 10km of the site, the approach is considered proportionate.</p>	
3	<p>Matrix of effects LUC on behalf of BDC and HBBC considers that a matrix of effects should be included within the ES Chapter 12 (document reference: 6.1.12A, REP4-043), this is usually included to help guide the reviewer in respect to impact significance.</p> <p>The Applicant considers that A matrix is not a requirement. The CIEEM Guidelines For Ecological Impact Assessment in the UK and Ireland states '<i>A matrix approach is commonly used in EIA by disciplines other than ecology to assign significant residual effects to categories (e.g. major, moderate, minor). In many cases, its use is required to provide consistency across all the topics of an Environmental Statement.</i>' '<i>These Guidelines avoid and discourage use of the matrix approach and categorisation.</i>'</p>	Not Agreed.
4	<p>Paragraph 12.207. LUC disagrees that an outline decommissioning plan is not included, despite the nature and longevity of the proposed development. This high-level assessment should state that a detailed assessment must be revisited and formally submitted and approved by the SoS in the years before decommissioning.</p> <p>The Applicant maintains that decommissioning would be akin to the reverse of construction but this is so far off that a decommissioning plan at this stage has little or no value.</p>	Not Agreed.
5	<p>Cumulative effects – Paragraph 12.245. Whilst it is acknowledged that potential cumulative schemes are considered to be spatially divorced from the proposed development, unsubstantiated claims with regard to biodiversity net gain through both onsite and offsite measures have been stated. No long term management plan has been</p>	Not Agreed.

	<p>included with regard to BNG and offsite measures are yet to be secured. Alongside this, there seems to be a reliance on other developments proposals with regard to both to ensure no adverse impacts.</p> <p>The Applicant considers that It is reasonable to expect that all developments in the area, however spatially divorced from the DCO site, will also be subject to stringent planning protocol, legislation and local policy. It has been established that a 10% net gain will be delivered (Requirement 29). The updated outline LEMP now states that the detailed LEMP (Requirement 19) will include habitat management measures which take account of the BNG Habitat Condition Assessments. Management will be secured for a 30-year period.</p>	
Biodiversity Impact Assessment Calculations		
6	<p>LUC on behalf of BDC and HBBC considers that the scheme fails to demonstrate the delivery of a feasible strategy to deliver at least a 10% net gain in biodiversity value.</p> <p>The Applicant considers that A net gain will be achieved in line with relevant policy. 10% will not be mandatory for NSIPs until 2025, however the Applicant will achieve 10% regardless. The BNG strategy is clear in that gains will be primarily sought on site, with off-site gains sought on land within the local vicinity. Any shortfall in gains will be addressed through credit brokers or as a last resort, the use of statutory credits. The updated Biodiversity Impact Assessment Calculations (6.2.12.2B) appendix was been updated and submitted at Deadline 7 and includes revised figures and further detail. As outlined within the Biodiversity Impact Assessment Calculations (6.2.12.2C) a further metric will be produced at the detailed design stage.</p>	Not Agreed.
Landscape and Ecological Management Plan		
7	<p>P.g.12 Further consideration of measures such as passes under/over the road are recommended</p>	Not Agreed.

	<p>as fencing is often ineffective.</p> <p>The Applicant's position is that mammal underpasses are not considered to be necessary, especially given the woodland habitats to the west of the existing main sett. The draft badger licence has been agreed with Natural England, who are content (subject to update survey work and the inclusion of additional foraging resource) that the proposed mitigation is broadly acceptable.</p>	
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1.6 Landscape

Version	Date	Issued by
01	18.05.2023	TSL
02	15.06.2023	HBBC
03	26.06.2023	TSL
04	27.07.2023	HBBC
05	12.10.2023	TSL
06	18.10.2023	HBBC
07	14.11.2023	TSL
08	29.11.2023	HBBC
08.1	12.12.2023	HBBC
09	19.12.2023	TSL
09.1	20.12.2023	TSL

Requirements and LVIA Methodology

Matters Agreed

Ref.	Matter agreed	Record of agreement
1.	Requirement 19 Landscape Ecological Management Plan with the following additional sentence added at the end to (2) <i>'Following such review, any proposed amendments to the LEMP (document reference: 17.2A, REP4-111) must be submitted for the approval of the relevant planning authority.'</i>	Agreed through this SoCG.
2.	Requirement 21 Landscape scheme with the following new paragraph (4) added <i>'Each written landscaping scheme must be implemented as approved by the relevant planning authority or in accordance with any variation approved in writing by the relevant planning authority.'</i>	Agreed through this SoCG.
3.		Agreed through this SoCG.
3.	Matters contained in the CEMP relating to visual impact (para 1.80).	Agreed through this SoCG.

4.	LVIA Methodology in respect of the published landscape character areas in HBBC.	Agreed through this SoCG.
5.	The methodology for assessing night-time lighting effects.	Agreed through this SoCG.

Landscape and Visual Baseline

Matters Agreed

Ref.	Matter agreed	Record of agreement
1.	Viewpoint Locations were agreed via email correspondence in January 2021.	Email correspondence in January 2021 and Agreed through this SoCG.
2.	The assessment study area was agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.7 in document 6.1.11B, REP4-041)	Agreed through this SoCG.
3.	Landscape and townscape receptors were agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.7 in document 6.1.11B, REP4-041)	Agreed through this SoCG.
4.	Residential dwellings to be considered in the LVIA were agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.7 in document 6.1.11B, REP4-041)	Agreed through this SoCG.
5.	Baseline descriptions of lighting in relation to individual landscape and visual receptors.	Agreed through this SoCG.
6.	Night-time construction effects for LCA 1: Aston Flamville Wooded Farmland, LCA 6: Elmesthorpe Floodplain, and LCA 15: Stoney Stanton Rolling Farmland.	Agreed through this SoCG.

7.	Planting growth rates assumed within the Year 15 photomontages.	Agreed through this SoCG.
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Matters not agreed

Ref.	Matter not agreed – Council’s Opinion	Applicant’s Opinion
	Landscape Assessment - It is the Council’s Opinion that the following landscape receptors will also experience significant residual effects.	The applicant does not agree that the following receptors will experience significant effects.
1	SCA Elmesthorpe – Elmesthorpe is located on a low ridge and its linear form means that it has a physical and visual relationship with the surrounding farmland. The proposed development would result in a major alteration to the rural setting of Elmesthorpe, being clearly perceptible to the south of the settlement (PVPs 7, 19, 20, 49 and 50 demonstrate that the development would be clearly visible from a number of locations in and on the edge of the village).	SCA Elmesthorpe – There are no direct effects on this character area and whilst it is agreed there will be an alteration to the setting of the settlement to the south, the village itself is well contained. The applicant has assessed the area identified as the settlement character area on Figure 11.5, which does not include PVPs 7, 20, and 50 (although the applicant has considered PVP 50 and the village recreation ground as part of the assessment given it is a publicly accessible area, which was raised in public consultation as being a well-used facility with opportunity for views). Representative views 19, 49 and 50 present the only areas with views from the village as noted in the assessment with vegetation and built form screening the development from elsewhere including the full length of the village between viewpoints 19 and 49. PVP 48 demonstrates the effect of vegetation in screening views and retaining rural character within the village. Thus a medium magnitude of change and moderate/minor effect is considered appropriate.
2	SCA Burbage Common Rolling Farmland – The proposed A47 Link Road will cause direct impacts in the north of this LCA,	SCA Burbage Common Rolling Farmland – The direct impact of the A47 Link Road within this SCA is considered small

	and the proximity of the proposed A47 Link Road and main HNRFI (including returns area) will result in indirect perceptual impacts on a wider area of the LCA, including Burbage Common.	given the short stretch within the character area and the presence of the A47 already crossing through the northern part of the SCA. The HNRFI would not be visible from the majority of the SCA including most of Burbage Common and Woods Country Park and the whole of the southern part of the SCA. Therefore a low magnitude of change and moderate/minor effect at Year 15 is considered appropriate.
3	<p>UCA 9: Barwell –</p> <p>The proposed development will be clearly visible in the middle ground of characteristic views south from the ridgetop settlement of Barwell and will breach the skyline (as shown in PVP 25). This will also result in a loss of the sense of space and the wider rural landscape setting continuing across the vale.</p>	<p>UCA 9: Barwell –</p> <p>There would be no direct change to this UCA. In terms of indirect effects, the southern edge of this settlement has the potential to experience infrequent, filtered and glimpsed views of the Main HNRFI Site and A47 Link Road including operational lighting at night. Elsewhere within the SCA views would be screened by intervening urban form and mature vegetation. Overall, the change is expected to be Low upon the SCA.</p>
	<p>Visual Assessment – Day-time</p> <p>It is the Council’s Opinion that the following visual receptors will also experience significant residual effects.</p>	The applicant does not agree that the following receptors will experience significant effects.
4	<p>PVP 3 – PRow Users – The proposed roofline and lighting columns would remain partially visible at close proximity as people move around the proposed open space and along the PRow. This would form a new and recognisable element within the view which is likely to be recognised by the receptor.</p>	As shown in the PVP 3 Photomontage (Figure 11.16) lighting columns will be partially visible from certain locations but would be a very small component of the view, seen intermittently along the route and at a distance where the focus would be on the natural surroundings.
5	<p>Visual Assessment – Night-time Construction</p> <p>It is the Council’s Opinion that the following visual receptors will also</p>	The applicant does not agree that these visual receptors will experience significant adverse effects at night. The value attached to night-time

	<p>experience significant (adverse) night-time effects at construction:</p> <p>Local community/local residents (as presented on Figure 11.11, document reference: 6.3.11.11, APP-295), including at: 3. Bridge Farm; 4. Billington Rough; 7. Station Road, Elmesthorpe; 8. Burbage Common Road North; 9. Burbage Common Road, west of railway line; 12. Highgate Lodge Farm and Red Hill Farm; and 17. Gypsy and Traveller site on Smithy Lane.</p>	<p>views is low and the sensitivity of residential receptors at night is consequently also low on account of the properties themselves being lit and much less susceptible to change as activities are internalised during the hours of darkness. With construction lighting limited to crane safety lights and targeted work lights for short periods and also noting existing light sources, the assessment of effects will be low which is not significant.</p>
6	<p>Visual Assessment – Night-time Operation</p> <p>It is the Council’s opinion that the following visual receptors (at least) will also experience significant (adverse) residual night-time effects (Year 15):</p> <ul style="list-style-type: none"> • PVP 19 – Church Users; • PVP 22 – PRoW Users; • PVP 36 – Recreational Users of Smenell Field; and • Local community/local residents (as presented on Figure 11.11, document reference 6.3.11.11), including at: 3. Bridge Farm; 4. Billington Rough; 7. Station Road, Elmesthorpe; 8. Burbage Common Road North; 10. Shilton Road and Dawson’s Lane, Barwell; 11. Church Lane, Barwell; 12. Highgate Lodge Farm and Red Hill Farm; and 17. Gypsy and Traveller site on Smithy Lane. 	<p>The applicant does not agree that these visual receptors will experience significant adverse night-time effects at Year 15.</p> <p>PVP 19 – as the night-time montage in Figure 11.12 show, the churchyard is already very brightly lit by street lighting and the magnitude of change is considered to be medium and the effect moderate/minor. The susceptibility has been assessed as medium, which is considered conservative, given the church isn’t used during the hours of darkness.</p> <p>PVP 22 – the upper parts of the development would be visible but at a distance, very low on the horizon and in the context of other lit elements in the view such that the magnitude of change is considered to be medium.</p> <p>PVP 36 – the lighting columns, while visible, will be seen at a distance, lighting will be directional and vegetation will add diffusion such that a medium magnitude of change and moderate/minor assessment of effect is considered appropriate.</p>

		<p>Local community/local residents – The applicant does not agree that these visual receptors will experience significant adverse effects at night. The value attached to night-time views is low and the sensitivity of residential receptors at night is consequently also low on account of the properties themselves being lit and much less susceptible to change as activities are internalised during the hours of darkness. With operational lighting mitigated with target lighting, cowls and planting and existing bright lighting already in view from a number of locations, the magnitude of change would not be above medium, which with low sensitivity would give rise to minor effects.</p>
7	<p>Mitigation – It is not agreed that the measures set out in the LVIA and Landscape Strategy will mitigate the effect of the development on these receptors.</p>	<p>In all of the above cases it does not appear to be the mitigation that is in question but more the application of the assessment methodology.</p>

1.7 Heritage

Version	Date	Issued by
01	14.05.2023	TSH
02	13.06.2023	HBBC
03	28.06.2023	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 13 (document reference: 6.1.13, APP-122) has been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2.	The submitted Cultural Heritage ES Chapter 13 (document reference: 6.1.13, APP-122) includes a comprehensive assessment of the impact upon the historic environment, including the setting of nearby designated heritage assets.	Agreed through this SoCG
3.	An appropriate methodology has been employed to assess relevant heritage assets and impacts of the Proposed Development	Agreed through this SoCG
4.	That the assessment of the impact of HNRFI on the significance of relevant designated heritage assets within the category of 'less than substantial harm' is agreed (NPSNN, paragraph 5.134).	Agreed through this SoCG
5.	The assessment includes a proportionate narrative in respect of the significance of heritage assets affected and does not rely solely on a tabular matrix.	Agreed through this SoCG
6.	The Cultural Heritage ES Chapter (document reference: 6.1.13, APP-122) is supported by an adequate suite of completed archaeological and heritage surveys to inform the DCO Application.	Partially agreed through this SoCG. The adequacy of the archaeological surveys is to be considered within the SoCG with Leicestershire County

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		Council (Planning Archaeology)
7.	The Cultural Heritage ES Chapter (document reference: 6.1.13, APP-122) is supported by up to date baseline data for the DCO Site.	Agreed through this SoCG
8.	Any identified ‘adverse effects’ on heritage assets in EIA terms translates to ‘harm’ in terms of the National Planning Policy Framework (NPPF) and National Policy Statement (NPSNN).	Agreed through this SoCG
9.	The conclusions of the Cultural Heritage ES (document reference: 6.1.13, APP-122) in respect of the potential effects of the Proposed Development on heritage assets have been informed by the conclusions of the Landscape and Visual Effects Chapter (document reference 6.1.11B, REP4-041), Lighting Strategy (document reference: 6.2.3.2, APP-132 to 134), Noise and Vibration Chapter (document reference: 6.1.10A, REP4-039) and Air Quality Chapter (document reference: 6.1.9, APP-118), and as such is not limited to only visual considerations.	Agreed through this SoCG, insofar as the potential effects on heritage assets located within the Borough of Hinckley and Bosworth.
10.	Requirement 12 Archaeology	Agreed through this SoCG

Matters not agreed

Ref.	Matter not agreed	Any actions arising
1.	N/A	N/A

1.8 Geology, Soils and Groundwater

Geology, Soils and Groundwater

Version	Date	Issued by
01	18.05.2023	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapters 15 (document reference: 6.1.16, APP-125) and 16 (document reference: 6.1.16, APP-125) have been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2.	The contaminated land requirement (15) is agreed.	Agreed through this SoCG
3.	The section Ground Conditions, Contamination and Hazardous Material of the CEMP (document reference: 17.1A, REP4-1090) Paragraphs 1.110 – 1.115 under is agreed.	Agreed through this SoCG
4.	<p>The approach to considering contamination and the proposed remediation of the site in general is accepted.</p> <p>Preliminary Ground investigation has been completed which has not identified any significant contamination sources at the site.</p> <p>Potential contamination source may be present around existing farms including fuel storage and asbestos in farm buildings.</p> <p>Detailed investigation will be required and a remediation strategy prepared following examination.</p>	Agreed through this SoCG

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	<p>The remediation strategy will include contingency measures for dealing with any unidentified contamination.</p> <p>A verification report will be prepared to demonstrate that the remediation strategy has been implemented and the site is suitable for use.</p>	
5.	<p>The development will include incorporation of interceptors and sealed drainage systems in operational areas, yards and chemical storage will prevent any deterioration of underlying groundwater quality during the life of the development.</p>	<p>Agreed through this SoCG</p>
6.	<p>There would be a watching brief during removal of any existing tanks during decommissioning and demolition</p>	<p>Meeting 23 November 2022 and secured through the details to be submitted as part of the contaminated land requirement.</p> <p>Agreed through this SoCG</p>

1.9 Socio-economics

Version	Date	Issued by
01	22/05/23	TSL
02	20/06/23	HBBC
03	23/06/23	TSL
04	28/07/23	MP
05	10/10/23	TSL
06	23/10/23	BDC and HBBC
07	14/11/23	TSL
08	19/12/2023	TSL
09	19/12/23	BDC and HBBC
10	20/12/2023	TSL
11	23/02/2024	BDC

MATTERS AGREED AND NOT AGREED**Matters agreed.**

Ref.	Matter agreed	Record of agreement
1.	Up to date employment rates have been provided in the ES.	Agreed through this SoCG.
2.	The effect of the Proposed Development on community land and assets (including access to Burbage Woods and Common) has been updated to report a minor adverse effect over the long term.	Agreed through this SoCG.
3.	The Work and Skills Plan secured via BDC's Section 106 agreement.	Agreed through this SoCG.
4.	The housing demand and supply impact would not be unacceptable.	Agreed through this SoCG.

Matters not agreed.

Ref.	Matter not agreed	Any actions arising
1	None.	

1.10 Health & Equalities

Version	Date	Issued by
01	24.05.2023	TSH
02	16.06.2023	BDC
03	22.06.2023	TSH
04	28.07.2023	BDC
05	15/08/2023	TSH
06	10.11.2023	BDC (without LCC comment)
07	14/11/2023	TSL
08	11/12/2023	BDC
09	09/02/2024	TSL
10	23/02/2024	BDC

Matters agreed.

Ref.	Matter agreed	Record of agreement	Response
1.	As agreed during the formal Scoping Process with the Planning Inspectorate, the approach to considering the health and wellbeing of communities, was to focus on environmental socio, cultural and economic precursors protective of the environment and health.	Agreed.	Item Agreed by all parties.
2.	Appendix 7.1 Health and Equality Briefing Note (document reference 6.2.7.1, REP4-050) was prepared to aid signposting as to how and where health was addressed and assessed in the DCO ES.	Agreed – Appendix 7.1 has been updated as requested by the Planning Inspectorate (document reference: 6.2.7.1C, REP4-050).	Item Agreed by all parties.
3.	A supplementary statement on equality was prepared in Appendix 7.2 [REP5-007] to	Agreed – Appendix 7.2 [REP5-007] has been updated as	Item Agreed by all parties

Ref.	Matter agreed	Record of agreement	Response
	<p>respond to the PINS s51 Advice letter and more clearly demonstrates the effects of the Proposed Development on those persons with protected characteristics as defined under the Equality Act 2010 (as amended).</p> <p>A Rule 17 response was received from the Planning Inspectorate regarding preferred terminology, and the Applicant has confirmed that the revised Equality Statement made no changes to the assessment or conclusion.</p>	<p>requested by the Planning Inspectorate. (document reference: 6.2.7.1C, REP4-050).</p>	
4.	<p>Potential impacts on local water supply, foul water, surface water, flood risk and electric and magnetic fields are addressed through planning and the regulatory planning process to preclude any risk or impact to health. These items can be deferred to the pertinent technical disciplines and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>In the event that further technical assessments pertaining to these topics result in the identification of significant impacts, the potential for health impacts should be reconsidered.</p>	Agreed.	Item Agreed by all parties
5.	<p>Potential changes in local air quality during both construction and operation remain within air quality objective thresholds set specifically to be protective of health for vulnerable members of the population, and the absolute change in concentration and exposure remains orders of magnitude lower than is required</p>	Agreed .	Item Agreed by all parties

Ref.	Matter agreed	Record of agreement	Response
	<p>to quantify any measurable adverse health outcome.</p> <p>As such, this item can be retained under the air quality technical disciplines, and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>LCC has requested further clarification on this point in the form of high level Quantitative Exposure Response Assessment. The Applicant's position is that this request is excessive given the negligible effect of the proposal on air quality. The Applicant will prepare a separate technical note clarifying its position at the ExA's request. No such request has been made by the ExA.</p>		
6.	<p>Changes in visual impact are not of an order to result in any measurable adverse health outcome. The more subjective potential effect of visual impact is addressed within the Landscape and Visual Effects technical discipline.</p>	<p>It is agreed that consultation was undertaken with the purpose of capturing community concerns and informing design and mitigation.</p>	<p>Item Agreed by all parties</p>
7.	<p>Income and employment are key determinants of health, which are addressed through the socio-economic Technical Discipline.</p> <p>The item can be deferred to the socio-economic Impact technical discipline, and does not need to be addressed through any additional considerations of health at Issue Specific Hearing.</p>	<p>Agreed through this SoCG.</p>	<p>Item Agreed by all parties.</p>

Ref.	Matter agreed	Record of agreement	Response
8.	<p>Potential changes in Public Rights of Way and Green Space are addressed, assessed and mitigated within the ES and to preclude any significant adverse health outcome. While residual impacts at the individual level may exist, they are not of a level to quantify any change in health outcome.</p>	Agreed.	<p>Item Agreed.</p> <p>Please note consultation was undertaken with the purpose of capturing community concerns and informing design and mitigation.</p>
9.	<p>The health baseline applied in the Health Briefing Note (document reference 6.2.7.1C, REP4-050) was to provide further context and awareness of local circumstance priority and need. It complements the appropriate topic specific baselines contained in the ES, whose geographical scopes were agreed during scoping and vary by topic, depending on the nature of varying focus, scope, distribution characteristics and effect.</p> <p>The Public Health Team have reviewed the contextual health baseline in the Health and Equality Briefing Note (document reference 6.2.7.1C, REP4-050), and while minor discrepancies exist due to the granularity of data applied (ward, Super Output Area etc) and temporal periods, these are not material. This contextual information, which complements the topic specific baseline data, has no impact on the assessment conclusions or assessment of significance.</p>	Agreed through this SoCG.	Item Agreed by all parties

Matters not agreed.

Ref.	Matter not agreed	Applicant's position
1.	<p>The Councils disagree with the approach taken to assessing health within this application.</p> <p>It is acknowledged that the Planning Inspectorate agreed to an approach to scope health out of the EIA. However, the Councils' view is that a health impact assessment should have been completed for an application of this size and complexity.</p> <p>This opinion has been presented at every stage of the DCO process and it is the Councils Opinion that this remains valid. It is not considered that the Health and Equalities Briefing Note provided, fully assesses for potential health impacts.</p> <p>The Rule 17 letter stated that the applicant should provide a consolidated Health Impact Assessment addressing the impacts on human health from the Proposed Development. While the applicant has re-submitted Appendix 7.1 Health and Equalities Briefing Note (document reference 6.2.7.1, REP4-050), the request for a Health Impact Assessment has not been fulfilled. This has been recognised by the examiner in the request for a Matrix of Table.</p>	<p>Please note that clarification was sought on the Rule 17 Letter, where the planning inspectorate confirmed that "there is no obligation for you to submit a full HIA (this was scoped out)". The Applicant has email correspondence with the planning inspectorate noting that this position will be formally published as Section 51 advice.</p> <p>Please note, all credible health pathways have been assessed and addressed, no gaps have been identified, and no countervailing evidence of a health impact has been presented by any party.</p> <p>None of the Local Impact Reports provide their own HIA, and even the matters not agreed in this Statement of Common Ground do not identify any adverse health outcome from the proposed project, only that a different reporting structure of the same health pathways would have yielded different results, which we do not agree.</p>
2.	<p>The Council's does not agree with the Applicant's approach to addressing the health impacts on mental health.</p> <p>The Applicant has not conducted an assessment of the potential mental health outcomes resulting from the proposals. Therefore, the consideration of the impact on mental health has not been adequately addressed. It is the applicant's</p>	<p>Regarding the approach. When exploring mental health or quality of life impacts, it is important to recognise that there are both tangible and intangible parameters to consider.</p> <p>The tangibles parameters include changes in environmental and socio-economic circumstance, of which are all assessed and</p>

Ref.	Matter not agreed	Applicant's position
	<p>responsibility to ensure that such impacts are thoroughly assessed, and the task of understanding the proposals' impact on mental health should squarely rest on the Applicant.</p>	<p>addressed within the Environmental Statement.</p> <p>The intangible and more subjective items are harder to assess, as priorities, values and needs vary between communities and people, and further vary at the individual level, depending on what stage of life they are in.</p> <p>This is why engagement is so important, where intangible aspects that cannot be quantified, can still be addressed through design, mitigation and support initiatives.</p> <p>These principles have been applied from the outset of the project, no party has established any gap in the assessment of tangible changes, and consultation has clearly been applied to inform, refine and enhance the proposed development (as evidenced in the matters agreed).</p> <p>The Councils do not present any evidence of an adverse mental health outcome, nor do they seek to define what mental health concerns they have.</p> <p>Instead, they insist it is for the applicant to prove the absence of an outcome, of which science does not permit. It is not possible to prove something doesn't happen.</p> <p>On this basis, the matter remains not agreed, where the applicant believes they have explored all tangible changes directly attributable to the proposed development with the potential to influence the environment and health, and has further explored intangible aspects to address risk perception, fear and general stress and anxiety experienced through the DCO process itself.</p>

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Ref.	Matter not agreed	Applicant's position
		<p>The Councils are of the opinion that there may be mental health impacts, albeit with no supporting evidence, and place the onus on the applicant.</p>

1.11 Noise and Vibration

Version	Date	Issued by
01	14.05.2023	TSL
02	22.06.2023	HBBC
03	01.09.2023	TSL
04	20.10.2023	BDC
05	24.10.2023	TSL
06	10.11.2023	BDC
07	07.12.2023	TSL
08	20.12.2023	BDC
09	08.03.2024	TSL

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 10 (document reference: 6.1.10A, REP4-039) has been prepared in accordance with the NPSNN.	Agreed through this SoCG.
2.	The wording for Requirement 26 Control and operation of noise is agreed.	Agreed through this SoCG.
3.	Notwithstanding the deliverability of the acoustic barriers, Requirements 27 and 4 of the draft DCO provides suitable controls for the provision of acoustic barriers.	Agreed through this SoCG.
4.	Construction and Operational Phase Noise and Vibration Assessment – Assessment Criteria.	Agreed through this SoCG.
5.	Construction and Operational Phase Noise and Vibration Assessment – Assessment Methodology.	Agreed through this SoCG.
6.	Construction and Operational Phase Noise and Vibration Assessment - Selection of Sensitive Receptors.	Agreed through this SoCG.
7.	Operational Noise and Vibration Assessment – Baseline noise and vibration survey methodology.	Agreed through this SoCG.
8.	Construction Phase Noise Assessment.	Agreed through this SoCG.

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9.	Construction Phase Vibration Assessment.	Agreed through this SoCG.
10.	Construction Phase Traffic Assessment.	Agreed through this SoCG.
11.	Operational Phase Noise Assessment - Modelling Inputs and Source Data.	Agreed through this SoCG.
12.	Operational Phase Noise Assessment – HGV movements, loading/unloading operations and service yard areas, including SRFI operations.	Agreed through this SoCG.
13.	Operational Phase Noise Assessment - Fixed Plant Noise Levels.	Agreed through this SoCG.
14.	Operational Phase Noise Assessment - Off-site Rail Movements.	Agreed through this SoCG.
15.	Operational Phase Groundborne Vibration Assessment from off-site rail movements.	Agreed through this SoCG.
16.	Operational Phase Noise Assessment of A47 Link Road.	Agreed through this SoCG.
17.	Operational Phase Noise Assessment of Off-site Road Traffic – Traffic input data.	Agreed through this SoCG.
18.	Operational Phase Noise Assessment of Tranquillity.	Agreed through this SoCG.
19.	Construction Phase Noise and Vibration Mitigation.	Agreed through this SoCG.
20.	Operational Phase Noise Assessment – Mitigation.	Partially agreed through this SoCG, see Matter Not Agreed Ref. 6.
21.	Construction and operational Phase Noise and Vibration Assessment - Residual Impacts.	Agreed through this SoCG.
22.	Construction and Operational Phase Noise and Vibration Assessment – Climate Change.	Agreed through this SoCG.
23.	Operational Phase Noise Assessment of Off-site Road Traffic.	Agreed through this SoCG.
24.	Operational Phase Noise Assessment – Maximum Noise Levels from ‘soft dock’ technology.	Agreed through this SoCG.

Matters not agreed

Ref.	Matters not agreed	Any actions arising
1.	Operational Noise and Vibration Assessment - deliverability of the acoustic barriers without significant removal of existing vegetation.	Refer Scott Schedule.

Topic: Noise and Vibration Scott Schedule (Supplementary to SoCG V08)

Date: 013/12/23

No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
	Operational Phase HNRFI Noise Assessment – the acoustic design of the illustrative masterplan	HBBC and BDC to complete	<p>The Applicant has reconsidered the viability of further design interventions and where feasible, these have been incorporated into the updated illustrative masterplan.</p> <p>Notwithstanding the masterplanning approach that has been undertaken, the noise and vibration ES chapter (document reference: 6.1.10A, REP4-039) has considered the parameters of the proposed development, as required at this stage of the proposals.</p>	
2.	Operational Phase Noise Assessment – Maximum Noise Levels specifically the fact that the applicant has stated a 10 dB reduction for crane movements through appropriate equipment selection.	The applicant has used a 'proof of evidence' from appeal reference APP/R3705/W/16/3149827 at Daw Mill Colliery, Tamworth Road, Arley in Appendix 10.7 [APP-186] which BWB (the	To clarify, the 'with mitigation' maximum noise level assessment does not include a 10 dB reduction as a result of plant selection.	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>appointed acoustics consultants) say proves that a 10 dB reduction can be afforded to sound levels from the crane through equipment selection.</p> <p>However, analysis of the 'proof of evidence' shows that there is no evidence of this at all. The 'proof of evidence' document just states that a 10 dB reduction can be afforded but doesn't offer any data to verify this.</p> <p>The applicant should provide numerical evidence, ideally empirical, of a 10 dB reduction. Otherwise, this statement and assessment should be removed from the overall submission and the detrimental impacts should be revised.</p>	<p>The 'with mitigation' assessment has only considered the benefit provided by the acoustic barriers. Paragraph 10.314 could be reworded as per the below to clarify this point.</p> <p><i>“10.314 The $L_{AF,max}$ level as a result of reach stackers and/or cranes handling containers has been recalculated with the proposed acoustic barriers in place. The $L_{AF,max}$ has been calculated for those receptors where an exceedance of the criteria was predicted. The results are shown below in Tables 10.61.”</i></p> <p>Furthermore, it has since been confirmed that 'soft dock' technology will be implemented on the scheme which allows containers to be positioned accurately using cameras and gentle positioning onto stacks and trailers. This is the mitigation strategy for reducing</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
			<p>maximum noise levels associated with spreader impact and container placement.</p> <p>Detail on this and the 10dB reduction afforded to electric gantry cranes was provided at deadline 3 (document reference: 18.7.6, REP3-061).</p> <p>The Applicant is currently seeking further data from the gantry crane manufacturer to further demonstrate potential noise reduction.</p>	
3.	Operational Phase Noise Assessment of Off-site Road Traffic – inclusion of committed development traffic and the cumulative effect on assessment	<p>In addition, predicted development contributions have been assessed against a baseline+committed development scenario and therefore, no cumulative assessment in accordance with IEMA guidance has been undertaken.</p> <p>The baseline data should not include any committed or development flows to enable</p>	<p>Including committed developments within the baseline traffic scenarios is a widely accepted approach when assessing the noise impacts from development generated road traffic on the wider road network. This methodology has been adopted for noise assessments undertaken to support the following DCO applications for rail freight interchanges;</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>cumulative or 'in combination' impacts to be determined. Assessing the proposed development against a committed scenario may significantly underestimate cumulative impacts on sensitive receptors.</p> <p>The applicant has ignored cumulative assessment and subsequently, underestimated impacts on sensitive receptors.</p> <p>When considering each section of guidance individually, the significant impact could be easily overlooked.</p> <p>Furthermore, even with the mitigation measures in place, a Significant Adverse impact is still predicted and, in accordance with the NPSE, this would be classified as a Significant Observed Adverse Effect Level which should be avoided.</p>	<p>West Midlands Interchange; Northampton Gateway; and Oxfordshire SRFI.</p> <p>The applicant has not ignored the cumulative assessment. It is set out in paragraphs 10.350 to 10.353. Furthermore, Environmental Statement - Figure 10.15 - Indicative Noise Contour Operational Noise dB LAeq 1hr and A47 Link Road dB LAeq 16hr with Mitigation (document reference: 6.3.10.15, APP-284) shows the sound propagation across the site as a result of noise from the A47 link road and operational noise associated with the HNRFI. This includes the gantry cranes without any reduction applied to the noise level.</p> <p>A cumulative assessment has been undertaken, of all operations associated with the</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>However, when considering all impacts collectively, it cannot be ignored that the proposals are completely alien to this environment and if the only suggestions put forward by the applicant are for onerously high acoustic barriers immediately adjacent to residential receptors, then the Site is fundamentally unsuitable.</p>	<p>HNRFI, which includes a 10dB reduction for the gantry cranes. This is detailed in the Noise and Vibration Chapter (document reference: 6.1.10A , REP4-039) Paragraph 10.312.</p> <p>When considering the built-out development, with the exception of NSR1, receptors are unlikely to be affected by multiple sources, mainly the A47 link and HNRFI, to a point where significant effects from the cumulative impact are likely:</p> <ul style="list-style-type: none"> • For receptors to the north of the rail port, noise from the rail freight interchange will influence the future noise climate over the A47 link road. • For receptors to the east of the rail spur, noise from the rail spur and service yard activities will influence the future noise climate, with 	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
			<p>the development itself providing screening from the A47 and rail interchange.</p> <ul style="list-style-type: none"> • For receptors to the west of the A47 link road, the future noise climate will be influenced by road traffic on the A47 link road which will mask noise from service yard activities and the rail interchange. • For receptors to the south of the M69, the future noise climate will continue to be influenced by road traffic on the M69 which will likely mask noise from service yard activities. <p>Further detail has been provided around this point at Deadline 4, which includes a cumulative assessment for NSR1.</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
4.	Operational Phase Noise and Vibration Assessment - Residual Impacts	<p>The applicant has tried to use unjustifiable context to state that the Site will not have a detrimental impact on residential amenity.</p> <p>The applicant has removed acoustic character corrections within the mitigation scenario, thereby only assessing specific levels rather than the rating level required under British guidance, which leads to a significant underestimation of the predicted impacts and overestimation of the attenuation provided by the bunds, as not only do the values include the attenuation benefits of the bund itself, but also the benefit from the removal of the characteristics that need to be attributed to the noise source, and should be applied to the specific level to form the rating level. It is not agreed that the mitigation would remove any impulsive elements of the scheme and in any event, the noise will be audible to local</p>	<p>BS4142:2014, Section 11 states that <i>'when making assessments and arriving at decisions, therefore, it is essential to place the sound in context'</i>.</p> <p>As stated in the Noise and Vibration Chapter (document Reference 6.1.10A, REP4-039) Revision 07, Paragraph 10.161, although operations will include activities which are individually intermittent, it is considered that many of these operations will overlap, which will give the impression of the site operating consistently.</p> <p>With mitigation in place, it is further noted in paragraph 10.288 that <i>'it is considered that with the proposed acoustic barriers in place, impulsive noise associated with the proposed operations close to the ground are unlikely to be perceptible. Therefore, no penalty for impulsivity has been</i></p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>residents and therefore, a character correction of 3dB for 'other' should be applied in accordance with BS 4142. Furthermore, the purpose of contextual considerations is not simply to compare impacts against the ambient level. Indeed, if this was the case then there would be no point in assessing against BS 4142. The impact from the site would be clearly distinguishable from the current environment and therefore, the Significant Adverse Impacts from the BS 4142 assessment should not be ignored.</p>	<p><i>included within the following assessment'.</i> Notwithstanding the above, through discussions with BDC and HBBC, a sensitivity analysis has been undertaken where 3dB penalty for operational noise associated with the HNRFI has been applied. This sensitivity analysis concludes that with the implementation of acoustic barriers, the resultant effects at nearby NSRs are not significant.</p>	
5.	Operational Noise and Vibration Assessment - deliverability of the acoustic barriers	<p>Deliverability of the acoustic barriers. Particularly around Aston Firs and Wood Field Stables caravan sites as it appears to conflict with principles of retaining existing vegetation to prevent impacts on residential and visual amenity. See Highway Plan sheet 4 [APP-025], Arboricultural Impact Assessment (tree retention and</p>	<p>Sections drawings have been provided at Deadline 4 (document reference: 2.30, AREP4-026) showing the relationship between acoustic barriers and existing vegetation at Aston Firs.</p> <p>The location of the acoustic barrier around Aston Firs has been revised to take into</p>	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
		<p>removal plan sheets 33 and 38) [APP-194] and Acoustic Barrier Locations [APP-279].</p> <p>There is also a question on whether these acoustic barriers have been considered in respect of root protection areas of retained vegetation – see tree G395 to north of Aston Firs sites as an example which indicates relationship between acoustic barriers and vegetation in general has not been considered.</p>	<p>account of existing vegetation. This revised location has been modelled which indicates that the results of the noise and vibration assessment remain valid.</p>	
6.	Operational Noise and Vibration Assessment - Summary and Conclusions	The overall summary and conclusions cannot be agreed upon until the matters raised above are dealt with.	<p>The summary and conclusions remain accurate.</p> <ul style="list-style-type: none"> As set out in Chapter 10 Noise and Vibration (document reference: 6.1.10A,, REP4-039), noise associated with the operational phase of proposed development has been considered at nearby receptors, which has included noise associated with fixed plant and break-out noise from units, HGV 	

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No.	Matter of Disagreement	Position of HBBC and BDC	Position of Applicant	Reserved for Inspector's Use
			<p>loading/unloading activities, SRFI operations, additional train movements, the A47 link road and additional road traffic. The results of the assessment indicate that with mitigation in place, noise levels are predicted to fall below the Significant Observed Adverse Effect Level at the majority of nearby receptors in the assessments undertaken. A Significant Observed Adverse Effect Level is predicted at NSR1, however, mitigation has been recommended to reduce the noise levels as much as practicable.</p>	

2. Requirements Agreed and Not agreed

Number	Title
1	Interpretation
2	Time Limits
3	Phasing of Development
4	Detailed design approval
5	Design and phasing of highway works
6	Public rights of way and level crossing closures
7	Construction Environment Management Plan
8	Travel Plan
9	Sustainable transport strategy
11	Container stack height
12	Archaeology and building recording
13	Sustainable drainage
14	Surface water
15	Contaminated land
16	Construction hours
17	Energy strategy
18	HGV route management plan and strategy
20	Ecological mitigation management plan
21	Landscape scheme
22	Site waste and materials management plan
23	Construction traffic management plan
24	Temporary highway accesses
25	Public rights of way strategy
26	Control of operational noise
27	Acoustic barriers
28	Combined heat and power
29	Biodiversity net gain
30	Lighting
31	Woodland management plan
32	Amendments to approved details
33	Lorry park management plan

Requirements Not Agreed – Part 1

Number	Title	Alternative Requirement
10	Rail	<p><u>(1)</u> <i>No more than 105,000 square metres of warehouse (including ancillary office) floorspace to be provided as part of the authorise development may be occupied until the rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated infrastructure has been completed.</i></p> <p><u>(2)</u> <u>(2) The undertaker must notify the local planning authority of the date of the first occupation of more than 105,000 square metres of warehousing within 28 days of such occupations occurring.</u></p> <p><u>(3) Following completion of the rail terminal works the undertaker must retain, manage and keep the rail terminal works available for use.</u></p> <p><u>(4) The undertaker must appoint a rail freight co-ordinator prior to the completion of the rail terminal works who must report to the local planning authority</u></p> <p><u>no less than once a quarter on the operation of the rail terminal when open including—</u></p> <p>a. <u>the appointment of a rail operator to operate the rail terminal;</u></p> <p>b. <u>the amount of rail freight usage of the rail terminal;</u></p> <p>c. <u>the number of trains using the rail terminal;</u></p>

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		<p>d. <u>the warehousing receiving or sending goods through the rail terminal; and</u></p> <p>e. <u>the amount of goods being received or sent through the rail terminal by freight</u></p> <p>-</p> <p><u>(5). The undertaker must maintain a person in the position of rail freight co-ordinator throughout the life of the authorised development unless otherwise agreed with the local planning authority.</u></p>
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SCHEDULE 1 ARTICLE 3

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1. In this Schedule—

“A47 link road concept drainage strategy” means the document of that description referred to in Schedule 15 and certified as the A47 link road concept drainage strategy by the Secretary of State for the purposes of this Order;

“archaeological mitigation strategy” means the document of that description referred to in Schedule 15 and certified as the archaeological method statement by the Secretary of State for the purposes of this Order;

“biodiversity impact assessment” means the document of that description referred to in Schedule 15 and certified as the biodiversity impact assessment by the Secretary of State for the purposes of this Order;

“CEMP” means the document of that description referred to in Schedule 15 and certified as the construction environmental management plan by the Secretary of State for the purposes of this Order;

“commencement of construction works” means the carrying out of a material operation, as defined in section 155 of the 2008 Act (when development begins), as part of the authorised development with the exception of any works related to archaeological investigation, ecological mitigation or site investigation;

“construction traffic management plan” means the document of that description referred to in Schedule 15 and certified as the construction traffic management plan by the Secretary of State for the purposes of this Order;

“design code” means the document of that description referred to in Schedule 15 and certified as the design code by the Secretary of State for the purposes of this Order;

“ecological mitigation and management plan” means the document of that description referred to in Schedule 15 and certified as the ecological mitigation and management plan by the Secretary of State for the purposes of this Order;

“energy strategy” means the document of that description referred to in Schedule 15 and certified as the energy strategy by the Secretary of State for the purposes of this Order;

“Euro VI compliant” means compliant with the Euro VI standard for the vehicle in question contained in Regulation (EC) no 595/2009;

“flood risk assessment” means the document of that description referred to in Schedule 15 and certified as the flood risk assessment by the Secretary of State for the purposes of this Order;

“framework site wide travel plan” means the document of that description referred to in Schedule 15 and certified as the framework site wide travel plan by the Secretary of State for the purposes of this Order;

“HGV route management plan and strategy” means the document of that description referred to in Schedule 15 and certified as the HGV route management plan and strategy by the Secretary of State for the purposes of this Order;

“illustrative landscape strategy” means the document of that description referred to in Schedule 15 and certified as the illustrative landscape strategy by the Secretary of State for the purposes of this Order;

“lighting strategy” means the document of that description referred to in Schedule 15 and certified as the lighting strategy by the Secretary of State for the purposes of this Order;

“lorry park management plan” means the document of that description referred to in Schedule 15 and certified as the lorry park management plan by the Secretary of State for the purposes of this Order;

“M69 Junction 2 concept drainage strategy” means the document of that description referred to in Schedule 15 and certified as the M69 Junction 2 concept drainage strategy by the Secretary of State for the purposes of this Order;

“main HNRFI site concept surface water drainage strategy” means the document of that description referred to in Schedule 15 and certified as the HNRFI site concept surface water drainage strategy by the Secretary of State for the purposes of this Order;

“main HNRFI site concept foul water drainage strategy” means the document of that description referred to in Schedule 15 and certified as the HNRFI site concept foul water drainage strategy by the Secretary of State for the purposes of this Order;

“outline landscape and ecological management plan” means the document of that description referred to in Schedule 15 and certified as the outline landscape and ecological management plan by the Secretary of State for the purposes of this Order;

“passive provision” means in relation electric vehicle charging points, the design and construction of the relevant part of the development so as not to preclude the provision of the remainder of the electric charging points referred to in paragraph 4(3) of Part 1 of this Schedule at a later date;

“phase” means a phase of the authorised development as shown in the latest written phasing scheme approved by the relevant planning authority pursuant to requirement 3;

“public rights of way appraisal and strategy” means the document of that description referred to in Schedule 15 and certified as the public rights of way appraisal and strategy by the Secretary of State for the purposes of this Order;

“rail infrastructure” means the provision of any rail infrastructure as part of the authorised development excluding any such works to the existing Felixstowe to Nuneaton railway line or within the operational estate of Network Rail;

“site waste and materials management plan” means the document of that description referred to in Schedule 15 and certified as the site waste and materials management plan by the Secretary of State for the purposes of this Order;

“sustainable drainage statement” means the document of that description referred to in Schedule 15 and certified as the sustainable drainage statement by the Secretary of State for the purposes of this Order;

“sustainable transport strategy” means the document of that description referred to in Schedule 15 and certified as the sustainable transport strategy by the Secretary of State for the purposes of this Order;

“woodland management plan” means the document of that description referred to in Schedule 15 and certified as the woodland management plan by the Secretary of State for the purposes of this Order.

Time limits

2. The authorised development must commence no later than the expiration of five years beginning with the date on which this Order comes into force.

Phasing of Development

3.—(1) No commencement of construction works are to take place until a written phasing scheme setting out all the phases of the authorised development, has been submitted to and approved in writing by the relevant planning authority.

(2) The written phasing scheme must include phasing details of—

- (a) earthworks;
- (b) rail infrastructure;
- (c) roads and bridges;
- (d) highway works;
- (e) surface water and foul drainage;
- (f) development plots;
- (g) landscape works and planting, including mounding and acoustic fencing;
- (h) public rights of way and the creation of private means of access;
- (i) the energy centre; and
- (j) mains utility services.

(3) The authorised development must be carried out in accordance with the approved phasing scheme.

Detailed design approval

4.—(1) Commencement of construction works must not take place on any phase until details of that phase have been submitted to and approved in writing by the relevant planning authority. The details of each phase must be in accordance with the parameters plans and the principles set out in the design code.

(2) The details of each phase must include details of the following where they are located within that phase—

- (a) rail infrastructure, rail freight terminal, container storage and container returns area;
- (b) built development design and layout (including external plant);
- (c) vehicular circulation routes;
- (d) cycle tracks, footpaths and bridleways, including highway crossing points for pedestrian, bicycle and equestrian traffic;
- (e) telecommunication masts;
- (f) energy centre;
- (g) hard and soft landscaping;

- (h) surface and foul drainage;
- (i) vehicle, cycle and motorcycle parking including the location and quantum of electrical charging points;
- (j) embankments and bunds;
- (k) site levels and finished floor levels;
- (l) roads within the main site;
- (m) bridges;
- (n) fuelling and maintenance areas;
- (o) freight storage area (including containers);
- (p) weighbridges;
- (q) gatehouses;
- (r) security fencing;
- (s) substations;
- (t) flagpoles;
- (u) public transport infrastructure;
- (v) the height, position, form, construction and appearance of acoustic barriers including provision for landscaping between the acoustic barrier and the Aston Firs Gypsy and Traveller Site and between the acoustic barrier and the site boundary at the junction of the A47 link road with the B4668 Leicester Road;
- (w) fencing, walls and other permanent means of enclosure;
- (x) location and quantum of bin stores;
- (y) location and type of litter bins;
- (z) any temporary site notices or advertisements;
- (aa) permanent advertisements in the locations identified on the parameters plans;
- (bb) temporary accesses and rights of way;
- (cc) any temporary means of enclosure;
- (dd) outdoor gym and seating areas;
- (ee) sprinkler tanks;
- (ff) external canopies;
- (gg) standby generators;
- (hh) site compounds; and
- (ii) cycle storage.

(3) A minimum of 20% of the total number of car parking spaces to be provided within the authorised development is to be equipped with electrical vehicle charging points with a minimum rating of 7.4 kWh and passive provision for the remainder (the rating for which remainder is to be determined by the building occupier in accordance with their requirements).

(4) Details of any acoustic barriers submitted under sub-paragraph (2) must be included within the phase generating the noise source for which they are designed to mitigate.

(5) Each phase must be carried out in accordance with the approved details for that phase.

Design and phasing of highway works

5.—(1) Subject to paragraphs (2) and (3), the undertaker must complete the highway works identified in columns (1) and (2) of the following table by no later stage than the stage of the authorised development as set out in column (3) of that table below or such alternative later stage as agreed by the relevant body or bodies identified in column (4) or such successor body as may replace them in function.

<i>(1)</i> <i>Work Nos.</i>	<i>(2)</i> <i>Description</i>	<i>(3)</i> <i>Stage of development</i>	<i>(4)</i> <i>Relevant body</i>
8 and 9	M69 Junction 2 works including new northbound exit slip road and new southbound entry slip road	To be completed prior to the occupation of any warehouse floorspace	National Highways (Work No. 8) and Leicestershire County Council (Work No. 9)
7	A47 link road	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No. 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No. 8	Leicestershire County Council
11	Works to junction of B581 Station Road/New Road and Hinckley Road, Stoney Stanton	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No. 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No. 8	Leicestershire County Council
12	Works to junction of B4669 Hinckley Road and Stanton Lane, west of Sapcote and to B4669 Hinckley	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69	Leicestershire County Council

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	Road/Leicester Road, Sapcote	Junction 2 comprised in Work No. 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No. 8	
10	Works to Stanton Lane/Hinckley Road, south-west of Stoney Stanton	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No. 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No. 8	Leicestershire County Council
17	Works to junction of B4114 Coventry Road and B581 Broughton Road at Soar Mill, south-east of Stoney Stanton	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No. 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No. 8	Leicestershire County Council
15	Works to junction of B4114 Coventry Road and Croft Road, south-west of Narborough	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No. 8; (b) the new southbound entry slip road at M69 Junction 2 comprised in Work	Leicestershire County Council

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No. 8			
13	Works to junction of A47 Normandy Way and A447 Ashby Road, Hinckley	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No. 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No. 8	Leicestershire County Council
14	Works to junction of A47 Normandy Way/Leicester Road, the B4668 Leicester Road and The Common, south-east of Barwell	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No. 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No. 8	Leicestershire County Council
16	Works at Cross in Hand roundabout at the junction of the A5 Watling Street, B4027 Lutterworth Road and Coal Pit Lane, west of Lutterworth	To be completed prior to the opening of the earlier of— (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No. 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No. 8	National Highways and Warwickshire County Council and Leicestershire County Council

(2) The undertaker is not obliged to undertake Work No. 17 if a third party has commenced construction of works shown coloured green on sheet 8C of the highways plans prior to the stage of development specified in column (3).

(3) The undertaker is not obliged to undertake any individual work specified in paragraph (1) where—

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- (a) the undertaker has agreed with the relevant planning authority and the relevant highway authority that an alternative to that work has been proposed which will mitigate the effect of the authorised development at the location of that work; and
- (b) the relevant planning authority and the relevant highway authority agree that such alternative work should be carried out in lieu of the individual work specified in paragraph (1), and either—
 - (i) an agreement for carrying out that alternative work has been entered into between the relevant highway authority and a third party; or
 - (ii) the undertaker has entered into an agreement with the relevant highway authority in relation to the carrying out of that alternative work.

Public rights of way and level crossing closures

6.—(1) The undertaker must stop up the public rights of way identified in column (1) of the following table by no later than the stage of the authorised development set out in column (2) of that table or such later stage as agreed by the relevant body identified in column (3) or such successor body as may replace them in function.

<i>(1)</i> <i>Public right of way</i>	<i>(2)</i> <i>Stage of the authorised development by which time the stopping up must have been completed</i>	<i>(3)</i> <i>Relevant body</i>
U17/2 to the extent shown by the dashed green line between point 19 and point 20 on the access and rights of way plan (Document 2.3B)	Commencement of Work No. 21	Leicestershire County Council
U8/1 to the extent shown by the dashed green line between point 21 and point 22 on the access and rights of way plan (Document 2.3C)	Commencement of Work No. 20	Leicestershire County Council
V29/7 to the extent shown by the solid green line between point 15 and point 31 on the access and rights of way plan (Document 2.3D)	Commencement of Work No. 5, Work No. 6 or Work No. 7	Leicestershire County Council
V29/6 to the extent shown by the solid green line between point 16 and point 31 on the access and rights of way plan (Document 2.3D)	Commencement of Work No. 5	Leicestershire County Council

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U52/9 to the extent shown by the solid green line between point 2 and point 27 on the access and rights of way plan (Document 2.3A)	Commencement of Work No. 19	Leicestershire County Council
V23/1 to the extent shown by the dashed green line between point 9 and point 11 on the access and rights of way plan (Document 2.3A)	Commencement of Work No. 1, Work No. 2 or Work No. 19	Leicestershire County Council
U50/3 to the extent shown by the dashed green line between point 10 and point 12 on the access and rights of way plan (Document 2.3A)	Commencement of Work No. 1, Work No. 2, Work No. 3, Work No. 5 or Work No. 19	Leicestershire County Council
U50/1 to the extent shown by the dashed green line between point 6 and point 7 in the access and rights of way plan (Document 2.3D)	Completion of Work No. 6 in accordance with the phasing details approved pursuant to requirement 3	Leicestershire County Council
U52/6 to the extent shown by the dashed green line between point 4 and point 32 on the access and rights of way plan (Document 2.3A and Document 2.3C)	Commencement of Work No. 2, Work No. 6 or Work No. 7	Leicestershire County Council
U52/7 to the extent shown by the dashed green line between point 32 and point 3 on the access and rights of way plan (Document 2.3A)	Commencement of Work No. 2, Work No. 3 or Work No. 7	Leicestershire County Council
V35/2 to the extent shown by the dashed green line between point 29 and point 32 on the access and rights of way plan (Document 2.3A and Document 2.3D)	Commencement of Work No. 5, Work No. 6 or Work No. 7	Leicestershire County Council
U50/2 to the extent shown by the dashed green line between point	Commencement of Work no. 4, Work No. 5, Work No. 6 or Work No. 7	Leicestershire County Council

28 and point 29 on the access and rights of way plan (Document 2.3A and Document 2.3D)

U53/1 to the extent shown by the dashed green line between point 30 and point 31 on the access and rights of way plan (Document 2.3A and Document 2.3D)	Commencement of Work No. 4, Work No. 5 or Work No. 6	Leicestershire County Council
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T89/1 to the extent shown by the dashed green line between point 24 and point 25 and point 26 on the access and rights of way plan (Document 2.3B)	Commencement of Work No. 22	Leicestershire County Council
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(2) Notwithstanding the provisions of paragraph (1), the rail freight terminal forming part of Work No. 2 must not commence operation (which for the purposes of this sub-paragraph shall include any testing of rail tracks within the rail freight terminal which may take place before the commencement of commercial operation) until the following level crossings have been closed in accordance with article 13—

- (a) Thorney Fields Farm on footpath U17/2;
- (b) Elmesthorpe on footpath T89/1;
- (c) Earl Shilton on footpath U50/3;
- (d) Barwell on footpath V23/1; and
- (e) The Outwoods on footpath U8/1.

Construction Environmental Management Plan

7.—(1) Prior to commencement of construction works on each phase a detailed construction environmental management plan for that phase, in accordance with the principles set out in the CEMP, must be submitted to and approved in writing by the relevant planning authority.

(2) The detailed construction environmental management plan for each phase must include—

- (a) details of the methods to control noise and vibration arising from construction activities including—
 - (i) proposals for monitoring of construction noise and vibration;
 - (ii) a noise and vibration management plan; and
 - (iii) proposals for the introduction of mitigation measures or alternative working practices where required.
- (b) details of a dust management plan setting out the methods to be used to control dust from the site in line with ‘highly recommended’ measures set out in tables 9.40 and 9.41 of Chapter 9 of the environmental statement (air quality);
- (c) details of all temporary fencing, temporary buildings, temporary compound areas and

temporary parking areas including arrangements for their removal following completion of construction;

- (d) an arboriculture method statement detailing measures to protect retained trees and hedgerows, including details of built development and construction buffers which must be a minimum of 15 metres from Sites of Special Scientific Interest and ancient woodland;
- (e) measures to protect the safety and amenity of public rights of way users during construction;
- (f) details of existing and proposed landscaping which needs to be protected during construction;
- (g) details of areas to be used for the storage of fuel, oil and other chemicals, including measure to prevent pollution;
- (h) details of the facilities to be provided for the storage of fuel, oil and other chemicals, including measures to prevent pollution and adverse impacts on the Narborough Bog Site of Special Scientific Interest;
- (i) details of temporary signage;
- (j) details of any temporary surface water management system including measures to prevent sediment mobilisation to nearby watercourses and adverse effects on the Narborough Bog Site of Special Scientific Interest;
- (k) details of any groundwater contamination remediation strategy;
- (l) an earthworks specification, remediation strategy and verification report informed by ground investigation work;
- (m) proposals for gas monitoring and associate gas protection measures for buildings if required;
- (n) proposals for the disposal of asbestos if required;
- (o) details of site rules and communication with the community;
- (p) details of temporary lighting; and
- (q) a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development.

(3) The approved detailed construction environmental management plan for each phase must be complied with during the construction works in that phase until the completion of construction works on that phase. The detailed construction environmental management plan for each phase is to be kept under review by the undertaker and updated if necessary as construction proceeds and any such update to the detailed construction environmental management plan is to be approved in writing by the relevant planning authority.

Travel plan

8.—(1) The provisions of the framework site wide travel plan must be complied with at all times following commencement of the authorised development.

(2) Prior to each and every occupation of an individual warehouse unit an occupier-specific travel plan is to be submitted to, and approved in writing by, the relevant planning authority following consultation with the relevant highway authority. Each occupier specific travel plan must be in accordance with the framework site wide travel plan and include provisions for promoting the travel plan across the occupiers work force for the site. Each occupier must comply with their occupier specific travel plan from not less than three months of the date on which they first occupy the relevant warehouse unit for the duration of the occupation of the relevant warehouse by that

occupier. Each occupier must monitor the operation of the occupier specific travel plan for the period of their occupation.

(3) No warehouse units may be occupied until the undertaker has established arrangements, including inviting participation from the relevant planning authority and the relevant highway authorities, for the travel plan steering group to discharge the role of that group in relation to the provision of the framework site wide travel plan.

Sustainable transport strategy

9.—(1) The sustainable transport strategy must be complied with following the first occupation of any warehouse floorspace on the authorised development.

(2) The undertaker must use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transport in respect of—

- (a) Any HGV fleets operated by occupiers of the warehouse units which visit those warehouses; and
- (b) Any public transport service provided pursuant to the public transport strategy and dedicated to serving the authorised development.

Rail

10.—(1) No more than 105,000 square metres of warehouse (including ancillary office) floorspace to be provided as part of the authorised development may be occupied until the rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated rail infrastructure has been completed.

(2) The undertaker must notify the relevant planning authority of the date of the first occupation of more than 105,000 square metres of warehousing within 28 days of such occupation occurring.

(3) Following completion of the rail terminal works the undertaker must retain, manage and keep the rail terminal available for use throughout the period of occupation of the warehousing floorspace.

Container stack height

11.—(1) The height of any stack of containers within the container storage area approved pursuant to the details submitted in accordance with requirement 4(2) must—

- (a) not exceed 8.7 metres from finished floor level prior to the second anniversary of the date on which the container storage area first comes into use;
- (b) not exceed 11.6 metres from finished floor level prior to the third anniversary of the date on which the container storage area first comes into use; and
- (c) not exceed 14.5 metres from finished floor level at any time thereafter.

(2) The height of any stack of containers within the returns area approved pursuant to the details submitted in accordance with requirement 4(2) must not—

- (a) exceed 8.7 metres from finished floor level prior to the fifth anniversary of the date on which the returns area first comes into use; and
- (b) exceed 14.5 metres from finished floor level at any time thereafter.

Archaeology and building recording

12.—(1) No phase is to commence until such time as a written scheme of investigation for that phase, informed by the provisions of the archaeological mitigation strategy, has been submitted to and approved in writing by the relevant planning authority.

(2) The written scheme of investigation submitted for approval must include—

- (a) the statement of significance and research objections;
- (b) details of the on-site recording methodology;
- (c) details of sampling, analysis and reporting strategy;
- (d) details of monitoring arrangements;
- (e) details of timetable and personnel; and
- (f) details of post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

(3) No part of the authorised development on the main site is to commence until a level 3 record of the buildings and structures of historic interest identified in the archaeological mitigation strategy has been undertaken. The record must be carried out in accordance with a written specification first agreed with the relevant planning authority in consultation with Leicestershire County Council and prepared by a competent building recorder in accordance with Historic England Understanding Historic Buildings, A Guide to Good Recording Practice, 2016.

(4) A copy of any analysis, reporting and publication required as part of the written scheme of investigation must be deposited with the Leicestershire and Rutland Historic Environment Record within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme of investigation.

(5) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported by way of a notice to the relevant planning authority, as soon as reasonably practicable from the date they are identified.

(6) Each phase must be carried out in accordance with the approved written scheme of investigation.

Sustainable drainage

13.—(1) No phase is to commence until a sustainable drainage strategy for that phase based on (in so far as relevant to that phase)—

- (a) sustainable drainage statement;
- (b) main HNRFI site concept surface water drainage strategy;
- (c) main HNRFI site concept foul water drainage strategy;
- (d) A47 link road concept drainage strategy; and
- (e) M69 Junction 2 concept drainage strategy

has been submitted to and approved in writing by the relevant planning authority.

(2) The development of each phase must be carried out in accordance with the approved sustainable drainage strategy for that phase.

Surface water

14.—(1) No phase is to commence until a surface water drainage scheme for that phase based on sustainable drainage principles and the assessment of the hydrological and hydrogeological context of the development in accordance with the flood risk assessment has been submitted to and approved in writing by the relevant planning authority. The scheme must include—

- (a) the limitation of surface water run-off generated by all rainfall events up to the critical 1 in 100 year return period rainfall event (plus 20% for climate change) to the equivalent greenfield rate;
- (b) detailed design (plans, cross sections and calculations) in support of any surface water drainage scheme, including details of any attenuation system and the outfall arrangements;
- (c) details in relation to the management of surface water on site during construction of the development in order to mitigate flood risk, and for the removal of suspended solids from surface water discharging from the site. Details shall demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection; and
- (d) infiltration testing to BRE Digest 365 or suitable evidence that infiltration methods of disposal on-site is not technically viable. Where infiltration results indicate that infiltration is a viable method of surface water disposal, the surface water strategy should be amended to incorporate infiltration disposal methods.

(2) The surface water drainage scheme for each phase must be implemented in accordance with the approved scheme for that phase.

(3) No phase is to be occupied until details of the long-term maintenance of the surface water drainage system within that phase have been submitted to and approved in writing by the relevant planning authority. The maintenance details must include—

- (a) details of routine maintenance, access, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party; and
- (b) where relevant, procedures that must be implemented in the event of pollution incidents.

(4) The long term maintenance strategy for each phase must be implemented in accordance with the approved details for that phase.

Contaminated land

15.—(1) No phase is to commence until a remediation strategy to deal with any risks associated with contamination of land and controlled waters for that phase has been submitted to and approved by the relevant planning authority following consultation with the Environment Agency. This strategy must include the following components—

- (a) a preliminary risk assessment which has identified—
 - (i) all previous uses;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors; and
 - (iv) potentially unacceptable risks arising from contamination at the site
- (b) a site investigation scheme, based on sub-paragraph (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

- (c) the results of the site investigation and the detailed risk assessment referred to in sub-paragraph (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in sub-paragraph (c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components requires the written consent of the relevant planning authority.

(2) The remediation strategy for each phase must be implemented in accordance with the approved strategy for that phase.

(3) No phase of the authorised development is to be brought into use until a verification report demonstrating that any works required by the approved remediation strategy for that phase have been completed has been submitted to and approved in writing by the relevant planning authority following consultation with the Environment Agency. The report must include results of sampling and monitoring carried out in accordance with the approved verification plan.

Construction hours

16.—(1) Construction works relating to the authorised development must not take place on Sundays, bank holidays, public holidays, nor otherwise outside the hours of 7:00 to 19:00 on week days and 7:00 to 15:00 on Saturdays in the phase of the authorised development which includes the earthworks as detailed in the written phasing scheme submitted and approved pursuant to requirement 3. Construction works relating to all phases of the authorised development must not take place on Sundays, bank holidays, public holidays, nor otherwise outside of the hours of 7:00 to 19:00 Monday to Friday and 7:00 to 13:00 on Saturday.

(2) The restrictions in paragraph (1) do not apply to construction works where these—

- (a) are carried out within existing buildings or buildings constructed as part of the authorised development;
- (b) works to the railway including demolition of Burbage Common Road Bridge and installation of the replacement bridge across the railway forming part of the 'A47 Link Road';
- (c) works to the highway agreed with the relevant highway authority;
- (d) are carried out with the prior approval of the relevant planning authority;
- (e) are associated with slip form working;
- (f) deliveries, movements to work, maintenance and general preparation works but not including running plant and machinery for a period of one hour either side of the above times;
- (g) any oversize deliveries or deliveries where daytime working would be disruptive due to normal traffic operation;
- (h) removal or protection of overhead powerlines;
- (i) are associated with an emergency;
- (j) overnight traffic management measures; and
- (k) completion of an operation that would otherwise cause greater interference with the environment/general public if left unfinished.

(3) Any emergency works carried out under sub-paragraph (2)(i) must be notified to the relevant

planning authority within 72 hours of their commencement.

Energy strategy

17.—(1) No phase of the authorised development is to be occupied until a detailed energy strategy for that phase has been submitted to and approved in writing by the relevant planning authority. Each detailed energy strategy submitted and approved must be in accordance with the energy strategy.

(2) The energy strategy for each phase must be implemented in accordance with the approved detailed energy strategy for that phase and complied with throughout the occupation of that phase.

HGV route management plan and strategy

18. The HGV route management plan and strategy must be complied with at all times following the first occupation of any warehouse floorspace on the authorised development.

Landscape and Ecological Management Plan

19.—(1) No phase is to commence until a detailed landscape and ecological management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed landscape and ecological management plan must be in accordance with the principles set out in the outline landscape and ecological management plan.

(2) The content of any detailed landscape and ecological management plan will—

- (a) identify features of ecological importance;
- (b) provide a management framework for the conservation and enhancement of habitats and other features of ecological interest; and
- (c) provide a work schedule (including an annual work plan).

(3) Any detailed landscape and ecological management plan must be implemented as approved as part of the relevant phase of the authorised development and must be reviewed on the 5th anniversary of commencement of the relevant phase of the authorised development and at five yearly intervals thereafter for the lifetime of the relevant phase of the authorised development. Any review of a detailed landscape and ecological management plan is to be approved in writing by the relevant planning authority.

Ecological mitigation management plan

20.—(1) Subject to paragraph (3) no phase is to commence until a detailed ecological mitigation and management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed ecological mitigation and management plan must be in accordance with the principles set out in the ecological mitigation and management plan and must—

- (a) apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians;
- (b) ensure that mitigation and compensation measures have demonstrable and measurable outcomes, which are monitored and reported on; and
- (c) create alternative habitats to an agreed form to compensate for the loss of irreplaceable habitats.

(2) Any detailed ecological mitigation and management plan approved under sub-paragraph (1)

must include an implementation timetable and must be carried out as approved in writing by the relevant planning authority.

(3) If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the relevant planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to paragraph (1). A phase for which a notification has been given in accordance with this sub-paragraph must not commence until the relevant planning authority has confirmed in writing that no ecological mitigation and management plan is required for that phase.

(4) Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitably qualified person or body.

Landscape scheme

21.—(1) No phase is to commence until a written landscaping scheme for that phase (including any strategic landscaping included within that phase) in accordance with the illustrative landscape strategy has been submitted to and approved in writing by the relevant planning authority.

(2) The written landscaping scheme must be in accordance with the parameters plans and must include details of all proposed soft landscaping works, including—

- (a) details of any trees and hedgerows to be removed;
- (b) location, number, species, size, layout, method of trees support, plant protection measures and planting density of any proposed planting;
- (c) cultivation, importation of materials and other operations to ensure plant establishment;
- (d) a programme for the implementation of the works; and
- (e) a landscape management plan setting out for a period of 30 years from completion of that phase the arrangements for future maintenance including methods of funding and future monitoring, review and the maintenance of new trees, shrub, hedgerows, woodlands and grassed areas and retained trees, shrub, hedgerows, woodlands and grassed areas.

(3) Any shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless otherwise agreed with the relevant planning authority.

(4) The detailed written landscape scheme for each phase must be implemented in accordance with the approved scheme for that phase.

Site waste and materials management plan

22.—(1) Prior to the commencement of construction work on each phase of the authorised development a detailed site waste and materials management plan for that phase in accordance with the principles set out in the site waste and materials management plan must be submitted to and approved by the relevant planning authority.

(2) The detailed site waste and materials management plan for each phase must be implemented in accordance with the approved plan for that phase.

Construction traffic management plan

23.—(1) Prior to the commencement of construction works on each phase a detailed construction traffic management plan for that phase must be submitted to and approved by the relevant planning authority following consultation with the relevant highway authority. The detailed construction traffic management plan must be in accordance with the principles set out in the construction traffic management plan and must include—

- (a) details of the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use, including details of the access points to the construction site to be used by light goods vehicles and heavy goods vehicles;
- (b) details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads, including agreed routes, the numbers of abnormal loads to be delivered by road and measures to mitigate traffic impact;
- (c) the construction programme; and
- (d) any necessary measures for the temporary protection of carriageway surfaces, the protection of statutory undertakers' plant and equipment, and any temporary removal of street furniture.

(2) Notices must be erected and maintained thorough the period of construction at every entrance to and exit from the construction site, indicating to drivers the approved routes for traffic entering and leaving the construction site.

(3) The detailed construction traffic management plan for each phase are to be kept under review by the undertaker and updated if necessary with the approval of the relevant planning authority following consultation with the relevant highway authority.

(4) The detailed construction traffic management plan for each phase must be implemented in accordance with the approved plan for that phase.

Temporary highway accesses

24.—(1) Prior to commencement of construction works on any phase details of the siting, design and layout of any new or modified temporary means of access between any part of the Order limits and the public highway to be used by vehicular traffic during construction of that phase, and the means of reinstating any such means of access after completion of construction shall be submitted to and approved by the relevant planning authority following consultation with the relevant highway authority.

(2) Any works for the layout of any new or modified temporary means of access and the means for reinstating any such means of access referred to in sub-paragraph (1) above for each phase are to be carried out in accordance with the approved details for that phase.

Public rights of way strategy

25.—(1) Prior to commencement of construction works on any phase a detailed public rights of way strategy for that phase in accordance with the principles set out in the public rights of way appraisal and strategy must be submitted to and approved by the relevant planning authority following consultation with the relevant highway authority.

(2) The detailed public rights of way strategy for each phase must be implemented in accordance with the approved strategy for that phase.

Control of operational noise

26.—(1) Prior to their installation, details of all mechanical and ventilation plant and any other noisemaking machinery, or mobile plant (including HGV chiller units) that is intended to be used within the main site, must be submitted to and approved in writing by the relevant planning authority including details of mitigation measures to any machinery and the provision of details of automated hardware and software to lift and place containers. This will include an assessment of the expected noise impact at relevant receptors in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or such other amendment or replacement of such documents as shall apply at the time of submission of the relevant application). The assessment will consider noise from the proposed plant and machinery to demonstrate compliance with government and local policy on noise. The installation of all mechanical and ventilation plant and any other noisemaking machinery or mobile plant (including HGV chiller units) must be carried out in accordance with the approved details. Any fixed plant or ventilation equipment must also be installed and operated in accordance with manufacturers' instructions at all times.

Acoustic barriers

27.—(1) Acoustic barriers to be provided as part of any phase in accordance with the details approved pursuant to requirement 4 and must be completed prior to the first occupation of that phase.

(2) The acoustic barriers must be maintained and retained for the lifetime of the authorised development.

Combined heat and power

28. The combined heat and power plant may not be operated for more than 30% of the hours in a calendar year. The undertaker must maintain an up-to-date annual usage report for a period of at least 12 months and shall make the information available to the relevant planning authority within 14 days of it being requested by the relevant local planning authority.

Biodiversity net gain

29.—(1) The authorised development must not commence until a biodiversity net gain strategy to deliver an overall 10% biodiversity net gain in respect of the authorised development (taken as a whole) in accordance with the principles set out in the biodiversity impact assessment calculations has been submitted to and approved by all of the planning authorities in whose areas any of the authorised development is to be constructed (whether or not any element of the biodiversity net gain strategy is to be provided within a particular planning authority's area).

(2) The biodiversity net gain strategy must be implemented in accordance with the approved strategy.

Lighting

30.—(1) No phase of the authorised development is to be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The reports and schemes submitted and approved must be in accordance with the lighting strategy and include the following—

- (a) a layout plan with beam orientation;
- (b) an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified in the detailed ecological mitigation and management plan approved pursuant to requirement 20 as being of ecological importance;
- (c) a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and
- (d) measures to avoid glare on surrounding railway and highways.

(2) The lighting scheme for each phase must be implemented and maintained in accordance with the approved strategy for that phase and may be reviewed by the undertaker as necessary with the approval of the relevant planning authority. No external lighting other than that approved under this requirement may be installed.

Woodland management plan

31.—(1) No phase is to commence until a detailed woodland management plan for that phase in accordance with the principles set out in the woodland management plan has been submitted to and approved in writing by the relevant planning authority.

(2) The detailed woodland management plan must include details of—

- (a) the maintenance and management of existing woodland habitat; and
- (b) new proposed woodland planting and its maintenance.

(3) The detailed woodland management plan must be reviewed annually during the establishment period and at five yearly intervals thereafter for the lifetime of the development. During the establishment period, newly created shrub, ecotone, understory and hedgerow planting will be subject to an annual assessment.

(4) In paragraph (3) “the establishment period” means a period of five years from the first spring following planting.

(5) The detailed woodland management plan for each phase must be implemented in accordance with the approved plan.

Amendments to approved details

32.—(1) With respect to any requirement which requires the authorised development or any phase to be carried out in accordance with details approved by the relevant planning authority or another person, the authorised development or phase must be carried out in accordance with the details as approved unless an amendment or variation is agreed in writing by the relevant planning authority or that other person in accordance with paragraph (2).

(2) Any amendments to or variation from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority or (as the case may be) by that other person that the subject matter of the amendment or variation sought is unlikely to give rise to any materially greater environmental effect from those assessed in the environmental statement.

(3) The approved details must be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority or that other person.

Lorry park management plan

33. The lorry park management plan must be complied with at all times following the first occupation of any warehouse floorspace on the authorised development.

PART 2

PROCEDURE FOR APPROVALS ETC UNDER REQUIREMENTS

Interpretation

In this Part of this Schedule—

“appeal documentation” means the application submitted to the discharging authority, any further information submitted under paragraph 3 and any notice of a decision to refuse;

“the appeal parties” means the discharging authority, the undertaker and any requirement consultee(s);

“discharging authority” means the authority from whom a consent, approval or agreement is required or requested by the undertaker under the requirement concerned; and

“requirement consultee” means anybody named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement.

Applications made for certain approvals

34.—(1) Where an application has been made to a discharging authority for any consent, agreement or approval required or contemplated under the requirements in Part 1 of this Schedule the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

- (a) where no further information is requested under paragraph 3 (further information), 56 days from the day immediately following that on which the application is received by the discharging authority;
- (b) where further information is requested under paragraph 3, 56 days from the day immediately following that on which the further information has been supplied by the undertaker under paragraph 3; or
- (c) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in paragraph (a) or (b).

Further information

35.—(1) In relation to any application to which this Schedule applies, the discharging authority has the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) If the discharging authority considers such further information to be necessary it must, within 10 working days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the discharging authority does not give such notification as specified in sub-paragraph (2) it is to be deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

Appeals

36.—(1) The undertaker may appeal to the Secretary of State in the event that—

- (a) the discharging authority refuses an application for any consent, agreement or approval required or contemplated under the requirements or grants it subject to conditions;
- (b) the discharging authority does not give notice of its decision to the undertaker within the decision period specified in paragraph 2 (applications for certain approvals);
- (c) on receipt of a request for further information under paragraph 3 (further information) the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
- (d) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The appeal process is as follows—

- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the decision period as determined under paragraph 2 (applications for certain approvals) in this Schedule;
- (b) the undertaker must submit the appeal documentation to the Secretary of State and must within 7 working days provide copies of the appeal documentation to the discharging authority and any requirement consultee;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State is to appoint a person to determine the appeal (“the appointed person”)⁽¹⁾ and notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
- (d) the discharging authority and any requirement consultee must submit written representations to the appointed person in respect of the appeal within 20 working days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties must make any counter-submissions to the appointed person within 20 working days of receipt of written representations under paragraph (d).

(3) The appointed person must make their decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable and in any event within 30 working days of the deadline for the receipt of counter-submissions pursuant to sub-paragraph (2)(e).

(4) The appointment of the person pursuant to sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(5) If the appointed person considers that further information is necessary to enable consideration of the appeal the appointed person must, as soon as practicable, notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(6) Any further information required under sub-paragraph (5) is to be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in

⁽¹⁾ The appointment is made at the discretion of the Secretary of State, and such appointment may be made by the Planning Inspectorate on behalf of the Secretary of State.

the further information must be submitted to the appointed person, and made available to all appeal parties within 10 working days of that date.

(7) On an appeal under this paragraph, the appointed person must—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to the appointed person in the first instance.

(8) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the prescribed time limits, or time limits set by the appointed person and notified to the appeal parties under this sub-paragraph.

(9) The appointed person may proceed to a decision even though no written representations have been made within the prescribed time limits, or any other time limit set in accordance with sub-paragraph (8).

(10) The decision of the appointed person on an appeal is to be final and binding on the appeal parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(11) If an approval is given by the appointed person under this Part of this Schedule, it is deemed to be an approval for the purpose of any consent, agreement or approval required under the requirement as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(12) Except where a direction is given under sub-paragraph (13) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person are to be met by the undertaker⁽²⁾.

(13) The appointed person may, following an application by the discharging authority or the undertaker, or in the absence of such application, give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice Guidance or guidance which may from time to time replace it.

Fees

37.—(1) Where an application is made to the discharging authority for consent, agreement or approval in respect of a requirement, other than where the parties have agreed otherwise, the fee that would have been payable had the fee been determined under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012⁽³⁾, as though the application were a reserved matters application, is to be paid to that authority.

(2) Any fee paid under this Part of this Schedule must be refunded to the undertaker within 42 days of—

⁽²⁾ The costs of the appointed person are calculated based on the applicable day rate for a Single Inspector as if he or she were appointed under s78/s79 of the PA2008. See the National Infrastructure Planning website for more information: <https://infrastructure.planninginspectorate.gov.uk/application-process/application-fees/>

⁽³⁾ S.I. 2012/2920, amended by S.I. 2013/2153, S.I. 2014/357, S.I. 2014/2026, S.I. 2015/643, S.I. 2017/1314 and S.I. 2019/1154.

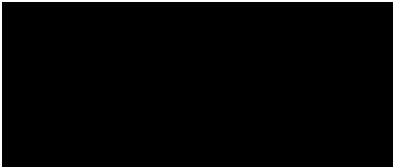
STATEMENT OF COMMON GROUND ♦ HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE


- (a) the application being rejected as invalidly made; or
- (b) the discharging authority failing to determine the application within the decision period as determined under paragraph (1),

unless within that period the undertaker agrees, in writing, that the fee is to be returned by the discharging authority and credited in respect of a future application.

3. AGREEMENT ON THIS SOCG

This Statement of Common Ground has been jointly prepared and agreed by:

Name: Sinead Turnbull
Signature: 
Position: Planning Director
On behalf of: Tritax Symmetry (Hinckley) Limited
Date: 08/03/24

Name: Sharon Stacey
Signature: 
Position: Director Community Services
On behalf of: Hinckley & Bosworth Borough Council
Date: 08 03 24