

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Applicant's response to Deadline 7 Submissions [part 5- Statutory Bodies]

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8 March 2024

Planning Act 2008

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

National Grid Electricity Distribution (East Midlands) plc - Deadline 7 Submission

Matter	Applicant's Response
<p>National Grid Electricity Distribution (East Midlands) plc – Deadline 7 Relevant Representation</p> <p>1. This Representation is submitted by Osborne Clarke LLP on behalf of National Grid Electricity Distribution (East Midlands) plc ("NGED").</p> <p>2. NGED remains the licensed distribution network operator under Section 6 Electricity Act 1989 (the "EA 1989") for the area in which the Hinckley National Rail Freight Interchange Development Consent Order 202X (the "Order") is proposed to have effect and which was submitted by Tritax Symmetry (Hinckley) Limited (the "Applicant").</p> <p>3. In the recent representation submitted on 20 February 2023 at Deadline 6, NGED re-confirmed its relevant requirements in respect of the proposed Order and what would be required before its objection would be withdrawn. These remain as follows:</p> <p>(i) a satisfactory set of protective provisions in favour of NGED has been agreed with the Applicant and these have been included in the Order; and</p> <p>(ii) an asset protection agreement has been entered into between on the parties on terms which are satisfactory to NGED.</p>	<p>Noted</p>
<p>4. In the absence of these two requirements being met, NGED confirmed (in its Deadline 6 representation) that the granting of the Order has the potential to cause serious detriment (for the purpose of Section 127 of the Planning Act 2008) to NGED's assets and interests which form part of its undertaking.</p>	<p>Noted</p>
<p>5. By way of an update on discussions with the Applicant in respect of Requirement (i), NGED has now agreed the required form of protective provisions with the Applicant (a copy of which are appended to this Representation at Appendix 1 for the</p>	<p>The Applicant notes the response and confirms that the agreed form of protective provisions is included in</p>

National Grid Electricity Distribution (East Midlands) plc - Deadline 7 Submission

Matter	Applicant's Response
avoidance of doubt). The Applicant has agreed that the form of protective provisions at Appendix 1 will be included in the draft Order submitted on 27 February 2024 as part of Deadline 7.	the dDCO submitted at Deadline 7 (Document Reference 3.1D, REP7-011)
6. As an update in respect of Requirement (ii) above, NGED and the Applicant have now agreed the form of NGED's required asset protection agreement and the parties are currently arranging the signature and legal completion of this agreement, which is expected shortly.	The Applicant confirms that the Asset Protection Agreement is in an agreed form and was executed by the Applicant in time for Deadline 7. The Applicant is awaiting confirmation of the same from NGED and considers that NGED's objection can be withdrawn.
7. Based on the progress made since Deadline 6, NGED continues to hope that both Requirements (i) and (ii) will be satisfied by the close of Examination. However, until the parties complete the asset protection agreement currently out for signature, NGED will not be in a position to withdraw its objection.	The Applicant understands that NGED's objection can and should now be withdrawn given that completion of the Asset Protection Agreement is now contingent on their execution of the document.

National Highways - Any further information requested by the ExA

Number	Matter	Applicant's Response
1	<p>Rule 17 letter (dated 20 February 2024) [PD-015]</p> <p>Thank you for your letter of 20 February 2024. It is noted that this request for information includes one question directed at National Highways, copied.</p> <p>Plots 65 and 69 At D5 [REP5-036] the Applicant is response to ExQ2.3.1 commented on contacting National Highways (NH) on 'numerous occasions' to seek further progress on obtaining voluntary land agreements with NH to enable works No 6. It is noted in NH's D5 submission [REP5-078] that it refers back to the use of protective provisions to secure and facilitate the necessary license and works, which form part of the strategic highway network. The Applicant contends that the plots are outside of the highways boundary and are needed for future maintenance purposes by them upon completion of the Proposed Development. Could NH provide an update and clarity on this issue.</p>	
2	<p>National Highways maintains its objection to the compulsory acquisition of Plots 65 and 69. We can confirm that we have drainage assets on these two Plots, as well as Plots 66 and 68. The drainage assets consist of two ditches for the drainage of the SRN and three outfalls from the ditches inside Plots 65, 66, 68 and 69. As such, these drainage assets will need to be maintained during the works and, in addition, National Highways will need to maintain or potentially replace these in the future. Therefore, retention of Plots 65 and 69 (we will deal with Plots 66 and 68 separately within this submission) is critical as any action that prevents National Highways from adequately draining the SRN has clear safety implications and would cause serious detriment to National Highways' undertaking.</p> <p>To ensure this does not happen, National Highways is happy to enter into a suitably worded licence and/or easement over Plots 65 and 69 granting the Applicant access over the Plots for future maintenance purposes upon completion of the Proposed Development. This has been our position during this Examination. Compulsory acquisition of the entire freehold of Plots 65 and 69 is, therefore, disproportionate and unnecessary and would cause serious detriment to National Highways' undertaking by introducing public safety risks. The compulsory acquisition powers that the Applicant seeks in respect of National Highways land and interests are not necessary and National Highways submit that the necessary tests for authorising such have</p>	<p>NH's extremely late confirmation of the precise nature and use of this plot is most frustrating. The Applicant has been seeking confirmation from NH as to the nature of their interest since the outset, and the Applicant's own investigations have not revealed any evidence that this watercourse was used for drainage of the SRN. Indeed, the Applicant notes that some, but not all, of the plots have been transferred back to third party ownership following the construction of the M69 motorway which appears contradictory to NH's claim that the retention of</p>

National Highways - Any further information requested by the ExA

	<p>not been met. Compulsory acquisition should be an option of last resort. National Highways has shown that it is willing to grant the Applicant the necessary rights to access the Proposed Development for maintenance purposes.</p>	<p>ownership is critical to the safety of the SRN.</p> <p>The very fact that it has taken NH until Deadline 7 to confirm the assets on these plots, combined with the strange alignment of the different land ownerships of plots 65 – 69 inclusive, demonstrates, in the Applicant’s view, that the use of these plots by the Applicant would not cause “clear safety implications” or “serious detriment to National Highways undertaking”. The Applicant suggests that NH is overstating the position and once again, as it is seeking to do in respect of protective provisions that can be perfectly reasonably negotiated between the parties as has been the case on other DCO, claiming that any matter to which NH does not agree represents a “serious detriment” or “safety concern” to the SRN. This is simply not the case and NH has not afforded the Applicant the opportunity to negotiate appropriate land arrangements. The Applicant has therefore been left throughout the Examination with no choice but to retain the powers it is seeking to</p>
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National Highways - Any further information requested by the ExA

		<p>deliver the works it needs to deliver as part of a NSIP. National Highways' claim that it has »shown.that.it.is.willing.to.grant« the necessary rights through this late submission is frankly not sufficient at this stage and NH is well aware that the Applicant cannot at this late stage amend the DCO Application. The Applicant can, and will, continue to seek to secure voluntary arrangements and should those arrangements be concluded, commit as part of those agreements not to exercise compulsory powers, but in the absence of NH's "willing" arrangements being presented to the Applicant, the Applicant's position is set out below.</p> <p>As outlined in the Applicant's Responses to ExA's Further Written Questions (document reference: 18.16 REP5-036), the ordinary watercourse in the Site is to be realigned as part of the Proposed Scheme, and the diverted channel will rejoin its original course at Plot 69. Works may be required in Plot 69 to blend the new channel form into the original channel form.</p>
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National Highways - Any further information requested by the ExA

		<p>Downstream of the realignment the watercourse geometry is generally expected to be unaltered, and any incoming drainage connections from the M69 would be preserved with an increased ability to access/maintain the channel, particularly compared to the existing situation where ownership of some parcels is unknown. This watercourse also receives surface water outfalls from the Proposed Scheme so it is in the Applicant's interest to keep it in good condition and flowing freely, notwithstanding the wider environmental enhancements proposed.</p> <p>In addition, Plots 65, 66, 67, 68 and 69 form part of the overarching ecology strategy. The existing habitats include arable margins which develop into scrub. To ensure ecological connectivity around the site, these areas will be managed as part of a broad green corridor of varying habitats (including woodland, meadow, scrub and stream), planted during the enabling works to provide early amenity provision along a newly created bridleway route and green</p>
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National Highways - Any further information requested by the ExA

		<p>infrastructure for ecological, landscape and visual mitigation. Management will improve the botanical value of this area but also ensure continued opportunities for protected species. The long-term ecological and amenity management of these areas are secured by the LEMP (Requirement 19), and forms part of the BNG Strategy (Requirement 29).</p> <p>The Applicant therefore requires certainty and ability to deliver this comprehensive mitigation strategy across these plots.</p> <p>The Applicant therefore requires the necessary land not only to deliver the works, but to retain and maintain them, without which the Applicant would be trespassing on some NH land. In the absence of agreement, there is therefore no alternative to compulsory acquisition at this stage and although the Applicant is committed to continuing its attempts to secure voluntary agreement, it is clear that such agreement will not be reached and concluded within the timescales of</p>
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		<p>the Examination. However, now that the nature of the NH interests have been clarified (although the Applicant would note that this clarification is made without evidence at this stage), the Applicant would be willing to accept an addition to Part 2 of the Protective Provisions for NH's benefit as set out below, should the ExA be minded to recommend this amendment to the Secretary of State.</p> <p>Insert new sub-paragraphs (5) and (6) to paragraph 20 as follows:</p> <p>“(5) The undertaker must ensure that any land to which the strategic road network drains and which the undertaker has acquired either by agreement or through the exercise of compulsory acquisition or temporary possession continues to receive such highway drainage at all times and must grant to National Highways such rights of access as are reasonably necessary for maintenance of that highway drainage.</p> <p>(6) National Highways and the undertaker hereby agree to</p>
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National Highways - Any further information requested by the ExA

		<p>cooperate in the execution of any transfer or deed of grant, licence or easement as may be necessary provided always that the undertaker is not prevented from exercising any powers under Part 5 of this Order, subject to sub-paragraph (5) above.”</p>
<p>3</p>	<p>ExA Q2 Dated 19 January 2024 [PD-013] Pursuant to National Highways’ response to information requested by the ExA dated 19 January 2024, specifically question 2.3.4(a) where National Highways advised that a response concerning its private rights for each plot listed would follow separately, we can confirm that National Highways removes its objection to the extinguishment of the following private rights:</p>	<p>This very late confirmation is noted.</p> <p>The Applicant’s position on these interests remains unchanged from its response to ExQ2.3.4 (document reference: 18.16, REP5-036) and the Applicant included in its final DCO submitted at Deadline 7 a provision in the protective provisions for NH, as it committed to do at Deadline 5, confirming that it will not exercise CA of NH’s interests on plots 84, 101, 101a, 102, 103 or 104.</p>

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Plot	Private Right agreed to be extinguished
39	Right of entry for excavation and to maintain boundary fences, hedges and walls as contained in a Conveyance dated 25 October 1979 for the benefit of the M69
54	Rights relating to a headwall for the construction, maintenance, inspection and renewal of a headwall including a right of entry with all manner of machinery as contained in a Transfer dated 6 January 1999
67	Right of entry for maintenance of boundary fences, hedges and walls as contained in a Transfer dated 28 April 1982 for the benefit of adjoining land
71	Right of entry for excavation and maintenance of boundary fences, hedges and walls as contained in a Conveyance dated 13 January 1982 for the benefit of the M69
84	Right to maintain boundary fences, hedges and walls as contained in Conveyance dated 24 March 1981 for the benefit of the M69
101	Right of entry for maintenance of boundary fences, hedges and walls, right of erection or planting of hedge/fence for the benefit of the M69
101a	Right of entry for maintenance of boundary fences, hedges and walls, right of erection or planting of hedge / fence for the benefit of the M69
102	Right of entry for maintenance of boundary fences, hedges and walls, and right of erection or planting of hedge / fence as contained in a Conveyance dated 24 March 1981 for the benefit of the M69
103	Right of entry for maintenance of boundary fences, hedges and walls, right of erection or planting of hedge / fence for the benefit of the M69
104	Right of entry for maintenance relating to boundary hedges, fences and walls, right of erection or planting of hedge / fence for the benefit of the M69

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<p>4</p>	<p>National Highways also benefits from rights to drainage assets at Plots 54, 84, 101, 101a, 103 and 104 as detailed within our Deadline 5 response – National Highways Response to Questions from the Examining Authority [REP5-077]. National Highways objects to these rights being extinguished by the Applicant for the same reasons as those detailed for the compulsory acquisition of Plots 65 and 69. These drainage assets will need to be maintained during the works and we will need to maintain or potentially replace these in the future. Any action that prevents National Highways from adequately draining the SRN has safety implications and would cause serious detriment to National Highways’ undertaking. As such the drainage rights enjoyed by National Highways over these Plots of land should remain.</p>	<p>The Applicant’s position on these interests remains unchanged from its response to ExQ2.3.4 (document reference 18.16, REP5-036) and the Applicant included in its final DCO submitted at Deadline 7 a provision in the protective provisions for NH, as it committed to do at Deadline 5, confirming that it will not exercise CA of NH’s interests on plots 84, 101, 101a, 102, 103 or 104.</p> <p>With regard specifically to plot 54, the Applicant requires control over this plot only to dedicate the diverted public right of way following the closure of the level crossing. As noted in the Applicant’s response at Deadline 5, the Applicant fails to see, and NH have not clarified, where the drainage assets are located on this plot. The Applicant’s suggested addition to the protective provisions would address any concern if NH is able to confirm precise details to the Applicant.</p>
<p>5</p>	<p>National Highways also has drainage assets in the form of ditches for the drainage of the SRN on Plots 67 and 102. National Highways seeks to rely on the Highways Act 1980 for the future</p>	<p>The Applicant’s position on this interest is the same as per plots 65 and 69 above. .</p>

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	<p>inspection, maintenance and replacement of these drainage assets to ensure the safe operation of the SRN, and objects to the DCO limiting or extinguishing these powers in any way.</p>	<p>NH should have seen the Applicant's explanation at Deadline 5 in relation to plot 102 that it would agree in the protective provisions not to exercise CA of NH's interest in this plot. This was included at Deadline 7 as promised (document reference: 4.4C, REP7-22).</p>
6	<p>National Highways maintains its objection to the compulsory acquisition of Plots 66 and 68. We can confirm that we have drainage assets on these two Plots, as mentioned earlier in this submission. These assets will need to be maintained during the works and, in addition, we will need to maintain or potentially replace these in the future. Retention of these two Plots is critical for the safe operation of the SRN, and any action that prevents National Highways from properly draining the SRN would cause serious detriment to National Highways' undertaking.</p>	<p>These plots are not owned by NH so far as the Applicant is aware. NH has not provided evidence of ownership nor does it appear to be claiming ownership. NH is listed in the Book of Reference as a riparian owner as they are an adjoining owner only. The Applicant therefore considers that NH does not have the ability to enter into a "suitably worded licence and/or easement" for these plots since it is not the freeholder and does not have the power to grant the necessary rights. The land is unregistered, and in the absence of ownership confirmation, the Applicant requires CA.</p> <p>NH's position is simply incorrect. They cannot "retain" the plots</p>

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		<p>because they do not own them (as far as the Applicant is aware). The Applicant therefore questions how they are “critical” for the safe operation of the SRN.</p> <p>The Applicant’s position on these plots is the same as per plots 65 and 69 above. Indeed, the Applicant suggests that the Applicant’s acquisition of these plots will represent a betterment in NH’s position since the Applicant will be able to formally grant rights to NH in respect of drainage and maintenance access.</p>
7	<p>As with Plots 65 and 69, National Highways is happy to enter into a suitably worded licence and/or easement over Plots 66 and 68 granting the Applicant access over the Plots for future maintenance purposes upon completion of the Proposed Development. This has been our position during this Examination. Compulsory acquisition of the entire freehold of Plots 66 and 68 is, therefore, disproportionate and unnecessary and would cause serious detriment to National Highways’ undertaking by introducing public safety risks. The compulsory acquisition powers that the Applicant seeks in respect of National Highways land and interests are not necessary and National Highways again submits that the necessary tests for authorising such have not been met. As stated, compulsory acquisition should be an option of last resort and National Highways has shown that it is willing to grant the Applicant the necessary rights to access the Proposed Development.</p>	
8	<p>Finally, by way of an update, National Highways removes its objection to the temporary possession of Plot 61 by the Applicant to access the track for the undertaking of the level crossing closure and diversion of the right of way.</p>	<p>This is noted and agreed.</p>

National Highways - Comments on Submissions received by Deadline 6

Number	Matter	Applicant's Response
1	<p>National Highways (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>This submission forms National Highways’ Deadline 7 response which provides a position statement and comments on information received by Deadline 6 (27 February 2024)</p>	
2	<p>Updated position - overview</p> <p>National Highways has continued to engage with the Applicant and the wider project team on legal and highways and transport matters. Whilst there has been some progress in discussions, many items remain to be resolved on highways and transport as was stated during ISH6. Table D5.1 in National Highways’ Deadline 5 submission [REP 5-078] remains the most up to date position; however where there has been changes to the position on specific matters, these are detailed below.</p>	
3	<p>Gibbet Hill – furness methodology and contribution</p> <p>As stated in our Deadline 5 response, revised flows provided by the Applicant are now acceptable. However, it should be noted that these are identified as ‘Sensitivity Test’ flows by the Applicant, a point on which we disagree. Instead these should be seen as the revised flows to correct errors in the application of the agreed furness methodology. We understand that the Applicant intends to submit this information as part of Deadline 7.</p> <p>With the agreement of the flows at the Gibbet Hill junction we are now in a position to understand the likely impact of the proposed development on the operation of the junction. This has shown that the development is likely to result in increases in demand totalling approximately 70 vehicles in each of the peak periods. The majority of these increases are on the A5 southbound in the AM peak and the A5 northbound in the PM peak. These are the</p>	<p>The flows tested through the roundabout have been adjusted based on the recommendations by NH. This is not a clearly defined evidence base, but the view of their consultant. Hence the Applicant labelling as ‘sensitivity’. The PRTM flows, furnished using the observed 2023 flows are verifiable and, for the rest of the network, present a good estimate of future flows. For the key A5 junctions, the Applicant agreed to test the recommended reassigned flows which have been reported to NH and have been</p>

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Number	Matter	Applicant's Response
	<p>arms where, operationally, there is the greatest delay presently, therefore any increases on these movements will adversely affect the operation of the junction.</p> <p>It remains National Highways' view that the assessment should be undertaken in VISSIM rather than ARCADY owing to the nature of the junction operation and the limitations of the ARCADY software. Having, today, received the complete package of information required to assess the robustness of the Applicant's ARCADY modelling, this review is currently ongoing.</p> <p>Further, as clarified at ISH6 and subsequent representations, the advised methodology is for the Applicant to develop a mitigation scheme, which is to be agreed with the relevant highway authorities and for the equivalent cost to be secured through S106 agreement. Until an acceptable scheme to form the basis of the contribution is agreed, National Highways does not consider it to be possible to agree on a contribution value.</p> <p>We note that the Applicant has expressed contrary views on the approach to modelling and derivation of the contribution value. We therefore invite the Applicant to put forward any alternative methodology for consideration, along with a justification for its appropriateness should they so wish.</p>	<p>submitted at Deadline 7 (document reference: 22.2, REP7-076)</p> <p>As reported in previous response at Deadline 6 (document reference: 18.19, REP6-022) . The proportionate impact of the HNRFI flows is limited to the Gibbet Hill Roundabout and does not affect the remainder of the VISSIM corridor model provided by NH. Significant work to survey and calibrate the model beyond the junction would be required to run the model.</p> <p>It is the Applicant's view that the capacity-based model approach is more than adequate to test what is a 'theoretical' scheme as the NH developed mitigation at Gibbet Hill has not been shared, nor is in the public domain.</p> <p>In a meeting held with the highways authorities (including National Highways) on 2nd February, National Highways directed the Applicant to ensure that the impact of HNRFI on the Gibbet Hill roundabout was adequately mitigated in the absence of any alternative schemes and contributions captured by other developments. The Applicant is aware that Warwickshire Country Council are holding funds from a number of recently committed</p>

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		<p>developments in the area, for a scheme devised by National Highways but which is not yet in the public domain.</p> <p>Accordingly, the Applicant's proposed mitigation design was shared with National Highways on 19th February, together with full detailed costings, which included commentary on how these costs were derived.</p> <p>In a meeting held on 1st March, both Warwickshire County Council and National Highways agreed the amended flows at the Gibbet Hill roundabout. The scheme designed by the Applicant and previously provided to National Highways, required no changes, and in the view of the Applicant provides appropriate, proportional, and reasonable mitigation for HNRFI's impact.</p> <p>Despite being in possession of the details of the Applicant's proposed scheme and the associated cost schedule, National Highways have provided no comment on whether they agree that the design and the costings, despite repeated communication requesting a discussion.</p>

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Number	Matter	Applicant's Response
4	<p>Cross in Hand – furness methodology and mitigation</p> <p>The Applicant has advised that Sensitivity Test flows at this junction have been agreed with Warwickshire County Council. However, National Highways considers that the agreed furness methodology continues to be incorrectly applied.</p> <p>Our concern relates to the derivation of the matrix for the 2036 'With Development' (WD), specifically that an incremental change is calculated between the 'Without Development' (WoD) 2036 Post-Furness matrix and the WD 2036 Post-Furness matrix. The furness process takes the link flows from the WoD and the WD future year assignments and then synthesises matrices to match the target link flows in each case. Therefore, the method is not directly calculating the positive and negative traffic impacts of the development proposals but is calculating the difference between two synthetic (Post-Furness) matrices. This method may distort the turning movement impacts of the development site as represented by the PRTM forecasting model. The result is that HGV turning movements between the A5(N) and the A4304(E) arm are likely to be underestimated. (It should be noted that this could potentially also result in an underestimation of traffic flows at the M1J20 further to the east of the Cross in Hand junction, where the assessment requirement is contested by the Applicant.)</p> <p>Furthermore, the proposal for mitigation works at Cross is Hand is now unclear. It has been suggested by the Applicant in recent discussions that works on the Warwickshire network may not be required. However, the most up to date Works Plan Sheet 8 [APP015] details work on the Warwickshire network on the Coal Pit Lane and B4027 arms of the junction. As a roundabout, requirement for mitigation must be looked at comprehensively, rather than considering individual arms in isolation.</p> <p>National Highways position remains that the furness methodology must be correctly applied to develop an agreed set of traffic flows (not 'sensitivity test' flows), against which any mitigation requirements can be agreed.</p>	<p>The furnessing methodology has already been accepted by NH. However, the Applicant has discussed the implications on the A5 junctions specifically and has addressed the anomalies that are highlighted within the text here with further model tests. As response above (point 3), the PRTM represents a verifiable evidence base accepted by the Authorities. The Applicant has also modelled the HNRFI flow through the Rugby Rural Area model to further understand impacts on the A5- it conclusions were that there is minimal impact forecast on the A5.</p> <p>Warwickshire CC have now accepted the amended flows put forward and tested. The dDCO has been adjusted on their request to reflect their desire for minimal mitigation at the Cross-in-Hand to discourage further routing on the minor arms. The proposed mitigation remains in the dDCO, but it will be subject to final agreement with all three highway authorities. This is reflected by the new sub-paragraph (3) added to Requirement 5 in the Applicant's final dDCO submitted at Deadline 7 (document reference 3.1D, REP7-013).</p>

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Number	Matter	Applicant's Response
5	<p>M69J2 – furness methodology</p> <p>National Highways has received further information from the Applicant in respect of the furness methodology; however we consider that the methodology remains incorrectly applied.</p> <p>We note that the impact of the Development (site + schemes) has been calculated by the Applicant from the PRTM forecast outputs as WD 2036 – WoD 2036. On several of the turn movements the impact of the Development has been to reduce the turn flows, i.e. negative traffic growth. For example, on the M69 mainline (between arms A and C) and between the Hinckley Rd E and W roads (between arms B and D).</p> <p>The Applicant has then applied these development impacts (both positive and negative) to the 2023 Observed flows (i.e. “growth between PRTM 2019 and 2036 has been directly added onto the 2023 survey flows”). However, trips that the PRTM has removed from its 2036 WoD forecast year matrix for the 2036 with development (WD) case, cannot be subtracted from the 2023 Observed turn flows matrix if those trips were not observed to be using the roundabout in 2023. (i.e. trips that do not exist should not be subtracted).</p> <p>An appropriately robust basis for assessment would be to use the 2023 Observed turn movements where the PRTM is forecasting negative growth from 2019 to 2036. Care also needs to be applied on those turn movements where the PRTM is forecasting negative growth as a result of the Development.</p>	<p>The methodology for furnessing Junction 2 had been discussed at length and agreed with LCC and NH. This is because the junction changes completely following the introduction of the new access and therefore flows need to account for the negative growth.</p> <p>Difference plots between WD and WoD scenarios were provided by AECOM which clearly indicate that the introduction of the new south facing slip roads and provision of the A47 link road results in redistribution of traffic.</p> <p>Further details of AECOM plots are provided below:</p> <ul style="list-style-type: none"> • Traffic that formerly routed from Leicester Road via Hinckley Road W towards Hinckley Road E now is able to utilise the A47 link road to route towards Hinckley Road W. This is represented in the flows by a reduction in flows between Hinckley Road W to Hinckley Road E and an increase in flows between the new A47 link road and Hinckley Road E. • Traffic that formerly routed from Hinckley Road E towards A5 no longer needs to travel via Hinckley Road W,

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		<p>the provision of the south facing slip roads allow traffic to utilise the M69 to access onto the A5.</p> <ul style="list-style-type: none"> • The introduction of the south facing slip roads also allow traffic from M69 NB that previously had to travel through M1 J21 to access local villages are now able to egress of M69 J2 allowing a more direct route. <p>Based on the above and given that a strategic model is run to understand the rerouting of traffic particularly due to the introduction of strategic infrastructure, it is key to account for redistribution of traffic both positive and negative to represent a robust analysis of the junction.</p> <p>The Applicant's new slip road designs and layout for M69 Junction 2 have been based on proposed merge and diverge peak flows of around 1,500 vehicles per hour. Utilising Figure 3.12b and Figure 3.26b from CD 122 our proposed designs have a spare capacity on the merging flow of around 1,000 vehicles per hour and a spare capacity on the diverging flow of around 1,500 vehicles per hour.</p>

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Number	Matter	Applicant's Response
6	<p>VISSIM modelling (M69J1 and M69J2)</p> <p>We note that a number of changes have been made to the approved base model, which include:</p> <ul style="list-style-type: none"> • J1: Changes in Priority rules - Several changes in priority rules, some of them are related to Keep Clear behaviours that have been removed • J1: Changes to Speed distributions - The slowest speed on the speed distribution has been removed or modified. New Speed distributions have been added • J1: Changes to AM demand - Small changes in some OD pairs • J2: Changes to the desired acceleration function • J2: Additional vehicle classes added to the models using the new acceleration function <p>Any changes to the approved base model must be documented, along with a justification, to ensure that VISSIM models remain robust and accurate, and for review alongside the forecast models.</p>	<p>Minor amendments have been made to the models, none of which materially affect the outcome of the modelling.</p> <p>M69 J1:</p> <ul style="list-style-type: none"> • Minor amendments to priority rules related to keep clear behaviour adjacent to Rugby Road N. This is as a result of unrealistic driving behaviour in the forecast modelling scenario. The amendments have been replicated in the base model and the model still meets the validation criteria and has no material impact on the base model. • A comparison of speed distribution between the approved base model and forecast model has been undertaken however no modifications to speed distribution has been noted. • Traffic flows are based on the revised 2023 furnished flows. • Overall, the above do not have any material impact on the base or forecast model submitted therefore presents a robust modelling assessment of the junction.

National Highways - Comments on Submissions received by Deadline 6

Number	Matter	Applicant's Response
		<p>M69 J2:</p> <ul style="list-style-type: none"> Only vehicle classes/desired acceleration functions approved in the base model are utilised as indicated in the 'Vehicle Composition' within VISSIM. Therefore, the comments provided are irrelevant to the modelling undertaken and the model is considered to be robust, accurate and consistent with the base model parameters.
7	<p>Statement of Common Ground National Highways has received an updated revision of the Statement of Common Ground (SoCG) at noon on the 27 February 2024 (Deadline 7). The Applicant has been previously advised of severely restricted availability in the lead up to Deadline 7 for the review of any documents given National Highways' attendance at Planning Inquiry. It is unfortunate that we have only today received the revised SoCG. As such, we are unable to provide comments on the SoCG as part of this Deadline 7 submission and will now provide these through our Deadline 8 response instead.</p>	<p>The Applicant through the Deadlines has sought to address all comments put forward and provide the evidence to back up the conclusions. It is maintained that the originally submitted models and observed flows were more than robust for the purposes of establishing the mitigation across the SRN, and further reviews of models have confirmed this at every stage. The technicalities are still being reviewed at this late stage because NH and the other authorities have not reviewed these models when they were submitted and then requesting further information, surveys and re-runs of models.</p> <p>Indeed, the Applicant is now responding to the third supporting technical team for NH. On each occasion that a new NH team has been brought on-board it appears that there</p>

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		<p>has been minimal hand-over between teams and this has meant that agreements and progress has been lost. This has been a source of ongoing frustration when dealing with the technical outputs.</p>
<p>8</p>	<p>Draft Development Consent Order Whilst we have had discussions with the Applicant on the dDCO, our requirements for our Protective Provisions and access rights remain contested. We note that one of the requirements for submission at Deadline 7 will be a revised dDCO and we will provide comments on this as appropriate upon receipt along with a final version of the National Highways Protective Provisions which we seek to be included on the face of the DCO.</p>	<p>NH has been aware of the Applicant's position on the protective provisions, which it has substantially revised at NH's request following NH's new standard position adopted at the beginning of the Examination despite many months of preceding discussions based on provisions that had been negotiated on other made SRFI DCOs which are clearly considered to be sound by the Secretary of State for Transport.</p> <p>The Applicant's position on the protective provisions was set out at Deadline 7 and is explained in the Applicant's Final Summations and Signposting Document (document reference: 23.1).</p>