

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Appendix 5 - ES Appendix 7.2 Equalities Impact Assessment Statement addendum

Document reference: 6.2.7.2D

Revision: 01

December 2024

Planning Act 2008

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

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
Regulation 14

This document forms a part of the Environmental Statement for the Hinckley National Rail Freight Interchange project.

Tritax Symmetry (Hinckley) Limited (TSH) has applied to the Secretary of State for Transport for a Development Consent Order (DCO) for the Hinckley National Rail Freight Interchange (HNRFI).

To help inform the determination of the DCO application, TSH has undertaken an environmental impact assessment (EIA) of its proposals. EIA is a process that aims to improve the environmental design of a development proposal, and to provide the decision maker with sufficient information about the environmental effects of the project to make a decision.

The findings of an EIA are described in a written report known as an Environmental Statement (ES). An ES provides environmental information about the scheme, including a description of the development, its predicted environmental effects and the measures proposed to ameliorate any adverse effects.

Further details about the proposed Hinckley National Rail Freight Interchange are available on the project website:

<http://www.hinckleynrfi.co.uk/>

The DCO application and documents relating to the examination of the proposed development can be viewed on the Planning Inspectorate's National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/hinckley-national-rail-freight-interchange/>

Table of Contents

Introduction	4
Legislative Context	5
Equality Act 2010.....	5
Aston Firs	6
Acoustic Barrier	6
Narborough Level Crossing	7
Opportunity to Advance Equality	7
Equality Appraisal	10

6.2.7.2 ◆ Equality Impact Assessment Statement Addendum

INTRODUCTION

- 1.1. The Secretary of State (SoS) for Transport wrote to the applicant on the 10th September 2024, advising that she could not yet consider herself to be in a position to decide whether or not to accept the ExA's recommendation, but was nevertheless minded to agree with the ExA that she should not make the Order unless further information or evidence can be provided to demonstrate how certain issues which the ExA identified as weighing against the proposed development in the planning balance can be addressed.
- 1.2. With specific regards to equality matters, the SoS:
- 1.3. noted that the ExA concluded that the Proposed Development would lead to a harmful effect on the living conditions of the occupiers of the Aston Firs Travellers site (who have a protected characteristic of race) due to the proximity of the proposed acoustic barrier; and
- 1.4. expressed concerns about the additional closure time at the Narborough Rail crossing, that would unfairly impact those with ambulatory issues (a protected characteristic of disability), and not advance equality opportunity for those unable to utilise the existing stepped bridge over the railway.
- 1.5. The SoS invited comments from the Applicant to clarify and address both. This Addendum signposts and summarises the subsequent refinement of mitigation to address the SoS equality points, and then considers any equality impact from the changes proposed.
- 1.6. This Addendum should be read in conjunction with the following documents:
 - Aston Firs Gypsy and Travellers Site: Applicant's Response to matters raised by the SoS
 - Response to the for Secretary State for Transport: Hinckley NRFI Narborough Level Crossing Report
 - ES Appendix 7.1: Health and Equality Briefing Note (document reference 6.2.7.1);

LEGISLATIVE CONTEXT

Equality Act 2010

- 1.7. The Equality Act 2010 (the Act) (Equality Act, 2010) replaces previous anti-discrimination legislation to simplify and strengthen the law to tackle discrimination and inequality.
- 1.8. A key part of this (Section 149) sets out a PSED that requires all public bodies (including planning) to play their part in making society fairer by having due regard to:
- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and,
 - foster good relations between people who share a protected characteristic and people who do not share it.
- 1.9. In its purest sense, this means that through active consideration, all public sector decision-making is primed to identify and prevent discrimination, consider existing inequality, advance equality and tackle prejudice for the following protected characteristics (Government Equalities Office, 2011):
- age;
 - disability;
 - gender reassignment;
 - marriage and civil partnership (but only in respect of eliminating unlawful discrimination);
 - pregnancy and maternity;
 - race – this includes ethnic or national origins, colour or nationality;
 - religion or belief – this includes lack of belief;
 - sex; and
 - sexual orientation.
- 1.10. Overall, the PSED is intended to support good decision-making. It encourages organisations to understand how different people will be affected by their activities. This helps to ensure projects being delivered are appropriate and accessible to all and meet different people’s needs. The Applicant must have due regard to the aims of the PSED throughout the decision-making process for the Proposed Development. The process used to do this must take into account those with protected characteristics. The

Applicant has addressed the legal framework relating to the application of the PSED in its covering letter in response to the Secretary of State.

ASTON FIRS

Acoustic Barrier

- 1.11. Paragraph 16 of the SoS letter states: ‘The Secretary of State notes that the ExA also concluded that the Proposed Development would lead to a harmful effect on the living conditions of the occupiers of the Aston Firs Travellers site due to the proximity of the proposed acoustic barrier.’
- 1.12. Paragraph 107 of the letter states *‘The Secretary of State notes that requirement 6 of the ExA’s recommended Order (Detailed design approval) requires the Applicant to submit, before the commencement of construction, the height, position, form, construction and appearance of the acoustic barriers including provision for landscaping between the acoustic barrier and the Aston Firs Travellers site and between the acoustic barrier and the site boundary of the junction of the A47 link road with the B4668 Leicester Road. The Secretary of State asks the Applicant whether it is able to provide any details of the acoustic barrier design now so that she is able to determine whether the negative impacts identified by the ExA can be avoided or mitigated. If the Applicant is able to submit details of the acoustic barrier design, the Secretary of State requests that the Applicant also provide evidence to justify how the harm identified by the ExA will be avoided or mitigated through the proposed design. The Secretary of State also invites the Applicant to submit details of any further measures that might be included in the Order to avoid or mitigate the potential harm to the Aston Firs Travellers site.’*
- 1.13. Whilst the design of the acoustic barrier and the landscape layout are matters that will be subject to further detailed design, which would be required prior to commencement of construction before Requirement 4 could be discharged, prompted by the SoS letter, the Applicant has developed the design of the acoustic barrier, highway and landscaping in this area, taking into account the concerns of the ExA.
- 1.14. In overview, the Applicant has sought to substantially reduce the visual impact arising from the southern section of the 6m acoustic barrier proposed along the south-eastern boundary of Aston Firs by moving it no less than 12m further away from the boundary and reducing its height by half.
- 1.15. This was possible by realigning the section of the A47 Link Road between Junction 2 of the M69 and the easternmost Link Road roundabout eastwards away from the Aston Firs site, and reducing the finished levels of the road by up to 1.5 m in cut between Junction 2 and the Link Road roundabout.
- 1.16. The evolved design places the barrier close to the Link Road (the source of noise), enabling the barrier height to be reduced to 3m along this section. Associated realignment of the Public Right of Way and amended landscaping in this area are also proposed, meaning the

field boundary along the eastern edge of the Aston Firs site is unaffected, with no impact on current access or accessibility to and from the Travellers Site.

- 1.17. In conclusion, as prompted by the SoS, the Applicant has brought forward a more detailed design for the acoustic barrier provided to mitigate noise effects for residents of Aston Firs. This provides an equivalent level of acoustic protection and, in the Applicant's view, responds appropriately to the concerns raised by the ExA in its report. It also fulfils the duty of the SoS to have regard to the rights afforded under the Equality Act.

NARBOROUGH LEVEL CROSSING

Opportunity to Advance Equality

- 1.18. The SoS noted that the ExA advised that moderate weight should go against the proposed development on the grounds of highway delays around Narborough Level Crossing because of additional barrier down time. Linked to this point, the SoS noted that the ExA concluded that the additional barrier down time would not advance equality of opportunity for those with protected characteristics of age or disability defined by the Equality Act.
- 1.19. The Applicant notes that the Secretary of State at paragraph 165 of her letter, when referring to her "minded to" conclusions, only refers to the protected characteristic of disability and not that of age. It is not clear to the Applicant whether this omission was intended, but it submits that it is entirely correct. The ExA's reference to those pushing buggies and cyclists exemplifies that any impact such as exists would affect all ages, and those young enough to not be able to climb and descend stairs will not be unaccompanied and likely to either be carried or in a buggy. Accordingly, the Applicant's response focusses upon the application of the PSED in relation to those with an ambulatory related disability preventing them from using the footbridge.
- 1.20. While no party is inferring that there is any unlawful discrimination (part a) of the Equality Act), the SoS has raised the question of, if opportunity to advance equality has been explored (part b of the Equality Act), and what reasonable adjustments this might form.

Current Circumstance

- 1.21. Narborough Station is an unmanned station located in the Leicestershire village of Narborough. The pedestrian bridge at Narborough Station was built c1864 and refurbished in 2020. It consists of two flights of steps, one from the platform and one from the highway, rising to another flight at right angles, to reach the walkway over the railway, which has a cleared height of only 4m. This bridge will therefore have to be replaced when the line is electrified with Overhead Line Equipment (OLE), at which point Network Rail have confirmed, lift access will be provided.
- 1.22. The bridge is a platform-to-platform access bridge for rail customers, which also has steps which can be used to access the adjoining highway footpath. Pedestrians using the public footpath can therefore cross the railway when the level crossing barrier is lowered, by using this bridge, should they be able, or choose to. At present a train ticket is not required

to use the bridge as it has dual access.

- 1.23. The Department for Transport's Access for All programme aims to provide an obstacle free, accessible route onto and between train station platforms. Narborough Station has been reviewed by East Midlands Railway and Network Rail on that basis. The level crossing is linked by ramps at the ends of each platform, and as such, the level crossing is itself the Access for All provision for railway passengers unable to use the bridge, as is the case for many stations.
- 1.24. The access across the level crossing is subject to up to 4 minutes waiting for stopping passenger trains, and longer with other existing services where they cross at a similar time. Two stopping passenger services currently lead to c7 minute barrier downtime. This is longer than for an HNRFI train should it happen to cross at a similar time to a stopping passenger service (up to 6 minutes 32 seconds); and much longer than an HNRFI train simply passing through, at 2 minutes 31 seconds.
- 1.25. At issue is the extent to which one or two HNRFI services passing in any one hour, given an individual barrier closing period of 2 minutes 31 seconds (and a total of 5 minutes maximum in any one hour) adversely impact on mobility impaired individuals at the level crossing. To comply with the Equality Act due regard has to have been taken, and reasonable adjustments made as appropriate.

Due Regard

- 1.26. Due regard was had through the Environmental Statement and the iterative development of the Statement of Common Ground with Network Rail, where it was agreed that the additional downtime is not of frequency or duration to materially impact on existing use, behaviours or perceptions of accessibility; would not have any measurable physical or mental health impact; and does not represent any unlawful discrimination.
- 1.27. Blaby District Council's own assessment on this confirms that: *"the increased downtime of the barrier at Narborough Crossing is not considered to have an overall material impact on quality of life of residents. Nevertheless, there will be occasions when the effects will be noticeable and would likely to influence daily routines causing delays"*. (Blaby District Council LIR. Appendix 4: Narborough Social, Health & Wellbeing Impact Report (Iceni)) Doc Ref: Doc Ref; Deadline 1 Submission – Blaby District Council Written Representation: Appendix 4. At 5.10
- 1.28. The Applicant has again reviewed the potential to mitigate the impact of one or two additional trains an hour, at 2 minutes 31 seconds each, with a view to ensuring that proper regard has been had, and consideration given, to whether such mitigations would materially benefit people with the protected characteristics of age or disability (i.e. fostering the opportunity to advance equality (part b of the Act).

Mitigation Proposed

Providing Lifts

- 1.29. The fundamental issue with the provision of lifts is that for an ambulatory impacted individual, the time taken during circumstance where there is no queue and both lifts are fully functional, to divert to lift, call the lift, use the lift, cross the bridge, call a lift, use the lift and then divert back to the footpath on the other side of the level crossing, is going to be commensurate with the 2 minutes 31 seconds taken for the HNRFI train to pass.
- 1.30. In practice, it would not materially alter crossing time or advance opportunity for equality.
- 1.31. The cost of a new bridge with lifts would be c£4m and clearly not commensurate with either the minor crossing delay time directly attributable to the proposed development, or the minimal benefit (if any) it might afford in terms of time saved to any protected characteristic. The bridge is, however, due to be replaced when the line is electrified, as part of the wider rail improvements.

RETROFITTING LIFTS

- 1.32. The existing historic bridge cannot accommodate lifts because of the configuration of the staircase. In any event, the same issue arises, of a failure to provide a meaningful benefit in terms of convenience or time saved, compared to waiting for the level crossing to rise.

PROVIDING RAMPS

- 1.33. Installing ramps to the existing bridge would provide step free access across the railway but would involve significant travel distance over a gradient, which may not be considered as advancing equality of opportunity, nor save time, compared to waiting at the level crossing.
- 1.34. In addition, the installation of ramps would lead to the loss of car parking associated with the station, which is already under pressure and would not be acceptable. The platforms are too narrow to accommodate ramps.

STAIR LIFTS

- 1.35. Whilst stair lifts are provided in some stations, these are primarily as a backup to existing lift provision. They have to be operated by station staff and can only take one person at a time.
- 1.36. A stair lift would not be within a station building and the experience of Stannah Lifts, who provide these to some stations, is that they are vandalised very quickly when there is uncontrolled access to them. They then become a hazard to users and the public.
- 1.37. Narborough is an unstaffed station and therefore this is not a viable solution. If the station was staffed, they would need to be called to the lift to assist, which would add further time to the crossing via the stairs, meaning it would not provide a better alternative than waiting for the level crossing barrier to rise.

WAITING FACILITIES

- 1.38. The railway does not provide waiting facilities for the public to use at level crossings as

they have the potential to act as a congregation point and as such, a safety risk. This is both with people accidentally stepping back into the highway and, in making rash decisions to cross at unsafe times, having been distracted in their gathering.

- 1.39. It is recognised that rail customers with the referenced protected characteristics use the level crossing as the Access for All route to the other platform.
- 1.40. It is understood from Network Rail and East Midlands Railway as the station operator, that there is scope and indeed requests that the waiting facilities at Narborough Station and the Customer Information Service (CIS) be improved. CIS provides clear information on trains due.
- 1.41. This would provide better facilities and information for people with defined protected characteristics to understand the potential for a wait at the level crossing; and afford them a better facility on the platform to wait.
- 1.42. The proposition includes the provision of CIS in a form that addresses trains on both platforms and provides clear signage around the station and street entrances by the level crossing to the waiting facilities. As is standard practice across the rail industry, these facilities and signage will comply with the DfT's Access for All policies.

Opportunity to advance equality, and reasonable adjustments

- 1.43. On the above basis, there is no unlawful discrimination, due regard for equality opportunity has clearly been made, and reasonable mitigation has been agreed with Network Rail and East Midlands Railway, that aligns with their own investment and rail improvements, including new bridge and lift access.

EQUALITY APPRAISAL

- 1.44. ES Appendix 7.1: Health and Equality Briefing Note (document reference 6.2.7.1), previously explored all tangible health determinants with the potential to influence health, and integrated an equality impact assessment scoping exercise to test any potential equality impact, informing the planning process and the justification for any targeted mitigation or support initiative. The assessment concluded that construction and operation of the HNRFI does not target or discriminate against any protected characteristic, where any change directly attributable to what is proposed, is a feature of proximity necessitated by the rail line, and did not present any measurable risk to communities, including the most sensitive members of society and those with protected characteristics.
- 1.45. The SoS letter does not question or alter the conclusion of the equality assessment, but reinforces due regard, and has prompted the Applicant to bring forward the detailed design for the acoustic barrier to protect residents of Aston Firs. The more detailed design provides an equivalent level of acoustic protection to this protected characteristic, but also increases the distance of the noise barrier by no less than 12m, and reducing its height by half, while retaining current access and accessibility. On this basis, there is no material impact to living conditions, no risk to health, and no breach of the Equality Act.

- 1.46. The SoS has raised the question of, if opportunity to advance equality has been explored (part b of the Equality Act) at the Narborough level crossing, and what reasonable adjustments this might form. As outlined above, due regard for equality opportunity has clearly been made, and reasonable mitigation has been agreed with Network Rail and East Midlands Railway, that aligns with their own investment and rail improvements, including new bridge and lift access.
- 1.47. This Addendum reinforces how due regard has been taken during the planning process, that there is no significant health impact to any community, no discrimination or disproportionate impact to any protected characteristic, and that opportunity to advance equality have been progressed. The proposed mitigation do not adversely impact upon any other protected characteristic. Instead they foster relations between those with and without a protected characteristic, and are beneficial to all.