

# Burbage Parish Council

## Application For

### The Proposed Hinckley Rail Freight Interchange Development Consent Order

#### *Response to the Secretary of State for Transport*

## Introduction

Burbage Parish Council welcomes the opportunity to comment on the additional information provided by the applicant, Tritax Symmetry (Hinckley) Limited, for the Hinckley National Rail Freight Interchange.

We note that The Planning Act 2008 provides the legal framework for the development and approval of *Nationally Significant Infrastructure Projects (NSIPs)*, further *The Infrastructure Planning (Examination Procedure) Rules 2010 (SI 2010/103)* sets out a process for the Efficient and Fair Examination of such applications. These rules aim to ensure that the examination of applications is conducted in a fair, transparent, and efficient manner, allowing all interested parties to participate.

Burbage Parish Council, along with many Burbage residents, actively participated in the examination process with the expectation that the benefits or otherwise of the proposal would be assessed in a prescribed and transparent manner. Following receipt of the Examining Authority's (ExA) report, we note that the Secretary of State (SoS), while inclined to accept its conclusions, deemed it necessary to seek clarification from the Applicant on specific key issues.

While we respect this addition to the decision-making process, we are deeply concerned that the Applicant, in their response, has significantly exceeded the scope set by the SoS. Instead of simply providing the requested information, the Applicant has offered extensive commentary on numerous aspects of the ExA's findings — findings that the SoS, in her letter of 10th September, she had indicated were integral to the decision process.

Of particular concern is the Applicant's challenge to the competence of the ExA in understanding the evidence presented during the examination. Most notably, the Applicant has questioned the planning balance conducted by the ExA, presenting an alternative view that undermines the ExA's conclusions.

The Parish Council believes that if all interested parties were to engage in reciprocal commentary on the ExA's conclusions, it would effectively reopen the entire examination process. Such a development would not serve the national interest, the needs of our local residents seeking a timely resolution, or even the Applicant. The proper avenue for challenging the ExA's conclusions is through a judicial review of the SoS's decision, which focuses on procedural flaws, errors, or failures to adhere to legal requirements.

We therefore trust that the SoS, in making a decision, will disregard any comments made by the Applicant that fall outside the specific topics for which clarification was requested.

Below we provide comments on the additional information provided by the Applicant in response to the specific questions asked by the SoS.

## M69 J2 (Junction 20)

*The Secretary of State invites comments from the Applicant to address the safety concerns raised in respect of this junction.*

This is an extremely important junction to Burbage residents as it only 1,000 yds from the parish boundary. We note the issue raised by the ExA was a lack of agreement between the Applicant and the Highways Authorities on the modelling of the junction and that the matter hinged on the approach of 'furnessing' for the junction in the modelling. Assuming the Applicant's view that this agreement has now been reached is correct, we have no further comments on this matter.

## M1 J21/ M69 J3 (Junction 15)

*The Secretary of State invites comments from the Applicant on the concerns raised by the relevant highways authorities on the lack of adequate modelling and safety concerns at this junction. The Secretary of State invites the Applicant to submit any further evidence in light of these concerns, and in particular requests that it provides NH with the signal specification used in its 'M1 J21 Modelling Note'.*

Although this junction is further from Burbage, its impact on the lives of local residents is significant. Discussions during the inquiry and subsequent exchanges with the ExA regarding its traffic modelling were opaque and inconclusive, with no clear evidence that the Highways Authorities and the Applicant have reached a definitive agreement. Unfortunately, the Applicant's latest submission offers only implied consensus without a firm statement of resolution.

For local residents, engaging with the technical details of highway modelling is challenging, but understanding whether agreement has been reached is straightforward. From a practical perspective, this junction is a complex series of intersections, lane reductions, and slip roads. Empirical experience shows frequent standing traffic on the M69 northbound during peak periods about 1.2 miles from the junction where the M69 reduces from three to two lane. As traffic clears, it either joins the M1 northbound slip road or continues to a part-signalised roundabout with four entrances and exits, where further queuing is common.

It appears widely acknowledged that the junction is operating over capacity. The Highways Authorities have consistently emphasised that modelling must account for the complexity of the entire junction system, not just the roundabout itself.

A central aspect of the Applicant's stance is their apparent view that, given the scale of existing problems and the high cost of improvements (even if feasible), it would be unreasonable for them to bear these costs. Additionally, they seem reluctant to adopt the modelling tools recommended by the Highways Authorities, citing concerns over time and expense.

This refusal to conduct accurate and comprehensive modelling leaves uncertainty about the local road network. Without proper modelling, the extent of rerouting caused by congestion at the junction cannot be reliably predicted.

Local residents are struggling to understand how a site of national importance, expected to employ 8,000 people and generate up to 9,000 HGV movements per day, relying primarily on the M69 for access, can result in only a projected 5% increase in traffic at this junction.

In summary, valid concerns about the additional traffic generated by the proposed Rail Interchange at this junction remain unresolved. Without appropriate modelling or proposed improvements, these concerns have not been adequately addressed, leaving a critical gap in the decision-making process.

### *Sapcote Village*

*However, she still invites comments from the Applicant on the ExA's conclusion on the increased highway safety risk at Sapcote and also invites the Applicant to submit any further evidence in light of these concerns.*

This area of concern is inextricably linked to adequate traffic modelling as discussed above. The volume of HGV traffic which may re-route through Sapcote will be heavily impacted by any congestion on the M69 motorway. Such re-routed traffic will not be monitored by the HGVRP (see below) as this does not address non-development traffic.

We are strongly of the view that the real solution to the HGV safety issue for Sapcote village is an HGV through traffic prohibition, which would obviously need an alternative route which has been discounted by the applicant. Whilst there may be merit in the repositioning of the bus stop to the east of the Co-Op site and the minor pavement changes proposed, these changes remove a pedestrian island in the carriageway which could have adverse unintended consequences for the speed and positioning of HGV vehicles in this area of the village. It is essential that the Highway Authority is content that the proposed changes sufficiently mitigate the safety concerns, and we would request great weight be given to comments from the Sapcote community on the merits of the proposed changes.

### *Narborough Level Crossing*

*The Secretary of State invites comments from the Applicant on the concerns raised by the ExA on the impact on ambulatory impacted pedestrians at the Level Crossing.*

Burbage Parish Council notes that the applicant has concluded that no effective changes are practicable to address the extended waits at the crossing due to the increasing rail traffic through the crossing. We note that the Applicant has proposed additional 'shelter' for those caught waiting at the crossing which in our opinion has little effective improvement to the daily lives of those affected by these extended waits, although we defer to Narborough residents to provide further details on the impact of this continued harm.

### *Noise and Vibration*

*The Secretary of State therefore invites the Applicant to comment on the submissions of Dr Moore and Mr Moore listed in the ExA's report.*

We appreciate the efforts of Dr Moore and Mr Moore in highlighting the assessment of noise impacts arising from this proposal. Given the technical nature of the topic, we have not seen any clear evidence that contradicts the information they have presented. We respectfully urge the SoS to thoroughly review all the available evidence and ensure that this issue has been comprehensively examined by experts with the necessary knowledge and expertise.

### *Aston Firs Travellers site*

*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.*

Given the scale of the proposed development and proximity to the Aston Firs Site, it is difficult to envisage barriers which will not be either ineffective or incongruous to the lives of the residents. We acknowledge that improvements have been submitted to attempt to mitigate these problems. We would strongly urge the SoS to be informed by the views of the residents on these matters.

## *Sustainable Transport Strategy*

*The Secretary of State also invites comments on the ExA's revised Sustainable Transport Strategy.*

For a proposed development which has at its heart sustainable transport via the transfer of freight from Road to Rail this scheme is lacking in ambition in other areas of sustainable transport.

The ExA was correct to question the vigour or imagination the applicant has put into establishing a new station nearby as part of this proposal. The evidence now tabled by the Applicant on these matters are equally thin and dismissive. The summary from Network Rail is that a business case for such a station would be difficult to make although they did not offer evidence that physically such a station would be impractical. Over the period of the public consultation and examination the applicant has eluded to the fact that the nature of the line at this point together with the revised layouts for the terminal would make such a station impractical.

This lack of ambition to fully investigate a station, which falls squarely on the Applicant not upon Network Rail or the Train Operating Companies, is again evident in the submitted documents. A major development offering employment for 8,000 people is dismissed as having any material contribution towards a business case on the basis that the shift patterns are unlikely to support the use of rail as a transport to work route. We would expect a determined investigation of the potential for a rail station to investigate how shift patterns could be modified which would increase the attraction of this mode. The supporting documentation also refers to Elmesthorpe having only a population of less than 1,000 people. There is no reference or consideration that the town centre of Earl Shilton over 10,000 people is only 1.6 miles away or that the centre of the village of Barwell is 2 miles away with a population of almost 10,000. Further these two settlements have Sustainable Urban Extensions planned for over 6,000 properties. Whilst we cannot argue there is a business case for a station, we do still support the view expressed by the ExA that no reasonable investigations have been carried out.

We note that the Applicant has proposed an additional private bus service to the 'south east of Leicester' whilst potentially welcomed, we have not found details of this service such as route and destination and whether the service will call at other communities between the rail terminal and the destination of 'south east Leicester'.

The Applicant believes the ExA misunderstood the information presented on the assessment of private car journeys. They then go on to state that their presented tables did not differentiate between single occupancy trips and car sharing trips and they have now provided this split as in their opinion it is an important area for this type of application. They have then declared a 'new ambitious' target of single occupancy from 66% to 40% over 10 years. They then compare it with their original target of 75% to 60% which was based on all car usage. They do not attempt to provide clarity of how these two different types of target can be compared. There is reference to the benefits of a car sharing club to promote a reduction of single occupancy trips, but this is not followed up with specific plans to establish such a club.

We remain concerned, particularly for the Burbage population, that walking and cycling to the site has not been made as safe and appealing as possible. Taking into account the populations of Hinckley, Barwell and Earl Shilton these forms of employee transport could provide a positive contribution to sustainable travel to and from the site.

## *HGV Route Management Plan and Strategy (HGVRP)*

*The Secretary of State also invites comments on the ExA's suggested amendments to the HGVRP.*

For the village of Burbage the HGVRP is essential to attempt to enforce the intention that HGV traffic to/from the development does not use the village streets. We have reservations on the effectiveness of this scheme, particularly at times when the Strategic Road Network is closed or severely congested. We welcome the changes that have been proposed to this scheme to establish a fund and fix the levels of penalties. We wish to be clear which body will administer the scheme and how it will be reviewed for its effectiveness during the life of the Rail Terminal. We also seek assurance that no dispensations will be put into the scheme in the event that the Strategic Road Network is closed or severely congested.

## *Plot 73*

*The Secretary of State also invites comments on the ExA's concerns relating to plot 73 and the potential for harmful effects from the construction and adjoining phases on occupiers who have yet to move out, which the ExA concluded would be contrary to their rights under the Human Rights Act 1998 if this impacts on their peaceful enjoyment of their homes.*

Burbage Parish Council makes no comment on this issue.

## *Conclusion*

Whilst we note the Applicant has made some improvements in areas the SoS sought clarification, much of their submission was aimed at stating that the ExA was 'wrong' in their assessment or had 'misunderstood' the documents presented by the Applicant during examination period. The improvements now proposed are not material improvements, which in our opinion, would change substantially the assessment in favour of approval, and we would request the SoS proceed with the original 'Minded to' position of refusing to grant the Order.