



ELMESTHORPE PARISH COUNCIL



Rt Hon Heidi Alexander MP, Secretary of State for Transport
House of Commons
London
SW1A 0AA

31st January 2025

Dear Secretary of State for Transport

RE: HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

We do appreciate that your time is extremely valuable and we'd like to thank you in advance for giving this correspondence your consideration.

Elmesthorpe Parish Council are grateful for the work undertaken by the Secretary of State and Department of Transport in reviewing the Examining Authority's report and recognising the challenges found for the application in this location.

Elmesthorpe

Elmesthorpe Parish Council have been actively engaged in the application process for the Hinckley National Rail Freight Interchange since its inception, during the Final Consultations with the Applicant, and throughout the NSIP Process with the Planning Inspectorate. However our involvement over several years with this proposal has left us with considerable concerns. An enormous amount of time and energy has been invested by councillors, at great personal cost, as testament to the genuine fears felt about the effects residents of Elmesthorpe, and surrounding towns and villages, would have to endure should this be approved.

Elmesthorpe is a village with around 500 residents across circa 300 dwellings and consists of farmland, smallholdings, equestrian businesses and residential areas. Although this proposal is labeled as Hinckley, around 95% of the operational site will be located within Elmesthorpe. We raise this point as it has been very noticeable how little the Applicant has mentioned or annotated Elmesthorpe on maps thereby providing a very misleading impression of the proximity of the proposal to our residents, and the overwhelming damaging effects it would have on those living here.

In the Applicant's Residential Assessment, effects on nearly **all** residential properties in Elmesthorpe were described as '**Very High, Major, Long-term-Permanent, Adverse, Significant.**' In Elmesthorpe, the closest residential property would be circa 250-300m from the northern wall of Unit 4. The



closest horse stables only 100m from the northern wall of Unit 4. From the Railport the closest residential properties would be merely 250-300m to the north-west on Billington Road East.

Elmesthorpe Parish Council are aware that due to the extreme proximity, there is very little that can be done to protect the residents of Elmesthorpe against prolonged construction noise for a period of 10+ years and 24-hour operational noise in perpetuity of the functioning HNRFI.

The introduction of a Rail Freight Interchange and extensive new highways lighting will be unbearably stark and disruptive. When adding the elevated light levels and noise levels to be experienced at night; there is a very real threat to the quality of sleep of residents and the subsequent effect on resident's abilities to perform well in their jobs, children's educations, hobbies and vocations alongside valid concerns of effects on general well being.

The Planning Inspectorate Report and Submitted Amendments

We agree with the concerns identified by the ExA regarding the effective severance of Elmesthorpe from our beloved and well-utilised Burbage Common and Woods (including Elmesthorpe Plantation) as a result of the proposed PRoW provision. The newly proposed path throughout the main site from points 40 to 41 will consist of walking through an area with heavy traffic and low amenity value, continuing to effectively sever those with safety concerns about walking with young children from Elmesthorpe to Burbage Common.

The ExA's conclusion regarding the monumental safety concerns through Sapcote, on a notoriously difficult junction with poor visibility are an issue that local communities have had long-standing fears over. Children from Elmesthorpe commonly attend the All Saints Primary School near to this busy junction and the restricted visibility, lack of space available and quantum of necessary local parking on and around the junction is not realistically reflected in the Applicant's reports and revised solution. Furthermore, the revised solution entails using land outside of the original dDCO limits and these proposals have neither been consulted on nor examined.

The alterations to the noise attenuation fence segregating Aston Firs Traveller Site from the wider community are welcome although it comes at the price of the residents now experiencing less protection from the noise. The effects experienced by the decibel change identified will be much more impactful in a mobile home than a brick built home. The mitigation of one issue has now created a different issue resulting in compromising this community's right to enjoyment of their homes.

The amendments to the HGV Route Management Plan and Strategy to include occupiers incurring fixed financial penalties for every breach on unauthorized routes is welcome and an improvement. The proposed frequency of these being reported annually is problematic as that does not allow occupiers to react to prevent undesirable travel patterns within a timely manner, and would mean residents would not see any improvement in HGV prohibited route compliance for a period of 12 months.



The Applicant's Response to Secretary of State

The Applicant advises of the creation of 50 acres of public open space adjacent to Burbage Common as a benefit of the development, while neglecting to acknowledge the much greater amount of open space they are removing that is already accessible to the public and frequently utilised.

The Applicant is noting the creation of jobs as a major benefit however it has been identified that this is extremely unlikely to directly benefit those towns, villages and communities negatively affected by this proposal.

The Parish Council remains **critically** concerned about the impact on the entire local road infrastructure and the wider strategic road network; an issue that has been highlighted by every other local authority and National Highways. There is a genuine probability of failure of the road network resulting in constant traffic and safety concerns; local residents already struggle with consistent and lengthy daily delays and problems at the M1 J21/M69 junction.

The Applicants approach towards the M1 J21 issue appears to be that due to the fact the M1 J21 is already identified as operating over capacity, this negates their responsibility to mitigate their impacts. It is acknowledged that an additional 4.9% of vehicles would be added to the known poorly-performing junction as a direct result of the HNRFI, however they are seeking permission to knowingly worsen the issue. This is a dangerous precedent to set for major developments; the cumulative effect of several large developments nationally seeking this type of approach would be catastrophic to our strategic road network. Absolving NSIP applications of their responsibility to mitigate their effects on the SRN, jeopardises the ability of other important applications to be approved, for example large injections of housing etc.

Of the seven sites identified, in a very limited geographic area, the Applicant did not consider the option that none of the seven sites identified were truly suitable and a proposal was forged regardless of the chosen site's obvious constraints.

The site is poorly served by public transport options, with limited scope or flexibility for improvement and therefore unable to support a comprehensive and meaningful STS.

The Applicant has once again stated that 'it has considerable market support,' however when asked to quantify and evidence this during Examination, they were unable to do so.

The Applicant has spent a great proportion of their response criticising the respected, government-appointed Examining Authority in the absence of the merits of their proposal being able to prevail. This disingenuous and petulant approach has been consistently experienced from the Applicant on many occasions. The Applicant appears to have lost perspective of the reality of the devastating effects of their proposal on the surrounding towns and villages.



Equality Act 2010

Whilst the Applicant opens their representation by agreeing that they have a duty to fulfill with regards to the Equality Act and this will be important in the determination of the application; they then continue to demonstrate a disheartening and dismissive approach to their responsibility.

The Applicant has selectively quoted a report to seemingly absolve them of their obligations and provide justification to completely disregard huge numbers of affected people, under the guise that the national need for RFI is more important than the needs of those in the protected groups of disability, age and race.

The Applicant has gone to some considerable effort to explain their stance towards those in groups of protected characteristics affected by PROW changes, Narborough Crossing and Aston Firs Traveller Site. To support this would reinforce a notion that advancement of equality for those protected groups is unimportant when weighed against financial gain and therefore rendering Equality Act 2010 ineffective in aiding the very people it is designed to help.

Without laboring over the numerous comments and quotes in the Applicant's response letter alone; do we truly believe that the Applicant has genuinely pondered all relevant questions, and consequently made provisions to the best of their ability?

This response from the Applicant reinforces the ExA's and Secretary of State's existing concerns that this application does not advance equality of opportunity for those protected characteristics of disability or race (and/or age).

The Planning Balance

All issues and factors have been scrutinised and considered thoroughly by the ExA, resulting in a finding that the benefits of this proposed development are entirely outweighed by the harm it would cause to communities and the SRN due to its inappropriate location. This resulted in a recommendation to 'withhold consent.'

The Secretary of State and Department of Transport have further examined the information and evidence available and arrived at a 'minded to refuse' status.

As a result, further time has been extended to the Applicant to afford them an opportunity to remedy the problematic areas. The applicant has chosen to argue about some of these issues rather than to mitigate or instill a sense of confidence in their ability to deliver a robust solution, with genuine national and local interests in mind.

Despite the Applicant's statement in paragraph 1.7 that the 'residual local impacts' are 'very clearly outweighed by its extensive and nationally significant benefits,' they haven't satisfactorily evidenced this claim.

When considering the statutory framework set out on Section 104 Planning Act 2008:



“(3) The Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more subsections (4) to (8) applies....

...(7) This subsection applies if the Secretary of State is satisfied that adverse impact of the proposed development would outweigh its benefits.”

There is no disputing the need for a strategic network of Rail Freight Interchanges however RFIs must be built in appropriate locations with the infrastructure available to properly support their operation in order for them to fulfill their purpose.

Despite the reams of reports and letters from the Applicant in response to the Secretary of State, we still do not feel like the problems are resolved. Should this application be approved it leaves us with so many questions:

What will be the solution when living with the noise on the Aston Firs traveller site becomes so difficult to bear that this entire community feels their rights have been breached and ignored?

What will be the impact of thousands of people being unable to effectively commute via the M1 J21/M69?

Who will take responsibility when a serious vehicle collision occurs in Sapcote, due to oncoming HGVs in the middle of the road, whilst approaching road users are also looking at the signage, zebra crossings, pedestrians and vehicles at a narrow and busy village junction, whilst negotiating parked cars?

The amount of issues unable to be satisfactorily mitigated in order to force this ‘square peg into a round hole,’ is a warning sign as to the improper and unsuitable location of such a development. As well as becoming an excruciating problem for the residents and villages around it, it will potentially become a catastrophe for the Applicants themselves.

Concluding remarks

Elmesthorpe Parish Council are not opposed to development and progression. The areas immediately surrounding the village are currently subject to a high quantity of upcoming large proposals and Elmesthorpe Parish Council engage willingly and pragmatically.

All of our sizeable concerns, and those of other Interested Parties and Stakeholders, have been raised throughout the Examination process. The numerous hearings, meetings and continually evolving reports have not assuaged our concerns.

At this stage in the process, Elmesthorpe Parish Council cannot stress enough how the village of Elmesthorpe, and the surrounding communities stand to have their lives irreversibly altered, in a very detrimental way.

This application seriously negatively affects thousands of people. We sincerely ask that you factor this into your decision with the weight that our residents deserve.



Once again, thank you so much for your time and considerations.

Yours sincerely,



Cllr. Rebecca Roper
For and on behalf of Elmesthorpe Parish Council

