

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

*Blaby District Council (IP ref.
20040018) Response to
Secretary of State on Application
by Tritax Symmetry (Hinckley) Ltd
for the proposed Hinckley
National Rail Freight Interchange
Project (TR050007)*

Deadline – February 07, 2025

1. Executive Summary

- 1.1. This is the response of Blaby District Council (“BDC”) to the invitation of the Secretary of State to respond to the additional submissions in respect of the application by Tritax Symmetry (Hinckley) Limited (“the Applicant”) for development consent for the Hinckley National Rail Freight Interchange (“the Proposed Development”) on land predominantly located south-west of the village of Elmesthorpe (“the Application Site”).
- 1.2. BDC’s position on the merits of the Proposed Development remains unchanged and BDC continues to oppose the Proposed Development on the basis of the far reaching adverse environmental and social impacts it would cause in the local area. BDC engaged with the Applicant and the ExA throughout the examination of the proposal and has continued to engage with the Applicant following the Secretary of State’s subsequent communication.
- 1.3. BDC is disappointed that the Secretary of State felt that she did not have sufficient clarity of recommendation from the ExA following a robust examination of the Proposed Development. The ExA’s recommendations are clear that the Proposed Development is not of significant enough national benefit to be granted. It is still unclear why the Secretary of State felt the need to grant the Applicant additional time to remedy the issues highlighted by the ExA that weighed heavily against the granting of the DCO.
- 1.4. Nevertheless, having considered the additional submissions made by the Applicant on 10th December 2024 BDC submits that in the overall planning balance there continues to be matters which have not been sufficiently resolved which continue to weigh heavily against making the DCO.
- 1.5. BDC still has significant concerns with respect to highway impacts and the likely harm to the Strategic Road Network (“SRN”) at Junction 21 of the M1 motorway caused by the development. These concerns are exacerbated by the continued inappropriate use of the ‘LinSig’ model to assess the impact of the proposal rather than the VISSIM model which is advocated by LCC and National Highways but continues to be rejected by the Applicant. Further concerns are expressed at the proposed changes to the highway in Sapcote in an effort to overcome the problem of oncoming HGVs overrunning the pavement. The changes proposed appear to BDC to create an even greater highway hazard than the original submissions.
- 1.6. BDC welcomes the proposed changes to reduce the impact of the acoustic barrier on the residents at Aston Firs, but advises that the landscape treatment of the 12m wide buffer, created between the edge of the Aston Firs site and the new location of the 3m high gabion wall closer to the carriageway, be carefully considered to ensure that the route remains safe for users and does not encourage antisocial behaviour.
- 1.7. BDC does not consider that the proposed improvements to the passenger waiting areas on the platform at Narborough Station will make any significant

difference to the impact of longer waiting times at the level crossing on those with protected age and disability characteristics.

- 1.8. Whilst BDC acknowledges that revisions to the HGV Routeing Strategy now partly address concerns it had previously expressed about the fines system, there remain concerns that the proposed amendments to the Sustainable Transport Strategy, as a certified document, will be ineffective in overcoming the unsuitability of the location to make it a sustainable location for a variety of modes of transport, leaving reliance on single car occupancy to prevail.

2. Introduction

- 2.1. This is the submission of Blaby District Council (“BDC”) to the invitation from the Secretary of State to comment on the additional information submitted by Tritax Symmetry (Hinckley) Limited (“the Applicant”) following the Secretary of State’s ‘minded to refuse’ letter in respect of the application for development consent for the Hinckley National Rail Freight Interchange (“the Proposed Development”) on land predominantly located south-west of the village of Elmesthorpe (“the Application Site”).
- 2.2. BDC is an Interested Party (IP reference 20040018). As an IP BDC has actively participated in the DCO process including responding to all deadline response dates and attending all hearings during the course of the Examination between September 2023 and March 2024.
- 2.3. BDC considered the examination of the Proposed Development to have been conducted in a professional manner and in accordance with the prescribed process. The Examining Authority (ExA) conducted an independent, objective, robust and transparent examination of the proposal and its multiplicity of impacts. The ExA report is comprehensive and thorough having examined all aspects of the proposal and made a clear and unambiguous recommendation that the DCO should not be granted.
- 2.4. BDC has continued to engage and has been actively participating in meetings held with the Applicant in the run up to their latest submission and sets out in this document the Council’s response to the Applicant’s 10th December submissions.
- 2.5. This document sets out BDC’s responses to the Applicant’s recent submissions and explains that BDC’s opposition to the granting of the DCO is maintained. The additional information submitted by the Applicant has not altered BDC’s overarching position. Except where expressly stated in this document, BDC maintains the objections submitted during examination.
- 2.6. The contents of this document covers the submissions invited by the Secretary of State relating to:
 - junctions 1,2 & 3 of the M69 and especially the impact on J21 of the M1;
 - the changes proposed to the noise mitigation at Aston Firs and the consequences for the Equality Act;
 - the changes to the highway in Sapcote;
 - the proposals to improve the Narborough Crossing barrier down time situation for ambulant disabled;
 - the amendments to the HGV Routeing Strategy;

- the amendments to the Sustainable Transport Strategy; and
- additional matters submitted by the Applicant which the Secretary of State had not specifically invited.

2.7. The Council makes no comment on the specific matters relating to Dr & Mr Moore's submissions, nor plot 73 and these are left for the appropriate others to respond to.

3. Junction 3 of the M69/Junction 21 of the M1

- 3.1. BDC as the local authority and Leicestershire County Council (“LCC”) and National Highways as Highway Authorities made detailed representations both prior to and throughout the examination process raising significant concerns that the Applicant has failed to appropriately assess and mitigate the Proposed Development’s impacts on both the Strategic Road Network (SRN) and the Local Road Network (LRN). Both BDC and LCC expressed significant concerns at the lack of appropriate detailed modelling of the M1/M69 Junction. Consequently there is significant uncertainty as to the impacts of the Proposed Development on the highway networks and consequential environmental impacts associated with the additional traffic.
- 3.2. The ExA agreed that the absence of this detailed modelling was a failure on the Applicant’s part to properly address the junction and that this should be given very substantial weight against the making of the DCO [3.3.478] and that it follows that the Applicant has not demonstrated that the Development would minimise the risk of road casualties and lead to an improvement in road safety in accordance with both the National Networks National Policy Statement (NPSNN) and the then draft National Policy Statement (dNPSNN).
- 3.3. The fundamental issue is that there remains strong disagreement between the Applicant and other parties as to the appropriateness of the ‘LinSig’ model as opposed to the VISSIM model in considering the effect on J21 of the Proposed Development. The view of BDC and LCC is that the ‘LinSig’ model is not appropriate to understand and consider the full impact of the development on this significant motorway junction and its associated traffic movements on the surrounding LRN, given that it is already heavily congested, with extensive queuing. This is a fundamental issue for BDC. Both councils consider that the only appropriate model is the VISSIM model as this is the only model which replicates the more complex traffic movements at this junction. Indeed the ExA agreed that the VISSIM model was the appropriate model to use rather than the ‘LinSig’ model [3.3.470]. BDC note that this issue is not just about a technical disagreement on use of a particular modelling software; it goes to the heart of the local impact of the proposals and is about properly understanding these impacts and the necessary mitigation.
- 3.4. In spite of the Secretary of State’s invitation in the ‘minded to refuse’ letter to the Applicant to submit further evidence in the light of the ExA’s concerns, the Applicant has simply continued to contend that the ‘LinSig’ model is appropriate. The fact that the ExA recognised that there is no up to date VISSIM model that the Applicant could use [3.3.467], does not mean that a VISSIM model is not the appropriate model to be used. Indeed, over the period the Applicant has been developing the details of the Proposed Development in the run up to submitting the DCO application there has been more than ample time to develop a VISSIM model - the applicant developed VISSIM models for the only other two junctions on the M69, but not the M1 which is arguably more critical. In fact the Applicant submitted a scoping note for VISSIM modelling of this junction to LCC and National Highways six years ago in 2019, indicating

that they were starting to code up the model. The fact that the Applicant has chosen not to continue to progress the VISSIM model, for which they had ample time to complete, is not justification for the use of the 'LinSig' model and those fundamental objections set out by BDC and LCC previously and agreed by the ExA remain valid.

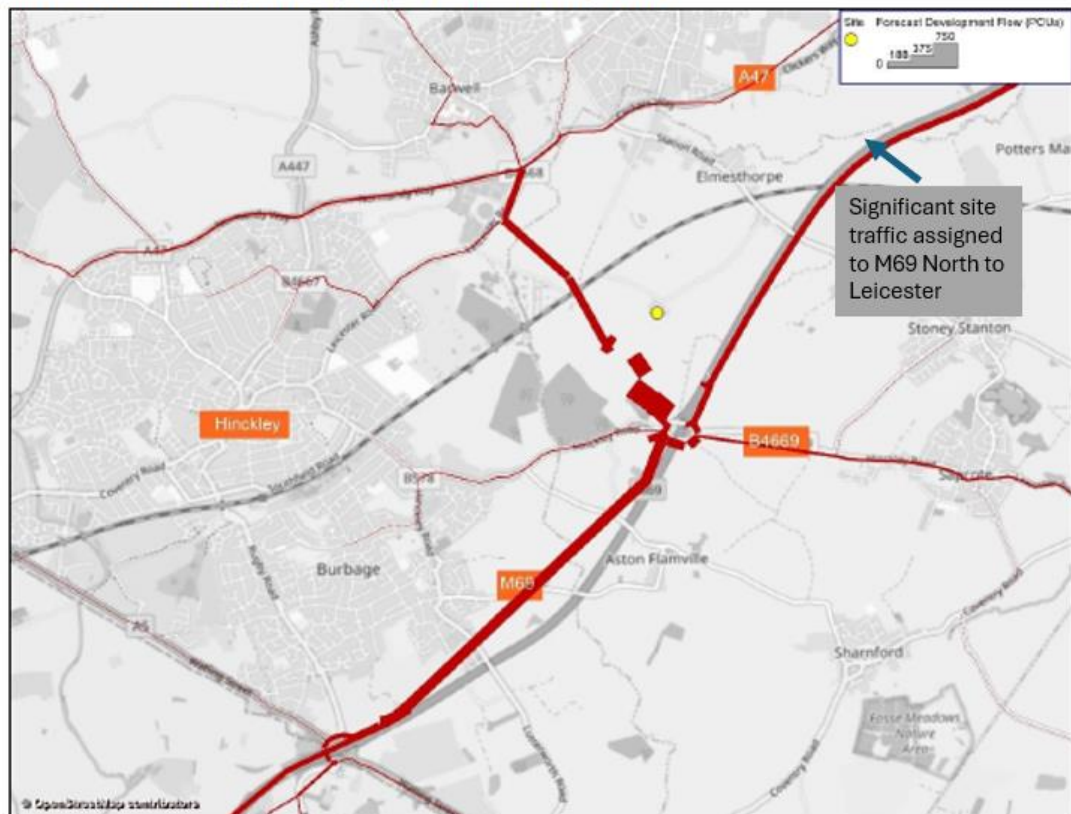
- 3.5. The Applicant cites engagement with National Highways and their consultants AECOM to further validate the 'LinSig' modelling and that through their Technical Notes, that the model has been validated and is therefore acceptable. This is misleading. The Statement of Common Ground between the Applicant and National Highways that has been submitted by the Applicant for consideration (19.7C) makes a clear distinction between item 20 where the 'LinSig' model validation is agreed and item 2 under matters which have not been revisited which states that *"there is disagreement on the approach to modelling (VISSIM vs LINSIG) at M1 J21/M69 J3"*. It is disingenuous of the Applicant to try to persuade the Secretary of State that National Highways agrees the appropriateness of the use of the LinSig' model when quite plainly National Highways (and LCC and BDC) still considers that VISSIM is the appropriate model.
- 3.6. Consequently, BDC continues to have significant concerns over the way the Applicant has modelled and assessed the impact of this development at J21 of the M1 and does not accept the latest submissions as having addressed this. BDC notes that this junction is the most important junction on the local network, is heavily congested already and is the main route and first junction to/from the north for this very large development. It is also a junction that has a significant effect on the volume of traffic that moves on the local roads in both Blaby and Hinckley and Bosworth Council areas, including those through sensitive locations such as Sapcote and Stoney Stanton.
- 3.7. BDC supports the LCC view that the strategic model shows development traffic using this junction and displacing other traffic on to the local road network ("LRN"). BDC concur with the LCC request that that the Applicant should provide mitigation to attract back the displaced traffic which would, potentially, reduce the need for mitigations on the LRN [ER 3.3.315].
- 3.8. To assist the Secretary of States consideration of this matter, the impact claimed by the Applicant to be without need of mitigation is shown graphically in the figures below, all taken from the Applicant's Model Forecasting Report¹:

Figure 2.1 of this report (BDC note added) shows the distribution of traffic to the development in the am peak in 2026, clearly showing very high volumes of development traffic wishing to use the M69 from Leicester to the site (the corresponding figure for traffic travelling from the development shows a similar picture heading away to the north).

¹ PRTM v2.2

Hinckley National Rail Freight Interchange Application:
Forecast Modelling, Aecom, 7/4/22

**Figure 2.1: Light Vehicles Trip Distribution to and from the Hinckley NRFI Development Site
2026 'With Development' (AM) - To the Development**



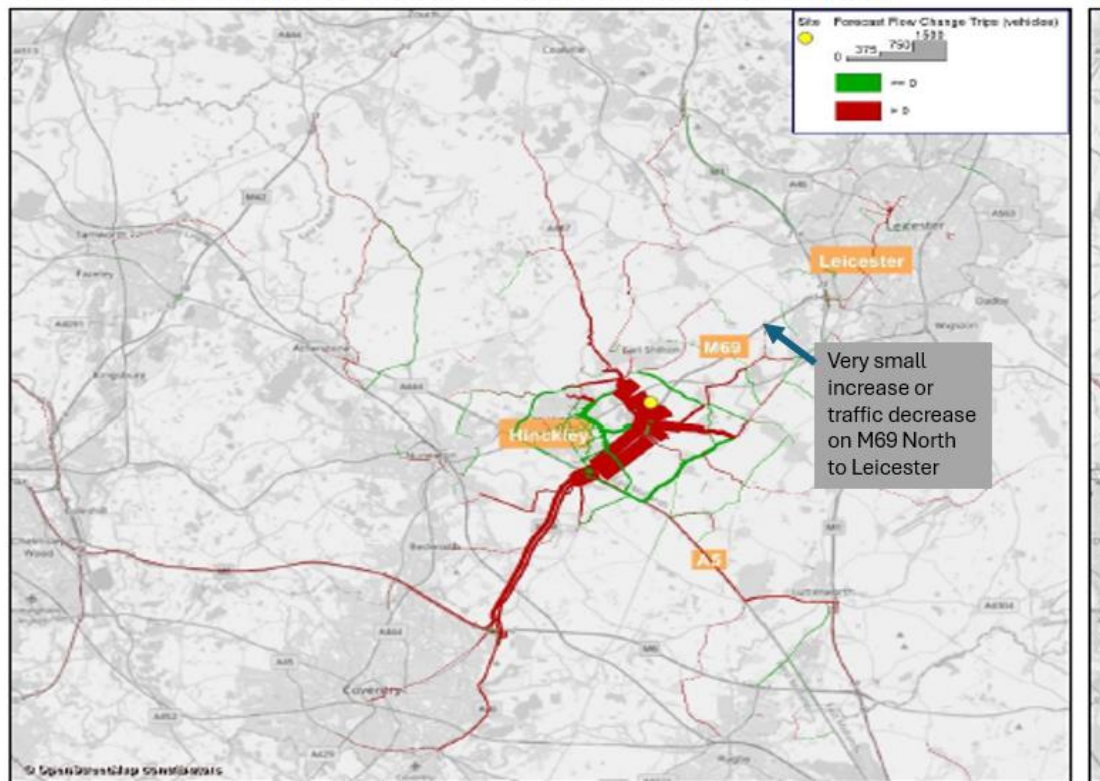
Map contains Ordnance Survey data © Crown copyright and database right 2022

- 3.9. However Figure 3.6 shows the actual modelled traffic – there is a very small increase in one direction and a decrease in traffic on the M69 north post-development. This is because of the conditions at J21 and the Applicant's additional traffic, in effect every single vehicle added by the development pushes off the M69 an existing vehicle to less suitable local roads. This outcome is almost entirely due to the congestion at J21 of the M1. It is for this reason that BDC (and LCC) are insistent on the correct modelling of this junction so that the impact and knock-on impact and appropriate mitigation can be properly understood.
- 3.10. The M1 J21 Modelling Note submitted by the Applicant includes queue length validation for the M69 approach to the junction suggesting a length of 140m in the pm peak. This demonstrates the inadequacies of using the LinSig model as the true queue length is a matter of kilometers, something the ExA experienced themselves directly. BDC acknowledges and endorses the LCC estimate that as LinSig only assess traffic reaching a stop line it does not reflect the free flow links at J21 and thses missing numbers account for an estimated 3-4,000 cars in the peak period. This is far too significant to be overlooked by the Secretary of State.

Figure 3.6: Forecast Flow Change for the 2026 and 2036 'With Development'

2026 'With Development' minus 'Without Development' (AM)

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Map contains Ordnance Survey data © Crown copyright and database right 2022

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- 3.11. BDC notes that in this context, safety is also a critical issue – traffic on motorways has a far better safety record than traffic on general urban and rural roads. DfT statistics² show that in 2023 motorways had 75 casualties of all types per billion vehicle miles of travel; for rural roads this was 299 casualties (4 times as high) while for urban roads this was 719 (10 times as high). The development scheme, without mitigation at J21, is displacing hundreds of vehicles each day onto local rural and urban roads in the vicinity, which cannot be regarded as ‘minimising the risk of road casualties from the scheme’ (Para 4.66 of [ER 3.3.471]).
- 3.12. BDC fully supports the latest LCC and NH view that the modelling submitted by the applicant for J21 is not fit for purpose - consequently it cannot be relied upon to determine the impact of the development on the strategic and local networks and on road safety. As set out clearly by LCC and NH, the ‘LinSig’ model presented does not adequately model the complex interactions between traffic streams here and the level of congestion. Congestion is referenced by the Applicant in the modelling report HNRFI-BWB-GEN-XX-RP-TR-000X M1 J21 Modelling Output Audit and is shown in Figure 1 of that report:

² Table 10 of Reported road casualties Great Britain, annual report: 2023, DfT, at <https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-annual-report-2023/reported-road-casualties-great-britain-annual-report-2023#casualties-by-road-type>

Figure 1: M1 NB block back



- 3.13. Another important issue for BDC is the way that the correct detailed modelling of J21 is analysed and interpreted and co-ordinated with the strategic modelling. In cases of such importance, the correct detailed modelling should be used in an iterative process with the strategic modelling, as they affect each other. This has not been done in this case, and without this, there is uncertainty about the impacts. If the detailed modelling shows that conditions are worse at J21 than currently assumed in the PRTM strategic model, then more traffic will divert to local roads in Blaby and Hinckley areas, with consequent capacity and safety issues. Conversely if conditions are better at J21, more traffic will use J21 but is likely to have a different impact on traffic and safety at this location.
- 3.14. BDC has even greater concerns with this issue given that the PRTM base model significantly underestimates the flow on a key M69 approach to J21³, and that the applicants 'LinSig' model has used manual adjustments to attempt to reflect the complex conditions at J21. If the latter was not included in the PRTM model while the former underestimated PRTM delays, there is a significant risk that the reassignment of traffic to local roads in Blaby and Hinckley has been underestimated.
- 3.15. BDC also notes that the addition of the development traffic to this critical location will have a major impact on the network resilience and reliability, making its modelling even more important. The fact that there is a decrease in the morning peak hour and a very small increase in the evening peak hour when the 321-443 vehicles from the development are added to the network

³ (see TR050007-000752-6.2.8.1 Hinckley NRFI ES Appendix 8.1 Transport Assessment [part 7 of 20] PRTM 2.2 Base Year Model) in Table 3.4 on page 17 it shows that the base PRTM model underestimates the flow on the M69 Eastbound Approach to M1 Junction 21) by some 318 vehicles in the am peak hour(the base model is 848 vehicles compared to the count of 1165). This was queried at the time. The M69 between Junction 2 and Junction 3 - North-Eastbound also underestimates traffic by some 119 vehicles.

shows that the development traffic will take up any spare capacity, leaving the network post-development even more vulnerable to incidents of all types. This again has a knock-on effect on safety within the Blaby and Hinckley areas as traffic diverts to local roads.

- 3.16. The Applicant was requested more than 2 years ago to develop a VISSIM model (they did develop these for J1 and J2 of the M69) but consistently avoided doing this. BDC understands that the Applicant had previously prepared a draft scoping note for this, but this was never formalised. BDC therefore does not accept that the Applicant had insufficient time to produce this modelling.
- 3.17. The Applicant claims that flows through the junction are likely to be so low that the impacts will be minor, and hence that VISSIM modelling is not required, no mitigation is needed and there will be no safety impacts. BDC notes as above that without the appropriate local modelling and comparison/iteration with the PRTM strategic model, it cannot be confirmed that the PRTM strategic model is correctly modelling the future scenarios, and that the level of traffic predicted to use J21 and the local network is a robust estimate. In addition BDC notes that the applicants LinSig model is for only one peak hour in the morning (07:30 to 08:30) and evening (16:30 to 17:30) , when the peak times at this junction extend beyond these hours, and the PRTM strategic model has modelled different times - 08:00 to 0:900 in the morning and 17:00 to 18:00 in the evening, so these are not compatible. It is however very common in VISSIM modelling to model a longer morning and evening time period to allow for extended peaks and knock-on impacts from one hour to the next, which reinforces its suitability for this case.
- 3.18. The Applicant claims that there will be minimal impacts on road safety based on their analysis of Personal Injury Accidents (PIA) using COBALT, which is a DfT tool for accident analysis. In this respect BDC notes that firstly as noted above, given that current modelling of J21 is not appropriate, and that appropriate checking/iterations with the strategic model have not been undertaken, the low flows at J21 and the reassigned flows on the local network quoted by the Applicant cannot be relied on as the basis for the COBALT analysis. Secondly, as stated in the ES (Para 8.240) COBALT does not consider link or junction geometry, road surface material to manage vehicle speed, signage or lighting, all factors which can influence the occurrence of accidents. BDC does not consider that it can be depended on as the main analysis of safety for a complex junction like J21 which is subject to high congestion levels and high volumes of blocking back. Finally, BDC notes that the COBALT analysis does not appear to model all the junctions in the study area in detail, including many that are subject to reassigned traffic on local roads. In conclusion, BDC believe that this analysis cannot be relied upon to draw such conclusions.
- 3.19. In summary, BDC objects to the applicants modelling and assertions regarding J21 of the M1. BDC does not accept the applicant's dependence on the use of the 'LinSig' model to demonstrate that M1 J21 and the surrounding LRN is not going to be severely impacted by the Proposed Development. BDC

considers that the VISSIM model is the appropriate model to assess the potential impact of the development and for this information to be iterated with the strategic model forecasts. This junction is already significantly over capacity with consequential queuing on surrounding Local Highway Network junctions and roads which the Proposed Development will exacerbate. National Highways and LCC continue to raise objections to the use of the 'LinSig' model to assess the impact of the development.

- 3.20. The ExA examined the matter thoroughly during the hearings and came to the clear conclusion that VISSIM was the appropriate model and should have been utilised (ExA's recommendation report at [3.3.470]). BDC considers that there has been no additional information submitted by the Applicant that validates the use of the LinSig model. BDC agrees with the ExA that the Applicant's failure to properly assess the M1 J21/M69 J3 should be given very substantial weight against the granting of development consent.

4. Aston Firs

- 4.1. The Secretary of State has indicated that she is minded to agree with the ExA that the proposed acoustic fence would be visually dominant and oppressive to the “*considerable detriment*” of the living conditions and potentially on the mental health of a number of the occupiers living on the Aston Firs Traveller Site. It is considered that this would amount to discrimination of race as defined by the Equality Act 2010 as it would be a physical dividing barrier between the Traveller community and the non-Traveller community. As a consequence, the Proposed Development would not advance equality of opportunity with those with a protected characteristic of race as a result and the ExA recommends that this should be given very substantial weight against making the DCO.
- 4.2. Given that the ExA’s recommended Order requires the Applicant to submit details of the construction, height, position, form and appearance of the acoustic barrier before construction of the HNRFI facility commences, the Secretary of State has invited the Applicant to submit those details now to see if they can be designed to overcome the concerns.
- 4.3. In responding to the ExA’s concerns the Applicant has focused attention on the length of proposed 6m high fencing along the south eastern boundary; the proposed 4m high fencing on the north western boundary being considered less concerning by the ExA. The Applicant indicates that the ExA had misunderstood their position that the location and height of the fence represented the ‘optimum position’, meaning in noise impact terms, not aesthetics. Consequently the Applicant has undertaken further work to consider the fence and now proposes the relocation of the fence to create a 12m buffer between the fence and Aston Firs, together with a reduction in its height to a maximum of 3m. The fence is also replaced with a gabion wall option.
- 4.4. BDC acknowledges the efforts of the Applicant to reduce the impact of the acoustic barriers on the residents of Aston Firs and agrees that the gabion wall proposal is aesthetically preferable to a fence. BDC also acknowledges that moving the acoustic barrier on the south eastern boundary away from the boundary with the Aston Firs site and closer to the highway, thus placing it closer to the source of the noise, is beneficial. Although it is noted that there is a relatively minor increase in noise levels at Aston Firs this is predominantly caused by the break in the screening to accommodate the bridleway. BDC is content that the Applicant has tested a variety of barrier scenarios and that the gabion option is the most preferable.
- 4.5. BDC recommends that the treatment of the new 12m buffer between the acoustic barrier and the Aston Firs site is carefully considered to ensure that natural surveillance is maintained in order to ensure it does not attract antisocial behaviour.

- 4.6. Notwithstanding the ExA view on the 4m high barrier which remains along the north western boundary, BDC remains of the view that this is unacceptable and does not represent 'good design'. This barrier will continue to be unsightly and an inhospitable boundary for the Aston Firs residents as well as being visually unattractive to wider views from beyond the fence from the eastern side of Freeholt Wood. Further, it appears that the fence will require the removal of existing trees and hedges and no attempt has been made to see whether the minor relocation of this fence might reduce the existing vegetation which has to be removed.

- 4.7. In terms of the equality duty, it will be for the Secretary of State to decide when discharging that duty whether the Applicant's proposed amendments are acceptable in terms of the impact on protected characteristics groups.

5. Sapcote

- 5.1. The Secretary of State has indicated that she is minded to agree with the ExA that the potential for HGVs travelling in opposing directions through Sapcote, together with the proximity of pedestrians, where the carriageway is insufficient in width such that passing vehicles would have to mount the pavement, represents an unacceptable highway safety risk that weighs substantially against the granting of the DCO.
- 5.2. Notwithstanding this clear recommendation and her 'minded to' position, and despite the ExA concluding that the unacceptable highway safety risk could not be mitigated within the terms of the Application (i.e. the carriageway could not be widened and a weight limit could not be imposed), the Secretary of State has invited the Applicant to add further comments on the ExA's conclusion.
- 5.3. It is unfortunate that the Applicant's first response to the concerns of the ExA is that they have misunderstood what is being proposed and have failed to take into account the proposed mitigation involving the removal of the pedestrian refuge which would enable the carriageway to effectively be widened. Nevertheless, the Applicant has submitted further proposals in response to the ExA's concerns, comprising an "*enhanced Sapcote scheme*".

- 5.4. The further works comprise improvements to the pedestrian area outside the Co-Op store, the replacement of the pedestrian refuge with a zebra crossing, and the relocation of the bus stop from outside the Co-Op eastwards along the B4669. The proposed relocated bus stop is outside the DCO limits, but the works are within the highway and the Applicant proposes to secure the works under s278 of the Highways Act 1980.
- 5.5. Whilst BDC acknowledges that the B4669 is a prohibited route in the HGVRP, BDC continues to have serious concerns regarding the impact of the development proposals which add high volumes of additional HGV flow in the village of Sapcote and continues to regard this as creating an unacceptable highway safety risk [ER 3.3.533] [para 63] as accepted by the ExA and the SoS. BDC are also concerned that given that J21 has not been modelled appropriately (as explained in section 3 above) there may be even higher impacts on traffic through Sapcote than are currently estimated. This cannot be confirmed until J21 is appropriately assessed.
- 5.6. BDC agrees with the conclusion of the ExA and of LCC that these additional HGVs will result in a much higher likelihood that two HGVs would meet in the centre of the village and greater risks of overrunning of the kerbs in this location. There is already evidence of this happening on the northern footway of Leicester Road opposite the Co-op as shown below.



(Source Googlemaps Street view)

- 5.7. The Applicant has provided a revised scheme for the village centre, which depends on HGVs (and other large vehicles including buses and refuse

vehicles) giving way to each other without a priority working. BDC considers that the absence of a clear priority is likely to give rise to confusion and increase the risk of vehicle collisions as moving vehicles in opposing directions will have insufficient time and distance to brake. BDC does not believe that HGVs will give way in this manner unless required to do so by priority working and appropriate narrower road widths, and indeed there is a greater risk of HGVs encroaching on the footways when they meet with the latest revision to the scheme. The current proposals submitted are worse than the originally submitted proposals which were rejected by the ExA.

- 5.8. BDC also agrees with the problems identified by LCC and their comments on the revised scheme road safety audit. Firstly, there are potential visibility issues relating to the proposed pedestrian crossing that require traffic regulation order changes that are not guaranteed; and secondly that a vehicle activated sign will not solve the risks in failures of some drivers to slow or give way to large vehicles, resulting in offside to offside collisions.
- 5.9. Further, the proposed revised design by the Applicant retains a carriageway of 4.8m in the centre of the village⁴, which BDC believes will raise further safety issues when a HGV passes a car as well as when two HGV's pass each other. The standard maximum width of a HGV body is 2.55m under UK law, some popular HGVs can be 5cm narrower. Actual loads carried can be wider, up to 2.9m without been classified as an abnormal load with special signing etc. thus creating increased risk of collisions.
- 5.10. With extended wing mirrors (mandatory for large vehicles, but at a minimum height of 2m) the overall width increases by 20-30cm on each side. The width of a medium car such as a Ford Focus is 1.979m with mirrors unfolded. Ignoring the HGV mirrors (although only some cars will seek to pass so close as to ignore them), and ignoring any legal load widths above 2.55m, a DAF XF of 2.49m passing a medium car in this constrained 4.8m stretch of road would require 4.5m, without allowing for any gap between the vehicles or to the kerbs. It is obvious that the 4.8m is barely adequate on a completely straight section of road, and perfect vehicle alignment, passing a medium rather than large car. This stretch of road is straight for a short section but has curves on the approach and exit so vehicle behaviour will increase the width needed. With these dimensions it is BDC's view that it is highly likely that the increased volumes of HGV's passing a car will create increased risks of overrunning the footways.
- 5.11. The Applicant's enhanced scheme also does not address the very real risks caused by many more HGVs using Leicester Road adjacent to the very narrow northern footway east of the Co-op (see image below) and west of Church Road (see image below). The significant increase in HGVs poses increased risk to pedestrians in these areas.

⁴ SAPCOTE ENHANCEDSCHEME

GENERAL ARRANGEMENT, Appendix 2C of applicant technical note issued to SoS 12/12/24

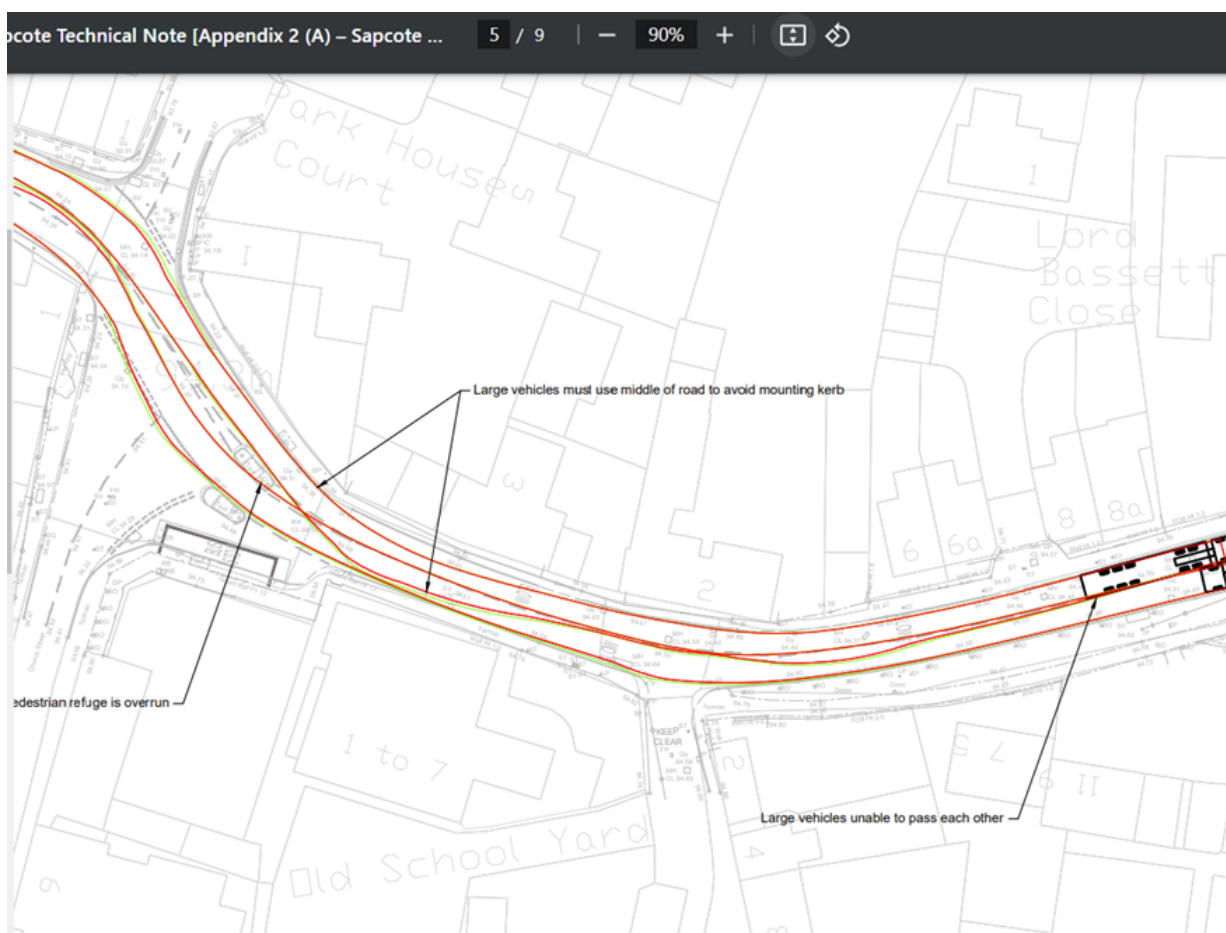


(Source Googlemaps Street view)



(Source Googlemaps Street view)

- 5.12. BDC notes that should the Applicant's scheme not work as intended for the issues highlighted above, the effect will be many more HGVs travelling through Sapcote, a small village with narrow footways as depicted above. The effect of HGVs seeking to pass each other is shown well in the extract from the Applicant's earlier submissions on this matter as shown below. This shows the very constrained location through which the hundreds of additional HGVs a day (see 3.3.525) would travel to the detriment of the safety of road users.



¹ Sapcote Technical Note [Appendix 2 (A) - Sapcote Proposals Put Forward at DCO Stage – Appendix A Part 2 [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR050007/TR050007-002524-Hinckley%20NRFI%20Sapcote%20Technical%20Note%20\[Appendix%202%20\(A\)%20%E2%80%93%20Sapcote%20Proposals%20put%20Forward%20at%20DCO%20Stage\].pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR050007/TR050007-002524-Hinckley%20NRFI%20Sapcote%20Technical%20Note%20[Appendix%202%20(A)%20%E2%80%93%20Sapcote%20Proposals%20put%20Forward%20at%20DCO%20Stage].pdf)

- 5.13. From a public realm urban design perspective BDC considers the Sapcote proposals to also be unsuitable. The revised layout creates significant concerns for pedestrians in terms of the creation and delineation of shared

spaces, particularly so for those with visual impairments or other mobility impediments who may find it challenging to navigate the proposed design.

- 5.14. BDC is not persuaded by the Applicant's revised proposals to ensure that passing HGVs do not endanger pedestrian safety by over-running kerbs; in fact BDC agrees with LCC that the proposed revisions are more likely to endanger the safety of all road users than the originally submitted proposals and that the proposals would be very substantially harmful to highway safety.

6. Narborough Crossing

- 6.1. The Secretary of State notes that the ExA recommends that highway delays caused by the additional closure time at the level crossing be given moderate weight against the Proposed Development. BDC has previously made its comments setting out its concerns at the impact of the closure of the level crossing and these remain unaffected by the Applicant's latest submissions [Rep1-050].
- 6.2. However, the ExA considered that the additional delays "*would not advance equality of opportunity for those with the protected characteristics of age or disability*" because these are the most likely to be less able to cross the existing bridge. The ExA makes it clear that this applies to those who are disabled and to the oldest and the youngest in society by way of the protected characteristic of age.
- 6.3. In the Secretary of State's 'minded to' letter she only refers to those "*ambulatory impacted pedestrians*" and BDC believes that this is an oversight by the Secretary of State not to include those affected with protected characteristics of age.
- 6.4. The Applicant's response on the matter of age is that they believe it is correct that the Secretary of State has not included those with the age protected characteristic; BDC's view is that this is a matter for the Secretary of State to satisfy herself on in discharging the PSED. In terms of those pedestrians with ambulatory impediments, the Applicant's response is that unless a train going to/from the HNRFI facility closely preceded or following a stopping passenger train then the additional time when the barrier is down would be 2 minutes and 31 seconds, compared to 4 minutes for a passenger train (as the HNRFI train would not stop). The instance where one followed the other would create the 'worst case' of 7 minutes barrier down time.
- 6.5. The Applicant has considered potential solutions but concludes that there is no feasible implementable mitigation option which would enable those with ambulatory issues to cross the railway line in any shorter time than they would achieve by waiting at the barriers for them to lift. The Applicant's solution, which has been agreed with Network Rail, is to improve waiting facilities at the Station itself and to fund improvements to the Customer Information Service for those

seeking to catch trains. These improvements would be achieved through a Supplemental Framework Agreement with Network Rail.

- 6.6. It is BDC's opinion that the improvements proposed will make no practical improvements to address the concerns of the ExA regarding impacts on those with protected characteristics.
- 6.7. BDC understands why the offer to fund improvements to the Customer Information Service has been accepted by Network Rail which would no doubt benefit the wider passengers using the station. However, it provides little benefit to those with the protected characteristics. The ability of those with protected characteristics are better able to cross the railway line when the barriers are down is not improved by additional information on train times, other than confirming the likely length of wait.
- 6.8. This therefore only leaves the offer to improve waiting facilities on the Station platform as practical relief for those with protected characteristics. It is unclear though from the Applicant's 'Appendix 3 – Narborough Level Crossing Report' what the improved facilities are. Para 4.6.4 refers to "*better facilities*" and 4.6.5 refers to "*additional wayfinding signage*" to better locate the facilities; and 4.6.6 refers to "*new benches*" in addition to the improved facilities, but nowhere is there any clear and comprehensive detail of what the improved facilities are.
- 6.9. Notwithstanding the lack of detail as to what is proposed, BDC submits that in fact any improvement to waiting facilities on the Station platform is more than likely to be of little use by those with ambulatory impediments. In practical terms, for those pedestrians wanting to cross from the southern side of Station Road, in order for them to access the improved facilities on the platform it will be necessary for them to walk about 25m from the level crossing up the ramp to reach the waiting facilities on the platform, so a total of 50m there and back if they chose to wait on the platform rather than at the crossing. However, for those wishing to cross from the northern side of Station Road, in order to access the facilities on the platform, pedestrians have to walk across the Station car park from its gated access in order to reach the ramp giving access onto the Station platform. From the point at which a pedestrian would reach the level crossing it is over 50m to walk across the car park and to the waiting facilities on the platform – over 100m there and back from the level crossing. Whilst walking 50m to use the facilities on the platform on the south side of the crossing might be considered acceptable, it is much less likely that pedestrians would find a 100m walk on the north side to be suitable and practical. The time it would take an elderly person or a disabled person to make this journey and get back to the crossing in time to cross before the barriers went down again renders the proposed waiting facility improvements impractical to advance the equality opportunity for those with the protected characteristics.
- 6.10. The Applicant has considered and dismissed alternative proposals which would better serve the needs of those with protected characteristics to be able to cross the level crossing without being disadvantaged. The provision of lifts is dismissed because it is not viable from a cost perspective and it is expected that such an option would only be viable when the existing footbridge would

need to be replaced when the line was electrified – there is no timetable for this. Also, the Applicant envisages that even were lifts to be installed, by the time such a lift could be accessed and the bridge crossed it would take as long as just waiting for the barriers to raise. It is BDC's view that this is the exact reason why the provision of improved platform waiting facilities also does nothing to resolve the problem, it's simply easier to wait at the crossing than to walk on to the platform to use the improved facilities. It is the Applicant's proposed HNRFI facility which causes the issue affecting those with a protected characteristic and it is therefore a matter for the Applicant to resolve with the most effective solution regardless of cost.

7. Sustainable Transport Strategy

- 7.1. The Secretary of State has invited the Applicant to submit further comments on the Sustainable Transport Strategy (STS). The ExA noted criticism from interested parties, including National Highways, that there was a lack of emphasis on walking as a sustainable mode of travel. Further, the Applicant's aim to reduce single car occupation from 75% to 60% over a ten year period was also criticised as insufficiently challenging. The ExA concluded that the level of single car occupation would make the target less challenging as it only related to the vicinity of the Development site rather than where employees actually live. Furthermore, it is clear that minimising employee car parking on site can encourage use of alternative modes and the introduction of the potential for decked parking does little to discourage car travel.
- 7.2. The ExA also found that the Demand Responsive Travel (DRT) proposal did not have the equivalent benefit of a six month bus pass to subsidise travel for employees and that this was a significant deficiency in the STS.
- 7.3. The ExA was also critical that the Applicant had not investigated whether the feasibility of a new rail passenger station at Elmesthorpe was a viable option. The ExA placed little weight on Network Rail's evidence which confirmed that a station was not needed as in the ExA's view this had been based on the basis of current demand and not the additional demand which might arise from employees at the Proposed Development.
- 7.4. Overall, the ExA's view was that due to the deficiencies in the STS, the Proposed Development would not accord with paragraph 5.2.11 of the NPSNN which in effect at the time and that it had not been demonstrated that the Proposed Development is in a location that could be made sustainable. The ExA recommended that this should weigh substantially against the granting of the DCO.
- 7.5. The Applicant has submitted a revised STS including an amended commitment to a modal shift from 66% to 40% of single occupancy vehicles in 10 years and the provision of a free six month bus pass for employees using the DRT. Further the Applicant proposes an additional private bus service (also including a free six month bus pass) from the south east of Leicester City to the site.
- 7.6. The Applicant rejected the ExA's amendment to the Detailed Design requirement in the DCO relating to the decked parking indicating that parking numbers would be determined by the local authority standards.
- 7.7. The Applicant also rejected the policy requirement relating to Elmesthorpe Rail Passenger Station, being only a policy aspiration of HBBC. The Applicant submits a report from Network Rail which also rejects the idea (Appendix 7). The owner of the stations – Cross Country Trains (as the relevant Train Operating Company) also rejects the idea of the new station.
- 7.8. BDC welcomes the higher non-car mode share targets, additional bus services

to South-east Leicester and 6-month free travel pass for DRT services proposed by the applicant in the revised STS and Travel Plan (TP). BDC notes that there remain inconsistencies in the material submitted by the Applicant, for example in Table 6.2 of the TP the 10-year target is given as 55%, but the text in 6.9 refers to a target of 60%. BDC also notes that the targets are labelled as 'preliminary' which gives no confidence that they will be met or can be enforced.

BDC agrees with the ExA (7.4.105) that despite these changes, the basis for the targets remains insufficiently ambitious, being based on the site location rather than where employees would be likely to live. In addition the Council still has significant concerns about whether and exactly how these targets will be achieved given that they are based on very broad and loose proposals for DRT services which are critical for travel in the BDC and HBBC areas (no effective Level of Service or service outcomes is proposed, for example no firm indication of how long employees will need to wait for a service, or indeed the cost and journey time); little information on the car sharing proposals which are critical for the targets; the new bus service to SE Leicester is not well defined and the mitigation for not achieving these targets (for example the possibility of reducing or charging for car parking) is not included. BDC also notes that while reference is made to East Midlands Gateway (EMG) as an example of similar mode shift targets, the bus offer at EMG is far higher than that proposed for HRNFI, EMG is located adjacent to the local airport and able to take advantage of airport-related bus services. This introduces significant doubt regarding achievement of the targets with the currently proposed bus services.

Furthermore there is ambiguity about who will be ultimately responsible for the achievement of the STS (there is reference to Travel Plan Coordinators which implies tenants, and not the Site-Wide coordinator); the supposed mitigation mentioned in section 10.4 appears to focus on 'softer' measures and not the most likely more effective measures such as more/cheaper buses or parking restraint; there are no funds set aside for such mitigation and no clear sanctions should the targets not be achieved. These same concerns also apply to the proposed Travel Plan.

- 7.9. BDC's overall position regarding the inadequacies of the STS has not changed as a result of the Applicant's latest revisions. There remains fundamental concern that the proposed DRT service is ill suited to serving shift patterns because there remains an inherently inflexible approach to routing, and requires clear service requirements to be effective. The Council agrees with the ExA that the STS (and the associated Travel Plan (TP)) has (1) no funding and clear effective Action Plan should these targets not be achieved (for example the provision or pricing of car parking as identified by the ExA in 3.3.410) (2) no appropriate sanction should the targets not be achieved and (3) the targets are labelled as 'provisional' in the STS and 'indicative' in the TP. These concerns are given additional weight by the Council given the issues regarding J21 of the M1 referred to above.

- 7.10. Given the Applicant's traffic case, which shows that for J21 every new development vehicle will be diverting other traffic onto the local road network, the success of the travel plan is critical for the future impact on the local area. For this reason, BDC fully supports the ExA recommendation in 7.4.106 that, if the DCO is made, the current STS should not become a certified document under Schedule 15 and Requirement 9 of the Applicant's draft DCO be redrafted to require a revised version of the STS to be formally re-submitted for approval by the relevant local planning authority before any floorspace is occupied. As well as addressing the specific concerns identified by the ExA, this would provide an opportunity for the Applicant to bolster the current STS and provide an enhanced strategy which is more likely to support sustainable transport.
- 7.11. Without this amendment BDC agrees with the ExA conclusions (3.3.426) that the Proposed Development would be contrary to paragraph 5.211 of the NPSNN and paragraph 5.277 of the dNPSNN. Consequently, the Applicant has not maximised opportunities to allow journeys associated with the development to be undertaken by sustainable modes (paragraph 5.278 of the dNPSNN). It also, therefore, has not been demonstrated in the Proposed Development that this is in a location that can be made sustainable (see paragraph 12 of Circular 01/2022). This should be given substantial weight against the Proposed Development.
- 7.12. BDC continues to believe that making walking and cycling to the site as safe and appealing as possible is essential. The Proposed development should prioritise secure, well located cycle parking, good lighting and clear pedestrian priority within and around the car parks. A more 'cycle first' approach should be promoted throughout the development by improving and expanding segregated routes around the site.
- 7.13. BDC remains concerned about the potential for decked parking and the consequential handling of design. The approach should be to reduce the visual dominance of cars in favour of creating a more natural landscape which is appropriate to its setting and context. By incorporating smaller, less visually prominent parking areas the design would prioritise pedestrians and foster a calmer, greener environment and embracing a less car driven culture. Consequentially the user experience is improved with more emphasis on a sense of openness and connection to nature than visually dominant vast expanses of hard surfacing.
- 7.14. BDC notes the latest information provided from Network Rail regarding the feasibility of a railway station at the site. BDC also notes the Applicant's response that Policy 5 of the HBBC Core Strategy does not require a new passenger rail station to be provided, it simply says that HBBC would support a proposal for a new passenger station. The fact that in making its submissions to the ExA HBBC did not reference this part of Policy 5, nor has it made such a reference to this part of the Policy in determining planning applications

doesn't render the Policy invalid. The Policy simply says that were a passenger station to be brought forward for Elmesthorpe then it would support such a proposal. This does not prevent the ExA from placing weight on the absence of a proposed station to weigh negatively against the grant of development consent due to the Development site being in an unsustainable location.

- 7.15. The Network Rail report concludes that there is nothing in principle based on engineering and topographical considerations that would prevent construction of a passenger station at this location. While the report concludes that there will be insufficient passenger demand, BDC notes that it only appears to review possible patronage from the HRNFI site, and not the residents and employees of Barwell and Earl Shilton and the proposed urban extensions of these settlements, which will be as close to any proposed railway station as the site is. BDC remain unconvinced by the feasibility report which does not support the view that the Site is located in an area which can be made sustainable.

8. HGV Routeing Strategy

- 8.1. The Secretary of State has invited further comments from the Applicant on the HGV Route and Management Plan (HGVRP) after noting that the ExA agreed with BDC's response that the 'maximum' penalty of £1000 for those in breach of the HGVRP would not be a significant deterrent and that rather a fixed amount of £1000 should be set. Further, the Secretary of State notes that concerns were expressed around daily breaches of the HGVRP and thresholds and whether the approach to proportionately shared breaches was appropriate. The ExA considered that consequently, triggers were less likely to be reached during the first phase of the Development and that undesirable route patterns would occur in the initial phases. The ExA concluded that the HGVRP did not appropriately consider enforcement or deal with mitigation and was not fit for purpose and weighs substantially against the Order being granted.
- 8.2. Although the Applicant indicated that it would provide a fund of £200,000 to be secured through the DCO to be used to implement measures which were identified after the development became operational to discourage HGV routeing through the prohibited routes (e.g. strategic signing or Traffic Regulation Orders); as this was not secured through a Planning Obligation the ExA said that this should be disregarded.
- 8.3. Rather than adopt the approach recommended by the ExA [7.4.124] that the HGVRP should no longer be a certified document, the Applicant has chosen to submit document 17.4F which amends the HGVRP to take account of the ExA's concerns re triggers and fines. The proposal means that all occupiers of the development will be subject to a financial penalty immediately and each time a breach of the HGVRP is recorded. Further, the amended HGVRP sets a £1000 penalty for each breach, index linked. Additionally the £200,000 fund is secured by way of a Unilateral Undertaking to LCC.
- 8.4. BDC submitted its comments on the HGVRP by way of track changes [REP6-030]. BDC recognises that the amendments made in the revised HGVRP addresses the concerns raised by BDC in its previous submissions. The revisions offer an improvement in terms of the clarity on the type of measures that could be implemented and the mechanisms for delivering these.
- 8.5. However, BDC notes that despite its previous submissions the updated HGVRP does not provide for additional cameras to be installed in Blaby's area to ensure that use of the B4114 specifically is recorded. Furthermore, although the £200,000 fund is now proposed through a Unilateral Undertaking in favour of LCC it is understood that LCC continues to oppose the administration of the fund sitting with them and this continues to raise doubt about the efficacy of what the Applicant is proposing. LCC are clear that the fund will provide little improvement to the local road network to act as any deterrent to HGVs breaching prohibited routes.

- 8.6. Subject to these points, BDC generally considers the revised HGVRP addresses the concerns raised in examination as to its efficacy and enforceability. Accordingly, if the DCO is made, BDC are content that the revised HGVRP can become a certified document and, therefore, there is no need for the relevant DCO requirement to be amended to require the Applicant to submit a further revised version for approval by the local planning authority Prior to the occupation of any floorspace. Notwithstanding that position, BDC still maintains that the Proposed Development should not be granted development consent for the reasons outlined above and as stated during examination.

Other matters covered by the Applicant

9. Junctions 1 & 2 of the M69

- 9.1. BDC understands the reason that the Applicant has sought to clarify this matter for the benefit of the Secretary of State and accepts that National Highways has now agreed the furnishing methodology and that this is recorded in the Statement of Common Ground with the Applicant at Document 19.7C. Further BDC understands that the VISSIM model for J1 has been agreed.
- 9.2. BDC understands that LCC has significant reservations regarding the issues raised in the Road Safety Audit (RSA) for the VISSIM modelling at J2 of the M69. BDC continues to support the LCC position on this matter.

10. Public Right of Way

- 10.1. BDC acknowledges the changes made to the PRow and the inclusion of the 'wellbeing zone' but there remain concerns at the location and treatment of this area. The vehicular access to the A47 Link Road will be heavily trafficked and impact on the overall experience of the bridleway users and there is a lack of protection from the traffic on M69 for those users of the bridleway.

11. The DCO

- 11.1. The table below contains BDC's comments on the Applicant's response to ExA's recommended amendments to the dDCO insofar as these are relevant to BDC.

12. Provision	BDC comments	Proposed drafting
Art 7(2) (Benefit of Order)	<p>The Applicant has not incorporated the change to article 7(2) recommended by the ExA, nor provided any further explanation for this omission.</p> <p>BDC maintains its position in relation to this provision as outlined in our Deadline 8 submissions and in our Deadline 3 comments on the Applicant's revised dDCO [REP3-096].</p> <p>It is not appropriate for the powers of entry onto private land in articles 22 and 23 to be given to a person whose identity is not known.</p>	<p>If consent is granted, BDC considers that article 7(2) should be amended as recommended by the ExA to read as follows:</p> <p><i>2) Tritax Symmetry (Hinckley) Limited, has the sole benefit of the provisions of –</i></p> <p><i>a) Part 5 (powers of acquisition);</i></p> <p><i>b) article 22 (protective works to buildings); and</i></p> <p><i>c) article 23 (authority to survey and investigate the land),</i></p> <p><i>unless the Secretary of State consents to the</i></p>

		<i>transfer of the benefit of those provisions.</i>
Article 9 (Street Works)	<p>The Applicant has not deleted article 9(1)(e) as recommended by the ExA, nor provided any further explanation for this.</p> <p>BDC maintains its position in relation to this provision as outlined in our Deadline 7 Submissions.</p> <p>BDC maintains its position that, regardless of precedent, the construction of bridges and tunnels does not constitute "street works" for the purposes of the New Roads and Street Works Act 1991 and therefore 9(1)(e) should also be deleted.</p>	<p>If consent is granted, article 9 should be amended as shown below:</p> <p>9.—(1) The undertaker may for the purposes of the carrying out of the authorised development, enter on so much of any of the streets specified in Schedule 3 (streets subject to street works) as are within the Order limits and may—</p> <p><i>(a) break up or open the street, or any sewer, drain or tunnel under it;</i></p> <p><i>(b) tunnel or bore under the street;</i></p> <p><i>(c) place apparatus in the street;</i></p> <p><i>(d) maintain apparatus in the street or change its position; and</i></p> <p><i>(e) construct bridges and tunnels; and</i></p> <p><i>(e)</i> <i>execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (e).</i></p>
Article 22 (Protective Works to buildings and structures)	<p>BDC maintains its position in relation to this article. The Applicant has not justified why it is necessary for this power of entry to apply outside the order limits.</p> <p>This power should be amended so that it can only be exercised within the Order limits.</p>	<p>The article should be amended as shown.</p> <p><i>22(1) - Subject to the provisions of this article, the undertaker may at its own expense carry out the protective works to any building or structure lying within the Order limits which may</i></p>

		<i>be affected by the authorised development as the undertaker considers necessary or expedient.</i>
Article 40 (Guarantees in respect of payment of compensation)	BDC is content with the justification provided by in paragraph 6.6.1 of the Applicant's response as to why this provision does not need to apply to the exercise of the powers in article 12 (temporary closure of streets) and article 23 (authority to survey and investigate the land).	
Schedule 2, Requirement 9 (sustainable transport strategy)	<p>BDC considers that the Applicant's amendments to the Sustainable Transport Strategy (STS) are not sufficient. Accordingly, in the event the DCO is made, BDC proposes that the revised STS is made an outline document and that Requirement 9 of the Applicant's draft DCO is amended to require a further version to be submitted for approval by the local planning authorities prior to the occupation of any floorspace. This would provide further opportunity for the Applicant to work with the local authorities to develop an enhanced STS which is more likely to secure the use of sustainable transport.</p> <p>We consider that the requirement should be drafted as proposed.</p>	<p>Schedule 2, Requirement 9 (sustainable transport strategy) should read as follows:</p> <p><i>(1) No occupation of any warehouse floorspace may occur until a Sustainable Transport Strategy has been submitted to and approved by all of the planning authorities in whose areas the authorised development is to be constructed.</i></p> <p><i>(2) The Sustainable Transport Strategy submitted for approval under sub-paragraph (1) must be substantially in accordance with the outline Sustainable Transport Strategy.</i></p> <p><i>(3) The sustainable transport strategy approved under sub-paragraph (1) must be complied with following the first occupation of any warehouse floorspace on the</i></p>

		<p><i>authorised development.</i></p> <p><i>(4) The undertaker must use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transport in respect of—</i></p> <p><i>(a) Any HGV fleets operated by occupiers of the warehouse units which visit those warehouses; and</i></p> <p><i>(b) Any public transport service provided pursuant to the public transport strategy and dedicated to serving the authorised development.</i></p>
<p>Schedule 2, Requirement 18 (HGV management plan and strategy)</p>	<p>BDC is content with the Applicant’s amendments to the HGV management plan and strategy and is satisfied that these amendments address the intention behind the ExA’s proposed revision to this Requirement.</p> <p>Accordingly, BDC considers the ExA’s proposed revision of this Requirement (which requires a further version to be submitted for approval by the relevant planning authorities) is unnecessary. BDC is content that, if consent is granted, the version of the HGVM submitted by the Applicant on 10 December 2024 can become a certified document under article 50 of the DCO, and that compliance with the measures set out in the STS is secured by Requirement 18 of the Applicant’s Draft Development Consent Order</p>	<p>BDC is content with the drafting of Requirement 18 of the Applicant’s preferred draft DCO.</p>

13. Statement of Common Ground and ‘Position Statement’

- 13.1. The Applicant has approached the Council on two further matters, firstly to update the originally submitted Statement of Common Ground between the two parties following the ExA’s report; and secondly in response to the request in the Secretary of State’s letter of 20th December 2024 requesting the Applicant to provide an update by 7th February 2025 on any matters that remain outstanding including the status of negotiations and whether there might be agreement with relevant Interested Parties.
- 13.2. BDC has considered the Applicant’s request on both matters carefully. The Council is not minded to update the Statement of Common Ground. There has been no request to do so by the Secretary of State and the Council’s view is that what was submitted to the ExA does not require updating, it remains factually correct at the point of its consideration by the ExA.
- 13.3. The Applicant has interpreted the Secretary of State’s request for their update as requiring a ‘position statement’ and has invited the Council to be a signatory to such a document. It is the Council’s view that the Secretary of State’s request is specifically a request to the Applicant (in bold in the letter of 20th December) to provide such an update and does not require any agreement or signature by the Council. The Council therefore leaves the provision of such an update to the Applicant to submit.

14. Conclusions

- 14.1. BDC maintains its opposition to the Proposed Development which has been characterised by an overdevelopment of the Application Site and the introduction of an urban landscape that is alien to the surrounding environment. BDC is surprised that the Secretary of State has not raised her concerns about the impact of the development on the wider landscape of the area which the ExA considered would be *“substantially harmful and would significantly alter the rural setting of nearby villages including Stoney Stanton and Elmesthorpe”* [3.4.52]. The ExA concluded that *“the Applicant has therefore underplayed residual visual and landscape effects”* [3.4.52] The ExA felt that this should give substantial weight against the making of the DCO.
- 14.2. BDC is further surprised that the Secretary of State has not chosen to highlight the concerns the ExA expressed that the Proposed Development represented poor design and that the Applicant had not demonstrated that the adverse landscape and visual effects had been minimized through appropriate design, creating conflict with the NPSNN and the dNPSNN.
- 14.3. BDC remains of the view that the Proposed Development would result in significant adverse highways impacts which the Applicant has under investigated and insufficiently mitigated. The further submissions in respect of the modelling of J21 of the M1 and the revised proposals for Sapcote continue to raise concerns that the Applicant is underestimating the impact of the development at the junction of J21 of the M1 and J3 of the M69 to the detriment of the LRN. Further that the revised proposals for Sapcote are simply more dangerous to drivers and pedestrians than the originally submitted proposals.
- 14.4. BDC accepts that the revised proposals for Aston Firs will make an improvement to the residents of the site through the relocation and redesign of the acoustic barrier, but there remain concerns at the retention of the 4m high fence at the rear of the site.
- 14.5. The Applicant’s proposals form Narborough Crossing are inadequate in BDC’s view to offer any improvement to the situation for those with protected characteristics of age and disability as the measures simply do not offer a practical alleviation of the problem and are unlikely to encourage many from simply waiting at the barriers until they are raised.
- 14.6. BDC welcomes the proposed changes to the HGVRP which add clarity and robustness, but the same is not true of the changes to the STS which still renders in an unsustainable location where there is insufficient incentive to modal shift to meet the revised targets set out by the Applicant to achieve a reduction from 66% to 40% single car occupancy over the ten year period.
- 14.7. BDC submit that the application for the Proposed Development should be refused.