

Tritax Symmetry (Hinckley) Limited

**HINCKLEY NATIONAL
RAIL FREIGHT INTERCHANGE**

**The Hinckley National Rail Freight
Interchange Development Consent Order**

Project reference TR050007

Matters that Remain Outstanding

7 February 2025

This document has been prepared in response to the Secretary of State's letter 20 December 2024 which requests that the Applicant provide a further update by 7 February 2025 on any **matters that remain outstanding**. As part of this update, the Secretary of State requests the Applicant to set out the status of negotiations and to confirm whether the Applicant is of the view that agreement with the relevant Interested Parties might be reached and, if so, when they expect to conclude such an agreement.

[This document is not comprehensive and should be read in conjunction with Statements of Common Ground.](#)

Interested Parties referenced in this document where there remain outstanding matters include:

- (A) National Highways (NH)**
- (B) Leicestershire County Council (LCC)**
- (C) Warwickshire County Council (WCC)**

Outstanding Matter	Status of negotiations	The Applicant's view on whether agreement can be reached	Timescale to conclude the agreement
M1 Junction 21 / M69 Junction 3			
NH			
Use of VISSIM	<p>National Highways (NH) 27th November, confirmed the following: "As per National Highways Deadline 8 Position Statement, although we considered that VISSIM / Paramics would provide a much more accurate representation of performance. As a proactive effort in trying to find a way forward, we concluded that LinSig could be considered acceptable, provided that a good level of validation is achieved.</p> <p>The same AECOM LinSig modeller who provided feedback which informed the above Deadline 8 response, has continued to review various submissions of the model and supporting validation data through recent months (September/October) and considered the LinSig model's level of validation to be acceptable."</p> <p>Following the SoCG with National Highways submitted on the 10th December 2024, whilst the use of VISSIM was not revisited, the existing LINSIG model validation and the forecast model was agreed.</p>	Unlikely, though alternative models have been validated and the Applicant's view is that this addresses the points made by the SoS specific to signal timings.	
LCC	<p>Throughout the pre-application, application and examination stages Leicestershire County Council (LCC) wish to see have requested a VISSIM model for M1 J21 that replicates all movements impacting the operation of the junction, including on the Local Road Network (LRN), and the extensive surrounding area, LCC have also consistently requested including an unconstrained PRTM Strategic model run to demonstrate how much development and existing traffic would use the which shows the behaviour of the junction should the existing capacity issues not be present.</p> <p>The Applicant's view remains that the LinSig model is appropriate to be used given the position with NH outlined above.</p>	LCC do not agree with NH's view that the LinSig model provided is sufficient from a capacity point of view and still consider that a VISSIM model should be produced. On the basis that the Applicant does not agree with LCC's request, agreement cannot be reached.	The applicant does not agree with LCC's request and therefore this matter cannot be resolved with an extension of time.
Cobalt M1 Junction 21 / M69 Junction 3			
NH			
	<p>On the 27th of November 2024 NH commented in an email titled Hinckley NRFI – M1 Linsig Model review</p> <p>"The below comments are a purely factual, data driven response and relate solely to the traffic modelling, that is theoretical junction capacity, and do not consider potential <u>safety implications</u> which National Highways may consider to be severe or otherwise."</p> <p>Applicant response on the 2nd December 2024 to NH.</p> <p>"In relation to your comments of 27/11 on the M1 J21 Modelling regarding safety, we would draw your attention to the below information already before the Examination. We would like to understand NH's position in terms of safety at this junction as a priority please so that we can respond to the SoS's questions in this respect. Again, we would be happy to discuss on a call if easier.</p> <p>In terms of Road Safety, it is worth noting that the submission at examination included a COBALT assessment of Collisions within the ES Transport and Traffic Chapter APP-117 and the Transport Assessment included a detailed review of collisions (2015-2019) REP3-157.</p>	<p>Yes, The Applicant has maintained throughout the Examination and during the post September discussion, that for understanding future collision risk, COBALT represents the optimum method to forecast such risk and used to assess environmental impacts of a development in the future.</p> <p>Volumes of traffic do not have a linear relationship with collisions and as such an appropriate and accepted approach has been used to evidence the safety risk into the future horizon year.</p>	

Outstanding Matter	Status of negotiations	The Applicant's view on whether agreement can be reached	Timescale to conclude the agreement
	<p>Applicant email to NH on the 4th November 2024</p> <p>“Junction 21 Safety / COBALT issues. Having relayed your concerns about the age of this data, BWB have reminded me that this was something that was discussed at length during the Examination, and I provide the below for assistance:</p> <p>The Road Collision Data review and analysis was updated during examination directly to address GG119.</p> <p>At the request by LCC and NH during examination the most recent data was included within REP4-116 to correspond to GG119 for the works mitigation schemes (subject to audit) where it states: As a minimum the most recent 36 months of data should be covered. Later in this report a full review of all collisions in the most recent 5 year period was undertaken in section 3, here you can see the recorded collisions over the period (2018 to 2023) reduced. In this report we also summarised why 2019 base data review in Cobalt was still relevant as a worst case scenario and irrespective of that the impact of the development is within the forecast year. Paragraphs 3.5-3.7 of REP4-116 provide further detail on this.</p> <p>NH response 9th December 2024: “It is understood that COBALT assessments are typically used during the economic appraisal of a scheme. At present, we have concerns regarding the appropriateness of this approach, both in terms age of the data used (2015-2019) and the ability of the assessment to capture current operational conditions. We are happy to review and provide feedback during formal consultation stage. It is noted that the data referred to in your email below, was previously presented during the Examination.”</p> <p>NH response and update on 23rd January 2025</p> <p>“M1 J21 COBALT Assessment I previously communicated that National Highways will review and confirm its position on the assessment during the formal consultation by the Secretary of State (as outlined in my email 9/12/24). This remains National Highways’ position, the assessment is currently under review and we will be providing our comments to the Secretary of State as part of our response to the formal consultation.</p> <p>The COBALT data input and output file was shared; supporting information on the COBALT assessments was shared with NH.</p>	<p>The most robust data set (2015-2019) was used for the existing base position as collision data in subsequent years were reduced, partly because of the 2020 Covid pandemic. Dft statement on this included in documents submitted. For forecast years the traffic data with and without the development has been input and DfT COBALT calculates the likely annual collisions based on the traffic prediction and junction type.</p> <p>EMA Guidance para 3.42 states the following:</p> <p>The calculation of collision rates is still considered a relevant approach to scale a road safety assessment; however, it is more common for stakeholders to request a ‘collision cluster’ assessment to identify potential impacts at a more detailed level.</p> <p>3.43 Collision clusters are identified by a detailed review of the baseline characteristics to determine the road safety sensitivity of discrete areas of the highway network. The collision cluster criterion is typically based on a definition of number of personal injury collisions occurring within a defined period in a given spatial radius. Impacts are assessed by examining STATS19 collision data to identify any emerging patterns or factors that could be exacerbated by traffic or movement generation.</p>	

Outstanding Matter	Status of negotiations	The Applicant's view on whether agreement can be reached	Timescale to conclude the agreement
		<p>3.44 While the traditional approach to road safety serves to address collision rates and cluster sites to good effect, there are limits to the benefits that can be gained from retrospective assessment</p> <p>The submitted Environmental Assessment Transport Chapter, Transport Assessment and the Technical Note Collision Update (including data up to 2023) include cluster reviews and the Cobalt Assessment summaries provide annual collision rates and numbers.</p>	
Road Safety in Sapcote			
LCC	<p>LCC continue to raise fundamental highways safety concerns with the scheme proposals for the centre of Sapcote Village. There remains disagreement over the design suggestion for a vehicle activated sign within Sapcote to warn drivers of oncoming vehicles in the middle of the highway. LCC raised safety concerns around driver distraction.</p> <p>LCC maintain that the Road Safety Audit process as set out in GG119 has not been correctly followed.</p>	<p>The Applicant has <u>responded to implemented a</u> recommendations from an independent <u>Road Safety Auditor</u> suggesting that <u>problems identified will be addressed</u>. <u>Road Safety Auditor</u> and maintained that the <u>form and position of the signage would be subject to a</u> detailed design <u>stage</u> and <u>a</u> further Stage 2 Road Safety Audit. <u>LCC do not agree that this can be safely achieved.</u></p>	<p><u>Subject to approval of the application, discussion would continue throughout the s278 and associated Road Safety Audit process. On the basis it remains unclear if problems can be satisfactorily and safely addressed, timescales are unknown.</u></p>
M69 Junction 2			
LCC	<p>LCC state that they require requested that the timings associated with the Pegasus crossing on the A47 link road to be allowed for within the modelling for M69 J2 to ensure that any queues of traffic waiting at the crossing do not affect the junction. This has now been addressed.</p> <p>The Applicant provided the VISSIM of M69 J2 including the Pegasus crossing ahead of Deadline 8 in March 2024. Minor amendments to this model were made as part of the review with National Highways after the SoS Letter. The model was uploaded to a Shared folder for all local authorities including LCC to review on 25 Nov 2024.</p> <p>LCC state that they do not agree with the process that has been carried out with respect to Stage 1 RSA.</p> <p>LCC maintain that the Road Safety Audit process as set out in GG119 has not been correctly followed.</p>	<p>LCC have committed to reviewing the information provided for the Pegasus crossing and have stated that its inclusion could result in this item being agreed.</p> <p>The Road Safety Auditor has provided a letter setting out that the <u>proper process that</u> has been followed for the RSA. <u>LCC do not agree that this complies</u></p>	<p><u>It remains unclear if agreement can be reached. The Applicant suggested a way to move this forward that was subsequently retracted. It remains unclear if all safety issues can be addressed.</u></p>

Outstanding Matter	Status of negotiations	The Applicant's view on whether agreement can be reached	Timescale to conclude the agreement
		with GG119 in its capacity as <u>Overseeing Organisation.</u>	
Sustainable Transport Strategy			
NH	NH have remaining concerns including: <ul style="list-style-type: none"> Disagreement relating to pedestrian provision/measures, and details for achieving aspirational measures. NH 27/11/24 response: Concerns remain on how the Targets will be monitored and managed with necessary measures delivered/enforced as required remain. 	Active travel items were considered to have neutral weight within the ExA's assessment of the STS. The applicant believes that the commitments to both public transport and active travel, and ongoing monitoring throughout the life of the development will be effective at encouraging mode shift.	
LCC	LCC do not consider that the document is detailed enough as a certified submission but consider the document should be submitted as an 'Outline' document with a Requirement to submit in full as recommended by the ExA. There are also points around the enforcement and control of the target mode share which LCC maintain are not fully realised through the measures and commitments within the STS. LCC concerns are set out in their deadline submissions.	The Applicant has incorporated the recommendations made by the ExA in the recommendation report into the Sustainable Transport Strategy and consider it no longer needs to be an outline document. <u>If submitted as a full document there will be no opportunity to address LCC's concerns.</u>	<u>Agreement will not be reached based on the Applicant's approach.</u>
WCC	WCC's view: 'The revisions included in the updated document – additional 5% reduction in single car occupancy trips in peak hours, additional private bus service for SE Leicester - are supported, however they are unlikely to further reduce single car occupancy journeys for any future employees travelling from Warwickshire. The document does not make it clear if the same mode share targets are applicable to the shift change/off-peak periods.'	Active travel items were considered to have neutral weight within the ExA's assessment of the STS. The applicant believes that the commitments to both public transport and active travel, and ongoing monitoring throughout the life of the development will be effective at encouraging mode shift, including any shift	

Outstanding Matter	Status of negotiations	The Applicant's view on whether agreement can be reached	Timescale to conclude the agreement
		change overs and staff when occupiers recruit etc.	
HGV Route Management Plan and Strategy			
NH	<p>From 10 December SoCG:</p> <p>The management of high-sided vehicles and the low bridge on the A5 is not agreed. Low Bridge – Added into most recent HGV Route Management Plan and Strategy.</p> <p>National Highways remaining concern is in regard to the bridge on the A5 and risk of high sided vehicles travelling to and from the HNRFI striking the bridge. They state that any effect on the operation of the SRN are of significant concern until the Padge Hall Farm scheme is implemented (ExA report 3.3.305 and 3.3.306), while recognising there are “limited opportunities for the Applicant to remedy the situation”.</p> <p>It is also worth noting that all occupiers are required to adhere to the HGV Route Management Plan and Strategy which is secured by requirement.</p>	The Applicant does not agree with National Highways, it has sought to provide further warning within this plan and make the alternative route clear for occupiers who could have high sided vehicles using the A5 heading northwest to and from the HNRFI. The Applicant also notes that the ExA (ER 3.3.431) was satisfied with the HGVRP when considering this issue	
LCC	<p>LCC main outstanding issue: the wording of the Unilateral Undertaking which includes LCC administering the fund associated with the HGV routeing strategy. LCC <u>have questioned the level of the fund, and have stated that they have</u> consistently said that they will not administer the fund. and <u>Resolution of these points</u> would enable the HGV routeing strategy to be agreed.</p>	The Applicant has stated that the unilateral undertaking provides an option for LCC to manage the mitigation funds, it is not an obligation on LCC. The Applicant maintains that because there is an option for the Applicant to manage the fund which does not place an administrative burden on LCC.	<u>On the basis that the Applicant has submitted this Unilateral Undertaking without deleting wording relating to LCC administering the fund as has been consistently requested, this matter cannot be resolved.</u>
M69 Junction 1			
WCC	<p>WCC awaiting NH review on their behalf. NH consultants informed BWB that the Base Model had already been accepted by NH. The VISSIM Forecast Model, shows a very small increase in queues on the Warwickshire arm.</p> <p>WCC to contact NH - not received formal confirmation from NH.</p>	<p>Applicant agrees with the VISSIM sign off from NH. WCC require response from NH</p> <p>Applicants modelling team are happy to go through the model outputs and results with WCC.</p>	
Cross in Hand Round About			
NH	<p>Completion of the RSA1 process in line with GG119 remains outstanding for the proposed changes to the A5 Cross in Hand.</p>	The Stage 1 RSA completed raised no safety issues at this junction. The Auditor has provided a letter setting out that the proper process has been followed for the RSA.	

Outstanding Matter	Status of negotiations	The Applicant's view on whether agreement can be reached	Timescale to conclude the agreement
LCC	Completion of the RSA1 process in line with GG119 remains outstanding for the proposed changes to the A5 Cross in Hand roundabout .	Stage 1 RSA refers back to the Interim RSA that raises two completed raised no safety issues at this junction. The Designer does not agree with the Auditors recommendations. The Auditor has provided a letter setting out that the proper process that has been followed for the RSA.	Subject to approval of the application, discussion would continue throughout the s278 and associated Road Safety Audit process. On the basis it remains unclear if problems can be willingly, satisfactorily and safely addressed, timescales are unknown.
Gibbet Hill Roundabout			
NH	<p>A5 / A426 Gibbet Hill</p> <ul style="list-style-type: none"> Forecast Junctions 10 Arcady model agreed <p>There is disagreement on the approach to modelling (VISSIM vs Junctions 10) at the A5 Gibbet Hill Roundabout.</p> <p>Costing of proposed interventions have not been fully signed off and are under review.</p> <p>Completion of the RSA1 process in line with GG119 remains outstanding for the HNRFI mitigation scheme at A5 Gibbet Hill.</p>	<p>The Applicant has undertaken an Interim Safety Audit to ensure fundamental safety issues are captured and have provided NH with an RSA 1 brief which is agreed by WCC for signature in order to instruct a formal RSA 1.</p> <p>Costing is subject to NH review, this is unlikely to be provided to the Applicant ahead of their representations to the SoS.</p>	
LCC	<p>LCC maintain that the National Highways a-VISSIM model is required should be used for the testing of the junction.</p> <p>As there are no proposed works on the LCC network as part of the HNRFI mitigation scheme at Gibbet Hill roundabout, LCC have agreed that they do not need to be party to the RSA process but would like to be kept informed as to progress and outcomes.</p> <p>LCC will not agree to the contribution level as set out in the Unilateral Undertaking on the basis that the contribution figure has not been verified by National Highways.</p>	Agreement cannot be reached on the basis that the Applicant has refused to model the junction in VISSIM and demonstrate a safe and appropriate scheme of mitigation.	Agreement cannot be reached on the basis that the Applicant has refused to undertake appropriate modelling.
WCC	<p>WCC believe this junction should be modelled using the existing VISSIM model in order to ensure that the existing queues and delays on the approaches are adequately represented, the Arcady models used do not do this. The 2023 base model results suggest a queue of circa 300m on the A426 northbound approach (PM peak), observations by officers and journey speed data show the queue is likely to be in the order of 1.3km on an average neutral weekday.</p> <p>WCC have raised queries over the speed of HGVs tracked for the proposed mitigation scheme. It has not been confirmed that National Highways have accepted the proposed mitigation scheme as deliverable.</p>	Observed traffic data used for modelling (evidenced within the reporting) indicated queues well below anecdotal reports by WCC officers. No evidence has been presented by WCC for the Applicant to further review.	

Outstanding Matter	Status of negotiations	The Applicant's view on whether agreement can be reached	Timescale to conclude the agreement
		Tracking was carried out within normal parameters for swept paths.	