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To the Applicant  
(By email only)

Your Ref:

Our Ref: TR050007

Date: 07 March 2023

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Dear Ms Banks

## **Planning Act 2008 (as amended) – Section 51**

### **Application by Tritax Symmetry (Hinckley) Limited for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange**

#### **Advice to Applicant following withdrawal of application**

On 2 March 2023 the Applicant withdrew the above application following its submission on 3 February 2023.

In doing so, the Applicant indicated that this was to enable the additional information requested by the Planning Inspectorate in support of the application to be submitted.

This letter comprises advice to the Applicant provided under section 51 of the Planning Act 2008 (as amended) (PA2008). The Applicant should pay attention to its content and consider how appropriate action might be taken in response should it resubmit the application for examination.

1. Environmental Statement: Non-assessment of Greenhouse Gas emissions
  - 1.1 The Environmental Statement (ES) accompanying the application includes a chapter on Energy and Climate Change (Chapter 18). This, among other matters, purports to assess the carbon dioxide (CO<sub>2</sub>) emissions from the construction of the proposal and its operation. However, it fails to assess either the emissions from the construction of any of the substantive highway elements or from the re-routing of existing traffic resulting from the new highway infrastructure. It should be noted that the main highway works in themselves are substantial.
  - 1.2 The relevant chapter in the ES explicitly states: “construction emissions sources do not include enabling works, highways infrastructure and landscaping” (Table 18.22, footnote 58).

- 1.3 The Inspectorate did not agree to scope out an assessment of embodied carbon in building materials in the Scoping Opinion (Table 4.12 – ID 4.12.2), requiring that the ES assess all impacts of the Proposed Development where significant effects are likely to occur. No rationale is provided in the ES for subsequently scoping out the need for this assessment.
- 1.4 The omission of these elements from the assessments in the ES means that the ES did not meet a satisfactory standard to allow it to be fully considered. It should be noted that any assessment of these effects should then be considered with the other effects identified under the ES to consider any cumulative and/ or cross-cutting implications.
- 1.5 In resubmitting the Applicant must provide an updated ES Chapter assessing the emission effects of construction of the whole proposal (including enabling works, highways infrastructure and landscaping) and from the re-routing of existing traffic resulting from the new highway infrastructure. It should also ensure that all other documents are updated as necessary to take account of this additional assessment.
- 1.6 The Inspectorate advises the Applicant to fully address the above advice prior to a re-submission of the application.

The following advice identifies matters within the submitted application which the Applicant is advised to amend/ correct in order to facilitate an effective examination if the application is accepted by the Planning Inspectorate.

## 2. Nature of energy generation proposals

- 2.1 As set out in the Planning Statement accompanying the Application (Doc 7.1) the proposal includes energy generation both from renewable sources (photovoltaic arrays mounted on the roofs of the proposed buildings) and an energy centre on site including a Combined Heat and Power (CHP) Plant. The generation capacity of the array is stated to be 42.4 megawatts (MW), with the CHP having a generation capacity of up to 5 MW.
- 2.2 The threshold whereby an energy generation proposal would be an NSIP in its own right is 49.9 MW (s15(2) of the PA2008).
- 2.3 The Applicant appears to acknowledge that as improvements in technology are made, the generation capacity from the array could exceed this threshold by the end of the construction period (10 years) and therefore is suggesting a requirement in the submitted draft Development Consent Order (Doc 3.1) to limit generation capacity to 49.4 MW. This requirement may not meet the tests for requirements set out in the National Policy Statement for National Networks.
- 2.4 If it is not possible to secure the capping of the energy generation, as proposed, then the proposal would contain an element which should have been considered as an NSIP and should have been consulted on as such.
- 2.5 The Applicant is requested to fully consider if a requirement is the appropriate way to set a limit on generation capacity, whether in policy terms a limit is appropriate at all and set out its response in any revised submission.

### 3. Transport Assessment

- 3.1. The Transport Assessment (ES Appendix 8.1) submitted has significant formatting problems with the document which means that it is difficult to read and ensure it has all the necessary information. There are also a small number of other changes which would improve its clarity.
- All tables need to be complete with their headings on a single page (unless it continues on more than one page due to size, when headings should be repeated). Figure headings should be immediately above the figure itself (ie not on a separate page).
  - Figures 5.7 to 5.10 do not have keys or an indication to explain what the different designations mean. Could these please be added.
  - Figure 7.3 while showing differences in traffic flows does not differentiate between positive and negative changes. Could this please be re-presented providing this information.
  - Consider if Tables 7-1 to 7-4 can be provided in MS Word or MS Excel to allow them to be manipulated.
- 3.2. Should the Transport Assessment not have all the necessary information this would also mean that the examination would be delayed while these matters are resolved. The transport effects are likely to be one of the principal issues in the examination.

### 4. Energy Strategy

- 4.1. The Energy Strategy (ES Appendix 18.1) while setting out the energy which would be produced by the Proposed Development and comparing this with the energy requirement, does not set out how the energy requirement has been derived.
- 4.2. The Applicant is requested to provide the assumptions behind the estimated energy requirement.

### 5. Habitats Regulations Assessment

- 5.1. Regulation 5(2)(l) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) requires:
- “Where applicable, a plan with accompanying information identifying:-
- any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;
- 5.2. ES Figure 12.1 Statutory Designated Sites does not show the Special Areas of Conservation screened into the Shadow Habitats Regulation Assessment (sHRA) (Appendix 12.3 of the ES) and the sHRA also does not provide a figure showing the location of the relevant habitat sites cited.
- 5.3. The Applicant must provide a plan identifying European statutory designated sites.

### 6. Water Framework Directive Assessment

- 6.1. APFP Regulation 5(2)(l) requires a plan with accompanying information identifying (iii) water bodies in a river basin management plan. There is a Water Framework Directive (WFD) groundwater body (Carmarthen Soar - Secondary Combined) that has not been presented on any figure within the Water Framework Directive Assessment (Doc 12.1).

6.2. The Applicant is requested to provide a plan identifying this groundwater body.

## 7. Plans

7.1. There are a number of cartographic issues with the Land Plans, Works Plan and Crown Land Plans, General Arrangement Plan, Access and Rights of Way Plans and Speed Limit Plans which need resolution.

7.2. While some of these are minor and could be readily resolved, they do not give the impression that the application is of a satisfactory standard for acceptance.

7.3. The following are all examples rather than being a comprehensive analysis of the issues. All documents referred to should be thoroughly checked.

7.4. It would assist the Examination if all the sheets of the plans covered the same areas with the same cut lines, for example this does not occur between the Land Plans and Works Plans. This should apply across all the main plans series and it would also assist if plans covered the same areas with the same cut lines.

### *Land Plans*

7.5. Naming within the Book of Reference (BoR) to aid identifying land should be clear on Plans, especially if plots are going over more than one sheet. For example, Parcel Number 26 as shown on Land Plans Sheets 1 and 4.

7.6. Plot numbers are required on inserts as well as on the sheet and vice versa, for example plot no. 37 in Insets 3 and 4 and on Land Plans Sheet 1 (and also on Land Plans Sheet 4). Where a Plot is on more than one sheet it should be referenced on all sheets.

7.7. Plots being identified as 'No compulsory acquisition powers sought' although are mentioned within the BoR, DCO (under works numbers) and are classified by colour within the Works plans (for example Work no. 14 and more identified on sheet 1) (see also item 8). This appears inconsistent.

### *Works Plans*

7.8. On sheet 4, no 4, the Limits of Deviation are shown. It is not clear what potential effect this may have on adjoining works. In other words, if there is a limit of deviation to one side of a line consider if there should not be a complementary limit of deviation for the adjoining work.

7.9. Labelling of roads needs checking and co-ordinating with the DCO. For example, Work 11 on Sheet 7A is shown as relating to Hinkley Road, Stanton Lane, Station Road and New Road, while the description in the DCO (Doc 3.1) only refers to Hinkley Road.

### *Crown Land Plans*

7.10. Plot numbering is required on all sheets, for example Plot no. 36 is shown on sheets 1 and 2 and is coloured on sheet 2 but not numbered.

### *Access and Rights of Way*

7.11. The DCO (Schedule 5, Part 1) says about a substitute being provided between points 21 and point 23. There is difficulty in identifying Plot 23 on the plans, and

despite the key and DCO indicating that the lines are 'dashed and dotted' no dots can be seen.

- 7.12. Cut lines should be on identical locations, for example, sheet 1 and sheet 3 cut lines make it ambiguous which sheet is being relied upon.

### *Speed Limit Plans*

- 7.13. Although the key indicates that an existing order is amended, it is not clear how this would apply. While Schedule 8, Part 1 of the DCO sets out the change, there do not appear to be any highways marked "LOCAL HIGHWAY WITH 50MPH SPEED LIMIT EXISTING ORDER AS AMENDED BY THIS ORDER" on the Speed Limit Plans.
- 7.14. Colours on legends visible in plans going outside order limits and without labelling, for example sheet one – Orange dashed line, no speed limit is given for plot to south west of the Order Limits and stops as high as Solid pink line at A with no indication for the roundabout.
- 7.15. In Schedule 8, part 3 of the DCO (Doc 3.1) there is reference to the speed limit on Documents 2.7B and 2.7C. However, between points AA and Z and AB and AC appears to be below the cut line for sheet 2 so should only be referred as being on sheet 3.

## 8. Clarity as to delivery mechanisms

- 8.1. Some of the land within the Order Limits is not coloured on the Land Plans but is shown for works. From the lack of colouring, it can be assumed that neither Compulsory Acquisition (CA), Temporary Possession (TP) nor Temporary Possession with Rights (TPR) would apply. While requirements can secure their delivery, the delivery mechanism is not clear and not set out in the Other Consents and Licences Report (Doc 5.2). Given that a DCO is a 'one-stop-shop', this should be clear within the application.
- 8.2. Should the delivery mechanism, when identified, be found not to be sound and CA, TP or TPR required, then those with an interest in the relevant land would need to be identified and consulted. This would in turn require additional hearings to allow proper consideration including of the Human Rights of the parties and potentially not being able to complete the examination within 6 months.

## 9. Other Matters

- 9.1. In paragraph 1.97 of the HGV Route Management Plan and Strategy (Doc 17.4) refers to "Figures A1 to A3 in Appendix A". However, this appears to have been omitted.
- 9.2. The Planning Statement makes reference to potential percussive piling, the Construction Environmental Management Plan (CEMP) does not appear to make reference to this. However, a Section 61 Notice under the Control of Pollution Act 1974 is referenced. The CEMP needs to amplify issues around piling, and cross reference to ground survey data.
- 9.3. Figure 9.5 to Chapter 5 of the ES presents the operational phase road traffic emissions study area. As the study area abuts the edge of the plan, it is not clear

whether the full extent has been captured on the figure. The Applicant is requested to clarify this and provide revised plans if necessary.

Please pay close attention to the advice set out in this letter and act on it accordingly in any resubmission. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters, please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

*B Bartkowiak*

Bart Bartkowiak  
**Case Manager**

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