



Meeting note

Project name	Hinckley National Rail Freight Interchange
File reference	TR050007
Status	Final
Author	The Planning Inspectorate
Date	13 July 2023
Meeting with	Mr Alberto Costa MP, Dr Luke Evans MP, representatives from Blaby District Council, Burbage Parish Council, Cat Bass of Elmesthorpe Stands Together, Earl Shilton Parish Council, Fosse Villages Joint Group, Huncote Parish Council, Save Burbage Common, Sharnford Parish Council, and Stoney Stanton Action Group, Stoney Stanton Parish Council.
Venue	Microsoft Teams
Meeting objectives	Outreach to discuss the DCO Process
Circulation	All attendees

Summary of key points discussed, and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

In response to a query regarding the possibility of recording of the meeting to assist stakeholders not in attendance, the Inspectorate explained that the note would capture the key sources of information discussed and make a record of questions asked and responses given. As such, no recording was taken.

The DCO Process

Following an address from Mr Costa and Dr Evans, the Inspectorate invited attendees to access the National Infrastructure Website in order to provide an overview of the key resources and sources of information of interest.

[National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk)

The Inspectorate took attendees through the webpage content to explain each step of the DCO application process, relating each stage to the Hinckley National Rail Freight Interchange application, explaining that it is currently at the Pre-Examination stage. The Inspectorate then showed attendees where to access the Inspectorate's Advice Notes, as well as links to the relevant legislation and other resources including videos of hearings and a typical preliminary meeting. The Inspectorate advised that the Advice Note 8 series, written for members of the public, would be of assistance and may be able to answer questions Interested Parties have about the Planning Act 2008

process. Attendees were shown how to find a specific project page and how to filter the individual project pages to find project-specific information.

The Inspectorate then took attendees through the Hinckley National Rail Freight Interchange webpage, showing how to access the Project Overview, associated documentation, and the project mailbox address. The location of published relevant representations was also shown, noting the period for submission ended in June.

[Hinckley National Rail Freight Interchange | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://planninginspectorate.gov.uk)

Question and Answer Session

The Inspectorate advised again that the Hinckley National Rail Freight Interchange project is in the pre-examination stage of the process, and invited attendees to ask any questions they may have about the process and the information shared during the meeting so far. The Inspectorate advised that it would not be able to discuss the merits of the application or the details of matters to be examined in relation to the project. The table below captures the questions posed by attendees and the responses provided by the Inspectorate.

Question	Response
Which Secretary of State is responsible in this case -would it still be the Secretary of State for Transport as I see the application acceptance was signed off by the Levelling up department	The decision maker will be the Secretary of State for Transport. The acceptance decision is made by the Inspectorate on behalf of the Secretary of State for Levelling Up, Housing, and Communities under delegated authority.
Is it possible that, having considered the information supplied for examination, PINS could decide that the consultation was, in fact, inadequate as stated by many parties, and if so, what happens next?	The adequacy of consultation is tested during the Acceptance stage, including seeking host and neighbouring local authority views on the matter (s55 of the PA2008). If it is considered that the Applicant has fulfilled its consultation duties under the PA2008, and the application is accepted for examination, the acceptance decision can only be revisited by way of legal challenge following the SoS' decision on the application; it cannot be re-opened during the Examination.
Do all issues raised as Relevant Representations during the pre-examination get addressed during the examination? We note that 1424 representations were made.	The Examining Authority (ExA) will consider all Relevant Representations, but it is for the ExA to decide on the matters which are relevant to the examination. Following the Relevant Representation period, the ExA must make an initial assessment of principal issues. This is made available to all parties in the invite to the Preliminary Meeting ('Rule 6 letter',

	<p>named after The Infrastructure Planning (Examination Procedure) Rules 2010)), and discussed at the Meeting. Following the meeting the ExA issues its 'Rule 8' letter which amongst other things confirms the Examination timetable and the deadlines for representations on identified matters.</p> <p>If helpful to understand what to expect, Rule 6 and Rule 8 letters for each project are published on the relevant NI project webpages, and those for existing projects can be found by filtering to view any projects in or past the Examination phase and clicking on the Documents tab, as shown in the presentation.</p>
<p>How do PINS handle the different topics, and in particular how do we feed more detailed or considered information to PINS? For instance should separate inputs be made for each broad topic or should we input a document covering all topics (in sections)? Do we wait until further information is requested?</p>	<p>As confirmed above, the ExA will issue the 'Rule 8 letter' following the Preliminary Meeting which sets out the Examination Timetable. This includes deadlines for the submission of written information. It also sets out how parties can respond to other representations made.</p> <p>The Timetable will also include time periods for Hearings to be held. The ExA will notify all parties of the arrangements for those Hearings at least 21 days in advance, and detailed agendas will be published around a week before each event. This could include Issue Specific Hearings on topics that the ExA consider need oral discussion at a Hearing.</p> <p>The Inspectorate is unable to advise on how parties should present their evidence; that is a matter for each party to decide. However, submissions should be focussed and easy for the ExA to follow.</p>
<p>Can new issues be raised which were not covered by our Relevant Representation?</p>	<p>New matters can be raised but will only be accepted into the Examination at the ExA's discretion. It is in the interests of all parties to avoid raising new issues late into the Examination, as this can leave insufficient time for them to be addressed and could lead to the disadvantaging of parties involved.</p>
<p>If another party raises a topic we hadn't considered, can we input additional</p>	<p>The Examination Timetable sets out in detail how parties can respond to other</p>

information relevant to their input?	representations made.
If the HNRFI is given permission to go ahead, will there be legally enforceable assurances that the operation intended will actually happen, e.g. to be used as a rail terminal with a minimum number of trains per day, not as a pure warehouse site.	When submitting its Recommendation Report to the SoS, regardless of what the recommendation is, the ExA is required to provide the SoS with a recommended Development Consent Order (rDCO). The content of the rDCO in relation to the form of the project subject to consent will be determined by the ExA and the made DCO will be determined by the decision-maker (the SoS). If consent is granted there are normally enforceable requirements which are similar to conditions on a planning permission. Responsibility for enforcing or discharging the requirements usually lies with the local authorities or regulatory authorities depending on what they relate to.
Which authority ensures the indicative plans (Rochdale envelope) are complied with were this project to be accepted	The application was accepted for examination on 13 April 2023. The rDCO (see above) will address this matter, usually by way of certification of the plans necessary to secure the recommended form of the project.
How is the decision about the balance of the benefit to the country (if any) compared to the detriment to the local area made? Is it quantified?	<p>The decision maker is the relevant Secretary of State, in this case, the Secretary of State for Transport.</p> <p>The decision is made against the relevant National Policy Statement– in this case the National Networks NPS (NNNPS).</p> <p>National policy statement for national networks - GOV.UK (www.gov.uk)</p> <p>National Policy Statements undergo a democratic process of public consultation and parliamentary scrutiny before being designated (ie published). They provide the framework within which Examining Authorities make their recommendations to the Secretary of State. The NNNPS was designated in 2014, and a reviewed draft has recently been subject to consultation (March-June 2023).</p> <p>The legal basis of how the ExA applies the framework of the NPS is set out in section 104 of the PA2008, and as part of this local impacts must be considered.</p>
Many in my District ward are convinced	Previously decided projects can be viewed

<p>this is a done deal due to the perceived weighting of the process in favour of the developers within the legislation. Based on experiences, what proportions of similar developments have been successfully challenged, and to what extent do developing legislation play a part in the decision making process? Finally, is this just a tick box exercise for the developer?</p>	<p>on the NI Webpage by following the link to Projects, then filtering to Decided. Any legal challenge to a project is recorded on the webpage within this section.</p> <p>Information about how legislation and policy is applied can be found on the Legislation and Advice tab. For information about emerging draft National Policy Statements or reviews of designated National Policy Statements please refer to the website for the relevant Government Department.</p> <p>The PA2008 explains how policy is to be applied in the decision-making process, including policy under review. The Inspectorate cannot discuss the merits of policy or legislation.</p> <p>Any promoter of an NSIP must first apply for consent to do so. For such a project, the Planning Inspectorate examines the application and will make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant or to refuse development consent. The examination is a fair, open, and robust process which considers evidence from all parties involved.</p>
<p>The budget locally doesn't exist to communicate in writing to all residents, and the only party who has that funding is the applicant, who's view is very biased. Is there a mechanism in the process for ALL residents (including those with accessibility issues and not online) to be updated and informed throughout this process, in a non bias way from by planning inspectorate?</p>	<p>The Planning Inspectorate holds responsibility for communication with all parties during examination. The mechanisms for communication and for all parties involved in the examination to be updated and informed are explained in Advice Note 8 in general terms.</p> <p>The mechanism of participation, including when to expect information to be submitted forms a fundamental component of the Rule 6 and Rule 8 letter (described above), the latter of which sets the Examination Timetable. This document sets out what can be expected and from which parties.</p> <p>Anyone wishing to be kept updated can also sign up to the notification service via the project webpage.</p>
<p>Many people wishing to make a</p>	<p>The Inspectorate and the ExA are aware</p>

<p>representation will wish to do so in person but may not be able to travel far to do so and may not be able to or comfortable attending an event virtually. There is concern around the availability of a local venue suitable to host the examination events to allow those people to participate.</p>	<p>of the issues that rural locations present in terms of securing suitable venues for events.</p> <p>The Examining Authority may ask at the Preliminary Meeting for suggestions and preferences in terms of the locations or venues for potential hearings.</p> <p>The Planning Inspectorate case team must be made aware of any specific needs in advance of the hearing, and every effort will be made to assist.</p> <p>When arranging venues, the Inspectorate work to a checklist of strict criteria for location, accessibility, and available facilities and have considerable experience of managing location-specific matters that arise.</p> <p>Whilst it is preferable for events to be held as close to application sites as possible, often that is not possible due to a lack of suitable venues. The Inspectorate will consider the feasibility of any venues that is brought to its attention, before deciding on where events will be held.</p> <p>It is also worth noting that examination events are often undertaken on a 'blended' basis, whereby parties can either join in person at the venue, or virtually via Microsoft Teams. Parties will be able to fully participate whichever method they chose.</p> <p>The Inspectorate understand the desire to participate in person, however, the process remains primarily a written one and written submissions are given equal weight to oral submissions. Being unable to attend hearings or events in person does not preclude a person's participation in the Examination process.</p>
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