

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

hinckleySRFI@planninginspectorate.gov.uk

Date: 9th February 2024
My Ref: 20040633
Your ref: TR050007
Contact: Julie Thomas
Phone: [REDACTED]
Email: [REDACTED]@leics.gov.uk

Dear Sirs

Application by Tritax Symmetry (Hinckley) Limited for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange – Deadline 5 submission

Please find attached submissions on behalf of Leicestershire County Council (LCC) in relation to Deadline 5 of the Examination Timetable as set out in a letter from Mr Robert Jackson dated 26 January 2024.

The attached documents are as follows:

- Written submission of ISH6 oral case
- Comments on Applicant's Deadline 4 submission
- Response to further questions posed by the Examining Authority (ExA)
- LCC s106 Heads of Terms
- LCC comments on dDCO Protective Provisions
- Information requested by the ExA (Hearing Action Points)
- Leicestershire County Council Statement of Common Ground (SoCG). To assist the ExA and the Applicant LCC have prepared a SoCG that it would be prepared to sign before the end of the Examination deadline

In addition, at Deadline 4 LCC advised the ExA that further information would be provided at Deadline 5 in response to three ExA questions as follows:

- 1.0.16 Energy Generation – after further consideration LCC have no additional comments to make.
- 1.6.1 Appendix 11.1 Landscape Visualisation baseline report – An estimate of the current economic value of the land from an agricultural output perspective has now been prepared. The estimate from the 3 main holdings based on the site amounts to £1.166m. This comprises total agricultural output and contribution to the supply chain, as well as profit, tax and monies available for investment. In addition, there are 12 hectares of paddocks (relating to essentially residential properties) and amenity

Chief Executive's Department
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA

John Sinnott, CBE, MA, Dipl. PA, Chief Executive
Tom Purnell, MSc, Dipl. PLM, Assistant Chief Executive

www.leicestershire.gov.uk

land which have not been assessed. After further consideration, LCC have no additional input to make regarding broader estimates on the economic value from the public perspective or on the use of Asset Quantity Indicators for farmland habitat quantity.

- 1.7.12 Logistics Demand and Supply Assessment – It is unlikely that up-to-date information in respect of residential and employment land supply will be made available to LCC for us to share with the ExA before the close of the examination on 12th March 2024.

Please do not hesitate to contact me should any further information be required.

Kind regards



Julie Thomas

Head of Planning, Historic and Natural Environment

Written submission of Oral Case
ISH6 – Traffic & Transport, and Noise

Wednesday 24 January 2024

1. Leicestershire County Council (“LCC”) participated in relation to Agenda Items 3 and 5.

Agenda item 3: road highway network

(a) Furnessing

2. LCC explained that it has worked with the Applicant to identify and agree the junctions which required further surveys, the dates on which the surveys were to be undertaken and issued permits to the Applicant to allow them to carry out the surveys.
3. These surveys have now been carried out and LCC understands that the Applicant has subsequently updated the furnessing spreadsheet.
4. LCC need now to check that that data has been translated from the surveys to furnessing spreadsheet correctly and then, in turn, interpreted in the local junction models appropriately.
5. LCC confirmed that it hopes to be able to do this by Deadline 5 but will, in any event, update the ExA on the latest position at that deadline.

(b) Padge Hall Farm & A5/ A47 Junctions

6. As confirmed by Hinckley and Bosworth Borough Council, the Padge Hall Farm planning permission has now been granted (“the Planning Permission”). The Planning Permission includes land for drainage works that are required in connection with the proposed lowering of the carriageway on the A5 to create more headroom under the bridge which is frequently struck by high-sided vehicles.
7. Whilst LCC does not suggest there is a particular delivery problem, there is no guarantee that the Padge Hall Farm Planning Permission will be built out. The Applicant cannot deliver the same works to lower the carriageway of the A5 under the bridge given the need for land outside of the highway for the necessary flood attenuation works.
8. There is no scope now within the remaining Examination period for the Applicant to seek additional land. The only route now available, therefore, to ensure that the works to the A5 are carried out prior to the operation of the Scheme, is a requirement in the form of a Grampian condition that would prevent use of the scheme until the works had been carried out.
9. The lowering of the carriageway will allow high sided fleet to use the A5 leading to a 20% uplift in HGVs using that route. LCC asked for revised modelling of the A47 Longshoot/ Dodwells junction to include the Padge Hall Farm Planning Permission and the mitigation proposed as part of it.

10. This appears to have been submitted at Deadline 4 and is summarised in the Applicant's response to deadline 3 submissions (appendix B – Transport 2023 Update) [REP4-131]. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation is required.

11. LCC need to review the modelling. However, LCC's preliminary view is that it is unlikely to be able to agree with this conclusion. LCC is currently involved in several development sites which impact this junction. The consistent evidence is that it operates overcapacity now. This does not sit comfortably with the Applicant's conclusion that it is not required to mitigate its impacts. It should be noted in this regard that the Padge Hall Farm development does not create capacity, it merely mitigates its own effects. Further, as National Highways ("NH") pointed out at the hearing, the modelling focuses only on the junction itself and does not consider impacts on the wider area.

(c) M69 Junction 1

12. A revised VISSIM model for the M69 J1 taking account of the Padge Hall Farm development appears to have been submitted at Deadline 4 and is summarised in the Applicant's response to deadline 3 submissions (appendix B – Transport 2023 Update) [REP4-131]. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation will be required. The Applicant had previously proposed mitigation being the re-validation of MOVA signal control at the junction. A failure here would lead to queuing onto the M69 mainline which is not LCC's network. It is therefore principally a matter for NH. However, there is potentially a highway safety issue here.

(d) M69 Junction 2

13. LCC have raised two matters in relation to the M69 J2. First, LCC sought revised VISSIM modelling of the junction to take account of the signalised crossing on the A47 slip road being called, which had previously been omitted. This appears to have been submitted at Deadline 4 and is summarised in the Applicant's response to deadline 3 submissions (appendix B – Transport 2023 Update) [REP4-131]. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation will be required. LCC need to review the model to check that the crossing has been coded correctly. It is likely that this issue can be agreed.

14. Secondly, LCC asked for assurances and evidence that the structures (owned by NH) supporting the circulatory (which is a LCC road) would not be adversely impacted by the new south bound slipways. LCC has not yet had any sight of the requisite engineering details to provide that assurance.

(e) M1 Junction 21/ M69 Junction 3

15. The ExA asked LCC to confirm where the boundary with Leicester City Council's administrative area was located. LCC confirmed that Leicester City Council's administrative area began at the Braunstone Lane East Junction which is some distance away such that impacts at this junction are for NH and LCC.

16. The junction has now been modelled but in Linsig (with Lutterworth East mitigation) at Deadline 4 and is summarised in the Applicant's response to deadline 3 submissions (appendix B – Transport 2023 Update) [REP4-131].
 17. This assessment concludes that the proposed development would not have a material impact on the operation of the junction and no further mitigation will be required. However, this places a reliance on the delivery of the Lutterworth East scheme (which cannot be guaranteed) and a reliance on a reduction of 10-13% of development traffic routeing through the junction based on the effects of the Sustainable Transport Strategy. LCC does not accept that these reductions can be achieved on the basis of the Sustainable Transport Strategy.
 18. It should be noted that whilst the Lutterworth East Transport Assessment, which LCC has reviewed and undertook to provide to the Examination at the next deadline, concluded that whilst the mitigation proposed mitigated the impact of the Lutterworth East development, it did not provide any additional capacity for other development. Moreover, it concluded that the junction would continue to operate over capacity, noting the intention of the scheme was to offset the highway safety implications of Lutterworth East traffic queuing on the M1 mainline having exceeded the capacity of the M1 J21 northbound off slip.
 19. The junction has not been modelled in VISSIM as requested. NH said during the hearing that it had raised concerns about the need to assess properly this junction using a VISSIM model, but had been stonewalled by the Applicant. LCC has consistently made the same point.
 20. The use of the Linsig model is not appropriate. The Linsig model will not capture all the complex movements and free flow link at this junction and so will not capture the full extent of the impacts. The Applicant has, however, refused to use a VISSIM model.
 21. Extraordinarily, the Applicant sought to justify this at the hearing by suggesting that the Linsig was appropriate in circumstances where the impacts were negligible, as they are on the Applicant's assessment, but that is to put the cart before the horse. The purpose of the modelling is to *determine* the impacts. Only the VISSIM model will allow the full extent of the impacts to be understood.
 22. The failure to model properly and engage with the impacts and required mitigation at this junction is an intractable problem at the heart of this application. The Applicant chose a strategy to displace traffic onto the local road network and not to address its impacts at this junction, which is already overcapacity. It is this early strategic choice and a refusal to revisit it which sits at the heart of the many problems with the traffic assessment and impacts of this Scheme.
- (f) Narborough Level Crossing (road and NMUs)
23. LCC scoped new traffic surveys with the Applicant team in order to seek to establish accurately queue lengths on all approaches to the crossing, as requested by both LCC and the ExA.

24. The surveys have now been undertaken. However, the new survey data does not appear to have been appended to the Deadline 4 submissions **[REP4-119]**. Moreover, the Applicant has not summarised queue lengths in terms of numbers. At present, therefore, LCC cannot know whether the Narborough Level Crossing Report is accurate.
25. Nor has the Applicant analysed what the additional impact of barrier downtime will be on these queue lengths. This means that the Applicant has simply not assessed the impact of the development, which is precisely what the Applicant should be doing.
26. LCC therefore does not know if the existing situation has accurately been identified by the Applicant and, moreover, there is no attempt to assess the impact of the development. No mitigation is proposed but, given the above, there is no way to assess whether or not mitigation is required. The impact of the development on the wider local road network in this location also remains unclear and unassessed.
27. Further, the Applicant has not properly assessed the impact on NMUs. In this location, many NMUs will not be able to cross when the barrier is down due to the lack of accessible crossing facilities.
28. The Applicant confirmed that they would provide a model of the junction to LCC as soon as possible to enable LCC to comment on it at Deadline 5.

(g) Sapcote

29. The ExA asked about the removal of the gateway at Sapcote. LCC had said a gateway was not necessary as gateways are generally used as traffic calming measures and there was no evidence of speeding to justify the gateway.
30. LCC said it would set out its highway safety concerns in relation to the mitigation now proposed in Sapcote. LCC had very serious safety concerns with what was previously proposed and, further, questioned how that mitigation scheme would address the impact of a doubling of HGV movements through the village.
31. LCC's concerns were reflected in the Interim Stage 1 Road Safety Audit Response Report **[REP4-151]**. Consequently, the Applicant team have submitted revised proposals at Deadline 4 within Geometric Design Strategy Record (Sheet 18) **[REP4-025]**. However, the proposals as now submitted continue to raise serious fundamental highway safety concerns, which relate primarily to the safety of vulnerable road users. The proposed scheme creates potential conflicts between vehicles and non-motorised users of the crossing and shared surface in front of the Co-op. The concerns previously raised by both LCC and the Interim RSA have not even been incorporated in the revised design. The Sapcote mitigation scheme is fundamentally flawed.
32. The select link information provided is not the information that has been provided to LCC previously and that LCC requested be presented to the ExA. The information requested was select link analysis for the village of Sapcote demonstrating increases in flows, including HGV traffic. However, the figures are only visible if zoomed in to 3,200% which distorts the base mapping and renders the information unusable. Neither is it clear if the figures are bi-

directional or relate to one direction. Nor do the figures break down the number of cars and HGVs within them. The information is unusable and of no assistance whatsoever.

(h) A5/ A426 Gibbet Hill Junction

33. Again, LCC has consistently requested that the junction is modelled in VISSIM and advised that there is a standalone VISSIM model for the junction, but the Applicant has not done this.
34. As to the proposed contribution for mitigation at this junction, LCC has concerns about the contribution both in terms of quantum and securing it.
35. When other developers have identified and assessed schemes of mitigation to address the impacts of their particular development, they have then costed the mitigation scheme and a contribution has been offered in lieu based on the cost. This has not been done here and the methodology behind the suggested contribution is opaque.
36. In terms of securing mitigation there are two problems: first, no contribution is offered within the 106 Heads of Terms; secondly, WCC holds the funds and is not a party to the section 106. LCC is not prepared to hold monies. WCC is set up to do so for this junction and is already doing so on behalf of other developers already.
37. Accordingly, it seems likely that this item needs to be dealt with by requirement which would need to be included in draft DCO.

(i) Cross-in-Hand Roundabout

38. The Applicant has updated their capacity assessment of the Cross-in-Hand roundabout following new surveys. This has been submitted at Deadline 4 and is summarised in the **[REP4-131]**. The Applicant has reduced the proposed scheme of mitigation which now excludes any improvements on the LCC network (A4303). LCC were not aware of this proposed change and cannot agree to this until it has had an opportunity to review the survey data, furnishing spreadsheet, and revised capacity assessment. LCC notes that the Applicant's data does not capture U turn movements which occur at this junction. This leads to some concern about the latest survey data or its interpretation and application in the modelling which LCC is investigating.

(j) HGV Routeing and Enforcement

39. LCC raised a number of issues with regards the HGV Route Management Plan & Strategy **[REP4-114]**.
40. First, LCC notes the inclusion of reference to GDPR and the Applicant's commitment to producing a Data Processing Agreement and Data Protection Impact Assessment (paragraph 5.40), however, it remains unclear as to how it will be shared with the highway authorities.
41. Secondly, whilst the Applicant has said the ANPR camera locations have been set out, LCC has not been provided with these. The Applicant explained that the locations are set out generally

in the strategy itself, rather than specifically on plans. This confirmed that the locations have not been agreed.

42. The Applicant points to Requirement 18 which provides that the HGV route management plan and strategy must be complied with at all times following the first occupation of warehouse floorspace on the authorised development.
43. Clearly, the camera locations would have to be identified and included specifically in the HGV route management plan and strategy in order for Requirement 18 to properly secure the cameras. It should also make clear that any Data Processing Agreement and Data Protection Impact Assessment must be shared with the highways authorities and complied with.
44. Thirdly, the HGV route management plan and strategy also includes (see paragraph 5.26) a £50,000 commitment to mitigate if the HGV route management plan and strategy does not work. This commitment is not reflected in the section 106 Heads of Terms and if mitigation (e.g. signing and TROs) is necessary to ensure that HGV's follow designated routes, this should be identified now and form part the application. In particular, as this step is necessary to assess whether or not the £50,000 is sufficient.
45. Fourthly, in so far as the HGV route management plan and strategy places a monitoring burden on LCC that approach is not accepted as suitable without adequate resources being provided by the Applicant.

(k) Road Safety Audits

46. LCC has reviewed the Interim Stage 1 Road Safety Audit Response Report **[REP4-151]**. This document includes interim RSA's on the Local Road Network on drawings which now appear to have been superseded. Further, the Auditor comments have not satisfactorily been addressed by the Designer in their response. LCC has fundamental safety concerns including in the centre of Sapcote which are set out above.
47. LCC would welcome a preliminary design freeze by the Applicant team to allow the Applicant to submit RSA briefs and supporting documentation for agreement and subsequent commissioning of RSA1's on the Local Road Network.
48. LCC received the draft briefs for the Stage 1 RSA on 23 January 2023 at 10:12 and in consequence has not been able to review them prior to the hearing on 24 January 2023.

(l) Traffic Modelling

Effect of COVID-19

49. LCC set out its position in **[REP4-181, pp.27-31, §1.11.24]**. LCC summarised that response at the hearing. It is not repeated here.

Summary of position

50. LCC's view is that it is unlikely agreement will be reached on traffic modelling by the end of the Examination. LCC fundamentally disagree with the approach to M1 Junction 21/ M69 Junction 3 with regards to the displacement of traffic onto the LRN and the lack of mitigation

proposed. Further, the junction specific models will need to be updated and revised following any changes resulting from the RSAs and any consequent changes to junction geometry.

Agenda item 5: Sustainable Transport Connections

(a) Active travel

51. Asked by the ExA where the parties had got to since November 2023 in relation to Active Travel, LCC's response was that matters have gone backwards. LCC makes the following points:

- (i) At ISH2, the Applicant undertook to provide 1:500 drawings of the Link Road but said that there was continuous pedestrian and cycling facilities on each side of the Link Road. LCC has now been provided with the drawings and they do not show continuous pedestrian and cycling facilities on each side of the Link Road. As such, pedestrians and cyclists will have to cross the Link Road in order to navigate it.
- (ii) At a meeting in November 2023 with the Applicant, LCC highlighted a number of walking and cycling proposals that LCC would expect a development at this scale and in this location would provide. The Applicant committed to review these proposals. However, at the next meeting in December 2023 the Applicant rowed back from them.
- (iii) Paragraph 8.13 of the Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan **[REP4-054]** states that "*there is good cycle access to the site*". However, paragraph 4.6 states that "*Figure 5 shows that although there is cycle infrastructure in place in the area, the access to the site is relatively limited*". The document appears to suggest that cycle provision to the site has been considered, with various options ruled out on the basis of cost viability etc. The evidence supporting these assumptions is in Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan appendices **[REP4-053]**. LCC is reviewing this information in more detail but it appears that LCC concerns do not appear to have been addressed.
- (iv) The Applicant has looked at nine options of which it intends to take forward three. They are: Option 1 – Enhancement to Barwell, Toucan crossing on A47; Option 2 – Enhancement to Barwell, Gateway at The Common – filling in the gap – dropped curve and widening – 30/40m; and Option 8 – Enhancement to Hinckley and Burbage, New Cycle Lane to the B4669 between Smithy Lane and Wilkinson Avenue (i.e. not even to the Site itself). Furthermore, there is only commitment to deliver the above following occupation of 43% floorspace. This is an arrestingly small offer in the context of a scheme this size and where it relies on a reduction of 10-13% in use of car.
- (v) Paragraph 5.25 of Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan States **[REP4-054]** states that the proposals will enable employees to walk to the site. However, it remains unclear what infrastructure is to be provided to facilitate these walking movements and this directly contradicts what was said by the Applicant at the hearing. If the Applicant is relying on walking to deliver the modal shift but recognises at the same time that walking is not "*a realistic option*", that must

undermine the modal shift and that in turn undermines the junction modelling results and whether or not individual junctions required mitigation.

- (vi) LCC reconfirmed at the hearing that it cannot undertake to maintain the surface of the Outwood Bridge the design of which LCC has not been shown.

b. Cycling

- 52. See above.

c. Bus connections

- 53. LCC position has not changed since its deadline 3 submission **[REP3-127]**.
- 54. Paragraph 10.5 of Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan **[REP4-054]** states that bus provision is going to be secured by a requirement. This is not reflected in the draft Development Consent Order **[REP4-028]**.
- 55. Neither is the offer contained in the Sustainable Transport Strategy and Plan clear, as the Applicant itself accepted in the hearing. LCC will review the updated Sustainable Transport Strategy and Plan now to be submitted in light of this concession at Deadline 5.

d. Car sharing

- 56. The Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan states **[REP4-054]** at paragraph 5.24 that a car passenger modal share of 12% is achievable, however, it is not clear if there is a commitment to achieving this figure and otherwise securing the modal shift. The short point is that car sharing feeds directly into the modelling and from there junction impacts and mitigation. The lack of clarity around car sharing has potentially wider implications for the validity of the assessment of the Scheme as a whole.

Comments on Applicant's Deadline 4 submission

Examination library reference	Document name	Leicestershire County Council comments
REP4-003	2.2D Hinckley NRFI Works Plans (Sheet 4 of 8)	LCC welcome the re-location of the bus lay-by to the development side of the A47 link road.
REP4-006 – REP4-010	Hinckley NRFI Highway Plans	LCC note the amendments to the submitted highway plans and await the findings of Stage 1 Road Safety Audits.
REP4-011	2.5B Hinckley NRFI Highway Classification Plans	LCC welcome the re-location of the bus lay-by to the development side of the A47 link road.
REP4-012	2.6B Hinckley NRFI Traffic Regulations	
REP4-013	2.7B Hinckley NRFI Speed Limit Plans	
REP4-014	2.8A Hinckley NRFI Illustrative Masterplan	
REP4-016	2.12A Hinckley NRFI Parameters Plan	The deviation of highway works either laterally or vertically would only be acceptable if those works continued to meet the design standards as set out in the Leicestershire Highway Design Guide.
REP4-019 – REP4-023	Hinckley NRFI Illustrative Phasing & Works Plans	LCC welcome the re-location of the bus lay-by to the development side of the A47 link road.
REP4-025	2.29A Hinckley NRFI Geometric Design Strategy Record	LCC will review the document in line with a detailed design review. LCC has a design meeting in the diary with the Applicant team on 15 th February 2024 and will provide a further update to the ExA at Deadline 6.

REP4-028	DCO	<p>As discussed at ISH6 LCC has concerns with the drafting of the DCO as submitted. LCC has requested amendments to Protective Provisions to reflect its standard s38 and s278 Highways Act 1980 Agreements. The Applicant provided draft revised Protective Provisions wording to LCC on 1st February 2024. LCC provided a response to the Applicant on 2nd February 2024, and subsequently the Applicant responded on 6th February 2024. Unfortunately, the current drafting proposed by the Applicant remains unacceptable to LCC. A copy of the Protective Provisions wording that is acceptable to LCC is appended to this letter.</p> <p>In addition, LCC await revisions to Requirements as discussed at ISH2, ISH5 and ISH6. These revisions include clarity in respect of Requirement 10 – Rail in relation to occupation of floorspace, as well as a commitment to use the Rail Freight Terminal; simplified wording in respect of Requirement 5 – Design and phasing of highway works; and an additional Requirement as suggested by Mr Peter Frampton at ISH2 defining commitments to delivery of bus services serving the site, and as referenced as a commitment in para 10.5 of REP4-054 Transport Assessment (part 15 of 20) Sustainable Transport Strategy and Plan but not reflected in the dDCO.</p> <p>LCC stated at Deadline 3 (REP3-127) and Deadline 4 (REP4-181) that we are not content with the drafting of Requirement 5. This does not appear to have been addressed by the Applicant. LCC have consistently advised the Applicant that the wording of Requirement 5 could be simplified significantly if their intention is for all access and off-site highway infrastructure works to be completed pre-occupation of any part of the development (noting the absence of phased modelling). Therefore, the Applicant should re-word this Requirement to specify all access and off-site highway infrastructure is to be delivered pre-occupation of any part of the development.</p> <p>LCC also suggested the following amended wording for Requirement 12 at Deadline 4 (REP4-181) that does not appear to have been considered by the Applicant:</p> <p>12. (1) No phase is to commence until such time as a written scheme of investigation for that phase, informed by the provisions of the archaeological mitigation strategy, has been submitted to and approved in writing by the relevant planning authority.</p>
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		<p>(2) For land that is included within each phase, no demolition/development shall take place other than in accordance with the provisions of the agreed WSI, which shall include the statement of significance and research objectives, and</p> <ul style="list-style-type: none">(a) details of the on-site recording methodology;(b) details of sampling, analysis and reporting strategy;(c) details of monitoring arrangements;(d) details of timetable and personnel, and;(e) details of post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI <p>(3) No part of the authorised development on the main site is to commence until a level 3 record of the buildings of historic interest identified in the archaeological mitigation strategy has been undertaken. The survey, analysis, reporting and archive deposition, must be carried out in accordance with a written specification first agreed with the relevant planning authority in consultation with Leicestershire County Council and prepared by a competent building recorder in accordance with Historic England Understanding Historic Buildings, A Guide to Good Recording Practice, 2016.</p> <p>(4) A copy of any analysis, reporting and publication required as part of the written scheme of investigation must be deposited with the Leicestershire and Rutland Historic Environment Record within one year of the date of completion of the authorised development or such other period as may be agreed in writing by the relevant planning authority or specified in the written scheme of investigation.</p>
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		<p>In addition, LCC have raised concerns with the Applicant in respect of Requirements that refer to the implementation of Plans/Strategies where the contents of those Plans/Strategies and associated commitments, monitoring and enforcement remain inadequate, absent or unclear as discussed at ISH2 and ISH6 and documented in LCC Written Representations (REP1-152), LCC Deadline 3 response (REP3-127) and LCC Deadline 4 response (REP4-181) i.e. Requirement 7 - Construction Environmental Management Plan, Requirement 8 - Travel Plan, Requirement 9 – Sustainable transport strategy, Requirement 18 – HGV Route Management Plan and Strategy, Requirement 23 – Construction traffic management plan, Requirement 25 – Public Rights of Way Strategy.</p> <p>LCC note the inclusion of Requirement 33 – Lorry Park Management Plan.</p> <p>In respect of approval bodies, it is not clear why National Highways would need to issue approvals for the A47 link road. In addition, the Cross in Hand roundabout is within the boundaries of LCC, National Highways and WCC. LCC suggest that the lead approval body should be National Highways. LCC have requested that the Applicant discuss rationalisation of highway boundaries in this location with all 3 Highway Authorities. To date this has not happened.</p> <p>LCC are not content with the wording of Article 4. The deviation of highway works either laterally or vertically would only be acceptable if those works continued to meet the design standards as set out in the Leicestershire Highway Design Guide. Therefore, the wording of Article 4 should be amended to reflect.</p>
<p>REP4-053 REP4-054</p>	<p>6.2.8.1B Hinckley NRFI ES Appendix 8.1 Transport Assessment - part 15 of 20 - Sustainable Transport Strategy and Plan and Appendices</p>	<p>The Strategy states at para 5.24 that a car passenger modal share of 12% is achievable, however, it is not clear how and where there is commitment to this figure.</p> <p>Para 5.25 states that the proposals will enable employees to walk to the site. However, limited infrastructure is to be provided to facilitate these walking movements. Indeed, at ISH6 the Applicant team made a statement to the contrary, stating that walking to the site “was not an</p>

		<p>option”.</p> <p>Para 8.6 states that existing pedestrian provision does not meet current standards but based on predicted usage, environmental impacts and cost viability, improvements are not being made.</p> <p>The document appears to suggest that walking provision to the site has been considered, with various options ruled out on the basis of cost viability etc.</p> <p>In summary, proposals are limited to:</p> <ul style="list-style-type: none">• Option 1 – Enhancement to Barwell, Toucan crossing on A47• Option 2 - Enhancement to Barwell, Gateway at The Common• Option 8 – Enhancement to Hinckley and Burbage, New Cycle Lane to the B4669 between Smithy Lane and Wilkinson Avenue <p>Furthermore, there is only commitment to deliver the above following occupation of 43% floorspace. LCC note that no supporting Linsig assessment has been submitted for the Toucan crossing, and the three options have not been captured by the interim Road Safety Audits.</p> <p>Enhancement 3, 4a, 4b, have been ruled out on the basis of cost and constraints. LCC are unclear what the constraints are. In addition, no breakdown of costs has been provided for LCC to verify, nor has LCC received a viability report. Furthermore, the Applicant hasn't demonstrated how employees will reach the site using existing infrastructure.</p> <p>Enhancement 5 has also been ruled out on the basis of cost and constraints. LCC consider that this is the key access route for residents of Hinckley and note that it comprises 44% of the Applicants predicted cycle usage to the site. Whilst an alternative route an additional 1km in length (LCC has calculated at 1.76km) is proposed, this would also divert users from the desire</p>
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		<p>line and is unlikely to be attractive to use.</p> <p>Enhancement 6 has been ruled out by the Applicant stating that Sport England are likely to raise objections. However, no evidence has been presented to suggest discussions have taken place with Sport England or the Rugby Club despite LCC asking the Applicant to do so at a meeting held on 13th November 2023, indeed the Rugby Club may welcome improved pedestrian access to their site.</p> <p>Enhancements 9 and 9a. The Applicant has ruled proposals out as a consequence of their red line boundary not allowing deliverability. LCC has not stated that it would not accept a contribution in lieu of works to PRoW. LCC has stated that the Applicant should commit to and deliver PRoW improvements, and this should be defined in the Public Rights of Way Appraisal and Strategy.</p> <p>Para 8.13 states that “there is good cycle access to the site”. However, para 4.6 states that “Figure 5 shows that although there is cycle infrastructure in place in the area, the access to the site is relatively limited”. Again, the Strategy is contradictory.</p> <p>Para 5.26 makes reference to cycling access but fails to mention the eastern villages or Burbage.</p> <p>The document states at para 8.4 that PROW will be “complemented with new infrastructure”. However, there is no confirmation of what this means, nor any commitment to delivery.</p> <p>The document continues to remain silent on commitment to delivery of bus services (please also see comments on dDCO) above.</p>
REP4-056	6.2.8.2B Hinckley NRFI ES Appendix 8.2 Framework Travel Plan	<p>It remains unclear to LCC how modal shift targets will be achieved given the limited commitments to sustainable travel provision and walking and cycling infrastructure. LCC have re-iterated this point throughout the examination process and have nothing further to add to comments previously made which do not appear to have been addressed by the Applicant.</p> <p>LCC note the following insertion to the document “Should mode shift from single occupancy car</p>

		trips not be met, then a commitment of £100,000 fund is secured through the Travel Plan. This is to cover additional measures, should they be required, including a review of items included in paragraph 5.11 and potential enhancements to services and incentives”. No discussion has taken place with LCC in respect of this payment and measures, and it is noted that it does not appear within the Unilateral Undertaking issued to LCC.
REP4-060	6.2.11.2B Hinckley NRFI ES Appendix 11.2 Public Rights of Way Appraisal and Strategy	Having reviewed the Strategy our position remains as per our Written Representations (REP1-181). The development proposals will have a significant impact on PRoW both during construction and operation. Given the lack of proposals for new walking and cycling infrastructure as described above, there is a reliance on PRoW for providing access to/from the site on foot. There has been very limited engagement with LCC LHA on PRoW despite requests. This has been documented through our formal responses. The Applicant has made no firm commitments to PRoW improvements.
REP4-075	6.3.3.1A Hinckley NRFI ES Figure 3.1 Illustrative Masterplan	LCC welcome the re-location of the bus lay-by to the development side of the A47 link road.
REP4-077	6.3.11.14A Hinckley NRFI ES Appendix 11.14 Public Rights of Way and Informal Open Space Strategy	It is not clear to LCC what has been amended on this drawing, with the exception of the re-location of the bus lay-by to the development side of the A47 link road.
REP4-088	8.1A Hinckley NRFI Design and Access Statement	LCC note the reference to NPPF and NPS in respect of walking and cycling. However, LCC remain of the opinion that the proposed walking and cycling provision to the site fall significantly short of national policy requirements. Please refer to comments above on REP4-053 and REP4-054.
REP4-092	S106 Heads of Terms	<p>A revised s106 Agreement was forwarded by the Applicant to LCC during the course of ISH6 on 24th January 2024. LCC responded to the Applicant on 31st January 2024 confirming that not all LCC requests have been captured (and provided a detailed table of requests), that the obligations in the Agreement do not align with commitments referenced in Strategies, and nor does the Agreement reflect discussions at ISH6 (noting that the Agreement was circulated during the course of the hearing).</p> <p>The Applicant requested that LCC confirm their position in respect of signing a bi-lateral Agreement where there is no agreement to its contents. LCC confirmed to the Applicant on 31st</p>

		<p>January 2024 that it would not sign an Agreement where there is no agreement to its contents. The Applicant responded stating “thank you for sending this through. Clearly we are apart on a number of items that we will not agree on, I have instructed Eversheds to prepare a Unilateral Undertaking and advise your legal team accordingly”.</p> <p>The Applicant submitted a draft Unilateral Undertaking to LCC on 1st February 2024. LCC subsequently revised the detailed table of requests and sent a revised table to the Applicant on 5th February 2024, a copy of which is appended below.</p> <p>LCC has received partial title from the Applicant and awaits the remaining title documents to enable it to be satisfied as to the correct parties to the Unilateral Undertaking.</p> <p>LCC requested a costs undertaking from the Applicant’s legal team confirming that LCC’s legal costs will be met. This was received on 7th February 2024 and LCC subsequently requested a revised Unilateral Undertaking to take account of the further points put forward by the Applicant on 6th February 2024. Comments will be provided by LCC on the revised Unilateral Undertaking when it is received.</p> <p>LCC remain concerned that Warwickshire County Council (WCC) and Leicester City Council (LCiC) no longer appear as parties to the s106 Agreement (in addition to LCC). The omission of WCC is most concerning on the basis of the Applicants commitment to a contribution to improvements at Gibbet roundabout as referenced in REP4-131 and as discussed at ISH6. In addition, it is understood that LCiC are requesting contributions to sustainable transport measures within the City boundary.</p>
REP4-094	13.1B Hinckley NRFI Design Code	<p>LCC note the reference to NPPF and NPS in respect of walking and cycling. However, LCC remain of the opinion that the proposed walking and cycling provision to the site fall significantly short of national policy requirements. Please refer to comments above on REP4-053 and REP4-054.</p> <p>In addition, para 6.2 is deceiving noting that the Applicant is not proposing a continuous footway/cycleway on both sides of the A47 link road. This point was discussed at ISH6 and LCC note that at para 6.3 the Applicant has now removed all referenced to a continuous link.</p> <p>LCC take this opportunity to remind the Applicant that any landscaping (including grass, trees,</p>

		<p>shrubs etc) within the extents of the public highway must be safe and appropriate (including not impeding visibility splays and for purposes of ongoing maintenance), species must be in line with the adopted LCC Highway Design Guide, and commuted sums will be payable. A planted central reservation raises significant highway safety concerns with LCC in respect of the safety of maintenance operatives as well as the traffic management necessary to carry out ongoing maintenance. Maintenance on the public highway would be carried out in line with LCC's maintenance schedule and not to a schedule desired by the Applicant.</p> <p>Any street lighting within the extents of the public highway will need to be provided fully in accordance with the adopted LCC Highway Design Guide.</p> <p>LCC note that all internal roads are to remain private in perpetuity on the basis they do not appear to be designed to adoptable standards.</p> <p>LCC note that the Design Code references upgrading the PRoW network. However, no details of surfacing materials or extents are provided, there is no reference to lighting etc. Indeed, the Design Code is silent on LCC's PRoW Guidance for Developers. Moreover, this information is not provided in the Public Rights of Way Appraisal and Strategy (REP4-060), and therefore not covered by Requirement 25.</p>
REP4-110	17.1A Hinckley NRFI Construction Environmental Management Plan	LCC note that the document includes revisions to working hours on site to address concerns raised by BDC and HBBC. Whilst LCC welcomes this change, it remains unclear what impact this will have on the works programme as presented in REP3-048. LCC has sought clarification from the Applicant on this matter at Deadline 3 (REP3-127). LCC were anticipating that a revised Gantt Chart would be submitted at Deadline 4, but this does not appear to be the case.
REP4-114	17.4B - HGV Route Management Plan & Strategy	<p>The revised Strategy includes at Para 5.26 a £50,000 commitment to mitigate if the Strategy does not work. This "commitment" is not reflected in the Unilateral Undertaking submitted to LCC. In addition, as discussed at ISH6, it is unclear to LCC what measures £50,000 could realistically fund.</p> <p>Para 5.40 includes for commitment to producing a Data Processing Agreement and Data Protection Impact Assessment. However, it remains unclear how this will be shared with LCC</p>

		<p>and there appears to be no commitment to implementation.</p> <p>The revised document still fails to include the location plans of ANPR cameras and fails to address responsibilities on LCC and associated requirement for financial resource.</p>
REP4-115	17.8.1 Hinckley NRFI Strategic Road Network Incident Plan	<p>The Applicant has not involved LCC in the development of this Plan. LCC do not agree that the additional traffic movements from the HNRFI will not have a significance to the frequency of interruptions to the free flow of traffic or consequential inconvenience on the LRN. No evidence has been provided by the Applicant to demonstrate that this would be the case. Moreover, a simple assumption would be that the additional vehicular traffic generated by the HNRFI and affected by any temporary closures would inevitably have a significance in respect of the free flow of traffic and associated inconvenience, as well as potential associated highway safety implications. Indeed, on the basis of the approach to mitigation taken by the Applicant i.e., displacing traffic from the SRN onto the LRN, this would exacerbate the magnitude and extent of impacts of any closure of the M69. LCC note that in the absence of information provided by the Applicant the impacts remain unclear.</p>
REP4-117	Technical Note Collision Data Review	<p>LCC welcome the revised Note including reference to 5-year data as requested at Deadline 3. This will be helpful to the Road Safety Auditor. However, it remains the case that the Collision History Study area has not been discussed and agreed with the Highway Authorities. Therefore, the concerns of LCC as identified in our Written Representations (REP1-152 paragraphs 2.37-2.38) remain.</p>
REP4-119	18.6.8A Narborough Level Crossing Traffic Modelling	<p>As discussed at ISH6, LCC scoped new traffic surveys with the Applicant team to establish queue lengths on all approaches to the crossing as requested by both LCC and the ExA. However, despite this, new survey data does not appear to have been appended to the submitted document for review. Moreover, the Applicant has not summarised existing lengths in terms of numbers, nor defined what the additional impact of barrier downtime will be on these queue lengths. Therefore, the impact of the development on the local road network in this location remains unclear.</p> <p>The Applicant stands by the Note submitted at Deadline 3 (REP3-053), and no further detailed assessment has taken place, including impact on NMU's. This is in the context of increased wait times for those who are mobility impaired and unable to use the existing steep stepped</p>

		footbridge. The Applicant continues to refute the need for mitigation in this location.
REP4-122	18.13 Applicant's response to deadline 3 submissions (Part 3-LCC)	LCC note that the Applicants response to the LCC Deadline 3 submission does not correctly reflect the current position on a number of matters as set out in this LCC Deadline 5 response.
REP4-130	18.13.1 Applicants response to deadline 3 submissions Appendix A – Post Covid Update following Deadline 3 submission (18.6.1 Transport General Update)	LCC do not agree with the Applicants findings and conclusions. LCC provided local data evidencing this position at Deadline 4 (REP4-181). Please refer to LCC's response to ExA question 1.0.3 which corrects the Applicants assumptions.
REP4-131	18.13.2 Applicants response to deadline 3 submissions (Appendix B - Transport 2023 Update)	<p>Furnessing – Please refer to comments below in response to ExA questions.</p> <p>A47 Longshoot/Dodwells roundabout – The Applicant has submitted a VISSIM model at Deadline 4. LCC will review the model as soon as possible. However, the assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation is required. LCC are unlikely to agree with this conclusion given knowledge of the junctions operating over capacity gained from review of other development assessments, including Padge Hall Farm.</p> <p>M69 J1 – The Applicant has submitted a revised VISSIM model for the M69 J1 at Deadline 4. This is to take account of the Padge Hall Farm development. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no mitigation will be required. The Applicant had previously proposed re-validation of MOVA signal control. LCC will defer to National Highways on this matter but are concerned that removal of mitigation proposals could result in a highway safety issue in the form of queuing onto the mainline M69.</p> <p>M69 J2 – The Applicant has submitted a revised VISSIM model for the M69 J2 to take account of the signalised toucan crossing on the A47 link road being called. LCC will review this model to check that it has now been coded correctly.</p> <p>M69 J3/M1 J21 – The Applicant has modelled M1 J21/M69 J3 in Linsig with Lutterworth East</p>

		<p>mitigation and submitted this at Deadline 4. The assessment concludes that the proposed development would not have a material impact on the operation of the junction and no further mitigation will be required despite the modelling showing a detrimental impact on the Local Road Network.</p> <p>However, this places a reliance on the delivery of the Lutterworth East scheme (which cannot be guaranteed) and a reliance on a reduction of 10-13% of development traffic routeing through the junction based on the effects of the Sustainable Transport Strategy. As per comments on this Strategy, this assumption cannot be relied upon.</p> <p>It should be noted that whilst the Lutterworth East Transport Assessment concluded that the mitigation proposed mitigated the impact of the Lutterworth East development, it did not provide any additional capacity for other development. Moreover, it concluded that the junction would continue to operate over capacity, noting the intention of the scheme was to offset the highway safety implications of Lutterworth East traffic queuing on the M1 mainline having exceeded the capacity of the M1 J21 northbound off slip.</p> <p>The junction has not been modelled in VISSIM as requested and a Linsig model will not replicate complex movements at this junction as consistently advised by LCC and NH and as discussed at ISH6.</p> <p>Gibbet roundabout - A Linsig assessment has been submitted by the Applicant at Deadline 4 despite the Highway Authorities consistently advising that a VISSIM model is required. The Applicant proposes a contribution to a wider National Highways scheme. This is welcomed with a figure to be agreed with National Highways following submission by the Applicant of a fully costed scheme of mitigation. This approach has been taken with other developments that impact this junction. Warwickshire County Council (WCC) hold the s106 monies on behalf of the Highway Authorities. However, as above, neither WCC nor LCC are party to the s106 as drafted.</p> <p>Cross in Hand roundabout - The Applicant has updated their capacity assessment of the Cross-in-Hand roundabout following new 2023 surveys. The Applicant has reduced the proposed</p>
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		scheme of mitigation which now excludes any improvements on the LCC network (A4303). LCC need review the survey data, furnessing spreadsheet, and revised capacity assessment ahead of Deadline 6.
REP4-136	19.3B SoCG between the Applicant and Leicestershire County	It is unfortunate that the Applicant submitted this document with changes that had not been shared with LCC in advance. To this end and to assist the ExA in its understanding of matters agreed and not agreed, LCC has provided a SoCG appended to this document.
REP4-150	Applicant's response to ExA Written Questions Appendix I – Construction Traffic Derivation	At ISH3 the Applicant team referenced construction traffic modelling. At ISH3 the Highway Authorities requested sight of this modelling. The document submitted does not include for construction traffic modelling, but details select link analysis. LCC await submission of the promised construction traffic modelling if indeed this has been carried out by the Applicant.
REP4-151	21.1 Hinckley NRFI Stage 1 Road Safety Audit Response Report	<p>LCC raised fundamental highway safety concerns with the mitigation scheme presented for Sapcote village and also questioned how this would address the impact of a doubling of HGV movements through the village.</p> <p>These concerns have been borne out in the Interim Stage 1 Road Safety Audit Response Report. Consequently, the Applicant team have submitted revised proposals at Deadline 4 within REP4-025 Geometric Design Strategy Record (sheet 18). The proposals as submitted continue to raise serious fundamental highway safety concerns, which relate primarily to the safety of vulnerable road users. Moreover, the concerns raised by both LCC and the Interim RSA have not been incorporated in the revised design.</p> <p>This document includes for interim RSA's on the Local Road Network on drawings which now appear to have been superseded. In addition, the problems identified by the Auditor have not satisfactorily been addressed by the Designer in their response.</p> <p>As discussed at ISH6 the Applicant team submitted RSA briefs to LCC on 23rd January 2024. LCC have reviewed these briefs and provided comment. The briefs as drafted do not correctly reference submitted drawings, moreover they appear to omit auditing of the 3 walking and cycling options proposed by the Applicant. LCC await the submission of revised briefs.</p>
REP4-152 – REP4-164	Select Link Analysis	The Select Link Analysis (SLA) provided is not the information that has been provided to LCC previously and that LCC requested be presented to the ExA to assist both the ExA and local

		<p>residents. The information requested was SLA for the village of Sapcote demonstrating increases in flows, including HGV traffic. Figures are only visible if zoomed at 3200% which distorts the base mapping and renders the information unusable, the split between vehicle types is unclear, and the flows are reported in pcu's not vehicle numbers.</p>
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Response to questions posed by the Examining Authority

Ref	Question	LCC Response
2.0.1.	<p>Revised National Planning Policy Framework In December 2023 a revised version of the National Planning Policy Framework was published. All Interested Parties are given the opportunity to make representations on how any changes affect consideration of the Proposed Development.</p>	<p>It is considered that the December 2023 revised version of the National Planning Policy Framework (NPPF) does not make any significant changes which would affect consideration of the Proposed Development.</p> <p>It is noted that no changes are made to Chapter 9 of the NPPF on promoting sustainable transport.</p> <p>It is understood that the next version of the NPPF would likely be more relevant with the intention to review policies on the freight sector and supply chains infrastructure, such as lorry parking, warehouse space and rail freight hubs. It is also understood this would likely draw on findings from the 'Future of Freight' call for evidence.</p> <p>It is noted that DLUHC's November policy document, entitled <u>Getting Great Britain Building Again</u> (Accessed 01/02/2024), stated that the National Networks NPS which covers major road and rail infrastructure would be brought into force by March this year.</p>
2.0.2	<p>Submission of documents A number of interested parties have provided hyperlinks to other documents outside their submissions in response to questions raised. Annex H of the Rule 6 letter [PD-005] and PINS Advice Note 8.4 make clear that submissions must not include hyperlinks. This is because the Examining Authority, Interested Parties and the Secretary of State cannot rely on documents /evidence that the Inspectorate cannot directly control in respect of availability and content (including from a UK General Data Protection Regulation perspective).</p>	<p>LCC apologise for including a hyperlink to its Minerals and Waste Local Plan in its Deadline 4 submission (REP4-181). A copy of this document is appended to this submission.</p>

	All parties are asked to review their submissions and, where necessary, provide copies of the information sought, indicating the relevant document(s) (using the Examination Library reference) and the location within that document to allow accurate identification.	
2.0.4	<p>Planning Obligation</p> <p>a. Could the Applicant please ensure that the full text of the draft Obligation (that is including the Appendices) is provided.</p> <p>b. Could the Local Authorities please comment on any draft Obligations that they seen, but have not as yet been submitted into the Examination, as well as those they have been submitted.</p>	Please refer to s106 Heads of Terms comments as above and table appended below
2.5.6	<p>DCO Schedule 2, Part 2 – Fees</p> <p>The Applicant has finalised its drafting of these provisions. Could the Local Authorities indicate whether they are content with this. If not, could they please provide alternative drafting, explaining why they consider this should be preferred</p>	N/A
2.5.8	<p>DCO Schedule 13 – Protective provisions</p> <p>All statutory undertakers are asked to consider the drafting applicable to them in this Schedule. If they are not content with the drafting they are asked to set out:</p> <p>a. why they consider the drafting deficient; and</p> <p>b. set out alternative drafting which would satisfy them, explaining it and how it would resolve their issue.</p>	Please refer to LCC comments on Protective Provisions appended below
2.11.1	Furnessing	LCC are aware that the Applicant has commissioned new surveys at

	<p>The Applicant states that additional surveys have been undertaken at the relevant junctions to allow for confirmation of traffic flows utilising the agreed furnessing methodology.</p> <p>a. Can the Applicant set out those junctions where surveys have taken place and when the surveys will report.</p> <p>b. Can the Applicant, NH and LCC please set out their respective positions on this matter including what the implications are for the overall modelling and when final positions are likely to be identified?</p>	<p>junctions where off-site mitigation is proposed only. At a meeting held on 2nd February 2024, LCC, NH and WCC requested that the Applicant team make this data identifiable on the shared Sharepoint site.</p> <p>At this meeting, the Applicant team committed to various actions in respect of providing clarification on the furnessing methodology used. These include:</p> <ul style="list-style-type: none"> • Applicant team to provide clarifications on calculations and the application of the methodology • Applicant to provide a note addressing discrepancies between old and new survey data (noting differences between target and observed flows) • Applicant team to check that demand inputted included for traffic queuing, not just that passing a stop line • Applicant team to model Gibbet roundabout in VISSIM and present the results to the Highway Authorities (as requested in REP1-152) <p>Timescales for the above rest with the Applicant. Whilst awaiting this information, LCC is pressing ahead with its review of the survey data to check that it has been correctly transferred into the furnessing spreadsheet. LCC will be in a position to confirm to the ExA if this is the case at Deadline 6.</p> <p>In respect of overall junction models, these cannot be agreed until the outstanding furnessing matters have been addressed by the Applicant, and LCC have confirmed that data has been correctly inputted. LCC would expect that the Applicant would address this in a timely manner given the impending examination end date, and LCC are hopeful that we will be in a position to agree furnessing methodology by 12th March 2024.</p>
2.11.2	<p>PRTM Reviews</p> <p>The Applicant indicates that “Sharepoint and full models previously shared with schedule of inputs and dates. A full</p>	<p>PRTM:</p> <ul style="list-style-type: none"> • LCC agreed to the use of PRTM (REP1-152) • LCC formally signed of the PRTM base model review (REP1-152)

	<p>schedule was shared with the TWG on the 23.11.23”.</p> <p>Could the parties provide their understandings of the latest positions as to whether the model is agreed, and if not, when final positions are likely to be identified?</p>	<ul style="list-style-type: none"> • LCC formally signed off the PRTM “Trip Generation Addendum”. However, as per REP1-152 LCC are still waiting for the Applicant to complete a comparability exercise in respect of sites selected as “comparable”. In addition, as per LCC’s Deadline 4 (REP4-181) response and as discussed at ISH6, LCC await clarification from the Applicant in respect of generation of managerial trips • As raised in REP1-152 LCC remains unclear in respect of proposed employee numbers. The “Forecast Modelling Brief” included for 8,000 employees. We have heard various figures throughout the course of the examination and remain unclear if this assumption of 8,000 employees is correct • As a consequence of the above, and as detailed in REP1-152, the Applicant should revisit trip distribution • As per paras 2.53-2.58 in REP1-152 LCC formally signed off the PRTM Uncertainty Log. However, this was signed off before the Padge Hall Farm scheme was consented. Whilst the Applicant submitted a VISSIM model of A5 Longshoot/Dodwells at Deadline 4 (to be reviewed by LCC before Deadline 6), Padge Hall Farm and other subsequently committed developments were not included in the PRTM modelling • At para 2.30 of REP1-152 LCC raised that the model results of the A47 link road dualled in its entirety (as per the agreed Forecast Modelling Brief) have never been reported in the Applicants Transport Assessment. This remains the case • As a consequence of the above, LCC does not accept the outputs of the PRTM exercise, nor their interpretation <p>The Sharepoint site that the Applicant references does not contain any of the above PRTM information.</p>
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**SCHEDULE 13
PART 3**

**FOR THE PROTECTION OF LEICESTERSHIRE COUNTY COUNCIL
AS HIGHWAY AUTHORITY**

Application

1. The provisions of this Schedule have effect.

Interpretation

2. In this Schedule—

“as built information” means the following information—

- (a) drawings showing the highway works as constructed;
- (b) list of supplies and materials, test results and CCTV drainage;
- (c) product data sheets, technical specifications for all materials to be used;
- (d) as built information for any utilities discovered or moved during the highway works;
- (e) method statements for highway works to be carried out;
- (f) road lighting, signs and traffic signals
- (g) organisation and methods manuals for all products used;
- (h) as built programme;
- (i) drawings referred to in paragraphs (a), (k) and (l) in Auto CAD;
- (j) test results and records;
- (k) landscape drawings;
- (l) highway drainage drawings; and
- (m) plans identifying land which is highway maintainable at public expense;
- (n) RSA3 and exceptions agreed;

“detailed design information” means the drawings, specifications and other information which must be in accordance with the general arrangements of the highway works shown on the highway plans unless otherwise agreed between the local highway authority and the undertaker—which show the following:

- (a) site clearance details;
- (b) boundary environmental and mitigation fencing;
- (c) road restraint systems (vehicle and pedestrian);
- (d) drainage and ducting;
- (e) earthworks;
- (f) road pavements;
- (g) kerbs, footways and paved areas;
- (h) traffic signs, signals and road markings;
- (i) road lighting (including columns and brackets);
- (j) CCTV masts and cantilever masts;
- (k) electrical work for road lighting and traffic signs;
- (l) motorway communications;

- (m) highway structures;
- (n) landscaping;
- (o) utility diversions;
- (p) identification of any land to be dedicated as highway;

“development inspector” means the officer of the highway authority appointed by it to inspect the highway works on its behalf; and

“director” means the director of Environment and Transport of the highway authority or any successor post responsible for the highway authority function of Leicestershire County Council;

“final certificate” means the final certificate issued by the director for each phase of the highway works in accordance with paragraph 5;

“highway authority” means Leicestershire County Council;

“highway plans” mean Highway Works Plans 2.4A, 2.4B, 2.4C, 2.4E, 2.4F, 2.4H, 2.4K relating to the highway works;

“highway related structures fees” means the total costs properly and reasonably incurred in undertaking the technical approval design checking and inspection of any highway related structure;

“highway works” means those parts of the authorised development to be carried out in the areas identified as Works Nos. 7 to 17 (inclusive) on the highway plans the general arrangement of which is shown on the highway plans and any ancillary works thereto;

“maintenance period”, in relation to each phase of the highway works, means 12 months from the date of issue of the provisional certificate for that phase;

“phase” means those parts of the highway works to be carried out as separate packages of works in the areas identified as Works Nos. 7 to 17 (inclusive) on the highway plans or such other arrangement as must be agreed in writing by the highway authority in advance of commencement of that package of works;

“provisional certificate” means the provisional certificate of completion issued by the director for each phase of the highway works in accordance with paragraph 4;

“specification”

means—

- (a) in relation to design—
 - (i) Leicestershire Highway Design Guide; and
 - (ii) Design Manual for Roads and Bridges;
- (b) in relation to specification—
 - (i) Leicestershire County Council’s Specification for highway works for new developments; and
 - (ii) Leicestershire County Council’s Standard drawings;
- (c) in relation to street lighting—
 - (i) design in accordance with BS5489; and
 - (ii) Leicestershire County Council’s Street Lighting Specification; and
- (d) in relation to traffic signs—
 - (i) the Traffic Signs Regulations and General Directions 2016 and any modifications of them;
 - (ii) the Traffic Signs Manual (DfT); and
 - (iii) Leicestershire County Council’s Traffic Signs and Road Markings Specification;

“works fees” means a sum equal to 10% of all the costs of the carrying out of the highway works in relation to—

- (a) considering and approving the detailed design information;
- (b) the work carried out by the development inspector including travel expenses to and from the highway works and all other expenses properly incurred by the development inspector in connection with his duties; and
- (c) administration in relation to paragraphs (a) and (b) above;
and
- (d) highway related structures fees.

Highway works

- 3. (1)** The undertaker must carry out and complete the highway works in accordance with— (a) the detailed design information approved under paragraph 13; and
- (b) the programme of works approved under paragraph 23 or as subsequently varied by agreement between the undertaker and the highway authority.
- (2) The undertaker must carry out and complete the highway works and shall not occupy any building to be constructed on the site until the highway works (including all works ancillary or incidental thereto) are completed in accordance with the stipulations requirements and conditions laid down in this Schedule.
- (3) Before commencement of the highway works and at no expense to the highway authority the undertaker shall obtain such consents licences or permissions as may be required for the purposes of carrying out the highway works (including all requirements under the Traffic Management Act 2004), save where the need for such consents, licences or permissions is disapplied by this Order, and shall comply with the highway authority's requirements for booking the necessary time and permits to carry out the highway works and to indemnify and keep the highway authority indemnified from and against all liabilities costs claims actions demands or expenses which may arise from the undertaker's failure to obtain or to comply with such consents licences or permissions.
- (4) The undertaker shall once having commenced the highway works proceed with them conscientiously and expeditiously and with all due diligence and shall complete the same not later than eighteen months from the date of commencement of the highway works (completion of the works shall be taken as the issuing of the provisional certificate).
- (5) Subject to the provisions of this Schedule and immediately on the issuing of the provisional certificate for each phase of the highway works the undertaker shall dedicate as public highway (and the highway authority shall forthwith accept) all such land as is within its ownership and is required for the construction of that phase of the highway works which does not already form part of the public highway or is already maintained as if it were a public highway.

Provisional certificate and maintenance period

4. When and so soon as each phase of the highway works has been completed including such road safety audits as required in accordance with paragraph 28 to the reasonable satisfaction of the director, the director must issue a provisional certificate for each phase of the highway works, and the undertaker at its own expense must maintain that phase of the highway works in a good state of repair and to the satisfaction of the director for the duration of the maintenance period and must carry out such routine maintenance as may be necessary or required by the director to facilitate use by the public; and for the avoidance of doubt the undertaker must undertake all other work and maintenance in respect of that work including but not limited to any defect or damage until issue of the final certificate in respect of that phase under paragraph 5 and that phase of the highway works becomes highways maintainable at the public expense.

Final certificate

5.—(1) The undertaker must apply to the director for issue of the final certificate in respect of each phase at the expiration of the maintenance period in respect of that phase or on a date (whichever is the later) on which any defect or damage arising during the maintenance period is made good to the reasonable satisfaction of the director or completion of all or any works identified by any road safety audit required in accordance with paragraph 28.

(2) Upon receipt of the as built information in respect of a phase and approval of the same, the director must issue a final certificate in respect of that phase and as from the date of such final certificate the highway works become highways maintainable at the public expense.

(3) If the undertaker does not apply for a final certificate for a phase within two years of the issue of the provisional certificate in respect of that phase the undertaker must pay to the highway authority a further administration charge of five hundred pounds (£500.00).

Indemnity

6. The undertaker must indemnify the highway authority from and against all costs, expenses and liabilities arising from or in connection with or ancillary to any claim, demand, action or proceedings resulting from the design, carrying out and maintenance of the highway works including but without limitation on the scope of this paragraph any claim against the highway authority under the Land Compensation Act 1973^(a) or by virtue of the application of the

^(a) 1973 c. 26.

provisions of the Noise Insulation Regulations 1975(a), including any liability falling upon the highway authority by virtue of its exercising its discretionary powers under the said Regulations provided that—

- (a) the foregoing indemnity must not extend to any costs, expenses, liabilities and damages caused by or arising out of the neglect or default of the highway authority or its officers servants, agents or contractors or any person or body for whom the highway authority is responsible;
- (b) the highway authority must notify the undertaker straight away upon receipt of any claim;
- (c) the highway authority must not accept any such claim without first having given the undertaker details of such claim and having given the undertaker the opportunity to make representations to the highway authority as to the validity and quantum of such claim;
- (d) the highway authority must, in settling any such claim, give full and due regard to any representations made by the undertaker in respect of the claim;
- (e) the highway authority must, following the acceptance of any claim, notify the quantum of the claim to the undertaker in writing and the undertaker must within 14 days of the receipt of such notification pay to the highway authority the amount specified as the quantum of such claim;
- (f) the undertaker must notify the highway authority of the intended date of opening of each phase of the highway works to public traffic not less than 14 days in advance of the intended date; and
- (g) the undertaker must notify the highway authority of the actual date that each phase of the highway works are open to public traffic on each occasion within 14 days of that occurrence.

Construction (Design and Management) Regulations 2015

7. The undertaker must comply with all aspects of the Construction (Design and Management) Regulations 2015(b) and in particular must ensure that all obligations imposed on the client (as defined in those Regulations) are satisfied and must indemnify the highway authority against all claims, liabilities and actions arising out of a failure to so do.

Security

8. Prior to the commencement of each phase of the highway works the undertaker must secure the cost of it by the deposit with the highway authority of a bond, drafted substantially as detailed in Form 2 contained in paragraph 9, in a sum equal to 100% of all the costs of the carrying out of the phase of the highway works (including any statutory undertakers works) together with any commuted sum payable to the highway authority or such other sum agreed between the undertaker and the highway authority or must provide some alternative form of security acceptable to the highway authority. Upon issue of the provisional certificate the highway authority shall refund to the undertaker 90% of the deposit remaining 10% being refunded after the issue of the final certificate

(a) S.I. 1975/1763, amended by S.I. 1988/2000. **(b)** S.I. 2015/ 51.

9. Form 2 as referred to in paragraph 8—

Form 2

Bond – Leicestershire County Council

BY THIS BOND WE [the undertaker] whose registered office is situate at [] (hereinafter called “the Undertaker”) and [the Surety] (Company Registration Number []) whose registered office is situated at [] (hereinafter called “the Surety”) are held and firmly bound unto **LEICESTERSHIRE COUNTY COUNCIL** (hereinafter called “the Authority”) in the sum of [] (£[]) (“the Surety Sum”) the payment of which sum the Undertaker and the Surety bind themselves their successors and assigns jointly and severally by these presents

WHEREAS the Developer intends to carry out Phase [] of the highway works referred to in Schedule 13 in the Hinckley National Rail Freight Development Consent Order [] (“the DCO”) **NOW THE CONDITION** of the above written bond is such that if the Undertaker well and truly performs and fulfils its obligations in Schedule 13 to the DCO or if on failure by the Undertaker so to do the Surety must pay to the Authority the Surety Sum then the above written Bond is null and void but otherwise it must be and remain in full force and the giving by the Authority of any extension of time for the performing of the obligations in Schedule 13 Part 3 to the DCO on behalf of the Undertaker to be performed or fulfilled or any forbearance or forgiveness on the part of the Authority to the Undertaker in respect of any matter referred to in or concerning provisions of Schedule 13 Part 3 to the DCO must not in any way release the Surety from the Surety’s liability under the above written Bond provided that upon the issue of the provisional certificate under Schedule 13 Part 3 to the DCO the liability of the Undertaker and the Surety under this Bond is to be reduced to a sum equivalent to ten per cent of the cost of the phase of the highway works together with the value of the commuted sum for that phase as calculated in accordance with paragraph 20(2) of Schedule 13 Part 3 to the DCO upon the issue of the provisional certificate in respect of that phase or a minimum sum of one thousand pounds (£1,000) whichever is the greater and upon the issue of the final certificate in respect of that phase the liability of the Undertaker and the Surety under this Bond must absolutely cease.

[Attestation]

Notices etc.

10. Where under the provisions of this Schedule the highway authority or the director is required to agree, to approve, to express satisfaction with or to give notice of any matter such agreement, approval, satisfaction or notice must not be unreasonably withheld or delayed and is to be deemed to have been given or expressed if not given or refused (along with reasons for such refusal) within 42 working days.

Dispute resolution

11. Regardless of article 52 (arbitration) any dispute under or arising out of the operation of this Schedule may be referred to a single arbitrator if all parties to the dispute agree such arbitrator or in default of agreement to be nominated (upon the application of any party to the dispute) by the President for the time being of the Law Society in accordance with and subject to the provisions of the Arbitration Act 1996(a) or any statutory modification or re-enactment thereof for the time being in force.

(a) 1996 c. 23.

Privately and publicly owned apparatus

12. For the avoidance of doubt it is expressly declared that the undertaker in carrying out the highway works must at its own expense divert or protect all or any pipes, wires, cables or equipment belonging to any person having power or consent to undertake street works under the 1991 Act as may be necessary to enable such works to be properly carried out or may be reasonably directed by the director and all alterations to existing services must be carried out to the reasonable satisfaction of the appropriate persons, authorities and statutory undertakers.

Detailed design approval

13.—(1) The undertaker must take the specifications into account in preparing the detailed design information for submission to the highway authority

(2) No phase of the highway works is to commence until the detailed design information (including traffic signal equipment) has been submitted to and approved by the director.

Workmanship

14. All the highway work is to be carried out to the reasonable satisfaction of the director.

Conditions

15. The Developer shall comply with Leicestershire County Council's Standard Conditions Applying to Highway Works for New Developments

Traffic and safety control

16. In carrying out work in or adjoining the public highway the undertaker must comply in all respects with chapter 8 of the Traffic Signs Manual 2009.

Site safety

17. The undertaker must in respect of each phase of the highway works keep that phase safe and in a good state of efficiency and repair including the fencing and lighting of all open trenches and must keep all building materials and plant clear of the carriageway and footways.

Approval of persons undertaking the highway works

18. The undertaker must not engage or permit the engagement of any person to carry out the highway works (or any part thereof including their design) unless that person has first been approved in writing by the highway authority as suitable to carry out such works.

Inspection of the highway works

19. The undertaker must permit and must require any contractor or sub-contractor engaged on the highway works to permit at all reasonable times persons authorised by the highway authority whose identity has been previously notified to the undertaker to gain access to the site of the highway works for the purpose of inspection to verify compliance with the provisions of this Schedule in accordance with the highway authority's inspection policy.

Design and inspection payment

20.—(1) The undertaker must pay the works fees to the highway authority within 30 working days following receipt of an invoice issued by the highway authority to the undertaker following the first submission of detailed design information for approval.

(2) The undertaker must provide the following for the development inspector— (a) workplace on the site of the highway works including welfare facilities;

- (b) w i f i
- (b) safe transportation around the site; and
- (c) parking provisions.

Highway Related Structures

21. The undertaker must pay the highway related structures fees to the highway authority within 30 working days following receipt of an invoice issued by the highway authority to the undertaker.

Commuted sum

22.—(1) Immediately prior to the issue of the final certificate in respect of any phase the undertaker must pay to the highway authority any commuted sum payable in respect of that phase calculated as provided for in sub-paragraph (3).

(2) The rates to be applied in calculating the commuted sums payable must be based on those contained with the Leicestershire Highway Design Guide (or any replacement of it) or in the absence of relevant rates within that Guide must be agreed between the undertaker and the highway authority at the date of calculation.

Programme of works

23. The undertaker must, prior to the commencement of each phase of the highway works, submit to the director for their approval a programme of works setting out the undertaker's proposed timetables for executing those works and following such approval (which may be given with or without modification) the undertaker must use all reasonable endeavours to ensure that the programme of works is complied with.

Power to execute works in default or emergency

24.—(1) If at any time the undertaker does not comply with any of the terms of this Schedule in respect of any phase of the highway works, having been given notice of an alleged breach and opportunity to remedy it by the director, the highway authority must on giving to the undertaker fourteen days' notice in writing to that effect be entitled to carry out and complete that phase of the highway works and any maintenance works on the undertaker's behalf and the undertaker must within 28 days pay to the highway authority the cost so incurred by the highway authority.

(2) Nothing in this Schedule prevents the highway authority from carrying out any work or taking such action as deemed appropriate forthwith without prior notice to the undertaker in the event of an emergency or danger to the public, the cost to the highway authority of such work or action being chargeable to and recoverable from the undertaker.

Insurance

25. The undertaker must, prior to commencement of the highway works, effect public liability insurance with an insurer in the minimum sum of £10,000,000.00 for any one claim against any legal liability for damage, loss or injury to any property or any persons as a direct result of the execution and maintenance of the highway works or any part of them by the undertaker.

Notice of commencement of highway works

26. The undertaker must, prior to the commencement of each phase of the highway works, give the highway authority at least five weeks' notice (or such shorter period to be agreed between the undertaker and the highway authority) in writing of the proposed date on which each phase of the highway works will start and such date must be subject to the agreement of the director.

Approval of team undertaking Road Safety Audits

27. The undertaker must not engage or permit the engagement of any audit team unless that audit team has first been approved by the highway authority as suitable to undertake Road Safety Audits in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit (formerly HD19/15) or any replacement or modification of that design manual.

Road Safety Audits

28.—(1) At any time during the detailed design stages the director may require that an interim Road Safety Audit be carried out in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit and be submitted to the director and if so required by the director any recommendations in such interim report must be implemented to the director's satisfaction.

(2) Prior to the approval of the detailed design information for a phase, a Stage 2 Road Safety Audit must be carried out in respect of that phase in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit or any replacement or modification of that design manual and must be submitted to the director and if so required by the director any recommendations made in the Stage 2 report must be implemented to the director's satisfaction.

(3) Prior to the issue of the provisional certificate in respect of a phase, a Stage 3 Road Safety Audit must be carried out for that phase in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit and must be submitted to the director and if so required by the director any recommendations made in the Stage 3 report must be implemented to the director's satisfaction.

(4) A Stage 4 12-month monitoring Report ("the 12-month report") carried out in accordance with the Design Manual for Roads and Bridges GG119 Road Safety Audit in respect of each phase of the highway works must be submitted to the director no sooner than 8 weeks and no later than 12 weeks following the first anniversary of the opening of that phase for public use and if so required by the director any recommendations made in the 12-month report must be implemented to the director's satisfaction AND the undertaker will secure by the deposit of a bond with the highway authority a sum equivalent to the director's reasonable estimate of the cost of the potential liability of the developer in respect of works arising from the Stage 4 12-month report prior to the issue of the final certificate.

(5) In the event that the director does not require a 12-month report to be submitted following receipt of the Stage 3 Road Safety Audit then the final certificate shall be issued following the implementation of any recommendations made in that report to the director's satisfaction

Traffic signal equipment

29. The undertaker must permit the highway authority access at all reasonable times to any part of the site upon which the highway works are being carried out and in which cables, pipes, ducts or other apparatus associated with the traffic signal equipment is to be or are located to enable the highway authority to undertake works reasonably required for the maintenance of the said cables, pipes, ducts or other apparatus including any works which are undertaken to improve the performance of the traffic signals.

Use of sums paid

30. The highway authority must use such sums as are payable in accordance with the terms of this Schedule together with any interest which may accrue only for the purposes for which they are expressed to be paid.

Statutory procedures and orders

31. The undertaker must pay to the highway authority upon demand the total costs properly and reasonably incurred by the highway authority in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the highway works and whether or not such procedure or order is or are experimental, temporary or permanent provided that this paragraph does not apply to the making of any orders which duplicate the orders contained in this Order.

Consultation

32. The undertaker shall pay to the highway authority upon demand the total costs properly and reasonably incurred by the highway authority in undertaking any public consultation in respect of the highway works be the consultation a statutory requirement or any other form of consultation that the highway authority would normally carry out if it were undertaking the highway works.

Hinckley NRFI LCC s106 Heads of Terms

Obligation	Amount	Trigger point	Comment
<p>Employee travel packs – means information approved by the County Council to be supplied to each Employee by the Owner containing bus pass application forms, and details of walking, cycling and public transport, local amenities, shops and details of car sharing schemes operating at the Site and for the avoidance of doubt a travel pack will only be provided to the first Employee and does not relate to subsequent Employees</p>	£500.00	Pre-occupation	Principal agreed subject to inclusion of LCC standard wording
<p>Employee bus passes - one adult pass per Employee entitling the holder of each Bus Pass to travel free of charge on local bus services over a period of six (6) months commencing from when the Employee commences their job as the case may be and for the avoidance of doubt a Bus Pass will only be provided to the first Employee and does not relate to subsequent Employees</p>	<p>Up to £510/pass dependent on operator.</p> <p>This commitment is not explicit in the Sustainable Transport Strategy and Plan. This needs to be amended if LCC are to accept the position of the Applicant that it is covered by Requirement 9.</p>	On-occupation	Applicant to confirm changes to Sustainable Transport Strategy and Plan and submit revised document at deadline 5 or agree s106 obligation
<p>Site Wide Travel Plan monitoring fee</p>	£11,337.50	Pre-occupation	Principal agreed subject to inclusion of LCC standard wording
<p>Occupier Travel Plan monitoring fee</p>	£6,000 per employment unit	Pre-occupation	Principal agreed subject to inclusion of LCC standard wording
<p>Travel Plan Co-ordinator</p>	Provision of a Travel Plan Co-ordinator in perpetuity	Pre-occupation	Principal agreed subject to inclusion of LCC standard wording

<p>Traffic Regulation Orders</p>	<p>£8,756 in respect of traffic restrictions (on a maximum of 3 roads), payable per TRO</p> <p>£9,392 in respect of speed limit changes, payable per TRO</p>	<p>Pre-commencement</p>	<p>Principal agreed subject to inclusion of LCC standard wording</p>
<p>Public Transport</p>	<p>Provision of bus services serving the site – defining routes, hours/days of operation and frequency</p> <p>This commitment is not explicit in the Sustainable Transport Strategy and Plan. This needs to be amended if LCC are to accept the position of the Applicant that it is covered by Requirement 9.</p>	<p>Pre-occupation</p>	<p>Applicant to confirm changes to Sustainable Transport Strategy and Plan and submit revised document at deadline 5 or agree s106 obligation detailing service provision</p>
<p>Construction traffic routeing</p>	<p>This commitment is not explicit in the Construction Traffic Management Plan. This needs to be amended if LCC are to accept the position of the Applicant that it is covered by Requirement 23.</p> <p>Alternatively, LCC standard wording to be included in Agreement.</p>		<p>Applicant does not agree with request. Could be resolved with inclusion of LCC standard wording.</p>
<p>The HGV Route Management Plan & Strategy</p>	<p>£50,000</p> <p>The HGV Route Management Plan & Strategy includes for a £50,000 contribution should the Strategy not be effective. At ISH6 the ExA requested details be submitted of what the £50,000 would contribute to in order for the figure to be verified</p>	<p>Following the submission of the first monitoring report to LCC</p>	<p>Principal agreed subject to wording and provision by the Applicant team of details of remedial measures and associated verification of costs and obligation to be provided in a revised HGV Route Management Plan & Strategy at Deadline 5</p>

ANPR Monitoring contribution	£X to be confirmed pending the Applicant confirming role of LCC in enforcement and monitoring in a revised HGV Route Management Plan & Strategy to be submitted at Deadline 5	To be discussed following receipt of revised Strategy	Applicant to confirm changes to HGV Route Management Plan & Strategy and submit revised document at deadline 5 or agree s106 obligation to be calculated once LCC understand its obligations under the revised Strategy
Archaeology fee	£7,312.50	Prior to carrying out archaeology works	Agreed
S106 Monitoring fee	£300.00 or 0.5% whichever is greater	Pre-occupation	Applicant has not commented on LCC request
Gibbet roundabout	£X contribution payable to WCC on behalf of NH and LCC to mitigate the impact of the development at this junction	Pre-commencement	Applicant to provide details of a scheme to mitigate impact of development for costing and calculation of a contribution in lieu of works
Desford Crossroads	£1,516,344.42 to mitigate the impact of the development at Desford Crossroads as defined in the submitted Transport Assessment	Pre-occupation	Applicant does not agree with request
Skills and Training Plan monitoring	£1440 per meeting to facilitate LCC obligations as defined in the Skills and Training Plan	Invoiced quarterly in arrears	Principal agreed subject to inclusion of LCC standard wording
MOVA validation	£5000.00 per junction (total £20,000.00): Spa Lane/Leicester Road, Hinckley A47 Clickers Way/Station Road, Elmesthorpe Park Road/London Road, Hinckley London Road/Brookside, Hinckley	50% Following occupation of the first unit 50% at 75% occupation	Applicant does not agree with request
PRoW	Obligation to carry out		Applicant does not

	<p>improvements to PRow relied upon for access to the site on the basis that this commitment is not explicit in the Public Rights of Way Strategy</p> <p>If the Applicant is relying on Requirement 25 then the Strategy requires amendment to include clear identification of commitments at Deadline 5 or accept an obligation (not financial contribution) to improve PRow to be defined in the Agreement</p>		agree with request
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Title

This has not been provided to date and so LCC cannot comment on the parties. This should be provided asap.

Hearing Action Points

AP No.	Action	LCC response
123	Continuous review of local junction models and engagement with Applicant, with particular regard to furnishing	<p>LCC are aware that the Applicant has commissioned new surveys at junctions where off-site mitigation is proposed only. At a meeting held on 2nd February 2024, LCC, NH and WCC requested that the Applicant team make this data identifiable on the shared Sharepoint site.</p> <p>At this meeting, the Applicant team committed to various actions in respect of providing clarification on the furnishing methodology used. These include:</p> <ul style="list-style-type: none"> • Applicant team to provide clarifications on calculations and the application of the methodology • Applicant to provide a note addressing discrepancies between old and new survey data (noting differences between target and observed flows) • Applicant team to check that demand inputted included for traffic queuing, not just that passing a stop line • Applicant team to model Gibbet roundabout in VISSIM and present the results to the Highway Authorities (as requested in REP1-152) <p>Timescales for the above rest with the Applicant. Whilst awaiting this information, LCC is pressing ahead with its review of the survey data to check that it has been correctly transferred into the furnishing spreadsheet. LCC will be in a position to confirm to the ExA if this is the case at Deadline 6.</p> <p>In respect of overall junction models, these cannot be agreed until the outstanding furnishing matters have been addressed by the Applicant, and LCC have confirmed that data has been correctly inputted. LCC would expect that the Applicant would address this in a timely manner given the impending examination end date, and LCC are hopeful that we will be in a position to agree furnishing methodology by 12th March 2024.</p>
127	Leicestershire County Council to provide details of Lutterworth Urban Extension, including when it was granted and what its implementation triggers are	<p>Lutterworth East (Harborough District Council reference 19/00250/OUT) includes for a hybrid planning application comprising: <i>Outline application for development (including demolition) of up to 2,750 dwellings, business, general industrial and storage and distribution uses, two primary schools, neighbourhood centre, public open space, greenspace, drainage features, acoustic barrier, and other associated infrastructure (some matters reserved), and full application for the development of a spine road and associated junctions with the A426 north of Lutterworth, Gilmorton Road, Chapel Lane (including the partial closure and realignment of Chapel Lane to motor vehicles and horse riders), and the A4304 east of M1 Junction 20, comprising carriageway, footway, cycleway and associated infrastructure to include earthworks, bridge structures, services, drainage, landscaping, lighting and signage</i></p> <p>As discussed at ISH6, the Lutterworth East Decision Notice dated 17th May 2022 includes for a condition (no.31) to make improvements to M1 J21. This is replicated below to assist the ExA:</p> <p><i>Prior to the first occupation of the residential element of the development, full design details of the proposed highways mitigation works at M1 J21, which shall comply with DMRB standards and be in accordance with AECOM drawing M1 Junction 21 General Arrangement 60578868-LES DA-TP008-00002 Rev 02 (Transport Assessment Supplementary Report 2, Appendix B4), shall be submitted to the District Planning Authority and approved in writing The highways mitigation works approved under this condition shall thereafter be completed in accordance with the approved details, prior to</i></p>

first occupation of the residential element of the development. REASON: To ensure that works in the highway are carried out to the appropriate standard and to ensure the free flow of traffic along the highways network and to accord with Policy L1 of the Harborough Local Plan.

As also discussed at ISH6, the relevant extract from the supporting Transport Assessment Supplementary Report 2 (dated 01.11.2019) is copied below:

Table 5.21 M1 Junction 21 Gyratory With Improvements scheme - 2036 With Development

Lane Description	AM		PM	
	Deg Sat (%)	MMQ (PCU)	Deg Sat (%)	MMQ (PCU)
M1 Southbound off-slip	80%	14	80%	14
Opposing	67%	14	64%	3
A5460 East	112%	71	118%	88
Opposing	67%	4	64%	3
M1 Northbound off-slip	84%	6	96%	10
Opposing	92%	9	89%	15
M69 West	80%	9	80%	10
Opposing	48%	0	43%	0
PRC%		-25%		-31%

The results show that the junction would operate in excess of its capacity. However, when the results of the 2036 with development and mitigation scenario in The results show that the junction would

Prepared for: Leicestershire County Council

AECOM
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East Lutterworth Strategic Development Area
Transport Assessment Supplementary Report 2

operate in excess of its capacity. However, the proposed improvement on the M1 northbound slip has resulted in queue of four PCUs and six PCUs compared with eight PCUs and 12 PCUs for the without improvements in the AM morning and PM evening peak hours respectively.

128 The Applicant to provide additional raw survey data, including queue length details, for Narborough Level Crossing.

This is to be shared with relevant authorities for comment.

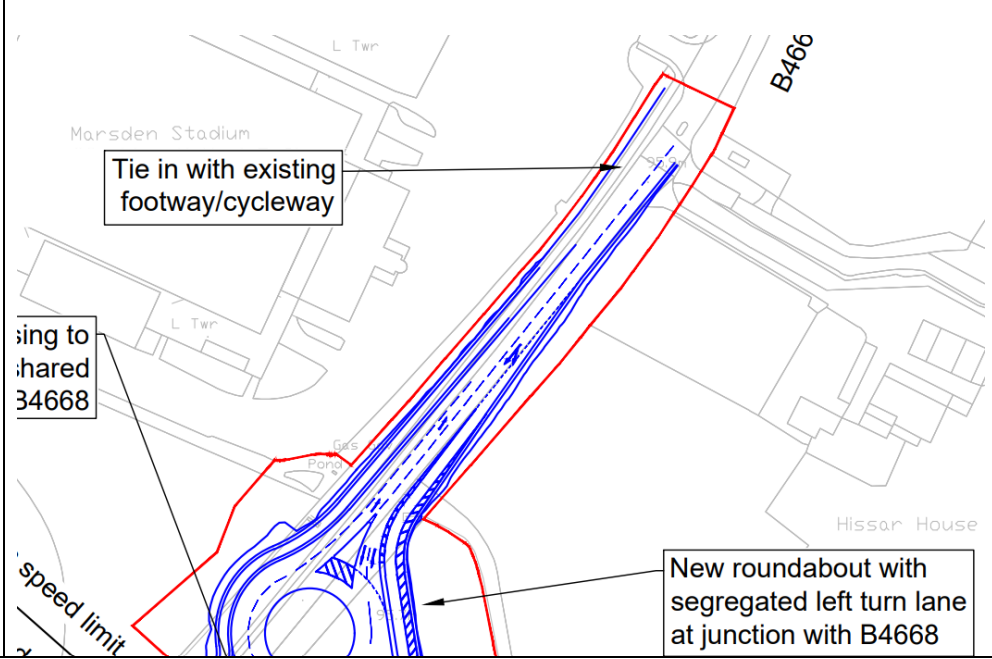
LCC welcome submission of this information by the Applicant at Deadline 6.

135 Further discussions between Leicestershire County Council and the Applicant in relation to the design of the footway/cycleway

LCC met with the Applicant team, together with National Highways and Warwickshire County Council on 2nd February 2024. At this meeting the Applicant team confirmed that on the basis there will be “no demand” for employees to walk and cycle on the eastern side of the A47 link road north of the railway line i.e., the development side of the link road, no continuous footway/cycleway will be provided.

LCC note that the Applicant has constrained the red line adjacent the A47 link road north/B4668 Leicester Road to the extent that delivery of a continuous footway/cycleway would not be possible, please see extract from REP4-006 below:

adjacent to the A47 link road to take place, with clarification in this regard submitted into the examination.



February 2024

Planning Act 2008

TRITAX SYMMETRY (HINCKLEY) LIMITED

**PROPOSED HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE
OFF M69 JUNCTION 2, LEICESTERSHIRE**

DOC REF 19.3

Statement of Common Ground between

Tritax Symmetry (Hinckley) Limited and Leicestershire County Council

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1. MATTERS OF AGREEMENT AND DISAGREEMENT

1.1 Planning

Version	Date	Issued by
01	May 2023	TSH
02	23/06/23	LCC
03	03/07/23	TSH
04	08/09/23	LCC
05	11/10/23	TSH
06	18/10/23	LCC
07	09/02/24	LCC

Matters agreed – Principle of Development

Ref.	Matter agreed	RAG rating
	N/A	

Matters not agreed – Principle of Development

Ref.	Matter not agreed	RAG rating
1.	The County Council has no objection to the principle of SRFIs, accepts the need for a SRFI is to be located in south Leicestershire. However, based on the information submitted to date (9 February 2024) the HNRFI site in Blaby District cannot be endorsed as an appropriate	

	<p>location given the issues raised by the County Council, including in its role as the Local Highway Authority.</p> <p>Given the significant concerns, which remain unresolved, particularly in relation to highways and transport matters, the Council objects to the HNRFI proposal as submitted by Tritax Symmetry to the Planning Inspectorate in March 2023 and considers the Examining Authority should recommend refusal to the SoS.</p>	
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Matters agreed – Master Planning Options for The Main HNRFI Site

Ref.	Matter agreed	RAG rating
1.	Chapter 4 of the submitted Environmental Statement (document reference APP-113) outlines the alternative locations studied and has provided indication by the Applicant as to the reasons for the selection of HNRFI.	

Matters not agreed – Master Planning Options for The Main HNRFI Site

Ref.	Matters not agreed	RAG rating
1.	The Applicant has set out the alternative considerations in the evolution of the design of HNRFI on the main HNRFI site by reference to the issues identified at paragraph 4.133 of chapter 4 of the Environmental Statement (document reference APP-113).	
2.	The County Council in its role as the Local Highway Authority has concerns regarding the design of the access and egress to the site, the access road and proposed bridge, having regard to the 'Criteria for 'good design' for national network infrastructure' in the NPS (4.28 to 4.35).	

Matters agreed – Need for HNRFI

Ref.	Matters agreed	RAG rating
1.	The need for a SRFI has been established within the joint authority evidence base ' <i>Warehousing and Logistics at Leicester and Leicestershire: managing growth and change</i> ' (April 2021, amended March 2022)	
2.	The Study above identifies a shortfall of 718,875 sqm of rail served sites which should be planned for the period to 2041 – and a supply shortfall for rail served sites 'starts to emerge around the mid 2020s' (Leicester and Leicestershire Authorities' ' <i>Statement of Common Ground relating to Strategic Warehousing and Logistics Needs</i> ' (September 2021 paragraphs 3.4-3.5).	
3.	The identified business market for HNRFI is not fully served by existing and committed SFRIs within Leicester and Leicestershire as established in the joint evidence report ' <i>Warehousing and Logistics in Leicester and Leicestershire: managing growth and change</i> ' (April 2021, amended March 2022).	
4.	Both the ' <i>Warehousing and Logistics at</i>	

	<i>Leicester and Leicestershire: managing growth and change</i> ’ (April 2021 amended March 2022) jointly commissioned by the local authorities in Leicestershire and the <i>‘Market Needs Assessment’</i> commissioned by the Applicant, identify a need for rail serviced logistics sites but the differing methodologies give different results. In principle HNRFI would meet this rail-related need.	
5.	The <i>‘Warehousing and Logistics at Leicester and Leicestershire: managing growth and change’</i> (April 2021, amended March 2022) will form part of the evidence base for Leicester and Leicestershire planning authorities in the preparation of the reviews of their development plans in meeting future development needs.	
6.	The Applicant has undertaken a <i>‘Market Needs Assessment’</i> (APP-357) which has demonstrated that HNRFI is located near to the business market it will serve and is linked to key supply chain routes.	
7.	The Applicant considers that the provisions of the development plan have been given appropriate consideration with preparation of the proposals for HNRFI.	

Matters not agreed – Need HNRFI

Ref.	Matters not agreed	RAG rating
	N/A	

Matters agreed – Strategic Rail Freight Interchanges

Ref.	Matters agreed	RAG rating
1.	HNRFI will be developed in a form that can accommodate both rail and non-rail activities. (NPS NN paragraph 4.83)	
2.	Requirement 10. Rail which supports the construction and occupation of up to 105,000 sqm of logistics floorspace is reasonable and proportionate prior to the Rail Port (Phase 1) becoming operational as set out within the submitted Planning Statement (APP-347).	

Matters not agreed – Strategic Rail Freight Interchanges

Ref.	Matters not agreed	RAG rating
1.	There is disagreement between the parties whether the proposals for HNRFI satisfy the guidance for good design in the NPS (paragraphs 4.28-4.35) with particular reference to the alleged impact of HNRFI on the surrounding landscape.	
2.	HNRFI acknowledges the criteria set out in the NPS (paragraphs 4.28 to 4.35) which constitutes 'good design'	
3.	The recent Government announcement regarding the curtailing of High Speed 2 (HS2) at Birmingham and the introduction of Network North give rise to questions as to whether there will be sufficient capacity on the network to serve additional strategic rail freight as the NPSNN envisages (para 1.7): <i>This NPS sets out the Government's policy for development of the road and rail networks and strategic rail freight interchanges, taking into account the capacity and connectivity that will be</i>	

	<p><i>delivered through HS2.</i></p> <p>Furthermore, the new proposals for the East Midlands include increased rail capacity by increasing the number of trains between Birmingham and Leicester from two to four per hour (which will itself increase the amount that Narborough crossing is closed).</p>	
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Matters agreed – Other matters arising from the policy provision of the development plan

Ref.	Matters agreed	RAG rating
1.	<p>That the development plan comprises:</p> <ul style="list-style-type: none"> i. Leicestershire Minerals & Waste Local Plan 2019 ii. District/Borough Wide Development Plans Blaby District Local Plan Core Strategy 2013 Blaby Local Plan Delivery DPD 2019 Hinckley and Bosworth Core Strategy DPD 2009 Hinckley and Bosworth Site Allocations and Development Management Policies 2016 iii. Neighbourhood Plans Fosse Villages' Neighbourhood Plan 	
2.	<p>Minerals and Waste Local Plan (MWLP)</p> <p>The development of HNRFI does not offend any of the policy provisions within the Minerals and Waste Local Plan.</p>	
3.	<p>HNRFI does not adversely impact the safeguarding of mineral resources.</p>	
4.	<p>The development of HNRFI will not adversely impact committed or consented operations for minerals extraction or waste management.</p>	

Matters not agreed – Other matters arising from the policy provision of the development plan

Ref.	Matter not agreed	RAG rating
1.	Although it is accepted that the NPS is the primary basis for making decisions on development consent applications for national networks, nationally significant infrastructure projects, LCC consider ‘greater weight’ must be given to the policies and proposals in the relevant development plan documents.	

Matters agreed – Draft Policy Statement National Networks

Ref.	Matters agreed	RAG rating
1.	The Draft NPS is an important and relevant consideration to the decision taking on HNFRI and represents the current thinking of the Government on the policy provision for national networks.	
2.	The Draft NPS maintains a consistency of policy approach towards the provision of new national networks including SRFIs.	
3.	In meeting the Government’s ambitions for rail freight growth there remains a continuing need for appropriately located SRFIs across all regions to enable further unlocking of the benefits. (Draft NPS paragraph 3.103)	

Matters not agreed – Draft Policy Statement National Networks

Ref.	Matters not agreed	RAG rating
	N/A	

1.2 Waste

Version	Date	Issued by
01	19.05.23	TSH
02	27.06.23	LCC
03	14.07.23	TSH
04	13.08.23	LCC
05	05.02.24	LCC

Matters agreed

Ref.	Matters agreed	RAG rating
1.	ES Chapter 17 (APP-126) has been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	
2.	ES Chapter 17 (APP-126) has been prepared in accordance with the Waste Management Plan for England, inclusive of the principles of the 'Waste Hierarchy'.	
3.	ES Chapter 17 (APP-126) agrees with the ambitions to reuse most demolition materials from existing buildings and barns within the development. Off-site removal to landfill is to be minimised, with the exception of any contaminants (e.g. asbestos). This is included as an aim within a Site Waste Management Plan/Materials Management Plan.	
4.	ES Chapter 17 (APP-126) agrees locally sourced materials should be used where appropriate/possible in order to reduce travel miles/CO2 footprint for construction. This aim can be included within a Materials	

	Management Plan. This also generates potential localised economic benefits.	
5.	ES Chapter 17 (APP-126) provides a sufficient assessment of the nature and quantity of materials and natural resources, to the extent that such information is available, by applying knowledge of similar developments and the Rochdale envelope approach to uncertainty.	
6.	ES Chapter 17 (APP-126) considers the baseline and future baseline waste disposal capacity.	
7.	The Spatial scope of the assessment is considered within keeping with best practice, proportionate and acceptable.	
8.	The proposed Site Waste and Materials Management Plan (SWMMP) (APP-361) is sufficient to provide a framework for lead contractors and compliant with National and Local objectives. Implementation of the SWMMP would ensure that material reuse is maximised by minimising waste at source (reducing the requirement for new construction materials) and during construction. It would be regularly updated during the lifetime of HNRFI.	
9.	Excavated material is classified as waste and this will be managed in accordance with the Definition of Waste: Development Industry Code of Practice (CL:AIRE, 2011).	
10.	The HNRFI site benefits from a range of waste facilities in close proximity. With the adherence to the Material Management Plan and the associated reuse of material, the quantity of waste would not have a significant impact on the capacity of the landfill sites in the region with the impact assessed as slightly adverse.	
11.	Waste generated during operation by HNRFI which cannot be reused will be disposed of offsite by licensed contractors. A recycling rate of 65% is targeted.	
12.	The overarching principles of the Site Waste	

	and Materials Management Plan submitted with the DCO application are agreed (APP-361)	
13.	Requirement 22. Prior to the commencement of construction work on each phase of the development a detailed site waste and materials arrangement plan for that phase in accordance with the principles set out in the Site Waste and Materials Management Plan (APP-361) must be submitted to and approved by the relevant planning authority.	

Matters not agreed

Ref.	Matters not agreed	RAG rating
	N/A	

1.3 Highways

Traffic and Transport

Version	Date	Issued by
01	09.10.2023	TSH
02	22.12.2023	LCC
03	09.02.2024	LCC

Matters agreed

Ref.	Matters agreed	RAG rating
1.	Development trip distribution as produced by AECOM (TN1) v2.1 dated 10.12.2018	
2.	PRTM 2.2 Hinckley National Rail Freight Interchange Transport Modelling: Base Year Model Review and Refinements, Report v4.0 dated 11.02.2022	
3.	Base VISSIM modelling Audit Response J1 M69	

Matters not agreed

Ref.	Matters not agreed	RAG rating
1.	The Transport Assessment (REP3-157) and ES Chapter 8 (APP-117) have been prepared in accordance with the National Policy Statement for National Networks (NPSNN)	
2.	PRTM input: Trip generation - comparability to site selection, and inclusion of managerial posts	
3.	PRTM input: Uncertainty Log V8 dated 02.02.2022 – omission of Padge Hall Farm	
4.	PRTM outputs: including no sensitivity	

	testing of a fully dualled link road, no modelling of an unconstrained scenario at M1 J21/M69 J3, and no sensitivity test for Padge Hall Farm	
5.	PRTM outputs: Off-Site Mitigation strategy including no phased development testing and no strategic modelling of mitigation package in PRTM	
6.	Furnessing methodology	
7.	VISSIM modelling M69 J1	
8.	VISSIM modelling M69 J2	
9.	VISSIM modelling M1 J21/M69 J3	
10.	VISSIM modelling Gibbet roundabout	
11.	VISSIM modelling A5 Longshoot/Dodwells	
12.	Off-site local junction modelling including methodology, unmitigated impacts, and schemes of mitigation	
13.	Provision of adequate infrastructure to the site for all users including walking, cycling and public transport	
14.	Stage 1 Road Safety Audits and Designer's Responses	
15.	Sustainable Transport Strategy and Plan (REP4-052)	
16.	Site Wide Framework Travel Plan (REP4-055)	
17.	Ongoing maintenance responsibilities in respect of A47 link road bridge and Outwoods footbridge	
18.	Structural integrity of existing M69 J2 bridges	
19.	Assessment of impact of Narborough Level Crossing downtime on the Local Road Network and NMUs, including VISSIM modelling (REP4-118)	
20.	HGV Routeing Strategy (REP4-113) including ANPR	
21.	Construction Traffic Management Plan including access to the Local Road Network, impacts, and routeing (REP3-040)	

1.4 PROW

Version	Date	Issued by
01	09.10.2023	TSH
02	22.12.2023	LCC
03	09.02.2024	LCC

Matters agreed

Ref.	Matters agreed	RAG rating
	N/A	

Matters not agreed

Ref.	Matters not agreed	RAG rating
1.	PRoW proposals are deliverable	
2.	PRoW proposals can be designed fully in accordance with LCC adopted standards	
3.	Details of A47 underpass	
4.	Details of PRoW connections to link road footway provision	
5.	Stopping up of duplicated bridleway V35/1	
6.	Ownership, maintenance, and risk assessment of Thorney Fields Farm bridge	
7.	Stage 1 Road Safety Audit of B581 Elmeshorpe railway bridge footway provision	
8.	Details of private access to Bridge Farm	
9.	Details of Outwoods footbridge and its future maintenance	

1.5 Climate

Version	Date	Issued by
01	19/05/23	MW
02	23/06/23	MW
03	26/07/23	TM
04	24/10/23	LCC
05	09/02/24	LCC

Matters agreed

Ref.	Matters agreed	RAG rating
1.	ES Chapter 18 Energy and Climate Change (APP-127) has been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	
2.	ES Chapter 18 Energy and Climate Change (APP-127) has been prepared in accordance with the National Planning Policy Statement (NPPS) (2021) by mitigating and adapting to climate change, including moving to a low carbon economy (paragraph 7).	
3.	The assessment methodology has been accepted comprising: <ul style="list-style-type: none"> • A Study of the baseline characteristics using both survey data and third-party information; • An Assessment of the resilience to likely climatic changes; 	
4.	Although the Proposed Development is not an Energy NSIP, the provision of roof-mounted photovoltaic arrays with a generation capacity of up to 42.4 megawatts	

	<p>peak (MWp) providing direct electricity supply to the building or exporting power to battery storage, and also incorporating provision of an energy centre, HNRFI supports the Draft National Policy Statement for Renewable Energy Infrastructure 2021 (NPS EN-1 – draft)</p>	
5.	<p>ES Chapter 18 Energy and Climate Change (APP-127) acknowledges and supports Leicestershire County Council’s own commitments to acknowledging a climate emergency. TSL are committed to the principles of the '<i>Leicestershire Climate and Nature Pact</i>'.</p>	
6.	<p>Prior to their implementation, the energy efficiency and sustainability measures will be assessed to determine their applicability to the detailed design. This will be considered in the early detailed design stages and written into the building specifications.</p>	
7.	<p>The materials demand of the development will be addressed by maximising the use of reclaimed and recycled materials where practicable throughout the construction process. The demand upon the development for the provision of recycling and waste storage will be addressed in the early detailed design stages and when detailed discussions can be held with prospective operators regarding the specific operations of the proposed units. In addition, recycling and waste will be considered for the Construction Stage. Provision has been made in the scheme for the inclusion of recycling and waste storage / compaction within the identified service areas.</p>	
8.	<p>This commitment by TSH to deliver net-zero buildings should result in a significant reduction in embodied carbon sources during construction that are not anticipated to materially affect the ability of the UK to achieve its carbon reduction targets, and thus are not predicted to have a significant effect on the global climate. Opportunities for further reduction during operation will be encouraged and captured through the</p>	

	incorporation of carbon targets within the procurement process.	
9.	A Construction Traffic Management Plan (CTMP) (REP3-040) will minimise and mitigate the environmental impacts of construction activities, including the reduction of GHG emissions.	
10.	<p>The Framework CEMP (REP4-109) includes best practice mitigation measures to reduce emissions during construction, including from construction plant, for example:</p> <ul style="list-style-type: none"> • Training employees in how to handle machinery to reduce GHGs; • Switching off machinery and vehicles when not in use; • Regular maintenance of machinery to ensure they work efficiently; • Using electric or alternative low/zero carbon emission machinery where possible; • Reducing water consumption where possible; and • Using efficient vehicles and machinery where possible. 	
11.	During the demolition of on-site structures, the re-use, recycling and reduction of construction waste will be promoted to reduce HNRFI's overall carbon footprint by reducing the need to extract raw materials.	
12.	Embedded emissions of HNRFI will be calculated at each stage of design as it develops to ensure that it is meeting its project specific targets and legal requirements including Building Regulations Part L and to seek to achieve a BREEAM 'Very Good' rating. This will consider both operational CO2e emissions affected by design and embodied carbon. HNRFI will source building materials from sustainable and, where possible, local sources whilst restricting materials which cause environmental harm. Ultimately, this strategy will reduce the overall carbon footprint and lead to a potential reduction in GHG emissions associated with HNRFI over	

	its lifetime.	
13.	The increase in electrical vehicles throughout the lifespan of HNRFI will result in a decrease of direct emissions, though it will in turn increase the demand on the national grid where indirect emissions may result depending on the energy source.	
14.	The impacts of climate change on HNRFI during the construction stage would be managed through the outline CEMP (REP4-109), which would contain detailed procedures to mitigate any potential impacts associated with extreme weather events, as listed in Appendix 18.6 (APP-222). This will complement best practice mitigation measures employed in the construction industry. The lead contractor will ensure appropriate measures within this outline CEMP are implemented and, as appropriate, additional measures to ensure the resilience of the proposed mitigation of impacts during extreme weather events.	
15.	The lead contractor's Environmental Management System will consider all measures deemed necessary and appropriate to manage extreme weather events and should specifically cover training of personnel and prevention and monitoring arrangements.	
16.	During operational circumstances, adaptation and resilience to climate and weather-related risks would be considered periodically through maintenance regimes. A schedule of general inspections and principal inspections of each structure should be carried out to determine the condition of the structure and identify any potential maintenance requirements.	
17.	Requirement 17 Energy Strategy	
18.	The assessment is sufficient to estimate the effects on GHG emissions sources, including: <ul style="list-style-type: none"> • Vehicular emissions during the construction stage; • Embodied carbon in construction materials; 	

	<ul style="list-style-type: none"> • Vehicular emissions during the operational stage; and <p>Energy demand during the operational stage.</p>	
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Matters not agreed

Ref.	Matters not agreed	RAG rating
1.	<p>The proposal supports the DfT’s NPS for National Networks by providing sustainable development through the reduction of transport-based GHG emissions by encouraging a modal shift of freight from road to rail. Furthermore, this modal shift will help to reduce traffic congestion and contribute towards improving air quality in the wider East Midlands region.</p>	
2.	<p>The development has been designed in ways to:</p> <ul style="list-style-type: none"> a) avoid increased vulnerability to the range of impacts arising from climate change; b) help to reduce greenhouse gas emissions (paragraph 154). <p>To help increase the use and supply of renewable and low carbon energy and heat, the development:</p> <ul style="list-style-type: none"> a) provides a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) considers suitable areas for renewable and low carbon energy sources, and c) identifies opportunities to draw its energy supply from renewable or low carbon energy supply systems (paragraph 155). 	
3.	<p>The assessment methodology has been accepted comprising:</p> <ul style="list-style-type: none"> • An Assessment of the likely effects on climatic change; • Recommendations to mitigate likely significant effects 	
4.	<p>HNRFI proposes a suite of transport and</p>	

	access improvements which will help reduce GHG emissions associated with the transport of employees to and from the Main HNRFI Site during the operational phase.	
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1.6 Drainage

Version	Date	Issued by
01	16/05/2023	TSH
02	22/06/2023	LCC
03	30/06/2023	TSH
04	06/10/2023	TSH
05	09/02/2024	LCC

Matters agreed

Ref.	Matters agreed	RAG rating
1.	The Flood Risk Assessment (APP-209) has been prepared in accordance with the National Policy Statement for National Networks (NPSNN)	
2.	The submitted surface water and flood risk ES Chapter 14 (APP-123) includes an agreed methodology and approach to assessment of surface water and flood risk, including the effects of climate change.	
3.	The proposed scheme is at an acceptable level of surface water flood risk and, subject to the implementation of the surface water flood risk management principles outlined in the Flood Risk Assessment, and the flood risk management principles agreed with the Environment Agency, the proposed scheme will seek to appropriately mitigate flood risk within Leicestershire in line with best practice guidance.	
4.	The surface water drainage strategy shall be implemented in accordance with the principles outlined in the concept drainage	

	plans ES Figure 14.4 (REP4-083), ES Figure 14.6 (APP-341) and ES Figure 14.7 (APP-342), and in accordance with Requirement 13 and 14 of the Draft DCO (REP4-027).	
5.	Matters contained in the CEMP (REP4-109) in relation to water resources and flood risk (paragraphs 1.93 – 1.109) are considered appropriate to address the construction phase of the Proposed Development.	
6.	In accordance with requirement 7 of the draft DCO (REP4-017), phase specific CEMPs to be prepared prior to the construction of each development phase. This will include details of any necessary temporary (or otherwise) flood risk and surface water quantity and quality management measures. The performance of implemented measures should be monitored and changes made where appropriate in order to maintain water quality and adequately mitigate flood risk during the construction period.	
7.	The Lead Local Flood Authority are comfortable with the content of the draft DCO (REP4-027) relating to flood risk and water environment. This includes approval of Part 6(47) of the draft DCO which sets out disapplication, application and modification of legislative provisions in relation to Ordinary Watercourses.	

Matters not agreed

Ref.	Matters not agreed	RAG rating
	N/A	

1.7 Health

Version	Date	Issued by
01		TSL
02		BDC
03		TSL
04	28.07.2022	BDC
05	15/08/2023	TSL
06	10.11.2023	BDC (without LCC comment)
07	14/11/2023	TSL
08	09/02/2024	LCC

Matters agreed

Ref.	Matter agreed	RAG Rating
1.	As agreed during the formal Scoping Process with the Planning Inspectorate, the approach to considering the health and wellbeing of communities, was to focus on environmental socio, cultural and economic precursors protective of the environment and health.	
2.	Appendix 7.1 Health and Equality Briefing Note (REP4-050)) was prepared to aid signposting as to how and where health was addressed and assessed in the DCO ES.	
3.	A supplementary statement on equality was prepared in Appendix 7.2 (REP1-009) to respond to	

	<p>the PINS s51 Advice letter and more clearly demonstrates the effects of the Proposed Development on those persons with protected characteristics as defined under the Equality Act 2010 (as amended).</p> <p>A Rule 17 response was received from the Planning Inspectorate regarding preferred terminology, and the Applicant has confirmed that the revised Equality Statement made no changes to the assessment or conclusion.</p>	
4.	<p>Potential impacts on local water supply, foul water, surface water, flood risk and electric and magnetic fields are addressed through planning and the regulatory planning process to preclude any risk or impact to health. These items can be deferred to the pertinent technical disciplines and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>In the event that further technical assessments pertaining to these topics result in the identification of significant impacts, the potential for health impacts should be reconsidered.</p>	
5.	<p>Potential changes in local air quality during both construction and operation remain within air quality objective thresholds set specifically to be protective of health for vulnerable members of the population, and the absolute change in concentration and exposure remains orders of magnitude lower than is required to quantify any measurable adverse health outcome.</p> <p>As such, this item can be retained under the air quality technical disciplines and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>LCC has requested further clarification on this point in the form of high-level Quantitative Exposure Response Assessment. The Applicant's position is that this request is excessive given the negligible effect of the proposal on air quality. The Applicant will prepare a separate technical note clarifying its position at the ExA's request.</p>	
6.	<p>Changes in visual impact are not of an order to result in any measurable adverse health outcome. The more subjective potential effect of visual impact is adequately addressed within the Landscape and Visual Effects technical discipline to</p>	

	recognised methods and an agreed scope.	
7.	<p>Income and employment are key determinants of health, which are addressed through the socio-economic Technical Discipline.</p> <p>The item can be deferred to the socio-economic Impact technical discipline and does not need to be addressed through any additional considerations of health at Issue Specific Hearing.</p>	
8.	<p>The health baseline applied in the Health Briefing Note (REP4-050) was to provide further context and awareness of local circumstance priority and need. It complements the appropriate topic specific baselines contained in the ES, whose geographical scopes were agreed during scoping and vary by topic, depending on the nature of varying focus, scope, distribution characteristics and effect.</p> <p>The Public Health Team have reviewed the contextual health baseline in the Health and Equality Briefing Note (REP4-050), and while minor discrepancies exist due to the granularity of data applied (ward, Super Output Area etc) and temporal periods, these are not material. This contextual information, which complements the topic specific baseline data, has no impact on the assessment conclusions or assessment of significance.</p>	
9.	The updated Health and Equality Briefing Note, (REP4-050) includes a reference to a Health Impact Assessment.	

Matters not agreed

Ref.	Matters not agreed	RAG Rating
1.	<p>Mental Health: In the Health and Equalities Briefing Note (REP4-050) consideration is only given to the provision of net additional long-term employment and the working environment for employees. It does not consider the impacts associated with noise, vibration and landscape and visual effects which are all known to affect mental health.</p>	
2.	<p>Good quality public rights of way and open space enhances community wellbeing by offering areas for recreation, relaxation and social interaction which contribute to physical and mental health.</p> <p>Further clarification is required how good quality open space will be achieved. The LEMP document (REP4-111) describes habitat creation/enhancement and does not provide an understanding of how the open spaces will be accessed by the public and well maintained.</p>	

1.8 Land Use and Socio-Economic Effects

Version	Date	Issued by
01	22/05/23	TSL
02	20/06/23	HBBC
03	23/06/23	TSL
04	28/07/23	MP
05	10/10/23	TSL
06	23/10/23	BDC and HBBC
07	14/11/23	TSL
08	09/02/24	LCC

Matters agreed

Ref.	Matters agreed	RAG rating
1.	Up to date employment rates have been provided in the ES (APP-116).	
2.	The effect of the Proposed Development on community land and assets (including access to Burbage Woods and Common) has been updated to report a minor adverse effect over the long term.	
3.	With the Work & Skills Plan Framework Principles being agreed, the following matters are consequently agreed. <ul style="list-style-type: none"> 1. Adequacy of analysis of job skills and availability of labour 2. Housing demand and supply impact 	

Matters not agreed

Ref.	Matters not agreed	RAG rating
	N/A	

2. AGREEMENT ON THIS SOCG

This Statement of Common Ground has been jointly prepared and agreed by:

Name:

Signature:

Position:

On behalf of:

Tritax Symmetry (Hinckley) Limited

Date:

Name:

Signature:

Position:

On behalf of:

Leicestershire County Council

Date: