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PLANNING ACT 2008

HNRFI STRATEGIC RAIL FREIGHT INTERCHANGE ORDER 202X

CONSULTATION DRAFT PLANNING STATEMENT

ON BEHALF OF TRITAX SYMMETRY (HINCKLEY)LTD

JANUARY 2022

PF/9575

Chartered Town
Planning Consultants

Glossary of Terms

In this Statement the terms referenced below are given the following meaning:

Term	Explanation
The Act	The Planning Act 2008 England and Wales legislation which established the legal Framework to apply for, examine and determine applications for Nationally Significant Infrastructure Projects
The Applicant / TSH	Tritax Symmetry (Hinckley) Limited
HNRFI Rail Freight Interchange (HNRFI)	The name of the project
The Main HNRFI Site	All of the land inside the draft DCO Order Limits between the Leicester to Hinckley railway to the north-west and the M69 motorway to the south-east, in which the proposed SRFI would be located
Proposed Development	The DCO application comprising works which form the main elements of HNRFI, together with other development that has a direct relationship with the Main HNRFI Site and is required to support its construction or operation as described at Section 2 of the Planning Statement
draft DCO Order Limits	The red line site boundary which encapsulates all works and authorisations sought within the Development Consent Order
Rail Port	The intermodal freight terminal for the loading and unloading of shipping containers from trains and lorries
Off-site Highway Works	Comprising: • Works to M69 J2 • A new road from M69 J2 to the B4468/A47 Leicester Road over a new railway bridge • Modification to several junctions and amendment to Traffic Regulation Orders on the local road network
Works to J2 M69	The installation of south facing slips to enable junction 2 to operate as an all-ways junction and the reconfiguration of the roundabout
The A47 Link Road	Comprising a new route through the Main HNRFI Site from M69 J2, crossing the Hinckley to Leicester railway on a replacement railway bridge to connect onto the B4468 at a new junction on Leicester Road
Rail Connected Buildings	The approach taken by the Examining Authority in reporting on the West Midlands Rail Freight Interchange 27th November 2019 namely: 'a warehouse or other building either with its own dedicated rail siding or which is sufficiently close to the

	rail terminal to allow containers to be moved from the rail wagons into the warehouse by overhead cranes or reach stackers without the need for them to be loaded onto a HGV or Tugmaster vehicle'
Rail Served Buildings	The approach taken by the Examining Authority in reporting on the West Midlands Rail Freight Interchange 27th November 2019 namely: 'a warehouse forming part of the Strategic Rail Freight Interchange development, but which would require containers to be moved from or to the rail terminal by means of a HGV or Tugmaster vehicle'
Rail Accessible Buildings	The approach taken by the Examining Authority in reporting on the West Midlands Rail Freight Interchange 27th November 2019 namely: 'having the potential either for a direct rail connection (rail-connected) or to be rail-served'
Parameters Plan	A plan that defines the draft parameters of the development on which the PEIR for the proposed development has been prepared
Building height	Means the maximum vertical distance between ground level and the roof height directly above. The maximum height is proposed at 33m
1990 Act	The Town and Country Planning Act 1990
The NPPF	The National Planning Policy Framework
Development Zones	As shown on the Parameters Plan – to include estate road infrastructure and elements pertaining to individual development plots including buildings, hardstandings, parking, landscaping, bunding and storm water attenuation
Swale	A grassed depression in the ground that provides temporary storge for storm water and reduces peak flows
Zones of Built Development	The parts of the HNRFI which will accommodate logistics and warehousing building

The following abbreviations are used in this Statement:

- DAS: Design and Access Statement
- DCO: Development Consent Order
- EVB: Eastern Villages Bypass
- EVL: Eastern Villages Link
- GIA: Gross internal floor area of buildings
- HNRFI: Hinckley National Rail Freight Interchange

- NN NPS: National Policy Statement for National Networks December 2014 – shortened to NPS
- NSIP: Nationally Significant Infrastructure Project
- ONS: Office for National Statistics
- PEIR: Preliminary Environmental Information Report
- PROW: Public Right of Way e.g., footpath, bridleway
- PS: Planning Statement
- SoCC: Statement of Community Consultation
- SRFI: Strategic Rail Freight Interchange
- SRN: Strategic Road Network

1.0 INTRODUCTION

1.1 This Planning Statement has been prepared pursuant to the provisions of Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended, as comprising *'any other documents considered necessary to support the application'*. The Planning Statement has been prepared as a preliminary draft having regard to the information presented in the consultation documents for the statutory consultation. It is acknowledged that the planning judgements which are formed will need to be reconsidered against the final proposals for HNRFI following consideration of responses to the statutory consultation. The purpose of this preliminary draft is to demonstrate how the emerging proposals engage with relevant planning policy and to demonstrate TSH's preliminary conclusion that the proposals for HNRFI presented for statutory consultation are in accordance with policy.

1.2 This Statement is particularly written to enable all interested persons to understand the position of the Applicant in the compliance of HNRFI with relevant national planning policy. In so doing the Planning Statement contains references to statutory provisions and planning policy. The PEIR Chapters also consider the proposals in the context of development plan policy. The final Planning Statement for submission to the Secretary of State will address development plan policies that are relevant to HNRFI following consideration of the responses to the statutory consultation.

1.3 HNRFI comprises an NSIP as a Rail Freight Interchange within the meaning of Section 26 of the Act. The statutory requirements to be met are set out below (S26(3) to (7)):

'(3) The land on which the rail freight interchange is situated must—

(a)be in England, and

(b)be at least 60 hectares in area.

(4) The rail freight interchange must be capable of handling—

(a)consignments of goods from more than one consignor and to more than one consignee, and

(b)at least 4 goods trains per day.

(5) The rail freight interchange must be part of the railway network in England.

(6) The rail freight interchange must include warehouses to which goods can be delivered from the railway network in England either directly or by means of another form of transport.

(7) The rail freight interchange must not be part of a military establishment.'

1.4 HNRFI satisfies these statutory requirements as an NSIP, in that:

- the site is in England
- the Main HNRFI exceeds 60 hectares
- The rail freight interchange would be capable of handling consignments of goods from more than one consignor and to more than one consignee
- the rail freight interchange is designed to accommodate 16 freight trains a day (16 in / 16 out);
- HNRFI is located on the Nuneaton to Felixstowe strategic freight rail route;
- HNRFI will be part of the railway network in England;
- HNRFI includes warehouses to which goods can be delivered from the railway network, whether directly or by another form of transport;
- HNRFI will not be part of a military establishment.

1.5 HNRFI is situated on land to the east of the Hinckley to Leicester railway line, and west of the M69 with access from M69 Junction 2. The development of the Main HNRFI Site lies wholly within the administrative area of Blaby District. The proposed highway works to M69 Junction 2 comprising the installation of south facing slip roads (so as to form Junction 2 into an 'all-ways' junction on the M69) lie within Blaby District. M69 Junction 2 will be further altered to provide access into the Main HNRFI Site from the roundabout. This access will be a dual-carriageway until the provision of a roundabout, as shown on the illustrative masterplan below.

1.6 At the roundabout access is gained directly into the Main HNRFI Site. The roundabout provides continued road access in a north westerly direction as a single carriageway road crossing the railway line on a replacement railway bridge at Burbage Common Road. Thereafter the new road connects onto the B4468 Leicester Road to the north-west of Hinckley with a new roundabout junction on the B4468 Leicester Road. The new road between M69 J2 and the A47 is described as the 'A47 Link'.

1.7 The A47 link will be open to all traffic, and will provide a route for traffic travelling on the A5 from the west of Hinckley to the M69 (J2) in the event of a road closure of the A5, as occasionally occurs as a consequence of a vehicle being in collision with the Dodwell Railway Bridge. The provision of the A47 Link Road lies partly within Blaby District and partly within the administrative area of Hinckley and Bosworth.

1.8 HGV traffic accessing HNRFI and leaving HNRFI will mainly be routed via the M69, being part of the SRN. Traffic management measures will provide enforcement measures to deter HGVs using the local road network east of M69, J2. The preparation of a HNRFI HGV Route Management Strategy is described at Chapter 8: *Transport and traffic* in the PEIR.

1.9 Figure 1 below identifies the DCO boundary (edged red). The DCO boundary is drawn to cover all works within the application for the Development Consent Order including:

- The Main HNRFI Site
- Works required to enable the development to be constructed
- The diversion of PROW and/or other works on the PROW network
- Off-site highway works

1.10 The works within the DCO boundary include works within the following administrative areas:

- Blaby District
- Hinckley and Bosworth Borough
- Harborough District[1]
- Rugby Borough[1]

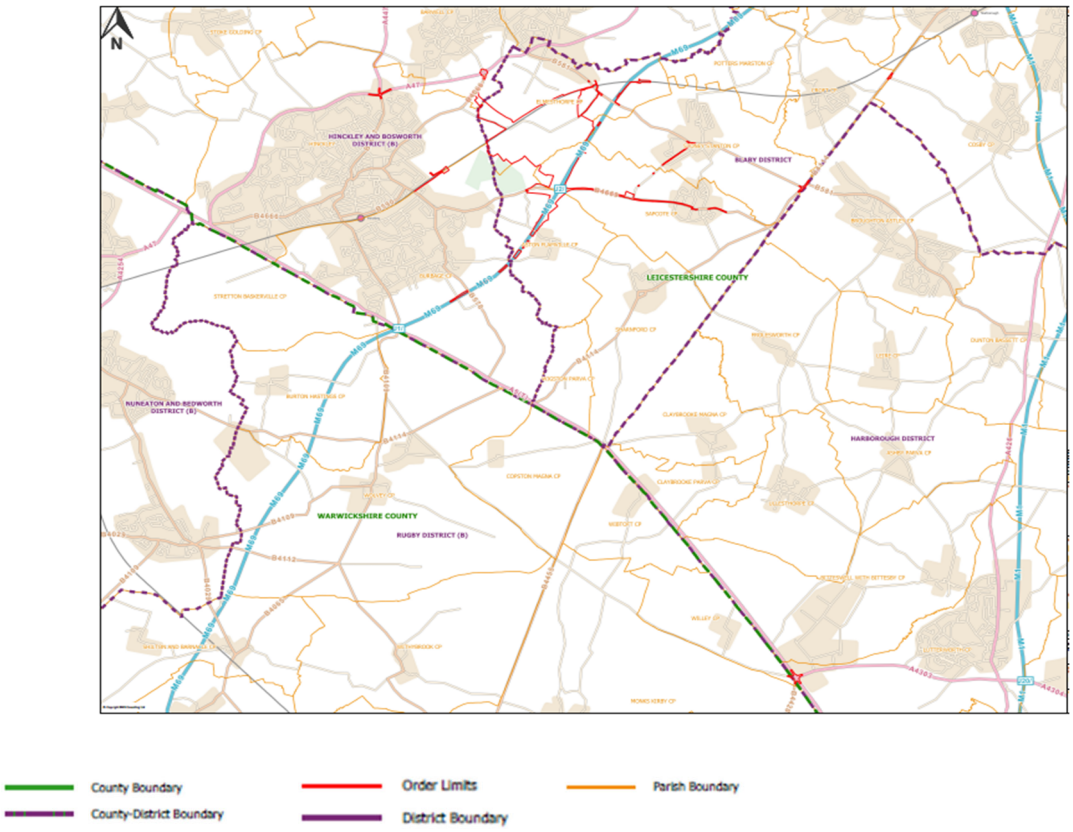


Figure 1: DCO Boundary

[1] In respect of the highway works at the Cross Hand roundabout on the A5

1.11 The NN NPS sets out the need for, and Government's policies to deliver the development of NSIPs on the national road and rail networks in England. The NPS provides planning guidance for promoters of NSIPs and provides the primary basis for the examination of the merits of proposals by the Examining Authority and for subsequent decision-taking by the Secretary of State for Transport. Paragraph 1.2 of the NPS states:

> *'The **Secretary of State will use this NPS as the primary basis for making decisions on development applications** for national networks nationally significant infrastructure projects in England'. (*emphasis added)

1.12 Under S104 of the Act, the Secretary of State must decide an application for a NSIP in accordance with the NPS, except to the extent one or more of the following circumstances would apply:

- lead to the UK being in breach of its international obligations;
- be unlawful;
- lead to the Secretary of State being in breach of any duty imposed by or under any legislation;
- result in the adverse impact of the proposed development would outweigh its benefits;
- that any condition prescribed for deciding an application otherwise than in accordance with a national policy statement is met.

The position of TSH is that the granting of development consent for HNRFI would not be in breach of any duty; international obligation or otherwise be unlawful. No condition has been prescribed for the determination of this application for a SRFI otherwise than in accordance with the NPS.

The determining issue is whether the development would result in adverse impacts that would outweigh the benefits.

1.13 National planning policy is also provided in the National Planning Policy Framework (NPPF). The most up to date statement of national policy is dated July 2021. The overall strategic aims of the NPPF and the NPS are consistent as statements of national planning policy but serve different roles. The NPPF provides policy guidance upon which local authorities can prepare development plans to bring forward developments, and comprises a material planning consideration in decision-taking on individual planning application under the 1990 Act. The NPPF makes clear that it does not contain specific policies for NSIPs where quite particular considerations can apply (NPPF, paragraph 5). The NPS assumes that function providing national transport policy which will be applied to determine the merits of individual NSIPs.

1.14 In addition, the NPS provides guidance and imposes requirements on matters such as good scheme design and the treatment of environmental impacts. These considerations are addressed within this Planning Statement, drawing upon the assessments set out in the accompanying PEIR.

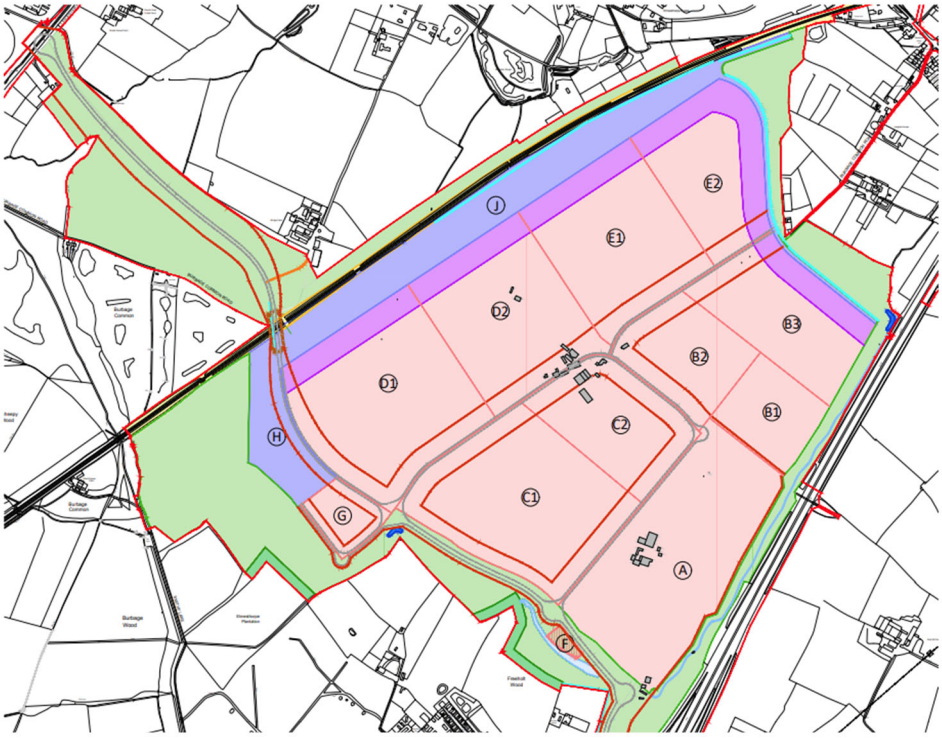
1.15 The Government has concluded *'that at a strategic level there is a **compelling need for development of the national networks and as an integrated system'*** (NPS, paragraph 2.10) (emphasis added). The Government in referencing a ***'critical need** to improve the national networks',* acknowledges *'that improvements may also be required to address the impact of the national networks on quality of life and environmental factors'* (NPS, paragraph 2.2) (emphasis added).

1.16 The Government's vision for transport is set out in the NPS (paragraph 2.53) stating:

> *'The Government's vision for transport is* ***for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities.*** *The Government therefore believes it* ***is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change.'*** (emphasis added).

1.17 This Planning Statement considers the merits of HNRFI in this national policy context. Development Plan Policy is a relevant material consideration within the context of the policies in the NPS. The significance of these policy considerations is addressed within this statement.

1.18 The application for the DCO will be accompanied by an Environmental Impact Assessment presented in the form of an Environmental Statement, together with an extensive range of reports and assessments. At the Statutory Consultation stage of the pre-application process TSH has prepared a PEIR in the form of an Environmental Statement. The PEIR has been prepared based on the Parameters Plan (Figure 2) which sets out the main development parameters which have formed the basis of the environmental assessments which have been undertaken in the PEIR.



Key

- Open land / landscaping, including bunding, attenuation ponds, public footpaths and bridleways and A47 Link Road and estate road infrastructure
- Historic woodland protection zone
- Watercourse
- Existing rail corridor
- Rail freight interchange including A47 Link Road and bridge infrastructure
- Rail corridor within development zones
- New bridge over rail line
- Development zone for site hub
- Line of A47 Link Road and estate roads
- Deviation Potential to estate roads. The boundaries of zones through which a limit of deviation runs will change depending on the final alignment of the infrastructure within the limit of deviation
- Noise attenuation (acoustic fencing or landscape screening).
- Existing Buildings to be demolished.
- Development Signage Locations
- Rerouting of existing linkage from Bridge Farm to new highway infrastructure
- Development Zones

NOTE: Development Zones include A47 Link Road and estate road infrastructure and elements pertaining to individual development plots including buildings, hardstandings, parking, energy services, landscaping, bunding and storm water attenuation.

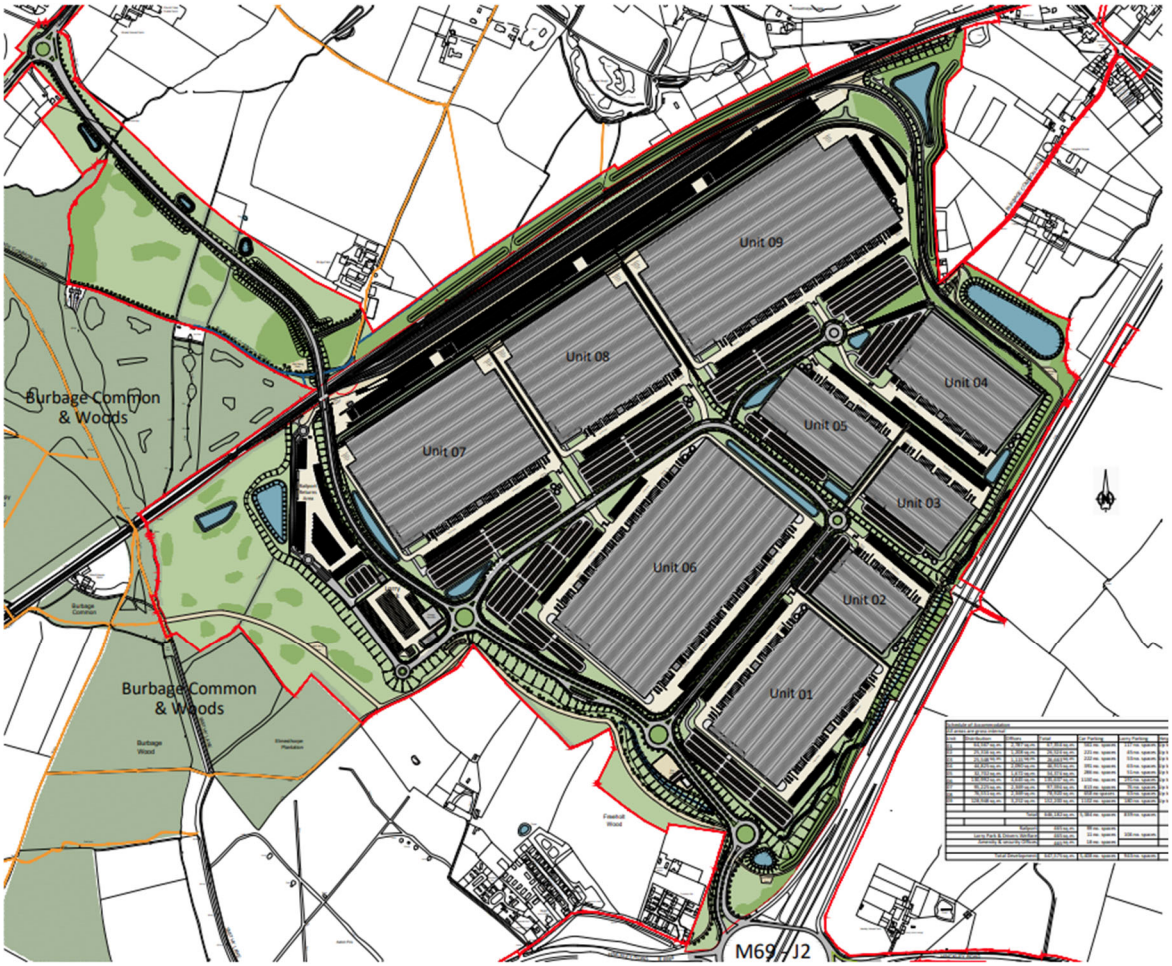
Schedule of Parameters for Development Zones

Zone	Number of Units	Maximum development floor space per Zone (m²)	Maximum building height measured to roof ridge / highest point in metres above Ordnance Datum
A	1 to 6 units	105,000 sq.m.	124.15m
B	1 to 5 units	115,000 sq.m.	B1 120.65m B2 126.65m B3 120.65m
C	1 to 6 units	140,000 sq.m.	C1 124.15m C2 127.15m
D	1 to 4 units	184,000 sq.m.	D1 124.15m D2 127.15m
E	1 to 3 units	137,000 sq.m.	E1 120.65m E2 117.65m
F	1 to 2 units	500 sq.m.	111.50m
G	1 to 2 units Energy Services	500 sq.m.	107.15m 112.15m
H	1 to 2 units Yard	750 sq.m.	107.15m 113.15m
J	1 to 2 units Yard Gantry Cranes	500 sq.m.	106.50m 112.50m 123.50m
Total maximum floor space across the development*[1]		650,000 sq.m.	

*[1] This total floor space is the maximum floor space (excluding mezzanine space) that will be developed across the site notwithstanding that the maximum floor space stated for each Zone combined would exceed this figure i.e. it is the overall floor space cap for each zone excluding mezzanine floor space.

Figure 2: Parameters Plan

1.19 The Illustrative Master Plan provides an indication of a possible pattern of built development. It is anticipated that the logistics buildings will be mainly, if not all, be built to suit bespoke occupier requirements in terms of size, layout arrangements and height. The Parameters Plan sets limits to the scale of development, the development zones for new buildings, and the heights of buildings.



Key

- New M69 Slip Lanes
- A47 Link Road
- A47 Link Bridge Crossing
- Estate Roads
- Railport - Sidings
- Railport - Container Storage
- Lorry Park, Energy Services & Drivers Welfare
- Site Hub
- Unit 03 — Building Footprints
- External Yards
- Parking Areas
- Water Features and Ponds
- New Bridleway within main HNRFI site
- New landscaping within main HNRFI site
- Well Being Zone
- Existing surrounding landscaping and farmland
- Existing woodland
- Existing alignment of public footpaths and bridleways (orange)
- Proposed alignment of public footpaths and bridleways (blue)

Schedule of Accommodation

All areas are gross internal

Unit	Distribution	Offices	Total	Car Parking	Lorry Parking	Height
01	64,567 sq.m.	2,787 sq.m.	67,354 sq.m.	561 no. spaces	117 no. spaces	Up to 27m
02	25,316 sq.m.	1,208 sq.m.	26,524 sq.m.	221 no. spaces	45 no. spaces	Up to 27m
03	25,548 sq.m.	1,115 sq.m.	26,663 sq.m.	222 no. spaces	53 no. spaces	Up to 27m
04	44,825 sq.m.	2,090 sq.m.	46,915 sq.m.	391 no. spaces	63 no. spaces	Up to 27m
05	32,702 sq.m.	1,672 sq.m.	34,374 sq.m.	286 no. spaces	51 no. spaces	Up to 33m
06	130,992 sq.m.	4,645 sq.m.	135,637 sq.m.	1130 no. spaces	191 no. spaces	Up to 27m
07	95,225 sq.m.	2,369 sq.m.	97,594 sq.m.	813 no. spaces	76 no. spaces	Up to 27m
08	76,551 sq.m.	2,369 sq.m.	78,920 sq.m.	658 no spaces	63 no. spaces	Up to 30m
09	128,948 sq.m.	3,252 sq.m.	132,200 sq.m.	1102 no. spaces	180 no. spaces	Up to 27m
		Total	646,182 sq.m.	5,384 no. spaces	839 no. spaces	
		Railport	465 sq.m.	99 no. spaces		
		Lorry Park & Drivers Welfare	465 sq.m.	11 no. spaces	104 no. spaces	
		Amenity & security Offices	465 sq.m.	18 no. spaces		
		Total Development	647,575 sq.m.	5,408 no. spaces	943 no. spaces	

Figure 3: Illustrative Masterplan

1.20 The anticipated provision of logistics buildings in response to occupier space requirement reflects the fact that the requirements of the logistics sector are dynamic. A 'one size fits all' approach is not a practical approach to a development of this scale, nor appropriate in response to rapidly changing economic circumstances in the logistics sector.

1.21 The CV19 health pandemic has led to structural changes within the logistics sector in two significant ways. Firstly, the dramatic shift in retail/purchasing away from 'store attendance' to online transactions. Pre-CV19 store attendance activity for the purchase of goods is not anticipated to return, as the purchase of goods online becomes more prevalent, as consumers are more comfortable with the purchase of a wide range of goods online. A key requirement for online traders is now to improve the efficiency in the delivery of goods to customers.

1.22 The second fundamental change in the logistics sector is the realisation that global supply chains lack resilience in the certainty of supply and in timescales for the delivery of goods. The UK's changed relationship with Europe also has consequences for reliability of supply chains. As a consequence, logistics companies supplying goods to UK manufacturers require greater levels of stock holding within the UK – so termed 'stock buffering'.

1.23 For logistics companies supplying retail customers, or manufacturers, there is an accelerated response to the threats of climate change. Companies, particularly those seeking very large-scale premises, now wish to invest in rail port locations where the main 'leg' of the carriage of goods particularly from the deep-sea ports can be achieved by rail. Trip mileage of freight movement on both the national and local road networks is reduced.

1.24 The rail freight interchange (zones H and J on the Parameters Plan) and as shown on the Illustrative Master Plan have been designed and informed through the engagement with a leading

freight operating company and a specialist consultancy in the provision of rail ports. As such, the arrangements for the rail port, and its access from both the rail and the highway network is more advanced in the form of layout, scale and operational requirements, but remains illustrative at this stage.

1.25 The remainder of this Statement is structured as follows:

Section 2: A description of the proposals

Section 3: Consideration of the merits of HNRFI in the context of the NPS

Section 4: Provides the overall planning balance on the proposals

2.0 HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE – DESCRIPTION OF THE PROPOSALS

2.1 PIER Chapter 3: *Project Description* provides a comprehensive project description for the purposes of this Planning Statement. The main features of HNRFI comprise:

i. On the Main HNRFI Site

a) new rail infrastructure including points off the existing Leicester to Hinckley railway providing access to a series of parallel sidings at HNRFI, in which trains would be unloaded, marshalled and loaded;

b) an intermodal freight terminal or 'Rail port' capable of accommodating up to 16 trains, up to 775m in length, per day, with hard-surfaced areas for container storage and HGV parking and cranes for the loading and unloading of shipping containers from trains and lorries;

c) up to 850,000 m^2 (gross internal area or GIA) of warehousing and ancillary buildings with a total footprint of up to 650,000 m^2 and up to 200,000 m^2 of mezzanine floorspace. These buildings might incorporate ancillary data centres to support the requirement of HNRFI occupiers.

d) a lorry park with welfare facilities and possibly a fuel filling station;

e) Energy centre incorporating an electricity substation connected to the local electricity distribution network and a gas-fired combined heat and power plant with an electrical generation capacity of up to 10 megawatts (MW), supported by 20 MW standby generation capacity and 20MW battery capacity, fed from B8 building roof-mounted photovoltaic arrays with a generation capacity of up to 38 MWp, to provide electrical supply resilience;

f) terrain remodelling, hard and soft landscape works, amenity water features and planting;

g) noise attenuation measures, including acoustic barriers up to six metres in height;

h) pedestrian, equestrian and cycle access routes and infrastructure.

2.2 The development includes a new access road from M69, Junction 2 connecting to an internal road network serving the HNRFI and continuing north-westwards over a new road bridge spanning the proposed railway sidings and the existing Leicester to Hinckley railway to a new junction on the B4668 / A47 Leicester Road. The existing railway bridge in Burbage Common Road will be demolished. The A47 Link Road would be intended for adoption as a public highway under the Highways Act 1980.

2.3 Works to M69 Junction 2 include the reconfiguration of the existing roundabout and its approach and exit lanes, the addition of a southbound slip road for traffic joining the M69 motorway and the addition of a northbound slip road for traffic leaving the M69 motorway at Junction 2. The existing roundabout will be altered to provide the access route into HNRFI. The movement of traffic on the roundabout will be controlled by traffic lights.

ii. Other development

2.4 Other development comprises:

a) off-site railway infrastructure including signals, signage and electricity connections;

b) utility compounds, plant and service infrastructure;

c) drainage works including groundwater retention ponds, underground attenuation tanks and swales;

d) habitat creation and enhancement and the provision of amenity publicly accessible open space at the south-western extremity of the HNRFI near Burbage Wood and a new route

for pedestrians, cyclists and horse riders from a point south of Elmesthorpe to Burbage Common;

e) works affecting existing pedestrian level crossings on the Leicester to Hinckley railway at Thorneyfields Farm north-west of Sapcote, Elmesthorpe, near Billington Rough to the south of Elmesthorpe and outwoods between Burbage and Hinckley;

f) security and safety provisions inside the HNRFI including fencing and lighting.

2.5 In addition to major access infrastructure highway works (M69 J2 and the A47 Link), traffic modelling has identified a need for modifications to several junctions on the local road network, in response to the different traffic flow pattern resulting partly from the trips generated by the HNRFI development and principally from the change in movements as a result of the M69 Junction 2 upgrade. These junctions and the works proposed are listed in Table 3.2 and graphically shown at Figures 3.3 in Chapter 3: *Project Description* of the PEIR.

2.6 The informal stages of consultation revealed – and not unexpectedly in the context of the scale of HNRFI – that a principal concern of the local community is the impact of traffic movement arising from HNRFI, on the surrounding highway network. The second informal public consultation – held from 8th July to 6th September 2019 – identified the potential for both an 'A47 link', as proposed, and an Eastern Villages By-pass (aka EVL) to the east of M69 Junction 2. PEIR Chapter 8: *Transport and Traffic* explains the detailed transport modelling that has been undertaken to assess the impact of traffic arising from HNRFI – and the consequential re-assignment of traffic on the surrounding highway network with the provision of south-facing slips at M69 Junction 2. The position of TSH is that the provision of the Eastern Villages By-pass is not necessary to satisfactorily mitigate the impact of traffic from HNRFI.

3.0 CONSIDERATIONS OF THE MERITS OF HNRFI IN THE CONTEXT OF THE NPS

3.1 As stated in the Introduction, the primary policy statement for the determination of a DCO for the HNRFI is the National Networks NPS (NPS NN paragraph 1.2). This section considers the merits of HNRFI in the context of the provisions of the NPS. A summary compliance statement will be prepared with the application on submission to the Secretary of State.

National Policy Statement for National Networks 2014

3.2 Section 2 of the NPS sets out the need for the development of national networks and Government policy including the development of SRFIs. The Government states that:

> *'The aim of a strategic rail freight interchange (SRFI) is* ***to optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road, through co-location of other distribution and freight activities.*** *SRFIs are a key element in reducing the cost to users of moving freight by rail and are important in facilitating the transfer of freight from road to rail, thereby reducing trip mileage of freight movements on both the national and local road networks.'* (emphasis added) (paragraph 2.44)

3.3 SRFIs enable freight to be transferred between different methods of transport, thus allowing rail to be used to best effect to undertake the long-haul primary trunk journey, with other modes (usually road) providing the secondary (final delivery leg of the journey). (paragraph 2.43) Figure 4 taken from the NPS (Annex C) shows the location of the HNFRI in the context of the strategic rail freight network.

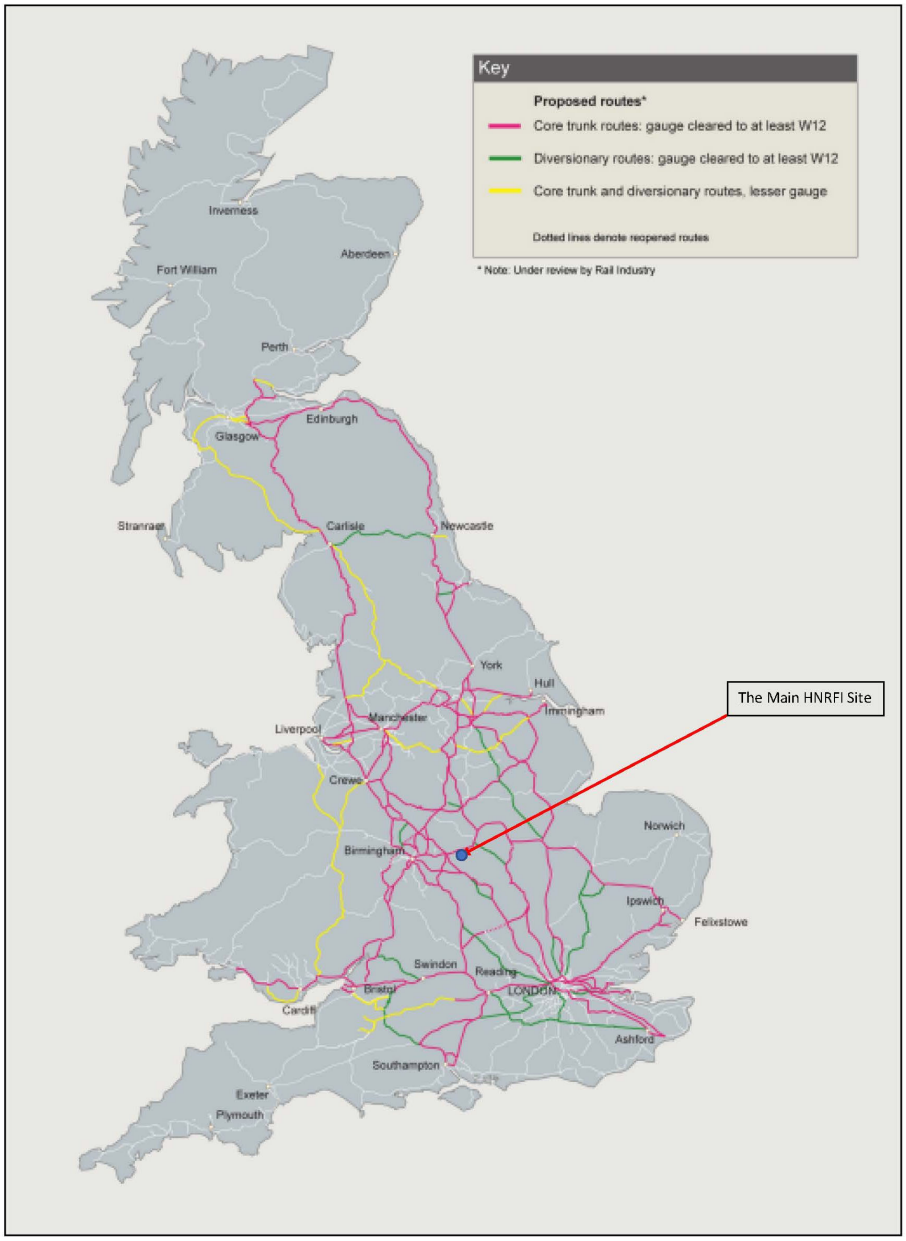


Figure 4: Location of HNFRI on the strategic rail network

3.4 The integration of rail freight into logistics operations hence requires the provision of new facilities that *'need to be located alongside major rail routes, close to major trunk roads as well as near to the conurbations that consume their goods'* (paragraph 2.45). The Government acknowledges that:

'The nature of that commercial development is such that some degree of flexibility is needed when schemes are being developed, in order to allow the development to respond to market requirements as they arise.' (paragraph 2.45)

3.5 The 'compelling need' for an expanded network of SRFIs is not seen solely in the context of an economic imperative. The transfer of freight from road to rail is seen as having *'an important part to play in a low carbon economy and helping to address climate change'* (paragraph 2.53).

3.6 The NPS is clear that in delivering the environmental advantages associated with carbon reduction and climate change that:

'Rail transport has a crucial role to play in delivering significant reductions in pollution and congestion. *Tonne for tonne, rail freight produces 70% less CO2 than road freight, up to fifteen times lower NOx emissions and nearly 90% lower PM10 emissions. It also has de-congestion benefits – depending on its load, each freight train can remove between 43 and 77 HGVs from the road.'* (emphasis added) (paragraph 2.35)

3.7 The NPS sets out the drivers of need for strategic rail freight interchanges under the following sub-headings.

The changing needs of the logistics industry

3.8 The Government acknowledges that many existing rail interchanges are located in traditional urban locations, where there is no opportunity to expand – they lack warehousing, and are not conveniently located for modern logistics and the supply chain industry. Hence **the need** for a

'network of SRFIs' to aide the transfer of freight from road to rail. Particular recognition is given to the changing needs of the logistics industry especially the ports and the retail sector. (paragraph 2.47).

Rail freight growth

3.9 In 2014 (on the publication of the NPS) the Government accepted the *'unconstrained rail freight forecasts to 2023 and 2033'* for planning purposes. Table 3 from the NPS forecasts 33 billion tonne km of rail freight at 2023, increasing the 44 billion tonne km of rail freight at 2033. The forecasts do not allow *'site specific need cases to be demonstrated'* (2.50). The significance of HNRFI within a national network of SRFIs will be described in the application in the context of these economic imperatives.

Environmental

3.10 The environmental advantages of rail freight are identified at paragraphs 2.40 – 2.41 of the NPS, in helping to reduce transport's carbon emissions, as well as providing wider transport and economic benefits. The Government's strategy is for increasing use of efficient and sustainable electric trains for both passenger and freight services.

3.11 The Government acknowledges that *'for developments such as SRFIs, it is likely that there will be local impacts in terms of land use and increased road and rail movements, and it is important for the environmental impacts at these locations to be minimised'* (paragraph 2.51). This section of this Statement will consider the impacts of HNRFI, and the means proposed to minimise environmental impacts, drawn from the assessments set out in the PEIR.

UK economy, national and local benefits – jobs and growth

3.12 The Government identifies that SRFIs *'can provide considerable benefits for the local economy'*. The provision of new job opportunities, and the enhancement of people's skills and use of technology with wider benefits to the economy are referred to as examples of the socio-economic benefits of SRFIs. PEIR Chapter 7: *Land use and socio-economic effects* describes the benefits to the local, regional and national economy.

Government policy for addressing the need for SRFIs

3.13 The Government states:

> *'The Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities. The Government therefore believes it is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change.'* (paragraph 2.53)

3.14 To facilitate modal transfer (from road to rail) the Government states that *'In all cases it is essential that these have good connectivity with both the road and rail networks, in particular the strategic rail freight network'*. The enhanced connectivity provided by a network of SRFIs is pursued to secure *'improved trading links with our European neighbours, improved international connectivity and enhanced port growth'*. (paragraph 2.54)

3.15 National policy within the NPS is provided at a strategic level and is not intended to be locationally specific. The NPS does not seek to determine the number of SRFIs, but acknowledges that *'given the locational requirements and the need for effective connections for both rail and road, the number of locations 'suitable for SRFIs will be limited'* (paragraph 2.56). The locational merits of HNRFI are considered later in this Statement (paragraph 3.70).

Wider Government policy on national networks

3.16 Section 3 of the NPS states (paragraph 3.1):

> *'The need for development of the national networks, and the Government's policy for addressing that need, must be seen in the context of the Government's wider policies on economic performance, environment, safety, technology, sustainable transport and accessibility, as well as journey reliability and the experience of road/rail users.'*

3.17 The Government's wider policies, both as they relate to projects for the national networks that are nationally significant infrastructure projects, and more generally are set out under the following sub-headings.

Environmental and social impacts

3.18 The Government recognises that:

> *'for development of the national road and rail networks to be sustainable these should be designed to minimise social and environmental impacts and improve quality of life.'* (paragraph 3.2)

In so doing applicants seeking consent for national networks are 'expected' to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance (paragraph 3.3). Applicants are further expected:

> *'to provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes'* (paragraph 3.3)

3.19 With the scale of development involved in a SRFI being at least 60 hectares in area and the form of built development to provide effective and efficient space for the logistics sector, it is inevitable that a SRFI will have some impacts upon the area in which they are proposed. The NPS makes clear:

> *'…that some developments will have some adverse impacts on noise emissions, landscape/visual amenity, biodiversity, cultural heritage and water resources…'* (paragraph 3.4)

3.20 The significance of these effects is inevitably site specific, i.e., to be established on the environmental consequences of each particular proposal. Hence the NPS states:

'… whilst applicants should deliver developments in accordance with Government policy and in an environmentally sensitive way, including considering opportunities to delivery environmental benefits, some adverse local effects of development may remain'. (paragraph 3.4)

Emissions

3.21 The NPS states:

'Transport will play an important part in meeting the Government's legally binding carbon targets and other environmental targets. As part of this there is a need to shift to greener technologies and fuels, ***and to promote lower carbon transport choices****.'* (emphasis added) (paragraph 3.6)

3.22 This statement of wider Government policy has increasing force with the announcement of the 6th Carbon Budget (April 2021) to reduce carbon emissions by 78% by 2035 – so as to bring the UK more than three quarters of the way to achieving net zero by 2050.

Safety

3.23 The NPS refers to *'the UK's railways are amongst the safest in the world and safety performance continues to improve'* (paragraph 3.11). Rail schemes should *'improve safety where the opportunity exists'*. This policy objective is not solely confined to the *'risks of passenger and workforce accidents'*, but extends to the consideration of safety at crossings of the railway with the PROW network (paragraph 4.72). This consideration is addressed later in this Statement.

Major Accidents and Disasters

3.24 Chapter 19: *Major accidents and disasters* of the PEIR considers the likely effects of the Proposed Development in relation to the risk from major accidents and disasters. The assessment refers to documents which are to be prepared to accompany the application explaining the provision to be made during the construction and operational phases of the Proposed Development, so as to avoid or reduce vulnerability to accidents and disasters.

Technology

3.25 The Government will continue to monitor the potential benefits and risks associated with new and emerging technologies. However, it is stated:

> *'Whilst advances in technology are important, they are not expected, in the foreseeable future, to have a significant impact on the need for development of the national networks.'* (paragraph 3.14)

Sustainable Transport

3.26 The Government is committed to providing people with options to choose sustainable modes of transport, PEIR Chapter 8: *Transport and Traffic* addresses these considerations.

Accessibility

Roll Tolling and Charging

3.27 These considerations which form part of the Government's policy on the national networks, are considered to be not directly relevant to the provision of a SRFI.

Assessment Principles

3.28 Section 4 of the NPS sets out Assessment Principle in accordance with which applications relating to national networks infrastructure are to be decided.

3.29 The NPS (paragraph 4.2) confirms that *'Subject to the detailed policies and protections in this NPS, and the legal constraints set out in the Planning Act,* ***there is a presumption in favour of granting consent for national networks NSIPs that fall within the need for infrastructure established in this NPS****'*. (emphasis added) The balanced planning judgement of weighing the adverse impacts of a particular proposal for a SRFI against its benefits is described as being:

- *'its potential benefits, including the facilitation of economic development, including job creation, housing and environmental improvement, and any long-term or wider benefits;*
- *its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.'* (paragraph 4.3)

3.30 This planning judgement addresses the statutory test under Section 104 of the Act as to whether an application for DCO consent would *'result in adverse impacts of the development outweighing*

its benefits'. In this context *'environmental, safety, social and economic benefits and adverse impacts should be considered at national, regional and local levels'* (paragraph 4.4).

Environmental Impact Assessment

3.31 The application for development consent order will be accompanied by an Environmental Impact Assessment which has considered the *'likely significant effects at all stages of the project have been adequately assessed'* (paragraph 4.15). The statutory consultation for HNRFI is accompanied by the PEIR which has been prepared in the form of an Environmental Statement.

3.32 The NPS recognises that it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised and the reasons why this is the case. On the submission of the application TSH will explain which elements of the proposal have yet to be finalised and the reasons why this is the case.

Habitats Regulation Assessment

3.33 Prior to granting a DCO, the Secretary of State must under the Habitats Regulations consider whether it is possible that the project could have a significant effect on *'the objectives of a European site, or on any site to which the same protection is applied as a matter of policy, either alone, or in combination with other plans or projects'* (paragraph 4.22).

3.34 PEIR Chapter 12: *Ecology and Biodiversity* states:

> *'No part of the Main Order Limits are covered by any internationally important statutory designations and there are no such designations within a 10km radius'* (paragraph 12.86).

HNFRI does not give rise to any adverse impacts on European designated sites or Ramsar either alone or in combination with other plans or projects and therefore an HRA is considered not required.

Alternatives

3.35 The NPS sets out the requirements for the consideration of alternatives, namely:

- *'The EIA Directive requires projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
- *There may also be other specific legal requirements for the consideration of alternatives, for example, under the Habitats and Water Framework Directives.*
- *There may also be policy requirements in this NPS, for example the flood risk sequential test and the assessment of alternatives for developments in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB).'* (paragraph 4.26)

3.36 PEIR Chapter 4: *Site selection and evolution* explains how TSH identified the site for a SRFI following an assessment of potential sites. The NPS refers at paragraph 4.27 to *'all projects should be subject to an options appraisal'*. The NPS acknowledges (Footnote 61) that investment

decisions on strategic freight interchanges will be made in the context of a commercial framework. TSH commenced its option appraisal arising from the findings of the early stages of the Leicester and Leicestershire Strategic Distribution Study 2014 which established there was a significant shortfall in the provision of rail related logistics sites. Consultants were then instructed to identify alternative sites where a SRFI might be suitably located. This process led to the identification of the subject site for the HNRFI as providing the best opportunity to develop a SRFI consistent with the provisions of the NPS.

Criteria for 'good design' for national networks infrastructure

3.37 The NPS states that *'applicants should include design as a integral consideration from the outset of a proposal'* (paragraph 4.28). *'Visual appearance should be a key factor in considering the design of new infrastructure'* (paragraph 4.29). The NPS continues:

> *'Applying "good design" to national network projects should therefore produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.'* (paragraph 4.29)

3.38 In the context of SRFIs, the NPS states:

> *'It is acknowledged however, that given the nature of much national network infrastructure development, particularly SRFIs, there may be a limit on the extent to which it can contribute to the enhancement of the quality of the area.'* (paragraph 4.30)

3.39 The qualities of a good design are described as being:

> *'A good design should meet the principal objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts. It should also mitigate any existing adverse impacts wherever possible, for example, in relation to safety or the environment. A good design will also be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into account capital cost, economics and environmental impacts.'* (paragraph 4.31)

3.40 To this effect the NPS states:

> *'Applicants should be able to demonstrate in their application how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. The Examining Authority and Secretary of State should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.'* (paragraph 4.35)

3.41 The DAS provided for statutory consultation, explains how the design process has evolved leading to the preparation of the Parameters Plan for statutory consultation and an illustrative masterplan. The DAS refers to earlier iterations of the illustrative masterplan.

Climate Change Adaptation

3.42 In designating the NPS, the Secretary of State had to have regard to the *'desirability of mitigating and adapting to climate change'* (Section 10(3)(a) of the Planning Act 2008). The NPS states:

> *'New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the provision of green infrastructure.'* (paragraph 4.38)

3.43 PEIR Chapter 18: *Energy and Climate Change* has been prepared to assess the likely significant effects of energy and climate change, both upon, and from, the Proposed Development. The PEIR concludes that the impacts of climate change on the Proposed Development during the construction phase would be managed through the Framework Construction Environmental Management Plan (CEMP) and Code of Construction Practices (CoCP) which would contain detailed procedures to mitigate any potential impacts associated with extreme weather events.

3.44 The individual chapters of the PEIR address the risk to the baseline environment due to the impacts of climate change. Table 18.19 of PEIR Chapter 18: *Energy and climate change* sets out a significance assessment for the vulnerability to climate change. Mitigation measures are identified in the assessment to protect receptors during the construction phase. In the operational phase of development, no significant effects have been identified.

3.45 All buildings will be designed to achieve net zero carbon construction, and meet the BREAM 'very good' standard. Paragraph 18.210 of the PEIR sets out the measures which should be implemented appropriately to respond to climate change.

Pollution control and other environmental protection regimes

3.46 The NPS provides guidance upon the role of pollution control and other environmental protection regimes within the land use planning system. The Examining Authority and the Secretary of State is required to focus on whether the development itself is an acceptable use of land, and on the impacts of that use, working on the assumption that in terms of control and enforcement, the relevant pollution control regime will be properly applied and enforced (paragraphs 4.48 – 4.56).

3.47 The NPS states:

> *'In deciding an application, the Examining Authority and the Secretary of State should focus on whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. They should assess the potential impacts of processes, emissions or discharges to inform decision making, but should work on the assumption that in terms of the control and enforcement, the relevant pollution control regime will be properly applied and enforced. Decisions under the Planning Act should complement but not duplicate those taken under the relevant pollution control regime.'* (paragraph 4.50)

3.48 The Secretary of State must be satisfied that *'development consent can be granted taking full account of environmental impacts'* (paragraph 4.55) and how such impacts may be mitigated or limited have been considered (paragraph 4.58). More information on the potential sources of

nuisance is addressed at paragraphs 5.81 – 5.89 of the NPS under the topic heading 'dust, odour, artificial light, smoke, steam'.

3.49 In the case of potentially polluting developments, it is necessary to ensure that:

- *'the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and*
- *the effects of existing sources of pollution in and around the project are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits.'*

3.50 These considerations are addressed within the following PEIR chapters:

- 9: *Air quality*
- 10: *Noise and vibration*
- 14: *Surface water and flood risk*
- 16: *Geology, soils and contaminated land*

3.51 The NPS states that the Applicant should assess any likely significant effects on amenity from emissions of odour, dust, steam, smoke and artificial light. The form of development does not give rise to any significant environmental effects in terms of odour, smoke and steam emissions.

3.52 Appendix 9.3 of Chapter 9 *Air Quality* provides a dust assessment. The assessment concludes that, in accordance with IAQM guidance, with the implementation of mitigation measures (set out in

Chapter 9), the residual impacts from the construction phase are considered to be *'not significant*'.

3.53 A detailed assessment has been undertaken of the operational phase road traffic emissions. The Proposed Development is not predicted to lead to any exceedances of the relevant air quality objectives. The impacts on local air quality from rail emissions as a result of the operational development are deemed to be negligible and 'not significant'.

3.54 A Lighting Strategy is to be prepared with the application – and will be secured as a requirement of the DCO. Lighting during the construction period will be controlled via the CEMP, which will similarly be secured as a requirement of the DCO. Existing residents who live adjacent to the Main HNRFI site (particularly those to the north and west on Burbage Common Road) would be more sensitive to construction lighting due to the proximity, direction and type of receptor. Mitigation measures for construction are likely to include directional lighting.

3.55 HNRFI will necessarily operate on a 24/7 365 days a year basis. Satisfactory levels of lighting will be required to enable safe operation of the rail port and safe loading and unloading within the service yards. Some level of lighting will be necessarily required during hours of darkness within the logistics buildings. The provision of lighting within the office part of the buildings will be typically more noticeable than internal lighting within the warehouse areas. The provision of efficient lighting systems within the office areas will ensure that lighting is switched off when there is no requirement. The lighting strategy will address the principles for external lighting within the rail port, service yards and roadways. Necessarily, the development of a SRFI will have

a significant effect in terms of lighting. The Landscape Strategy will seek to minimis these effects while ensuring operational efficiency and safety for HNRFI.

Common Law nuisance and statutory nuisance

3.56 The NPS states that it is important that possible sources of nuisance under Section 79(1) of the Environmental Protection Act 1990 are considered, and how they may be mitigated or limited. These considerations will be addressed in the application following statutory consultation.

Safety

3.57 Safety on new highway developments and safety on the railways is addressed at NPS paragraphs 4.60 – 4.73. An objective assessment of the impact of the proposed development on railway crossings is undertaking within Chapter 8: *Transport and traffic* of the PEIR. Table 8.6 of Chapter 8 sets out the modifications proposed to these level crossings including diversions of the PROW, and a permanent closure of two PROWs. These works are all proposed in the interests of maintaining safety for users of the PROW network.

3.58 The NPS states:

> *'The Secretary of State should not grant development consent unless satisfied that all reasonable steps have been taken, and will be taken to:*
>
> - *minimise the risk of deaths or injury arising from the scheme; and*
> - *contribute to an overall improvement in societal safety levels;*

- *noting that railway developments can influence risk levels both on and off the railway networks.'* (paragraph 4.72)

The design of HNRFI has paid due regard to these considerations, including the impact of existing PROW network which cross the Hinckley to Leicester railway.

Security considerations

3.59 HNRFI is considered not to be 'critical' infrastructure for the purposes of raising national security considerations.

Health

3.60 The NPS states:

> *'National road and rail networks and strategic rail freight interchanges have the potential to affect the health, well-being and quality of life of the population. They can have direct impacts on health because of traffic, noise, vibration, air quality and emissions, light pollution, community severance, dust, odour, polluting water, hazardous waste and pests.'* (paragraph 4.79)

3.61 An applicant is required to identify measures '*to avoid, reduce or compensate for adverse impacts as appropriate'* – including the cumulative impact on health (paragraph 4.82). These considerations are addressed in PEIR Chapters 8: *Transport and traffic; 9: Air quality; 10: Noise and vibration; 11: Landscape and visual effects, and 20: Cumulative effects*.

Strategic rail freight interchanges

The NPS provides specific guidance on SRFIs under the following headings:

Rail freight interchange function

Transport Links and Location Requirements

Scale and Design

3.62 The NPS states that:

> *'Rail freight interchanges are not only locations for freight access to the railway but also locations for businesses, capable* ***now or in the future****, of supporting their commercial activities by rail.'* (emphasis added) (paragraph 4.83)

From the outset, RFIs should therefore be *'developed in a form that can accommodate both rail and non-rail activities'*. (paragraph 4.83)

3.63 This guidance is to be read along with the guidance relating to **Scale and design** which states (paragraph 4.88):

> *'Applications for a proposed SRFI should provide for a number of rail connected or rail accessible buildings for initial take up, plus rail infrastructure to allow more extensive rail connection within the site in the longer term.'*

3.64 The scale of the early infrastructure costs including the first phased provision of the rail port raise consideration of the NPS provisions at paragraphs 4.88 – 4.89. The NPS is to be read as a whole,

and specifically that *'some degree of flexibility is needed when schemes are being developed in order to allow the development to respond to the market requirements as they arise'* (NPS paragraph 2.45).

3.65 The provision of paragraphs 4.88 – 4.89 have exercised the mind of the Examining Authority in the examination of other SRFIs including East Midlands Gateway, Northampton Gateway, and West Midlands Rail Freight Interchange. The Secretary of State's decision taking on the West Midlands Interchange SRFI represents the most up to date consideration of the approach to these paragraphs of the NPS.

3.66 The Secretary of State in his Decision Letter of the 4th May 2020 stated (paragraphs 28 – 30):

> *'28. The Secretary of State notes the Examining Authority's recommendation at ER 12.3.1 that he may wish to satisfy himself on the appropriate approach to be taken to the interpretation and application of the objectives and requirements with regards to SRFI proposals set out in paragraphs 4.83 and 4.88 of the NPSNN. The Secretary of State has considered the interpretation of the wording of paragraphs 4.83 and 4.88, and notes the Applicant has placed great weight on the approach taken in the East Midlands Gateway Rail Freight Interchange ("EMGRFI"). It is further noted that whilst the weight to be given to that decision is a matter for the decision maker, that decision has not been challenged in the courts and is therefore a material consideration (ER 7.3.5). The Secretary of State has also considered the Applicant's late representation dated 13 December 2019 that places further weight on the approach taken in the Northampton Gateway Rail Freight Interchange ("NGRFI") decision.*
>
> *29. The Secretary of State has considered the approach taken in the EMGRFI decision in that "the interpretation of these NPSNN requirements must allow for the realities of constructing*

and funding major projects such as this" and that it is "entirely reasonable" that a commercial undertaking should seek to generate income from the warehousing before the railway become operational. The Secretary of State agrees with the Examining Authority that the approach indicated in these statements of the EMGFI decision is consistent with the evidence submitted to this Examination of the Proposed Development as to the conditions needed to establish and operate a viable freight rail service as part of an SRFI development (ER 7.3.6).

30. The Secretary of State notes the Examining Authority's conclusion on compliance with the NPSNN set out at ER 5.6.48 to 5.6.54. The Secretary of State considers that the "less rigid interpretation" of paragraphs 4.83 and 4.88 of the NPSNN would be the correct approach as that adopted in the EMGFI decision (ER 5.6.50 and 5.6.51). He further notes that paragraph 2.45 of the NPSNN recognises that with respect to SRFIs a "degree of flexibility is needed when schemes are being developed, in order to allow the development to respond to market requirements as they arise" (ER 5.6.45). The Secretary of State considers that the Proposed Development is substantially compliant with the NPSNN requirements for SRFIs when they are considered as a whole (ER 5.6.54). The Secretary of State also agrees with the Examining Authority that the proposed rail requirements in the draft DCO would provide a great deal of confidence that the rail facilities would be delivered as soon as is reasonably possible (ER 5.6.52 and 5.6.53).'

Rail connected / rail served / rail accessible buildings

3.67 The Secretary of State in his decision-making on the West Midlands Interchange did not depart from the Examining Authority's approach to the meaning of 'rail connected'; 'rail served' and 'rail accessible' buildings. This approach has been followed with the HNRFI.

3.68 With reference to the Parameters Plan, Development Zones D1, D2, E1, E2 and B3 have the ability to be 'rail connected'. Development Zones B1, B2 are regarded as being 'rail accessible' if development takes place in conjunction with Development Zone B3. All buildings would be 'rail served'.

3.69 PEIR Chapter 3: *Project Description* provides an indicative programme for the construction of the HNRFI and identifies four phases of development (Table 3.9). The initial rail terminal capable of handling four trains per day (NPS paragraph 4.89) would be operational within the phased programme of year 2 – year 5 following a period of 18 months for site preparation. Within Phase 2 it is proposed that logistics units are constructed in Zone 4.

3.70 In applying the approach taken by the Secretary of State in his decision on taking on West Midlands Rail Freight Interchange – allowing for the *'realities*' of constructing and funding major projects, such as the HNRFI, and that it is *'entirely reasonable'* that a commercial undertaking should seek to generate income from warehousing before rail port becomes operational , it is considered that the HNFRI is compliant with the requirements for SRFIs *'when they are considered as a whole'* (SoS DL 29).

3.71 Access for the transporting of containers would be provided between logistics buildings and the rail port using a HGV or Tugmaster vehicle for the distance involved. As acknowledged by the Examining Authority (WMI) the use of Tugmasters would involve additional loading and unloading, but this is standard practice at SRFIs and does not negate the cost benefits to warehouse occupiers of co-location with the rail port. (ExR 56.25)

3.72 The Parameters Plan and as illustrated on the Master Plan demonstrates that Development Zones B1, B2, C1 and C2 could be accessed to / from the railport via a Tugmaster vehicle crossing the roundabout on the A47 with the rail port access to the south. Depending upon the final form of site layout for Development Zone A, Tugmaster vehicles might travel a short distance along the A47 Link to access the rail port.

3.73 Specific guidance is provided on **'Transport Links and Location Requirements'** which may be summarised as follows:

- SRFIs should be '*appropriately located relative to the markets they will serve, which will focus largely on major urban centres, or groups of centres and key supply chain routes'* (paragraph 4.84). This guidance should be read alongside the guidance at paragraph 2.45 and 2.56 of the NPS.
- Good road access as this will *'allow rail to effectively compete with, and work alongside, road freight to achieve modal shift to rail'* (paragraph 4.84). In satisfying this location requirement it is recognised that *'it may be that countryside locations are required for SRFIs'*.
- Adequate links to the road and rail networks are essential, as a minimum a SRFI should ideally be located on a route with a gauge of W8 or more or be capable of enhancement to a suitable gauge (paragraph 4.85). This guidance should be read alongside the guidance at paragraphs 2.45, 2.54 of the NPS.
- SRFIs *'tend to be large scale commercial operations, which are most likely to need continuous working arrangements. By necessity they involve large structures, buildings and the operation of heavy machinery. In terms of location therefore they often may not be considered suitable adjacent to residential areas or environmentally sensitive areas. National Parks, the Broads and AoNBs… However, depending on the particular*

circumstances involved, appropriate mitigation may be available to limit the impact of noise and light' (paragraph 4.86).

- In recognition that a SRFI can provide many benefits for the local economy, the existence of an available and economic local workforce is an important consideration in locating a SRFI (paragraph 4.87).

3.74 The HNRFI satisfies these locational requirements. In summary form the HNRFI:

1) is located at the centre of the UK strategic rail freight network (NPS paragraphs 2.45, 2.54, 4.84)
2) is provided with good road access by virtue of its proximity to the strategic road network – M69 J2 (NPS 4.84)
3) Located on the Felixstowe to Nuneaton strategic freight route, of which the Hinckley to Leicester railway forms part, which has been cleared to W10 gauge. Figure 2.4 in the HNRFI (Grip 2 Feasibility Study) identifies the Key Freight Corridors on the core freight network, extending to Felixstowe, London Gateway, Southampton, Liverpool and Glasgow. Typical commodity types are identified (NPS paragraph 4.85, 2.54, 2.56)
4) The HNRFI is a large-scale commercial operation, and inevitably will give rise to significant environmental impacts. The approach taken in the design process has been to minimise these adverse impacts, and where feasible, secure environmental benefits. In considering the generic impacts of the HNRFI, particular consideration is given to the proposals for mitigation so as to minimise adverse impacts. An environmental impact is minimised to an extent that further mitigation is not justified where the benefits of allowing the development outweigh the residual impacts.
5) The HNRFI will bring many benefits to the local economy which are described in the PEIR at Chapter 7: *Land use and socio-economic effects*. During the construction phase it is

projected there will be 335 on-site jobs per annum. Taking into account the 'displacement' and 'multiplier effects' (explained in PEIR Chapter 7) it is projected that the construction phase will result in an additional 293 jobs created off-site per annum Total FTE in construction for 10 years is projected to be 628 jobs per annum (Table 7.9). The majority of these jobs will be in businesses linked to the construction sector.

6) Table 7.9 identifies the possible occupational split of employment on-site (FTE). A lower density assumption is the provision of up to 8,400 jobs. HNRFI would meet the need for a new SRFI in Leicestershire up to 2041. Most of the requirement for new logistics space is driven by re-housing logistics activities located in sub-optimal buildings and locations. The assumption is that approximately 70% of the logistics floorspace required in Leicestershire to 2041 (as identified in the Leicester Strategic Distribution Sector Study) could be relocated from existing functionally sub-optional distribution premises. Applying this assumption the estimate of additional employment once HNRFI in occupied is that is that lower density assumption an additional 4400 jobs would be provided on a higher density assumption 5,400 jobs would be provided (PEIR Chapter 7 Table 7.10).

Generic impacts

3.75 Section 5 of the NPS states that some environmental impacts will be relevant to any national networks infrastructure, whatever the type. This section of the Planning Statement considers each of these impacts and draws from the assessment in the relevant PEIR Chapter. The assessment of the impact of the HNRFI has followed the assessment principles identified in the NPS, and the requirements of the Scoping Report issued by the Planning Inspectorate.

Air Quality

3.76 The NPS requires the applicant's assessment on air quality impacts to describe (within the environmental statement) (paragraph 5.7):

- *'existing air quality levels;*
- *forecasts of air quality at the time of opening, assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme; and*
- *any significant air quality effects, their mitigation and any residual effects, distinguishing between the construction and operation stages and taking account of the impact of road traffic generated by the project.'*

3.77 PEIR Chapter 9: *Air Quality* addresses these considerations. The PEIR identifies mitigation measures specific for demolition, earthworks, and 'trackout' (meaning the potential for dust from vehicles leaving the site during construction) (Table 9.29).

3.78 During the operational phase the provisions of a Sustainable Transport Strategy forming part of the travel plan will be submitted with the application for development consent – will benefit air quality. A draft Travel Plan has been prepared to accompany the PEIR. The provisions of the Travel Plan will further reduce road traffic emissions associated with the operational phase of the HNRFI. Paragraph 9.130 of the PEIR identifies a range of mitigation measures to reduce road traffic emissions.

3.79 The traffic data provided for the AQA includes cumulative traffic flows for the study area detailed within PEIR Chapter 8: *Transport and traffic*. Therefore, no additional cumulative road traffic

emissions impact has been undertaken. Table 9.30 of Chapter 9: *Air quality* summarises the environmental impact of the HNRFI on air quality. The residual effects of the operational phase, after mitigation, are all considered to be 'not-significant'.

Carbon Emissions

3.80 The Government's carbon budget includes policies to reduce carbon emissions. The underlying purpose of HNRFI is to provide a major shift from road transport to rail. Each freight train can remove up to 76 HGVs from the roads. By enabling containers be transported from rail to Felixstowe to HNRFI, would eliminate 1.6 billion HGV kilometres annually.

Biodiversity and ecological conservation

3.81 The Applicant's assessment is required to set out any likely significant effects on:

- Internationally, nationally and locally designated sites of ecological or geological importance
- On protected species
- On habitats and other species identified as being of principal important for the conservation of biodiversity
- The full range of potential impacts on ecosystems.

3.82 No land within the DCO boundary is covered by any internationally importance statutory designations, and there are no such designations within 10km of the Main HNRFI Site. The Main HNRFI is not covered by nationally or locally important statutory designations. There are 4

designated SSSIs and 1. Local Nature Serve (LNR) within 5km of the Main HNRFI Site. Burbage Wood and Aston Firs SSSI and the overlapping Burbage Common and Woods LNR are located immediately adjoining the Main HNRFI Site and the A47 link corridor. The SSS1 and LNR are considered an important Ecological Feature (IEF) of national value.

3.83 Within 3km of the centre point of the Main HNRFI Site are 13 local wildlife sites, two being within the Main HNRFI Site namely Field Rose Plantation and Elmesthorpe Plantation Hedgerow. Burbage Common and Woods as a LWS lies adjacent to the western boundary of the Main HNRFI Site. Borrow Pit Grassland lies adjacent to the southern boundary of the main development site. Two LWS, Billington Rough and Hay Meadow lie 100m and 250m to the north of the railway respectively within 3km of the Main HNRFI Site are 13 (cLWS) and 60 potential LWS (pWWS). Seven of the pLWS are located within the Main HNRFI Site.

3.84 The assessment includes a full description of habitats within and adjoining the Main HNRFI Site, which mainly comprises arable, improved and semi-improved grassland, buildings and hardstanding, marshy grassland and tall rural vegetation. These habitats are considered to be of negligible and site-level ecological important.

3.85 Table 12.6 in Chapter 12 provides an Ecology Assessment Summary. The appraisal describes the effect of HNRFI on individual ecological features during the construction and operational phases. Consideration is given to cumulative effects and the impact on climate change. The nature of the effect is described with an assessment of its significance, prior to mitigation. The mitigation measures are summarised, enabling a conclusion to be reached as to residual effect and the significance of that effect. No significant effects on biodiversity are identified.

Waste Management

3.86 The HNRFI will inevitably result in a significant amount of construction and demolition waste being produced during the construction process. The principal objective of sustainable waste and material resource management is to use materials more efficiently, thereby preventing and reducing the amount of waste generated and minimising the amount of waste that requires final disposal to landfill.

3.87 Chapter 17: *Materials and Waste* of the PEIR describes the waste arising during the construction process including excavation process, including excavation wastes; demolition wastes and construction wastes. Waste output when buildings are occupied during the operational phases of the development are estimated on a typical weekly arisings basis.

3.88 A design principle for the earthworks is to achieve development plateaux that achieve a cut and fill balance to eliminate the generation of soils as a waste. Offsite disposal volumes are assumed to be minimal. Table 17.18 in Chapter 17 sets out the assessment of the construction impacts in tabular form. The significance of the construction impacts is assessed as being 'slight'. The construction waste impact is considered to be 'neutral'.

3.89 Table 17.19 sets out in tabular form the assessment of the operational impacts in terms of waste. The conclusion is that the effect is 'slight'. Chapter 17 refers to the measures which will be implemented to collectively mitigate the impacts identified from both the use of materials and the management of waste in relation to the construction of the HNRFI.

3.90 Chapter 17 of the PEIR concludes:

> *'It is inevitable that there will be a requirement to import material particularly where large quantities of engineering graded material are required and for the production of concrete. Reuse and recycling material will minimise the volume of material imported, the Main HNRFI Site is well served with a number of quarries in the near vicinity. The Proposed Development also benefits from rail infrastructure which will also be able to deliver material to the Main HNRFI Site from beyond the region. The importation of material is therefore not expected to have a significant impact on the supply of aggregates with the impact assessed as slight adverse.'* (paragraph 17.117)

3.91 Waste generated by the Proposed Development which cannot be reused will have to be taken off-site. The Main HNRFI Site benefits from a range of waste facilities in close proximity to the Main HNRFI Site. With the adherence of 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 slight adverse.' (paragraph 17.118)

Civil and military aviation and defence interests

Coastal Change

3.92 HNRFI does not have any impacts on these interests.

Dust, odour, artificial light, smoke, steam

3.93 With the implementation of mitigation measures to provide in the CEMP, the impact of the construction phase dust emissions is considered not to be significant accordance with IAQM guidance (paragraph 9.142).

3.94 In the operational phase the road traffic assessment concludes that the impact of the development on local air quality at identified human receptors is negligible and 'not significant' in accordance with IAQM and EPUK guidance (paragraph 9.144)

3.95 Chapter 12 Ecology and biodiversity has considered the findings in the Air Quality Chapter, which concludes that these would be no additional deposition during the operational phase (paragraph 12.177).

Flood Risk and Surface Water Drainage

3.96 Paragraph 14.34 addresses surface water and flood risk, and has identified the potential effects of the HNRFI as being:

'The assessment of potential effects of the Proposed Development on surface water and flood risk considers the following:

- *contamination arising from construction drainage;*

- *fluvial flood risk, both in terms of impacts to the Proposed Development and changes to flood risk in the surroundings or to downstream receptors as a result of the Proposed Development;*
- *changes to the surface water runoff regime and associated downstream flood risks;*
- *the effects of regular discharge of surface water, during operational use, on the water quality of downstream receiving waterbodies; and*
- *potential impacts on the demand of the local potable water network and on foul drainage infrastructure.'*

3.97 The effects associated with the construction phase of the HNRFI are considered to be 'direct temporary and short to medium term duration' (paragraph 14.25). The likelihood of any residual impacts following the implementation the mitigation measures set out in Chapter 14 is likely to result in negligible effects. The mitigation measure will ensure that no land beyond the Main HNRFI Site would be at an increased risk of fluvial and surface water flooding. No cumulative adverse impacts have been identified with other committed developments, as such developments would adhere to the same principles to reduce the risk of flooding.

3.98 The majority of the DCO site lies within Flood Zone 1 (low probability of flooding). Figure 14.2 shows a small proportion of the Main HNRFI Site adjacent to the northern boundary is located within Flood Zone 3 (high probability of flooding) and Flood Zone 2 (medium probability of flooding). This flood risk is associated with the Thurlaston Brook Tributary. The Flood Zone Map for planning shows that A47 Link Road will cross areas of Flood Zone 2 and Flood Zone 3, again associated with the Thurlaston Brook Tributary. In respect of the off-site highway works, only one (B6) has the potential to affect surface water and flood risk.

3.99 The FRA and Drainage Strategy assesses the fluvial flood risk, including the works to the off-site highway works. The Planning Practice Guidance (Paragraph 031 Reference ID 7-031-20140306) states that 'the flood risk assessment should be credible and fit for purpose. Site specific flood risk assessments should always be proportionate to the degree of flood risk and make optimum use of information already available.'

3.100 The Main HNRFI Site extends to some 268 hectares. As such it is perhaps not unexpected that part of the site area includes land within Flood Zone 3. Buildings for logistics (storage use) are classified as being Less Vulnerable in Table 2 (Paragraph 066 Reference ID 7-066-20140306). Such a use is appropriate within Flood Zone 3a, but not Flood Zone 3b. A practical consideration has to be applied as to whether the proposed development is inappropriate in the context of flood risk.

3.101 The Parameters Plan demonstrates that the area of land identified within Flood Zone 3 is kept free of built development, and forms part of the structural landscaping for the HNRFI. The development of HNRFI is steered away from Flood Zone 3 to land primarily within Flood Zone 1. No added risk is caused by the development to flood risk beyond the site. The underlying purpose of the sequential test is satisfied.

3.102 The A47 Link Road crosses a number of small watercourses to connect onto the B4468 Leicester Road. In applying the principle of the sequential test, this route cannot be steered away from crossing the watercourses that flow through the land to the west of the railway. The road will be elevated upon an embankment above the floodplain so that it can be operational during times of flood. Culverts will be provided beneath the road to preserve hydraulic connectivity and convey flood flows into downstream channels.

3.103 In applying the Exceptions Test, it is submitted that:

a) The proposal provides substantial socio-economic benefits to the community across a wide area.

b) The proposed development provides wider sustainability benefits to the community in providing new highway infrastructure to address the transport effects of the HNRFI.

c) The provision of the A47 Link on an embankment will remain safe over its lifetime, and will not increase flood risk elsewhere.

d) The development of the HNRFI has accounted for 30% increase in rainfall on top of the 100 year river flow as a consequence of climate change, and has attenuated surface water run off to existing greenfield run off rate. The attenuation of storm water will reduce flood risk overall, through the provision of improved drainage.

3.104 It is submitted that the proposals satisfy on a proportionate basis both the Sequential Test and Exceptions Test.

3.105 The assessment undertaken in Chapter 14 *Flood Risk and Surface Water* has applied baseline modelling to existing watercourses. Mitigation is identified to ensure that no land outside the Main HNRFI Site would be at an increased risk of fluvial and surface water flooding. Any residual impacts with the implementation of mitigation measures will be minor beneficial in significance due to the general decreased in flows in higher return period events improving the situation off-site.

3.106 The surface water drainage strategy including the use of sustainable urban drainage systems (SUDs) will reduce surface water runoff rates and direct any pluvial flow paths towards a positive drainage system. Overall, HNRFI will provide a betterment in regard to water quantity control,

particularly for the higher period events. By restricting the volume of rainfall generated by the natural catchment of flows leading to existing watercourses HNRFI will help reduce the likelihood and severity of flooding downstream of the Main HNRFI Site and the A47 Link Road.

Land stability

3.107 This impact does not raise considerations for HNRFI.

The historic environment

3.108 NPS Paragraphs 5.126 – 5.127 set out the required assessment to include a description of the significance of any heritage asset affected, including any contribution made by their setting. The NPS states that the level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

3.109 The likely significant impacts of the Proposed Development on cultural heritage (archaeology and built heritage) are considered at Chapter 13: *Cultural Heritage of the PEIR*.

3.110 The assessment has identified one scheduled monument, seven listed buildings and one conservation area as sensitive receptors to the HNRFI. The assessment concludes:

- Elmesthorpe Church Scheduled Monument

  Noticeable change in the setting of the asset. Negligible change to the significance of the SM. Permanent minor advise effect on the asset of highest sensitivity.

- Grade II listed Wentworth Arms PH Elmesthorpe

  Negligible magnitude of effect

- Grade II Listed Church of St Mary Barwell

  Noticeable change in the setting of the asset. Negligible change to the significance of the listed church. Permanent minor adverse effect on the asset of highest sensitivity.

- Grade II Listed Church of St Mary Elmesthorpe

  Permanent minor adverse effect on the asset of high sensitivity

- Grade II* listed church of St Simon and St Jude, Earl Shilton

  Permanent minor adverse effect on the asset of high sensitivity

- Grade II listed church of All Saints, Sapcote

  Permanent minor adverse effect on the asset of highest sensitivity

- Grade II listed church of St Catherine, Burbage

  Permanent minor adverse effect on the asset of highest sensitivity

- Aston Flamville Conservation Area

  No more than a negligible magnitude effect result in a permanent negligible adverse significance of effect.

3.111 The assessment concludes that the effect of the HNRFI on the significance of designated heritage assets comprises 'less than substantial harm' in the context of national planning policy in the NPPF (paragraph 202). Great weight is to be given to the conservation of designated heritage asset. National planning policy requires the decision-taker to consider whether the public benefits from the development outweigh the level of harm to the significance of the designated heritage assets, giving 'considerable importance and weight' to the conservation of the designated heritage assets.

3.112 The HNRFI requires the total loss of three farmsteads which are considered to represent non-designated heritage assets within the meaning of the NPPF, paragraph 203). These non-designated buildings are considered to be of low sensitivity.

3.113 The assessment refers to the mitigation to the effect upon the designated heritage assets through the provision of landscaping to reduce the impact of the proposals through change to the setting of these assets. Setting in itself is not a heritage asset. The Glossary to the NPPF acknowledges that the extent of a setting is not fixed and may change as the asset and its surroundings evolve. In this case the HNRFI would result in change to the surroundings to the assets. While the Courts have concluded that there is no requirement to establish a level of harm within the category of harm (substantial/less than substantial harm) the PPG; as a matter of policy guidance, states: *'Within each category of harm… the extent of the harm may vary and should be clearly articulate'* (paragraph 18 Ref ID: 18a-018-20190723). The assessments undertaken enable this understanding of the impacts.

3.114 The 'less than substantial harm' to the significance of the designated heritage assets, and the total loss of three non-designated heritage assets is to be taken in to the planning balance which is addressed in the next section of the Planning Statement.

Landscape and visual impacts

3.115 PEIR Chapter 11: *Landscape and visual effects* has been prepared in response to the Secretary of State's comments set out in the Scoping Opinion dated December 2020; the response from consultees; and the assessment requirements for Applicants as set out in the NPS.

3.116 In respect of landscape impacts the NPS states:

> *'Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation where possible.'* (paragraph 5.149)

3.117 In terms of the visual impact of the HNRFI, the NPS states:

> *'The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development.'* (paragraph 5.158)

3.118 Chapter 11 sets out the approach that has been taken in undertaking a Landscape and Visual Impact Assessment (LVIA) of the HNRFI. The conclusion from the LVIA is that:

> *'… the preliminary impact assessment indicates that the greatest scope for significant permanent effects relates to the construction and early years of the operational phase of the Proposed Development.'* (paragraph 11.254)

> *'there would likely be residual significant adverse landscape and visual effects across a number of host landscape character areas (LCAs) and nearby visual receptors'.*

3.119 The NPS acknowledges that because of the built form of a SRFI *'there may be a limit on the extent to which it [a SRFI] can contribute to the enhancement of the quality of the area'* (paragraph 4.30). The NPS states in reference to mitigation for landscape and visual effects:

> *'Reducing the scale of a project or making changes to its operation can help to avoid or mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design or changing the operation of a proposed development may result in a significant operational constraint and reduction in function. There may, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in scale or function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape effects outweigh the marginal loss of scale or function.'* (paragraph 5.159)

> *'Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design (including choice of materials), and landscaping schemes, depending on the size and type of proposed project. Materials and designs for infrastructure should always be given careful consideration.'* (paragraph 5.160)

3.120 The changing needs of the logistics sector support the provision of buildings up to 33m in height (31m to eaves), so as to increase volumetric efficiency in the stock holding of goods in response to the potential occupier requirements. The Parameters Plan submitted with the application will control the maximum heights of the buildings within development zones. The Parameters Plan establishes that the tallest buildings would be located within the central part of the Site. Development Zone B2 is considered appropriate for a building height upto 33m. The building heights as shown on the Parameters Plan are:

Plot A	27m
Plot B1	27m
Plot B2	33m
Plot B3	27m
Plot C1	27m
Plot C2	30m
Plot D1	27m
Plot D2	30m
Plot E1	27m
Plot E2	24m

3.121 The LVIA has considered the impact the HNRFI has on the open access land at Burbage Common and Woods Country Park. It is concluded that *'there would be limited significant adverse impact at some locations, confined to the sight of the upper levels of B8 buildings and the A47 link road'*. (paragraph 11.150)

3.122 It is submitted that the mitigation measures proposed during the demolition and construction phase (paragraph 11.207) and within the operational phase (both embedded mitigation and additional mitigation) (paragraph 11.212) minimise the landscape and visual effects of the HNRFI.

Land use including open space green infrastructure and Green Belt

3.123 The applicant is required by the NPS to identify existing and proposed land uses near the project, and effects of replacing an existing development or use of the site with the proposed development. An assessment should be undertaken as to whether the proposal would preclude new development proposed in the development.

3.124 No proposals have been identified in the development plan which would be precluded by the HNRFI. The Main HNRFI Site is not notated on the Proposals Map within Blaby District and comprises open countryside. The Borough Wide Policies Map for the Hinckley and Bosworth Site Allocations and Development Management Policies DPD identifies the land between the administrative boundary of Blaby District and the B4468 being part of a Green Wedge between the urban edge of Hinckley and Burbage and Barwell. The DPD states:

> *'Areas of green wedge primarily seek to guide the development form of urban areas. The presence of a green wedge helps to maintain settlement identity whilst providing green infrastructure links, between settlements as a 'green lung' and recreational resource.'* (paragraph 3.43)

3.125 The proposed development within the green wedge comprises a single carriageway road with the junction on to the B4468. The illustrative Landscape Strategy (Figure 11.15) illustrates how the land within the DCO limits to the west of the Hinckley to Leicester Railway will be landscaped and

provide recreational opportunity on land adjoining Burbage Common. The underlying purpose of the Green Wedge to maintain the separate identity of settlements is safeguarded by these proposals.

3.126 The illustrative Landscape Strategy considers the impact of the HNRFI on the existing PROW network, and identifies proposed diversions to maintain the continuity of routes for walking and horse riding. Access for horse riders between existing equestrian establishments and Burbage Common is provided in the re-routeing of bridleways following the closure of Burbage Common Road.

3.127 It is considered that the proposals for diversion of public rights of way provide suitable alternative arrangements. The closure of two public rights of way (U52/6; U52/7) which comprise surface crossings of the railway is considered appropriate in the interests of safety (NPS paragraph 4.72). The Applicant's assessment of existing PRoW is shown on Figure 11.13. Figure 11.14 shows the proposed strategy. The explanation to the PRoW Strategy is set out at Appendix 11.2 in the report titled *Public Rights of Way Strategy*.

3.128 PEIR Chapter 11: *Landscape and visual effects* has considered the impact of the proposal on the quality of agricultural land. The Soils and Agricultural Quality Report confirms that the Main HNRFI Site is primarily subgrade 3b agricultural land quality (83%). 1% of the land comprises land within grade 3a – being 'best and most versatile agricultural land'. All the agricultural land is limited in its value for agricultural production by reason of its wetness (paragraph 11.72).

3.129 The development of a SRFI requires at least 60 hectares of land. The extent to which best and most versatile land is required to accommodate HNRFI is considered not to be significant. The loss

of 1% of the site – amounting to some 2.68 hectares is not significant in terms of economic or other benefits of best and most versatile agricultural land.

Noise and Vibration

3.130 PEIR Chapter 10: *Noise and vibration* considers the potential effects of noise and vibration impacts associated with construction excluding construction traffic of the Proposed Development. The NPA states that the Secretary of State should not grant development consent unless satisfied that the proposals will meet the following aims:

- Avoid significant adverse impacts on health and quality of life from noise as a result of new development;
- Mitigate and minimise other adverse impacts on health and quality of life from noise from the new development, and
- Contribute to improvements to health and quality of life through the effective management and control of noise where possible.

3.131 The noise assessment undertaken in the PEIR concludes:

Construction phase

'Based upon a preliminary quantitative assessment of potential noise during the construction phase, it is considered that, at worst, temporary, major adverse effects could arise without mitigation at the nearest existing NSRs. Such impacts should be minimised where possible by adopting best practicable means through the CEMP, in order to

specifically identify potential impacts and appropriate mitigation based upon site specific information as the project progresses. With appropriate mitigation in place, residual effects would be reduced to temporary, moderate adverse at worst for existing NSRs.' (paragraph 10.280)

'The effects of construction vibration will need to be managed through the CEMP, based upon specific details of the construction works required once available.' (paragraph 10.284)

[NSR has the meaning of a Noise Structure Receptor. CEMP has the meaning of a Construction Environmental Management Plan.]

Operation phase

'The operational phase assessment has considered noise from fixed plant, equipment and break-out noise associated with the Proposed Development, noise associated with HGV deliveries and SRFI operations to the Proposed Development site, and the change in noise levels at NSRs due to additional rail movements, the proposed A47 link road and development generated road traffic.' (paragraph 10.282)

'For noise associated with HGV deliveries including SRFI operations, library data for HGV movements, loading/unloading activities and rail movements has been used, together with assumptions regarding operations, building layout and usage. With appropriate mitigation in place, including acoustic barriers, the residual effect would be a permanent, minor adverse at worst.' (paragraph 10.283)

'Noise level limits have been derived at the nearest NSRs for fixed plant and equipment to achieve. Provided that these limits are achieved, the resultant effect is likely to be permanent, minor adverse at worst.' (paragraph 10.284)

3.132 The assessment has considered road traffic noise associated with the proposed A47 Link Road. The assessment concludes:

'with appropriate mitigation in place, including acoustic barriers, the residual effect would be [a] permanent minor adverse' (paragraph 10.287)

3.133 A tranquillity assessment has been undertaken as to the potential effect of the change of noise levels and absolute noise level at Burbage Common Woods, Aston Firs and Freehold Woods. The assessment concludes that:

'there would be a permanent minor adverse effect at worst' (paragraph 10.288)

3.134 The assessment concludes that although it is not possible to state the magnitude of effect of vibration as a result of additional train movements, it is likely that the resultant impact will be low. A detailed vibration assessment is to be undertaken.

3.135 It is concluded that, with the proposed mitigation measures, listed at paragraph 10.255 of the PEIR, and shown on Figure 10.4 in the PEIR, the Government's policy on sustainable development in the context of noise and vibration is satisfied.

Impacts on Transport Networks

3.136 Chapter 8: *Transport and Traffic* of the PEIR explains the extensive consultation that has taken place with the relevant highway authorities. Two rounds of informal public consultation have been undertaken, which revealed that the traffic impacts of HNRFI are a major concern. Transport modelling has been undertaken as requested by the highway authorities. The output of the modelling has led to the provision of the A47 link, and the identification of a number of junctions where highway improvements are proposed. The approach to decision-taking is to ensure that the applicant has taken reasonable steps to mitigate these impacts. On this basis *'appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure'* (paragraphs 5.213 – 5.214).

3.137 It is acknowledged by TSH that, at this stage of the statutory consultation, the proposed highway strategy has not been agreed with the relevant highway authorities. The Applicant's highway strategy does not include provision for an Eastern Villages Bypass (Eastern Village Link), which formed a potential option within the second round of informal consultation held during 2019. It is acknowledged that, presently, the highway authorities have not agreed whether the provision of an Eastern Villages Bypass is required in order to satisfactorily accommodate traffic movement arising from HNRFI, including the impact of traffic movement on the wider highway network as a consequence of the provision of the south-facing slips at M69 J2.

3.138 It is entirely to be expected that the community will be concerned as to the potential consequences of HNRFI in terms of the increase in traffic on the local highway network, especially the movement of HGVs. Such concern is generally typical with all major scale development projects, especially commercial developments which give rise to movement by HGVs.

3.139 The Applicant is required to take into account all consultation responses received during the statutory consultation with local authorities. The Consultation Report, which has to accompany the application on submission to the Secretary of State, must describe how the application was informed and influenced by the responses received during the statutory consultation, outlining any changes made as a result and showing how significant relevant responses will be addressed.

3.140 Chapter 8: *Transport and Traffic* sets out the approach that has been taken to consider the effects of operational and construction traffic (including maintenance) on the local road network. A Transport Working Group (TWG) has been established with TSH and the relevant highway authorities and representation from Blaby District Council and Hinckley and Bosworth Borough Council. The objectives of the TWG are set out at paragraph 8.5 of the PEIR. The assessment has considered the Planning Inspectorate's comments in the EIA Scoping Opinion dated December 2020, and consultation feedback from local planning authorities, parish councils and other statutory consultees (Table 8.2). Consideration has been given to the comments received from the local community during the two rounds of informal consultation.

3.141 It is generally to be anticipated that with the form and scale of the HNRFI, that concerns regarding traffic impacts would be of the greatest concern to the local community. Often there is a perception as to the amount of traffic a large-scale development may generate on to the highway network which is not realistic. Transport modelling has been undertaken in accordance with a methodology that has been agreed with the highway authorities.

3.142 A particular concern for the local community during the informal stages of consultation relates to the routeing of HGV traffic associated with the Main HNRFI Site. A HNRFI HGV Route Management Plan Strategy and Report is being developed. A first draft has been provided to the Transport

Working Group for comment. The Strategy will include measures for occupiers of the Main HNRFI Site including the Terminal Operator to monitor and enforce the Route Management Strategy. Enforcement measures are under consideration.

3.143 Chapter 8: *Transport and Traffic* considers the residual environmental impacts for the construction phase and operational phases of the HNRFI. A package of sustainable transport measures are to be provided as set out at paragraph 8.258.

3.144 Chapter 8: *Transport and Traffic* explains that work is ongoing on the assessment of traffic impact which will inform the final Transport Assessment and ES Chapter. The position of TSH is that the traffic impacts of the HNRFI can be accommodated on the wider highway network – without resulting in a 'residual cumulative impact [which would] be severe' (NPPF paragraph 111) through:

i. The encouragement of sustainable transport modes, including enhanced bus provision, improved pedestrian crossing facilities, new cycle lanes and footways to HNRFI.
ii. The construction of the A47 Link Road between M69 J2 and the B4468 Leicester Road.
iii. Off-site highway mitigation provided at some ten locations listed at Table 8.8.

Water Quality and Resources

3.145 The potential effects of the Proposed Development on hydrogeology are assessed at PEIR Chapter 15. The conclusion is reached that the potential effects from the construction and operational phases of the Proposed Development will be negligible to slight adverse following the implementation of appropriate mitigation.

3.146 PEIR Chapter 14: *Surface water and flood risk* assesses the impact of the development on surface water quality during the construction and operational phases. Without mitigation the potential impact of pollutants during the construction phase is considered moderate adverse. In the operational phase, without mitigation, the effect of contamination – most likely to be caused by vehicle usage – is considered to be minor adverse.

3.147 Mitigation of this risk during the construction phase will be achieved through the provisions of the Construction Environmental Management Plan (CEMP). In the operational phase management measures will be responsible for the cleaning and maintenance of proposed oil receptors which would mitigate against the potential impact of contaminated surface run-off entering the drainage system. A maintenance schedule for the proposed SuDS measures will also be prepared to ensure that the effectiveness of the proposed stages of water quality treatment remains for the lifetime of the Proposed Development.

3.148 A Water Framework Directive Compliance Assessment will be prepared to support the ES. The Assessment will identify mitigation measures that will be incorporated to improve the wider water environment and prevent deterioration in water body status. The conclusion is reached that the impact of the Proposed Development upon potential contamination of water resources is deemed to be minor beneficial.

4.0 OVERALL PLANNING BALANCE

4.1 Necessarily, new built development cannot be provided on land that is mainly undeveloped without having a significant impact upon the character and appearance of that land. This inevitability of an adverse impact is especially applicable to the provision of a SRFI by reasoning of the scale, form and extent of the proposed development.

4.2 The Government recognises the inevitability of such impacts stating *'for developments such as SRFIs, it is likely that there will be local impacts in terms of land use and increased road and rail movements and it is important for the environmental impacts at these locations to be minimised'*. (NPS paragraph 2.51)

4.3 The assessments that have been undertaken in the PEIR identify mitigation measures under each environmental and technical topic. The assessments conclude that with the implementation of the mitigation measures there will remain some residual impacts arising both during the construction and operational phases of the Proposed Development. Residual impacts are minimised at the point when the benefits of the development outweigh the residual impacts.

4.4 At this point a further reduction in the residual impacts would adversely impact upon the benefits. Reference has been made to the need for volumetric efficiency in the storage and distribution of goods in response to the changing needs of the logistics sector. It may be suggested that lowering the height of the logistics buildings would reduce the residual impacts on landscape and visual amenity. The form and scale of a SRFI inevitably results in significant residual adverse landscape and visual effects. Strategic landscaping, and consideration of the appearance of buildings, can minimise these effects – but will not totally screen these effects. The NPS acknowledges that '*for*

developments such as SRFIs, it is likely that there will be local impacts in terms of land use' (paragraph 2.51). It is submitted that, as demonstrated within the PEIR, these impacts will be minimised.

4.5 A 'less than substantial harm' has been identified to the significance of some designated heritage assets – which is to be given *'considerable importance and weight*' in decision-taking. A total loss of non-designated heritage assets will occur with the demolition of the farmhouses and the existing railway bridge. Other residual impacts of minor adverse significance have been identified in the PEIR.

4.6 The NPS acknowledges that SRFIs will necessarily give rise to *'increased road and rail movements*' (paragraph 2.51). The planning issue is whether the increase in traffic movement can be accommodated on the surrounding highway network, with the provision of improvements to the network (M69 J2; A47 Link; off-site highway works) without resulting in a '*residual cumulative impact which would be 'severe*'' (Framework 111). The conclusions reached in the PEIR are that the proposals are satisfactory in the context of the provisions of the NPS (NPS 5.213).

4.7 The Government concludes that there is a compelling need for an expanded network of SRFIs in response to Government policy which is encapsulated at paragraph 2.53 of the NPS, namely:

> *'The Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities. The Government therefore believes it is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail*

has an important part to play in a low carbon economy and in helping to address climate change.'

4.8 It is considered that the information contained in the PEIR establishes that the benefits of HNRFI will substantially outweigh the adverse residual impacts that have been identified. As such, the *'presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in this NPS'* (NPS paragraph 4.2) applies to HNRFI. Following the statutory consultation on HNRFI it is necessary for TSH to consider all responses and set out the Applicant's position in response thereto- which may include revisions to the proposals. The Planning Balance will be re-considered for the Proposed Development as to be submitted to the Secretary of State.