

Tritax Symmetry (Hinckley) Limited

## **HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE**

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

Project reference TR050007

### **Signposting for Resubmission**

Document reference: 1.6

Revision: 01

**March 2023**

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Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009  
Regulation 5(2)(q)

**This document forms a part of the Development Consent Order (DCO) for the Hinckley National Rail Freight Interchange project.**

Tritax Symmetry (Hinckley) Limited (TSH) has applied to the Secretary of State for Transport for a DCO for the Hinckley National Rail Freight Interchange (HNRFI).

**Further details about the proposed Hinckley National Rail Freight Interchange are available on the project website:**

**<http://www.hinckleynrfi.co.uk/>**

**The DCO application and documents relating to the examination of the proposed development can be viewed on the Planning Inspectorate's National Infrastructure Planning website:**

**<https://infrastructure.planninginspectorate.gov.uk/projects/east-midlands/hinckley-national-rail-freight-interchange/>**

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## Document Reference 1.6

### Hinckley National Rail Freight Interchange (HNRFI)

#### Signposting to amendments made to application documents

This document sets out the amendments made to documentation for the resubmission of the HNRFI DCO application following the withdrawal of the application 2 March 2023.

All of the points raised in the PINS S51 Advice letter dated 7 March 2023 covering both the acceptance matter and examination matters have been addressed as appropriate.

Table 1 below lists the documents which have been amended as a result of the PINS S51 advice. The Rail Market Need Assessment has also been amended to reflect the 7 February 2023 Secretary of State George Bradshaw address and the publication of the Rail Partners report *Freight Expectations: How rail freight can support Britain's economy and environment and the publication of the draft National Policy Statement for National Networks*. An additional document responding to the publication of the Draft NPS has also been added.

Table 2 below provides the applicants response to each of the matters raised in the PINS S51 advice letter and whether the matter has been identified as an acceptance or examination matter.

The PINS S51 Advice Letter of 7 February 2023 is appended to this document.

**Table 1**

<b>DOCUMENTS AMENDED</b>
1.1 Hinckley NRFI DCO Application Letter  - Addition of documents 1.6 (Signposting to Amendments made to Application Documents) and 7.2 (Response to Draft National Policy Statement National Networks)
1.2 Hinckley NRFI DCO Application Form  - Addition of documents 1.6 (Signposting to Amendments made to Application Documents) and 7.2 (Response to Draft National Policy Statement National Networks)
1.4 Hinckley NRFI Guide to the Application

- Addition of documents 1.6 (Signposting to Amendments made to Application Documents) and 7.2 (Response to Draft National Policy Statement National Networks)
1.6 Signposting for Resubmission
2.2A Hinckley NRFI Works Plans [sheet 1 of 8] - Amendments made in response to Paragraphs 7.8 and 7.9 of PINS S51 Advice Letter dated 07 March 2023.
2.2B Hinckley NRFI Works Plans [sheet 2 of 8] - Amendments made in response to Paragraphs 7.8 and 7.9 of PINS S51 Advice Letter dated 07 March 2023.
2.2C Hinckley NRFI Works Plans [sheet 3 of 8] - Amendments made in response to Paragraphs 7.8 and 7.9 of PINS S51 Advice Letter dated 07 March 2023.
2.2D Hinckley NRFI Works Plans [sheet 4 of 8] - Amendments made in response to Paragraphs 7.8 and 7.9 of PINS S51 Advice Letter dated 07 March 2023.
2.2E Hinckley NRFI Works Plans [sheet 5 of 8] - Amendments made in response to Paragraphs 7.8 and 7.9 of PINS S51 Advice Letter dated 07 March 2023.
2.2F Hinckley NRFI Works Plans [sheet 6 of 8] - Amendments made in response to Paragraphs 7.8 and 7.9 of PINS S51 Advice Letter dated 07 March 2023.
2.2G Hinckley NRFI Works Plans [sheet 7 of 8] - Amendments made in response to Paragraphs 7.8 and 7.9 of PINS S51 Advice Letter dated 07 March 2023.
2.2H Hinckley NRFI Works Plans [sheet 8 of 8] - Amendments made in response to Paragraphs 7.8 and 7.9 of PINS S51 Advice Letter dated 07 March 2023.
2.3A Hinckley NRFI Access and Rights of Way [sheet 1 of 4] - Amendments made to cut lines in response to Paragraph 7.12 of PINS S51 Advice Letter dated 07 March 2023.
2.3C Hinckley NRFI Access and Rights of Way [sheet 3 of 4] - Inclusion of Inset Map in response to Paragraph 7.11 of PINS S51 Advice Letter dated 07 March 2023.

- Amendments made to cut lines in response to Paragraph 7.12 of PINS S51 Advice Letter dated 07 March 2023.
2.20A Hinckley NRFI Land Plan [Sheet 1 of 8] - Updated in response to paragraph 7.6 of PINS S51 Advice Letter dated 07 March 2023.
2.20B Hinckley NRFI Land Plan [Sheet 2 of 8] - Updated in response to paragraph 7.6 of PINS S51 Advice Letter dated 07 March 2023.
2.20D Hinckley NRFI Land Plan [Sheet 4 of 8] - Updated in response to paragraph 7.6 of PINS S51 Advice Letter dated 07 March 2023.
2.20G Hinckley NRFI Land Plan [Sheet 7 of 8] - Updated in response to paragraph 7.6 of PINS S51 Advice Letter dated 07 March 2023.
2.20H Hinckley NRFI Land Plan [Sheet 8 of 8] - Updated in response to paragraph 7.6 of PINS S51 Advice Letter dated 07 March 2023.
2.26A Hinckley NRFI Crown Land Plan [sheet 1 of 8] - Updated in response to paragraph 7.4 of PINS S51 Advice Letter dated 07 March 2023.
2.26B Hinckley NRFI Crown Land Plan [sheet 2 of 8] - Updated to include plot number 36
2.26G Hinckley NRFI Crown Land Plan [sheet 7 of 8] - Updated in response to paragraph 7.4 of PINS S51 Advice Letter dated 07 March 2023.
3.1 Hinckley NRFI Draft Development Consent Order (pdf)

<ul style="list-style-type: none"> <li>- Additional Article 4(3)</li> <li>- Updated at Schedule 5, Part 1 to amend a drafting error in response to Paragraph 7.11 of PINS S51 Advice Letter dated 07 March 2023.</li> <li>- Updated at Schedule 15 to reflect revisions to ES, land plans and Book of Reference</li> </ul>
<p>3.1 Hinckley NRFI Draft Development Consent Order (word)</p> <ul style="list-style-type: none"> <li>- Additional Article 4(3)</li> <li>- Updated at Schedule 5, Part 1 to amend a drafting error in response to Paragraph 7.11 of PINS S51 Advice Letter dated 07 March 2023.</li> <li>- Updated at Schedule 15 to reflect revisions to ES, land plans and Book of Reference</li> </ul>
<p>3.2 Hinckley NRFI DCO Explanatory Memorandum</p> <ul style="list-style-type: none"> <li>- Updated paragraph 5.10 to reference updated Works Plans and documents that have been amended</li> </ul>
<p>3.3 Hinckley NRFI DCO Validation Report</p>
<p>4.3 Hinckley NRFI Book of Reference</p> <ul style="list-style-type: none"> <li>- Updated in response to paragraph 7.5 of PINS S51 Advice Letter dated 07 March 2023.</li> </ul>
<p>6.1.3 Hinckley NRFI ES Chapter 3 Project description</p> <ul style="list-style-type: none"> <li>- Updated paragraphs 3.45 and 3.46</li> </ul>
<p>6.1.18 Hinckley NRFI ES Chapter 18 Energy and Climate Change</p> <p>Amendments made in response to paragraphs 1.1 - 1.6 of PINS S51 Advice Letter dated 07 March 2023.</p> <ul style="list-style-type: none"> <li>- Updated paragraphs: 18.37; 18.38; 18.47; 18.60; 18.62; 18.75; 18.76; 18.79; 18.208; 18.209; 18.210; 18.211; 18.216; 18.219; 18.220; 18.288; and 18.306.</li> <li>- Updated Tables: 18.1; 18.3; 18.15; 18.16; 18.17; 18.19; and 18.22,</li> <li>- Footnote 58 Removed</li> </ul>
<p>6.2.8.1 Hinckley NRFI ES Appendix 8.1 Transport Assessment [part 1 of 16]</p> <ul style="list-style-type: none"> <li>- Formatting table headings</li> <li>- Figure Index corrected to include the Proposed PROW Strategy (now Figure 5-5) and subsequent figure numbers have been amended</li> </ul>

<ul style="list-style-type: none"> <li>- Figures 5.7 - 5.10 and Figure 7.3.</li> <li>- Tables 7.1 - 7.4 provided as word documents, they are now parts 17 – 20 of document reference 6.2.8.1.</li> </ul>
<p>6.2.12.2 Hinckley NRFI ES Appendix 12.3 Shadow Habitat Regulations Assessment</p> <ul style="list-style-type: none"> <li>- Updated Annex 1 in response to Paragraphs 5.2 and 5.3 of the PINS S51 Advice Letter dated 07 March 2023</li> </ul>
<p>6.2.18.1 Hinckley NRFI ES Appendix 18.1 Energy Strategy</p> <ul style="list-style-type: none"> <li>- Additional Paragraph 7.2.5</li> </ul>
<p>6.2.18.2 Hinckley NRFI ES Appendix 18.2 RIBA Stage 1 Embodied Carbon Report</p> <p>Amendments made in response to paragraphs 1.3 of the PINS S51 Advice Letter dated 07 March 2023.</p> <ul style="list-style-type: none"> <li>- Updated paragraphs 1.1, 1.2, 1.3, 1.4, 1.6, 1.9, 1.17, 1.23, 2.2, 2.3, Table 3</li> </ul>
<p>6.3.9.5 Hinckley NRFI ES Figure 9.5 Operational Phase Road Traffic Emissions Study Area</p> <p>Amended in response to paragraph 9.3 of PINS S51 Advice Letter dated 07 March 2023.</p>
<p>6.3.12.1 Hinckley NRFI ES Figure 12.1 Statutory Designated Sites</p> <p>Amended in response to paragraph 5.2 of PINS S51 Advice Letter dated 07 March 2023.</p>
<p>6.4 Hinckley NRFI Environmental Statement Non-Technical Summary</p> <ul style="list-style-type: none"> <li>- Updated paragraphs: 1.209; 1.211; and 1.212.</li> </ul>
<p>7.1 Hinckley NRFI Planning Statement</p> <ul style="list-style-type: none"> <li>- Updated paragraphs: 3.211; and 4.0</li> </ul>
<p>7.2 Response to Draft National Policy Statement National Networks</p>
<p>12.1 Hinckley NRFI Preliminary Water Framework Directive Assessment</p>

- Additional Appendix identifying Soar in response to paragraph 6.1 of PINS S51 Advice Letter dated 07 March 2023.
16.1 Hinckley NRFI Market Needs Assessment
- Updated with footnotes to paragraphs 3.20, 3.34, 4.16, 4.36
17.4 Hinckley NRFI HGV Management Plan and Route Strategy
- Updated paragraph 1.97

**Table 2**

PINS Advice	Applicant Response	Acceptance or Examination Matter
<b>1. <u>Environmental Statement: Non-assessment of Greenhouse Gas emissions</u></b>		
<p>1.1 The Environmental Statement (ES) accompanying the application includes a chapter on Energy and Climate Change (Chapter 18). This, among other matters, purports to assess the carbon dioxide (CO<sub>2</sub>) emissions from the construction of the proposal and its operation. However, it fails to assess either the emissions from the construction of any of the substantive highway elements or from the re-routing of existing traffic resulting from the new highway infrastructure. It should be noted that the main highway works in themselves are substantial.</p>	<p>We confirm that the assessment of greenhouse gases (GHG's) within Chapter 18 as originally submitted on 6 February 2023 did include consideration of emissions arising from construction vehicles, plant and machinery associated with the Main HNRFI site, the Rail Terminal and all the associated highway works including the construction of the A47 Link Road and the slip roads at junction 2 of the M69. It also considered effects arising from , the re-routing of existing traffic, although as the traffic already exists and the receptor for GHGs is the global atmosphere and not local to the site then the impact of localised re-routing would have a negligible effect on the assessment. The total quantity of carbon arising from vehicular emissions is provided in Tables 18.5 and 18.6 as well as paragraphs 18.24 and 18.25. However, in response to PINS advice, the chapter has been updated with the supplementary breakdown for the re-submission of the Application to clarify that all elements have been considered and to separate the emissions arising from each construction component. There is no change to the assessment other than to provide this additional breakdown.</p>	<p>Acceptance</p>



<p>1.2 The relevant chapter in the ES explicitly states: “construction emissions sources do not include enabling works, highways infrastructure and landscaping” (Table 18.22, footnote 58).</p>	<p>This statement should be corrected and we confirm that it is the case that the quantum of GHG construction emissions associated with the enabling works, highways and landscaping are included and makes use of the data extracted from the Transport Assessment which incorporates model simulations of traffic flows and emissions for all stages of development. The chapter has been updated to remove footnote 58 for the re-submission of the Application (Table 18.15).</p>	<p>Acceptance</p>
<p>1.3 The Inspectorate did not agree to scope out an assessment of embodied carbon in building materials in the Scoping Opinion (Table 4.12 – ID 4.12.2), requiring that the ES assess all impacts of the Proposed Development where significant effects are likely to occur. No rationale is provided in the ES for subsequently scoping out the need for this assessment.</p>	<p>An assessment of GHG emissions and embodied carbon has been undertaken in line with specific IEMA Guidance (IEMA, 2022) and reported on within Environmental Statement Chapter 18 – Energy and Climate Change. The characteristics of the Proposed Development that are yet to be finalised have been clearly identified and consideration has been given to whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters at this time. Where it is not feasible to provide a robust assessment, a qualitative assessment was instead</p>	
<p><b>PINS Advice</b></p>	<p><b>Applicant Response</b></p>	<p><b>Acceptance or Examination Matter</b></p>
	<p>offered in line with best practice methodologies. Such assessments were completed for submission of the application and included in the Environmental Statement (ES). It should also be recognised that ‘qualitative assessments are acceptable, for example: where data is unavailable or where mitigation measures are agreed early in the design phase with design and engineering teams (IEMA 2022)’</p> <p>We have set-out a quantitative assessment of embodied carbon in buildings and external areas, including the Rail Terminal in Table 18.16 and Appendix 6.2.18.2. In addressing the comment, we have also inserted supplementary quantitative estimate of embodied carbon in the wider highways infrastructure, which has been included in the updated chapter and Appendix 6.2.18.2 at paragraphs 1.1, 1.2, 1.3, 1.4, 1.6, 1.9, 1.17, 1.23, 2.2, 2.3 and Table 3.</p>	<p>Acceptance</p>

<p>1.4 The omission of these elements from the assessments in the ES means that the ES did not meet a satisfactory standard to allow it to be fully considered. It should be noted that any assessment of these effects should then be considered with the other effects identified under the ES to consider any cumulative and/ or cross- cutting implications.</p>	<p>The matters addressed above do not give rise to additional likely significant effects and therefore no additional cumulative effects or cross-cutting issues have been identified and the other technical chapters and cumulative effects assessment remains unaltered.</p>	<p>Acceptance</p>
<p>1.5 In resubmitting the Applicant must provide an updated ES Chapter assessing the emission effects of construction of the whole proposal (including enabling works, highways infrastructure and landscaping) and from the re-routing of existing traffic resulting from the new highway infrastructure. It should also ensure that all other documents are updated as necessary to take account of this additional assessment.</p>	<p>The updated chapter considers the GHG emissions assessment and embodied carbon assessment in Tables 18.15, 18.16 and Appendix 18.2. We confirm that the assessment includes construction emissions associated with all of elements of the proposed development including enabling works, landscaping and highway infrastructure and any associated rerouting of traffic. The supplementary embodied carbon estimate associated with highway infrastructure, (see response to 1.3) does not give rise to additional likely significant effects and therefore no additional cumulative effects or cross-cutting issues have been identified and the other technical chapters and cumulative effects assessment remains unaltered.</p>	<p>Acceptance</p>

<p><b>PINS Advice</b></p>	<p><b>Applicant Response</b></p>	<p><b>Acceptance or Examination Matter</b></p>
<p>1.6 The Inspectorate advises the Applicant to fully address the above advice prior to a re-submission of the application.</p>	<p>The Applicant notes all advice and has clarified GHG emissions arising as a result of construction and has included an assessment of embodied carbon associated with highways infrastructure in the updated chapter.</p>	<p>Acceptance</p>

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

PINS Advice	Applicant Response	Acceptance or Examination Matter
<b><u>2. Nature of energy generation proposals</u></b>		
<p>2.1 As set out in the Planning Statement accompanying the Application (Doc 7.1) the proposal includes energy generation both from renewable sources (photovoltaic arrays mounted on the roofs of the proposed buildings) and an energy centre on site including a Combined Heat and Power (CHP) Plant. The generation capacity of the array is stated to be 42.4 megawatts (MW), with the CHP having a generation capacity of up to 5 MW.</p>		
<p>2.2 The threshold whereby an energy generation proposal would be an NSIP in its own right is 49.9 MW (s15(2) of the PA2008).</p>		

PINS Advice	Applicant Response	Acceptance or Examination Matter
<p>2.3 The Applicant appears to acknowledge that as improvements in technology are made, the generation capacity from the array could exceed this threshold by the end of the construction period (10 years) and therefore is suggesting a requirement in the submitted draft Development Consent Order (Doc 3.1) to limit generation capacity to 49.4 MW. This requirement may not meet the tests for requirements set out in the National Policy Statement for National Networks.</p>	<p>The Applicant considers that a discussion on whether the proposed requirement is appropriate or meets the tests is a matter for Examination. The Applicant would initially highlight that the proposed generating capacity is below 49.9MW (see response at 2.4 below) and therefore does not exceed the threshold in s15(2) PA 2008. Secondly, s115(2) PA 2008 distinguishes between development for which development consent is required (i.e. that above the threshold specified in s15(2)) and associated development. The draft DCO describes the energy generating element of the projects as associated development and so does not purport to authorise the construction of a generation station with a capacity of 50MW or more. Nevertheless to provide further clarity, the requirement places on the face of the DCO a restriction to that effect and provides an</p>	<p>Examination</p>

	enforcement mechanism under s161 Planning Act 2008 were such a generation station constructed.	
2.4 If it is not possible to secure the capping of the energy generation, as proposed, then the proposal would contain an element which should have been considered as an NSIP and should have been consulted on as such	<p>The proposed energy generation from the PV arrays and CHP would not exceed 49.9 MW and therefore would not be an NSIP in its own right.</p> <p>Although the CHP plant has the potential to generate up to 5MW of energy it would only be used if the Grid and PVs fail and it would only be used for 10% of the year which would generate a maximum of 0.5 MW of energy therefore the maximum generating capacity of the proposal would not be close to 49.9 MW of generation.</p> <p>The generating capacity of the Solar PVs to be installed would be known and therefore the Applicant would be aware of the generating capacity of the wider solar array.</p> <p>As above, the inclusion of the requirement in the dDCO is a matter for Examination, however, as explained in the Explanatory Memorandum, it is proposed to ensure there is a clear, enforceable, limit on the face of the DCO.</p> <p>To provide further clarification on the approach to energy generation described above, the wording in chapter 3 of the Environmental Statement has been updated, this specifically relates to paragraphs 3.45 and 3.46, the remainder of the chapter remains as previously submitted. The Planning Statement has also been updated at paragraph 4.0 to reflect this point.</p>	Examination
2.5 The Applicant is requested to fully consider if a requirement is the appropriate way to set a limit on generation capacity, whether in policy terms a limit is appropriate at all and set out its response in any revised submission.	The Applicant does not propose to alter the requirement as part of the re-submission but welcomes a discussion at Examination.	Examination

PINS Advice	Applicant Response	Acceptance or Examination Matter
<b><u>3. Transport Assessment</u></b>		
<p>3.1 The Transport Assessment (ES Appendix 8.1) submitted has significant formatting problems with the document which means that it is difficult to read and ensure it has all the necessary information. There are also a small number of other changes which would improve its clarity.</p> <ul style="list-style-type: none"> <li>a) All tables need to be complete with their headings on a single page (unless it continues on more than one page due to size, when headings should be repeated). Figure headings should be immediately above the figure itself (ie not on a separate page).</li> <li>b) Figures 5.7 to 5.10 do not have keys or an indication to explain what the different designations mean. Could these please be added.</li> <li>c) Figure 7.3 while showing differences in traffic flows does not differentiate between positive and negative changes. Could this please be re-presented providing this information.</li> <li>d) Consider if Tables 7-1 to 7-4 can be provided in MS Word or MS Excel to allow them to be manipulated.</li> </ul>	<p>The Applicant has addressed these matters in the re-submitted Application and provided tables 7.1 - 7.4 as word documents, they are now parts 17 – 20 of document reference 6.2.8.1.</p>	<p>Examination</p>

PINS Advice	Applicant Response	Acceptance or Examination Matter
<p>3.2 Should the Transport Assessment not have all the necessary information this would also mean that the examination would be delayed while these matters are resolved. The transport effects are likely to be one of the principal issues in the examination.</p>	<p>The Applicant confirms that the Transport Assessment contains all necessary information.</p>	<p>Examination</p>
<p><b><u>4. Energy Strategy</u></b></p>		
<p>4.1 The Energy Strategy (ES Appendix 18.1) while setting out the energy which would be produced by the Proposed Development and comparing this with the energy requirement, does not set out how the energy requirement has been derived.</p>	<p>A new paragraph 7.2.5 has been added to the energy strategy setting out how the energy requirement has been derived.</p> <p>The energy requirement was modelled in terms of both peak capacity requirements and average expected demand. The peak capacity requirement was used to assess supply adequacy, whilst the average expected demand was used to assess energy balance.</p> <p>The basis of the approach used is expanded in the answer below.</p>	<p>Examination</p>
<p>4.2 The Applicant is requested to provide the assumptions behind the estimated energy requirement.</p>	<p>As stated above new paragraph 7.2.5 has been added to the energy strategy to confirm how the energy requirement has been derived including the assumptions behind the requirement.</p> <p>A mix of occupation types has been assumed. These were consolidated into a representative weighted average used in the model.</p> <p>The demand levels used are based on industry data.</p>	<p>Examination</p>

PINS Advice	Applicant Response	Acceptance or Examination Matter
	<p>The weighted average loads used in the model were:</p> <p>Office Power Loads: 35.0W/m<sup>2</sup></p> <p>Warehouse Power Loads: 15.0W/m<sup>2</sup></p> <p>Heat Power Requirements: 9.0W/m<sup>2</sup></p> <p>eV (cars): 5.9W/m<sup>2</sup></p> <p>eGV (LGV): 23.0W/m<sup>2</sup></p> <p>In addition, railport loads were modelled following direct enquiries of operators, and is based on the use of energy efficient regenerative equipment and ancillary buildings i.e. offices, welfare facilities. The railport power requirement is 2.0MW.</p> <p>When assessing the supply requirements, consideration was given to diversity and to the impact of the battery storage to be included in the scheme. The battery storage effectively smooths peak demands; the supply capacity therefore has to meet maximum average daily demand. Average demand was assessed as 25% of peak for occupancy and heating loads, and 100% of peak for eV and eGV loads</p>	
<p><b><u>5. Habitats Regulations Assessment</u></b></p>		
<p>5.1 Regulation 5(2)(l) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) requires:</p> <p>“Where applicable, a plan with accompanying information identifying:-</p> <p>(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;</p>	<p>The Applicant acknowledges that the plan previously included with the Application identifying statutory or non-statutory sites or features of nature conservation e.g. sites of geological or landscape importance (Figure 12.1 of the Environmental Statement) did not identify the Special Areas of Conservation. This plan has been updated for the re-submitted Application and the updated plan is attached at Annex 1 of the Shadow HRA.</p>	<p>Acceptance</p>

PINS Advice	Applicant Response	Acceptance or Examination Matter
5.2 ES Figure 12.1 Statutory Designated Sites does not show the Special Areas of Conservation screened into the Shadow Habitats Regulation Assessment (sHRA) (Appendix 12.3 of the ES) and the sHRA also does not provide a figure showing the location of the relevant habitat sites cited.	As above.	Acceptance
5.3 The Applicant must provide a plan identifying European statutory designated sites.	As above.	Acceptance
<b><u>6. Water Framework Directive Assessment</u></b>		
6.1 APFP Regulation 5(2)(l) requires a plan with accompanying information identifying  (iii) water bodies in a river basin management plan. There is a Water Framework Directive (WFD) groundwater body (Carmarthen Soar - Secondary Combined) that has not been presented on any figure within the Water Framework Directive Assessment (Doc 12.1).	This has been identified and is included on the plan accompanying the WFD as part of the re-submitted Application.	Acceptance
6.2 The Applicant is requested to provide a plan identifying this groundwater body.	As above.	Acceptance



PINS Advice	Applicant Response	Acceptance or Examination Matter
<b><u>7. Plans</u></b>		
7.1 There are a number of cartographic issues with the Land Plans, Works Plan and Crown Land Plans, General Arrangement Plan, Access and Rights of Way Plans and Speed Limit Plans which need resolution.		
7.2 While some of these are minor and could be readily resolved, they do not give the impression that the application is of a satisfactory standard for acceptance.		
7.3 The following are all examples rather than being a comprehensive analysis of the issues. All documents referred to should be thoroughly checked.		
7.4 It would assist the Examination if all the sheets of the plans covered the same areas with the same cut lines, for example this does not occur between the Land Plans and Works Plans. This should apply across all the main plans series and it would also assist if plans covered the same areas with the same cut lines.	<p>The Land Plans and Works Plans, as well as the other DCO plans (including the General Arrangement Plans), were deliberately prepared on the same OS base, using the same sheet layout and cut lines. The only exception to this is the Key Plan for the Land Plans which has a slightly different background layer, but the sheet numbers themselves match the Works Plans. There were two very minor misalignments on the Land Plans, one on Sheet 1 and the other on sheet 7C. These do not affect the detail on the plans but nevertheless the Applicant has corrected these for the re-submitted Application.</p> <p>Plans which do not relate to the same areas (e.g. the Speed Limit Plans, Access and Rights of Way Plans and Highway Classification Plans) use the same OS base but do not require as many sheets because they do not need to show detail or information on all of the areas within the Order limits) and therefore their cut lines and sheet layout is slightly different.</p>	Examination

PINS Advice	Applicant Response	Acceptance or Examination Matter
<b>Land Plans</b>		
7.5 Naming within the Book of Reference (BoR) to aid identifying land should be clear on Plans, especially if plots are going over more than one sheet. For example, Parcel Number 26 as shown on Land Plans Sheets 1 and 4.	The Applicant notes that BoRs for other applications do not always contain this information however the Applicant has now amended this detail in both the BoR and Land Plan sheet 2 which are included with the re-submitted Application.	Examination
7.6 Plot numbers are required on inserts as well as on the sheet and vice versa, for example plot no. 37 in Insets 3 and 4 and on Land Plans Sheet 1 (and also on Land Plans Sheet 4). Where a Plot is on more than one sheet it should be referenced on all sheets.	The Applicant has added these details to Land Plans sheets 1, 2, 4, 7 and 8 in the re-submitted Application, adding additional labels to both the main sheets and insets for clarity.	Examination
7.7 Plots being identified as 'No compulsory acquisition powers sought' although are mentioned within the BoR, DCO (under works numbers) and are classified by colour within the Works plans (for example Work no. 14 and more identified on sheet 1) (see also item 8). This appears inconsistent.	There are several plots of land identified on the Land Plans with a plot number but which are not proposed to be subject to any powers under Part 5 of the dDCO (compulsory acquisition or temporary possession). This is because the Applicant does not need to acquire or impose land rights in respect of these plots – the land is existing adopted highway and the works shown on the Work Plans in respect of these plots will be carried out under the DCO, as part of the authorised development, pursuant to the powers granted by the DCO and in accordance with the relevant protective provisions with the highway authorities. The explanation of these 'white' plots is contained in the Book of Reference (paragraphs 1.10 and 1.11) (Document 4.3) and the Statement of Reasons (paragraph 5.2.5) (Document 4.1).	Examination

PINS Advice	Applicant Response	Acceptance or Examination Matter
<b>Works Plans</b>		
<p>7.8 On sheet 4, no 4, the Limits of Deviation are shown. It is not clear what potential effect this may have on adjoining works. In other words, if there is a limit of deviation to one side of a line consider if there should not be a complementary limit of deviation for the adjoining work.</p>	<p>The Applicant has considered this point and made some amendments to the Work Plans, and to Article 4 of the dDCO to address this concern.</p> <p>On the Works Plans (Document series 2.2), an asterisk has been added to the Legend against Work Nos. 4 and 7 to explain that those two works areas also include the movement or deviation of any works adjoining those works. General Note No. 3 in the Legend has been amended to explain that in the event that Work No. 4 or 7 deviate within their limits of deviation, any Work area which has a boundary with those works may move so that they continue to abut the deviated work 4 or 7 as the case may be.</p> <p>In the dDCO (Document 3.1), a new article 4(3) has been added to allow for this, and an explanation has also been added to paragraph 5.10 of the Explanatory Memorandum (Document 3.2).</p>	Examination
<p>7.9 Labelling of roads needs checking and co-ordinating with the DCO. For example, Work 11 on Sheet 7A is shown as relating to Hinkley Road, Stanton Lane, Station Road and New Road, while the description in the DCO (Doc 3.1) only refers to Hinkley Road.</p>	<p>Noted – the Applicant has re-reviewed the references which have been updated as needed in the DCO as part of the re-submitted Application.</p>	Examination
<b>Crown Land Plans</b>		
<p>7.10 Plot numbering is required on all sheets, for example Plot no. 36 is shown on sheets 1 and 2 and is coloured on sheet 2 but not numbered.</p>	<p>Crown Land Plan 2.26B has been updated to include plot number for 36.</p>	Examination

<b>PINS Advice</b>	<b>Applicant Response</b>	<b>Acceptance or Examination Matter</b>
<b><i>Access and Rights of Way</i></b>		
7.11 The DCO (Schedule 5, Part 1) says about a substitute being provided between points 21 and point 23. There is difficulty in identifying Plot 23 on the plans, and despite the key and DCO indicating that the lines are 'dashed and dotted' no dots can be seen.	An Inset has been added to clarify this dashed and dotted line and is included within the re-submitted Application.  The Applicant also notes there was a typographical error in this Part of the DCO and this has been corrected in the draft DCO supporting the re-submitted Application.	Examination
7.12 Cut lines should be on identical locations, for example, sheet 1 and sheet 3 cut lines make it ambiguous which sheet is being relied upon.	Noted – the Applicant has amended sheets 1 and 3 of the AROW plans supporting the re-submitted Application. All other cut lines are in identical locations between sheets.	Examination
<b><i>Speed Limit Plans</i></b>		
7.13 Although the key indicates that an existing order is amended, it is not clear how this would apply. While Schedule 8, Part 1 of the DCO sets out the change, there do not appear to be any highways marked "LOCAL HIGHWAY WITH 50MPH SPEED LIMIT EXISTING ORDER AS AMENDED BY THIS ORDER" on the Speed Limit Plans	The highway shown with a dashed orange line on sheet 1 (B4668 Leicester Road) is the LOCAL HIGHWAY WITH 50MPH SPEED LIMIT EXISTING ORDER AS AMENDED BY THIS ORDER.	Examination
7.14 Colours on legends visible in plans going outside order limits and without labelling, for example sheet one – Orange dashed line, no speed limit is given for plot to south west of the Order Limits and stops as high as Solid pink line at A with no indication for the roundabout.	These are explained in the key on the plans, the DCO (Schedule 8) and the Explanatory Memorandum (see paragraphs 5.63 - 5.67) (Document 3.2).	Examination

PINS Advice	Applicant Response	Acceptance or Examination Matter
<p>7.15 In Schedule 8, part 3 of the DCO (Doc 3.1) there is reference to the speed limit on Documents 2.7B and 2.7C. However, between points AA and Z and AB and AC appears to be below the cut line for sheet 2 so should only be referred as being on sheet 3.</p>	<p>The dDCO has been updated in line with this comment.</p>	<p>Examination</p>
<p><b><u>8. Clarity as to delivery mechanisms</u></b></p>		
<p>8.1 Some of the land within the Order Limits is not coloured on the Land Plans but is shown for works. From the lack of colouring, it can be assumed that neither Compulsory Acquisition (CA), Temporary Possession (TP) nor Temporary Possession with Rights (TPR) would apply. While requirements can secure their delivery, the delivery mechanism is not clear and not set out in the Other Consents and Licences Report (Doc 5.2). Given that a DCO is a 'one-stop-shop', this should be clear within the application.</p>	<p>As noted above, there are several plots of land identified on the Land Plans with a plot number but which are not proposed to be subject to any powers under Part 5 of the dDCO (compulsory acquisition or temporary possession). This is because the Applicant does not need to acquire or impose land rights in respect of these plots – the land is existing adopted highway and the works shown on the Work Plans in respect of these plots will be carried out under the DCO, as part of the authorised development, pursuant to the powers granted by the DCO and in accordance with the relevant protective provisions with the highway authorities. The explanation of these 'white' plots is contained in the Book of Reference (paragraphs 1.10 and 1.11) (Document 4.3) and the Statement of Reasons (paragraph 5.2.5) (Document 4.1).</p> <p>This approach is consistent with many other DCO, notably Northampton Gateway and West Midlands Interchange, where compulsory acquisition or temporary possession powers were not required over all of the Order Limits. This does utilise the 'one stop shop' approach given that the DCO contains the highway powers to deliver works on the highway land which would otherwise be required to be delivered by a separate s278 Agreement.</p>	<p>Examination</p>

<b>PINS Advice</b>	<b>Applicant Response</b>	<b>Acceptance or Examination Matter</b>
<p>8.2 Should the delivery mechanism, when identified, be found not to be sound and CA, TP or TPR required, then those with an interest in the relevant land would need to be identified and consulted. This would in turn require additional hearings to allow proper consideration including of the Human Rights of the parties and potentially not being able to complete the examination within 6 months.</p>	<p>Please see above response.</p> <p>All parties with an interest in the Order limits, including these 'white' plots of land (i.e. those with an interest in the subsoil beneath the adopted highway) have been consulted. This is explained in the Consultation Report (see paragraphs 9.3.15 and 12.2.9) (Document 5.1).</p>	<p>Examination</p>
<p><b><u>9. Other Matters</u></b></p>		
<p>9.1 In paragraph 1.97 of the HGV Route Management Plan and Strategy (Doc 17.4) refers to "Figures A1 to A3 in Appendix A". However, this appears to have been omitted.</p>	<p>The inclusion of this comment has been erroneous as it is too early in the process to identify the locations of ANPR cameras ahead of further discussions with Leicestershire County Council and Warwickshire County Council.</p> <p>Paragraph 1.97 has been updated to remove this erroneous sentence for re-submission.</p>	
<p>9.2 The Planning Statement makes reference to potential percussive piling, the Construction Environmental Management Plan (CEMP) does not appear to make reference to this. However, a Section 61 Notice under the Control of Pollution Act 1974 is referenced. The CEMP needs to amplify issues around piling, and cross reference to ground survey data.</p>	<p>The reference to potential percussive piling was an error in the Planning Statement, and the Planning Statement has been updated to remove this reference at paragraph 3.211.</p> <p>Paragraph 16.145 of ES Chapter 16 (document reference 6.1.16) states that <i>'Detailed foundation design, and the associated methodology remains subject to intrusive ground investigations, to be undertaken at the appropriate time. If required, piling should be undertaken in accordance with best practice, as agreed with the relevant parties ahead of commencement of the works. The residual effect would be negligible due to negligible magnitude of effect of a low sensitivity resource and not a significant effect.'</i></p>	

<b>PINS Advice</b>	<b>Applicant Response</b>	<b>Acceptance or Examination Matter</b>
	Should piling be required, percussive piling would not be adopted, and the phase specific CEMPs prepared by the Principal Contractor would ensure that any piling operations required would not give rise to likely significant effects.	
9.3 Figure 9.5 to Chapter 5 of the ES presents the operational phase road traffic emissions study area. As the study area abuts the edge of the plan, it is not clear whether the full extent has been captured on the figure. The Applicant is requested to clarify this and provide revised plans if necessary.	It is understood that this comment relates to chapter 9 rather than chapter 5. This figure has been updated to zoom out further to illustrate that the network included within the figure is the full extent of the study area considered in the operational phase road traffic emissions assessment.	



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Customer Services: 0303 444 5000  
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To the Applicant  
(By email only)

Your Ref:

Our Ref: TR050007

Date: 07 March 2023

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Dear Ms Banks

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

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

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

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

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

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

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



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

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

## 2. Nature of energy generation proposals

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

### 3. Transport Assessment

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

### 4. Energy Strategy

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

### 5. Habitats Regulations Assessment

- 5.1. Regulation 5(2)(l) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) requires:

“Where applicable, a plan with accompanying information identifying:-

(i) any statutory or non-statutory sites or features of nature conservation eg sites of geological or landscape importance;

- 5.2. ES Figure 12.1 Statutory Designated Sites does not show the Special Areas of Conservation screened into the Shadow Habitats Regulation Assessment (sHRA) (Appendix 12.3 of the ES) and the sHRA also does not provide a figure showing the location of the relevant habitat sites cited.
- 5.3. The Applicant must provide a plan identifying European statutory designated sites.

### 6. Water Framework Directive Assessment

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

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

## 7. Plans

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

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

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

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

### *Land Plans*

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

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

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

### *Works Plans*

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

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

### *Crown Land Plans*

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

### *Access and Rights of Way*

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

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

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

### *Speed Limit Plans*

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

## 8. Clarity as to delivery mechanisms

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

## 9. Other Matters

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

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

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

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

Yours sincerely

*B Bartkowiak*

Bart Bartkowiak  
**Case Manager**

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