

Tritax Symmetry (Hinckley) Limited

# **HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE**

---

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

Project reference TR050007

## **Consultation Report [part 1 of 17]**

Document reference: 5.1

**January 2023**

---

Planning Act 2008

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

Section 37(3)(c)

**This document forms the Consultation Report for the Hinckley National Rail Freight Interchange project.**

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

The Planning Act 2008 Section 37(3)(c) requires the compilation of a consultation report.

**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/>

---

## GLOSSARY

APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
Applicant	Tritax Symmetry (Hinckley) Ltd
BDC	Blaby District Council
CCC	Coventry City Council
CCZ	Core Consultation Zone
CED	Community Explanation Document
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
ES	Environmental Statement
HBBC	Hinckley & Bosworth Borough Council
HNRFI	Hinckley National Rail Freight Interchange
LA	Local Authority
LAWG	Local Authority Working Group
LCC	Leicestershire County Council
LCiC	Leicester City Council
LEP	Local Enterprise Partnership
PA 2008	Planning Act 2008
NBBC	Nuneaton and Bedworth Borough Council
NH	National Highways
NPSNN	National Policy Statement for National Networks
NSIP	Nationally Significant Infrastructure Project
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PILs	Persons with an Interest in the Land
PRoW	Public Rights of Way
PRTM	Pan Regional Transport Model
RBC	Rugby Borough Council
S42	Section 42
S43	Section 43
S44	Section 44
S46	Section 46
S47	Section 47
S48	Section 48
S49	Section 49
S50	Section 50
S52	Section 52
SCC	Staffordshire County Council
SoCC	Statement of Community Consultation
SoS	Secretary of State

SRFI	Strategic Rail Freight Interchange
TA	Transport Assessment
TBC	Tamworth Borough Council
TWG	Transport Working Group
WCC	Warwickshire County Council

Glossary ..... 3

1.0 Executive Summary ..... 10

    1.1. Introduction..... 10

    1.2. Pre-application Consultation ..... 10

2.0 Introduction..... 14

    2.1. The Applicant..... 14

    2.2. The Project and its Purpose..... 14

    2.3. The Site ..... 14

    2.4. The Proposed Development ..... 15

    2.5. Purpose of this Report..... 16

    2.6. Structure of this Report ..... 17

    2.7. Overview and Timeline of Consultation and Publicity Undertaken ..... 18

3.0 Compliance with Statutory Requirements ..... 25

    3.1. Introduction..... 25

    3.2. Statutory Requirements under the PA 2008 ..... 25

    3.3. Guidance and Advice on the Pre-application Process ..... 26

4.0 The Approach to Pre-application Consultation ..... 33

    4.1. Introduction..... 33

    4.2. Initial Statement of Community Consultation..... 33

    4.3. Evolution of the Initial SoCC ..... 34

    4.4. Outline of Consultation Stages ..... 35

5.0 Stage 1 Non-Statutory Consultation..... 37

    5.1. Introduction..... 37

    5.2. Who was Consulted? ..... 37

    5.3. How were they Consulted? ..... 37

    5.4. What were they consulted on / what information was provided? ..... 39

    5.5. How could comments feedback be provided / what was the deadline for comments? ..... 41

    5.6. Response to the Stage 1 Consultation from Stakeholders ..... 43

    5.7. Responses from the Community ..... 43

    5.8. Changes to the scheme following consultation ..... 44

6.0 Stage 1A Non-Statutory Consultation ..... 46

6.1.	Introduction.....	46
6.2.	Who was Consulted?.....	46
6.3.	How were they Consulted? .....	47
6.4.	What were they consulted on / what information was provided?.....	48
6.5.	How could comments feedback be provided / what was the deadline for comments? .....	49
6.6.	Response to the Stage 1A Consultation from Stakeholders.....	51
6.7.	Response from the Community.....	51
6.8.	Changes To The Scheme Following Consultation .....	52
7.0	Stage 2 statutory consultation: Statement of Community Consultation .....	53
7.1.	Introduction.....	53
7.2.	Legislative Requirements .....	53
7.3.	Consultation on the SoCC.....	54
7.4.	Availability of the SoCC for Public Inspection.....	55
7.5.	Adherence with the SoCC.....	56
7.6.	Hard to Reach Groups .....	56
8.0	Stage 2 statutory consultation: under section 47 ‘Duty to Consult community’ .....	57
8.1.	Introduction.....	57
8.2.	Covid-19 Pandemic.....	57
8.3.	Who was Consulted?.....	57
8.4.	How were they Consulted? .....	58
8.5.	What were they consulted on / what information was provided?.....	66
8.6.	How could comments feedback be provided / what was the deadline for comments .....	67
8.7.	Response to the Stage 2 consultation .....	67
9.0	Stage 2 statutory consultation: under section 42 ‘duty to consult’ .....	69
9.1.	Introduction.....	69
9.2.	Consultation Extension.....	69
9.3.	Who was consulted? .....	70
9.4.	How were they consulted?.....	76
9.5.	What were they consulted on / what information was provided?.....	76
9.6.	How could comments feedback be provided / what was the deadline for comments? .....	77
9.7.	Stage 2 Statutory Consultation: Section 46 Duty To Notify Secretary Of State Of The Proposed Application.....	80
10.0	Stage 2 statutory consultation: publicity under section 48 .....	81
11.0	Section 49 duty to take account of response to consultation and publicity.....	83
11.1.	Introduction.....	83

11.2.	Summary of regard to Section 47 responses.....	84
11.3.	Summary of regard to Section 42 responses.....	100
12.0	Targeted consultation and Engagement following Stage 2 Consultation .....	120
12.1.	Introduction.....	120
12.2.	Redline Changes .....	120
12.3.	Additional Landowners Identified .....	122
12.4.	Section 42 Replies.....	122
12.5.	Community Newsletter .....	122
13.0	Stakeholder Engagement .....	123
13.1.	Introduction.....	123
13.2.	Stakeholders .....	123
14.0	EIA Consultation .....	131
14.1.	Introduction.....	131
14.2.	EIA Notification and Scoping .....	131
14.3.	Early EIA Engagement.....	132
14.4.	Parties Consulted.....	133

## Appendices

**Appendix 2.1 Presentation 21 February 2018**

**Appendix 3.1 Legislative Compliance Tables**

**Appendix 4.1 Initial SoCC including appendices**

**Appendix 4.2 Missing appendix 2 to initial SoCC**

**Appendix 4.3 Draft SoCC Section 47 letters to local authorities**

**Appendix 4.4 Amendments to initial SoCC in 2018**

**Appendix 5.1 Stage 1 Consultation Letter to CCZ**

**Appendix 5.2 Stage 1 Consultation Letter to Parish Councils. Interest Groups. Councillors. MPs**

**Appendix 5.3 Meeting note site visit with residents of Aston Firs and Woodfield Stables**

**Appendix 5.4 Stage 1 Consultation Public Notices in newspapers**

**Appendix 5.5 Stage 1 Consultation Press Release**

**Appendix 5.6 Site Notices**

**Appendix 5.7 Stage 1 Consultation Website Screenshots**

**Appendix 5.8 Social Media Advertisement for Stage 1 Consultation Facebook and Instagram**

**Appendix 5.9 Community Explanation Document**

**Appendix 5.10 Exhibition Boards**

**Appendix 5.11 Links to the Stage 1 Consultation Topic Papers and Plans**

**Appendix 5.12 Stage 1 Consultation Feedback Form**

**Appendix 5.13 Stage 1 Consultation Stakeholder Responses**

**Appendix 5.14 Stage 1 Consultation responses from the community**

**Appendix 6.1 Stage 1A Consultation letter to CCZ**

**Appendix 6.2 Stage 1A Consultation Letter to Parish Councils, Interest Groups, Councillors, MPs**

**Appendix 6.3 Letters to persons with land interests**

**Appendix 6.4 Meeting Note Residents of Aston Firs**

**Appendix 6.5 Press Release**

**Appendix 6.6 Site Notices**

**Appendix 6.7 Social Media**

**Appendix 6.8 Exhibition Boards**

**Appendix 6.9 Links to Consultation Materials**

**Appendix 6.10 Feedback Form**

**Appendix 6.11 Stakeholder Responses**

**Appendix 6.12 Community Responses**

**Appendix 7.1 Statutory SOCC and its appendices**

**Appendix 7.2 Informal and formal consultation comments to the SoCC from local authorities**

**Appendix 7.3 Letters to local authorities under S47(2)**

**Appendix 7.4 Screenshot of HNRFI website showing SoCC**

**Appendix 7.5 Newspaper notices publicising the SoCC**

**Appendix 7.6 Email to Libraries**

**Appendix 7.7 SoCC Adherence Tracker**

**Appendix 8.1 Postal Communication Mail Out**

**Appendix 8.2 Letter issued to Parish Councils, Tamworth Borough Council, Interested Groups, Councillors and MPs**

**Appendix 8.3 Meeting Note Gypsy and Traveller Engagement**

**Appendix 8.4 Meeting Note Castlewood Residents Association**

**Appendix 8.5 Public notices in newspapers advertising consultation**

**Appendix 8.6 Public Notices in newspapers advertising extension to consultation**

**Appendix 8.7 Press release**

**Appendix 8.8 Site notices**

**Appendix 8.9 Website screenshots**

**Appendix 8.10 Social media advertisements**

**Appendix 8.11 Members presentation**

**Appendix 8.12 Exhibition Boards**

**Appendix 8.13 Links to the Stage 2 consultation materials**

**Appendix 8.14 Feedback form**

**Appendix 8.15 Consultation responses under S47**

**Appendix 9.1 Letter to S42 parties**

**Appendix 9.2 Letter to sub soil parties**

**Appendix 9.3 Letter to S42 parties extension to consultation**

**Appendix 9.4 Letter to sub-soil parties extension to consultation**

**Appendix 9.5 Explanation letter sub-soil interests**

**Appendix 9.6 Prescribed persons**

**Appendix 9.7 Non prescribed persons**

**Appendix 9.8 Section 42 Consultation responses and regard to response**

**Appendix 9.9 Applicants Section 46 Notification**

**Appendix 9.10 PINS acknowledgement**

**Appendix 9.11 Unknown Interests**



**Appendix 9.12 Return to Senders**

**Appendix 10.1 Stage 2 S48 Notice**

**Appendix 10.2 Copy of S48 Notice in newspapers**

**Appendix 12.1 Mailout sent to Redline parties**

**Appendix 12.2 Unknown interests site notice and plans**

**Appendix 12.3 Mailout additional landowners identified following Stage 2 consultation**

**Appendix 12.4 Community Newsletter following Stage 2 consultation**

## **Figures**

**Figure 5.1 Public Exhibition Board Locations**

**Figure 6.1 Public Exhibition Board Locations**

**Figure 8.1 Public Exhibition Board Locations**

## **Tables**

**Table 2.1: Consultation Summary**

**Table 3.1: Compliance with the statutory requirements**

**Table 5.1 Stage 1 Attendance at Public Exhibitions**

**Table 6.1 Stage 1A Attendance at Public Exhibitions**

**Table 8.1: Newspapers used for public notices advertising Stage 2 consultation**

**Table 8.2: Newspapers used for public notices advertising the extension to the Stage 2 consultation**

**Table 8.3 Stage 2 Attendance at Public Exhibitions**

**Table 9.1 S43 local authorities by category (A, B, C or D)**

**Table 10.1: Newspapers used for Section 48 Notice published December 2021**

## 1.0 EXECUTIVE SUMMARY

### 1.1. INTRODUCTION

- 1.1.1. This Consultation Report has been prepared on behalf of Tritax Symmetry (Hinckley) Limited (the Applicant) to accompany an application to the Secretary of State for Transport (SoS) for a Development Consent Order (DCO) for a new Strategic Rail Freight Interchange (SRFI) under the Planning Act 2008 (PA 2008). The project is known as Hinckley National Rail Freight Interchange (HNRFI).
- 1.1.2. This Consultation Report provides details of the pre-application consultation, engagement and publicity that the Applicant has undertaken in relation to its proposals for HNRFI. It explains how the Applicant has had regard to responses received during the pre-application process and how its proposals for the HNRFI have evolved in response to that feedback. The report has been compiled in accordance with relevant statutory requirements under the PA 2008 and associated secondary legislation and having regard to relevant guidance and advice.

### 1.2. PRE-APPLICATION CONSULTATION

- 1.2.1. Prior to the submission of an application for a DCO, the applicant must carry out the consultation and publicity activities prescribed by S42, S46, S47 and S48 of the PA 2008, and associated provisions of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA) and have regard to government guidance. This includes consulting with the local community as well as certain prescribed persons and bodies, local authorities and persons with an interest in land affected by the application. The consultation and publicity undertaken in accordance with the duties set out in the PA 2008 can be summarised as follows:
- Under S42, bodies prescribed by Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009, relevant local authorities and persons with an interest in land were consulted. In compiling a full list of S42 consultees, a range of local authorities, landowners and other statutory organisations were identified for the purposes of consultation;
  - Under S46, the Applicant notified the SoS of the proposed application and its intention to commence the S42 consultation. This notification was made prior to commencing the S42 consultation;
  - Under S47, a Statement of Community Consultation (SoCC) was developed for HNRFI in consultation with the host local authorities. At the time of the statutory consultation on the SoCC, the potential requirement for off-site highway works had not been finalised. The Applicant therefore consulted the authorities where potential highway works involved land within their administrative areas. The statutory SoCC was published in the prescribed manner and consultation with the local community was carried out in line with the proposals set out in the statutory SoCC;

- Under S48, the proposed development was publicised in the prescribed manner in national and local newspapers. The S48 publicity occurred in parallel to statutory consultation under S42;
- Under S49, the Applicant has had regard to the relevant responses to all of the consultation and publicity carried out under sections 42, 47 and 48.

1.2.2. The Applicant has undertaken a comprehensive programme of multi-stage and iterative consultation that has sought to engage with and seek the views of the local community and stakeholders through our stage 1, stage 1A and stage 2 consultations.

1.2.3. The Applicant carried out two rounds of informal consultation in 2018 and 2019 (Stage 1 and Stage 1A) followed by statutory consultation in 2022 (Stage 2). Following statutory consultation, engagement with stakeholders has continued.

1.2.4. Between 22 October 2018 and 7 December 2018 the Stage 1 consultation was undertaken to:

- Introduce the scheme to the community
- Seek views on the initial proposals
- Describe the type and quantum of development proposed
- Describe the nature of impacts of the development
- Provide a forum for suggested mitigation measures and suggested scheme changes

1.2.5. Following the Stage 1 consultation, a Stage 1A consultation was undertaken to focus specifically on highways issues and the principal options for potential off-site highway mitigation measures outside of the Main HNRFI development site as defined in the ES Chapter 2 (document reference 6.1.2). This was in response to initial highway modelling work and issues raised during the Stage 1 Consultation in 2018. Stage 1A consultation took place from 8 July 2019 to 6 September 2019.

1.2.6. Following the Stage 1A consultation the Applicant undertook an internal project review, and work recommenced on the project from spring 2020. The Applicant engaged with the following organisations in preparation of the PEIR information for the Stage 2 statutory consultation:

- |   |   |
|---|---|
| • Blaby District Council                | • Leicestershire County Council                     |
| • British Horse Society                 | • Archaeology                                       |
| • Burbage Parish Council                | • Leicestershire County Council                     |
| • DEFRA                                 | • Lead Local Flood Authority                        |
| • Elmesthorpe Parish Council            | • Leicestershire County Council                     |
| • Environment Agency                    | • Highways  |
| • Forestry Commission                   | • Transport Working Group                           |
| • Hinckley and Bosworth Borough Council | • Leicestershire Footpath Association               |
| • Highways England                      | • Leicestershire Local Access Forum                 |
| • Historic England                      | • Leicestershire and Rutland Bridleways Association |

- National Highways
- Network Rail
- Public Health England
- Sapcote Parish Council
- Severn Trent Water
- Sharnford Parish Council
- Stoney Stanton Parish Council
- Warwickshire County Council Highways
- Warwickshire County Council Lead Local Flood Authority

1.2.7. As a result of pre-application feedback received from the Stage 1 and Stage 1A consultation, engagement with stakeholders following the Stage 1A consultation and further technical assessment and design refinement, the project design was amended in the following ways:

- Quantum of built development across the site was reduced
- Maximum build heights were increased to 33 metres, as measured from ground level. This increase reflected evolving market expectations, informed by discussions with potential occupiers.
- An alternative illustrative masterplan was drafted showing a different rail terminal design and location.
- A rail chord extending across the northern arc of the site in the masterplan with the northern siding was introduced.
- Diversion of a watercourse.
- Further noise attenuation in the landscape buffer across the north-eastern edge of the site.
- A further recreational access route was proposed in the landscape corridor between a point north of Freeholt Wood to an existing footbridge over the M69.
- Introduction of health and wellbeing areas.
- New A47 link road and bridge over the railway track connecting the site with the B4668 and the A47.
- Replacement of B8 buildings to the south-west of the main access road with a lorry park with welfare facilities and filling station, an energy centre and a storage yard for empty freight containers.
- Creation of a site hub with offices and a marketing suite

1.2.8. The Stage 2 Consultation presented a substantial amount of technical and design information in relation to the proposals. The information provided to consultees included a PEIR and its non-technical summary which set out the findings of the EIA work undertaken to that point in time, parameters plan, illustrative masterplan, rail plans and highways and works plans, a draft planning statement, design and access statement, a draft DCO and associated explanation document and landscape wirelines.

1.2.9. Following the Stage 2 statutory consultation, the feedback received was considered and as a result the project design has been further amended in a number of ways:

- Building heights have been reduced across the site originally ranging from 27m to 33m, and now ranging from 22m to 28m above ground level.
- Additional land has been included in the redline on the north western side of the railway line to provide more strategic landscaping adjacent to the rail line to

improve amenity for the relocated PRoWs and provide better screening of the development from north of the railway.

- The redline has been increased on the B4668 to include land where vegetation management may be required for highway visibility.
- The redline has been reduced for M69 Junction 2 along the B4669 to exclude land not required for the development.
- Additional 15m landscaped screening buffer proposed to the west of the container returns area, this creates additional screening of the development from the newly created amenity land, PRoWs and Burbage Common.
- Change in the illustrative waterbody design from one balancing pond to four for improved ecological design within the new amenity area.
- Introduction of a connection from the railport to the main internal estate road in to provide an alternative route for internal estate traffic using the Link Road.
- Improved connectivity between the onsite footpath / cycleway network and the proposed public footpath / bridleway network via an additional link between units 2 and 3.
- Provision of a pedestrian footbridge at the Outwoods railway crossing by Hinckley Golf Club to retain public footpath connectivity and provide a safe crossing point. to retain public footpath connectivity and provide a safe crossing point.

1.2.10. In this Consultation Report, the Applicant has provided details of what has been done in compliance with the pre-application consultation and publicity requirements of the PA 2008, the responses received to the consultation and publicity which has been carried out and the account taken of those responses in developing the proposals for the HNRFI.

1.2.11. Following the closure of the Stage 2 consultation, engagement has continued and includes the following:

- Writing to S42 parties where appropriate to set out matters agreed, matters where further discussion would be helpful and any matters not currently in agreement.
- Writing to a number of other parties who responded to the consultation.
- Further to comments received during the statutory consultation a number of changes to the Order Limits have led to additional land being included within the Order Limits. As no new parties have been identified as a result of these changes non-statutory letters notifying these parties have been issued.
- Through data refresh and ongoing enquiries by the Applicants land referencing team 52 new parties were identified as requiring to be consulted under Section 42 of the Act. These parties include, detail, changes relating to new owners of properties, sub soil interests, representatives of deceased persons or new owners of such properties, the Treasury solicitor in one instance and a person previously contacted during the sales transaction of the related property.
- A community newsletter providing an update on the project was issued to persons that provided contact details such that they could be kept informed of progress on the project.

## 2.0 INTRODUCTION

### 2.1. THE APPLICANT

- 2.1.1. The HNRFI project is being promoted by Tritax Symmetry (Hinckley) Ltd (the Applicant), which has been established by Tritax Symmetry, especially for this development proposal. Tritax Symmetry was formed following the acquisition of DB Symmetry by Tritax Big Box REIT plc, a FTSE 250 company, in February 2019. DB Symmetry were the original promoters of the scheme.
- 2.1.2. The Applicant recognises the significant benefits that consultation and engagement with local communities and other stakeholders can have in developing its proposals for the HNRFI and the importance of effective pre-application consultation in the consenting regime for nationally significant infrastructure projects. The Applicant has therefore carried out a multiphase consultation and engagement process and has carefully taken into account the feedback received to help shape its plans for the project.

### 2.2. THE PROJECT AND ITS PURPOSE

- 2.2.1 HNRFI is a Strategic Rail Freight Interchange (SRFI). A SRFI is a multi-purpose freight interchange and distribution centre linked to both the national rail and road networks. HNRFI has the benefit of excellent road and rail links with the M69 motorway bounding the site to the east and the railway line bounding the site to the west. SRFIs reduce the cost of moving freight and encourage the transfer of freight from road to rail. HNRFIs central position in the UK and ability to act as a hub interchange for smaller ports and rail freight interchanges will contribute to the Government's commitment to create a network of SRFIs across the UK, to reduce lorry movements from the roads and transfer them onto the rail network, reducing both road traffic congestion and carbon emissions.

### 2.3. THE SITE

- 2.3.1. The 'Main HNRFI site' lies between the Felixstowe to Nuneaton railway and the M69 motorway in Blaby District, Leicestershire. The 'Main HNRFI site' is identified as the land between the M69 motorway and the Leicester to Hinckley railway on which the HNRFI would be developed. The boundary of the land within which works are proposed is identified as the 'DCO site'. As well as the Main HNRFI Site, the DCO Site includes Junction 2 of the M69 motorway and extends south-westwards along the motorway to accommodate proposed junction upgrade works. It also includes a corridor of land extending north-westwards across the railway to the B4668/A47 Leicester Road, within which a link road through the main HNRFI Site is proposed, referred to as the 'A47 Link Road', and minor enhancement works at ten other junctions in the locality.
- 2.3.2. The Main HNRFI Site lies 3 km to the north-east of Hinckley, in a level area of mixed farmland to the north-west of M69 Junction 2. The railway between Leicester and Hinckley on the north-western boundary of the site is on Network Rail's strategic freight network, linking the west coast and east coast main lines and forming a primary link between Felixstowe and the Midlands and North. Network Rail has already undertaken

substantial capacity enhancements under its Felixstowe to Nuneaton freight capacity scheme (F2N).

- 2.3.3. All of the Main HNRFI Site is in Blaby District. The A47 link outside of the Main HNRFI site but within the DCO Site is mainly within Blaby District except for the north-western end of the road corridor to the B4668/A47 Leicester Road, which is in the Borough of Hinckley and Bosworth in the same county. Supporting off-site highway works are proposed elsewhere in Blaby District and Hinckley and Bosworth Borough as well as in Harborough District in Leicestershire and the Borough of Rugby in Warwickshire.
- 2.3.4. ES Chapter 2 Site Description (Document Reference 6.1.2) contains a more detailed description of the site and locality.

## 2.4. THE PROPOSED DEVELOPMENT

- 2.4.1. The proposed development comprises:
- demolition of Woodhouse Farm, Hobbs Hayes Farm, Freeholt Lodge and the existing bridge over the Leicester to Hinckley railway on Burbage Common Road;
  - new rail infrastructure including points off the existing Leicester to Hinckley railway providing access to a series of parallel sidings at the HNRFI, in which trains would be unloaded, marshalled and loaded;
  - an intermodal freight terminal or 'Railport' 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;
  - up to 850,000 square metres (gross internal area or GIA) of warehousing and ancillary buildings with a total footprint of up to 650,000 square metres and up to 200,000 square metres of mezzanine floorspace. These buildings might incorporate ancillary data centres to support the requirements of HNRFI occupiers and operators. They will also incorporate roof-mounted photovoltaic arrays with a generation capacity of up to 42.4 megawatts (MW), providing direct electricity supply to the building or exporting power to battery storage in the energy centre;
  - an energy centre incorporating an electricity substation connected to the local electricity distribution network, battery storage (adjacent to each unit and at the energy centre) and a gas-fired combined heat and power plant (designed to be ready for 100% hydrogen in the grid gas supply) with an electrical generation capacity of up to 5 megawatts (MW). Total electricity generation capacity at the Main HNRFI Site is therefore 47.4 MW;
  - a lorry park with welfare facilities for drivers and HGV fuelling facilities;
  - a site hub building providing office, meeting space and marketing suite for use in connection with the management of the HNRFI and ancillary car parking;
  - terrain remodelling, hard and soft landscape works, amenity water features and planting;
  - noise attenuation measures, including acoustic barriers up to six metres in height;
  - habitat creation and enhancement and the provision of publicly accessible amenity open space at the south-western extremity of the HNRFI near Burbage Wood and to

the south of the proposed A47 Link Road between the railway and the B4668/A47 Leicester Road;

- pedestrian, equestrian and cycle access routes and infrastructure, including a new dedicated route for pedestrians, cyclists and horse riders from a point south of Elmesthorpe to Burbage Common;
- utility compounds, plant and service infrastructure;
- security and safety provisions inside the HNRFI including fencing and lighting;
- drainage works including groundwater retention ponds, underground attenuation tanks and swale

### Highway works

- works to M69 Junction 2 comprising 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.
- a new road ('the A47 Link Road') from the modified M69 Junction 2 to the B4668 / A47 Leicester Road with a new bridge over the railway, providing vehicular access to the proposed HNRFI from the strategic highway network. The A47 Link Road would be intended for adoption as a public highway under the Highways Act 1980.
- modifications to several junctions and amendments to Traffic Regulation Orders 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;
- works affecting existing pedestrian level crossings on the Leicester to Hinckley railway at Thorney Fields Farm north-west of Sapcote, at Elmesthorpe and at Outwoods between Burbage and Hinckley. In addition, pedestrian level crossings serving footpaths that connect Burbage Common Road to Earl Shilton and Barwell are proposed for closure with the associated footpaths being diverted;
- off-site (outside the Order Limits) railway infrastructure including signals, signage and electricity connections.

2.4.2. ES Chapter 3 Project Description (Document Reference 6.1.3) contains a more detailed description of the proposed development.

## **2.5. PURPOSE OF THIS REPORT**

2.5.1. Under the PA 2008, an applicant for a DCO is required to carry out pre-application consultation and publicity about its proposals and to have regard to responses to that consultation and publicity in preparing its DCO application. The relevant statutory requirements and related guidance is explained in more detail in Section 3 of this report.

2.5.2. Section 37(3)(c) of the PA 2008 requires a DCO application to be accompanied by a consultation report which gives details of what has been done in compliance with the statutory requirements to carry out pre-application consultation and publicity, any responses received within stipulated deadlines and the account taken of those responses.



- 2.5.3. This document is the Applicant's Consultation Report and is submitted as part of the DCO application for the HNRFI. It provides details and evidence of how the Applicant has complied with the pre-application consultation and publicity requirements of the PA 2008 and explains how the feedback received has been taken into account and influenced the proposals set out in the DCO application.
- 2.5.4. The Consultation Report will be used by the Planning Inspectorate to inform the decision as to whether pre-application procedures have been complied with and the application can be accepted for examination.

## 2.6. STRUCTURE OF THIS REPORT

- 2.6.1. The structure of the consultation report is set out below:

**Section 3: Compliance with Statutory Requirements** Outlines the relevant statutory requirements relating to the pre-application process and associated guidance and advice, and summarises how the Applicant has complied with statutory requirements and guidance when undertaking pre-application consultation and publicity on the proposed development.

**Section 4: The Approach to pre-application consultation** Summarises the Applicant's approach to pre-application consultation for the proposed development.

**Section 5: Stage 1 (Non-Statutory) Consultation** Summarises the non-statutory consultation undertaken between 22 October 2018 and 7 December 2018 regarding the proposed development.

**Section 6: Stage 1A (Non-Statutory) Consultation** Details how Stage 1 non-statutory consultation addressing highways was carried out between 22 October 2018 and 7 December 2018 and how this influenced the evolution of the proposed development.

**Section 7: Stage 2 (Statutory) Consultation: Statement of Community Consultation (SoCC)** Describes the approach taken by the Applicant to the preparation of the SoCC as required by S47 of the PA 2008 and the consultation that took place with the relevant local authorities in relation to the SoCC, their response to that consultation and how the Applicant took account of the responses from the local authorities in the preparation of the SoCC.

**Section 8: Stage 2 (Statutory) Consultation under S47 'Duty to Consult Community'** Details how consultation under S47 of the PA 2008 was undertaken with the community as part of Stage 2 Consultation and how it was carried out in accordance with the statutory SoCC. This section also contains details of the responses received to the consultation and how they influenced the evolution of the proposed development.

**Section 9: Stage 2 (Statutory) Consultation under S42 'Duty to consult'** Provides details of how consultation was undertaken as required by S42 of the PA 2008 the responses received and the regard had to those responses in the evolution of the proposed development.

**Section 10: Stage 2 statutory Consultation under S48 ‘Duty to Publicise’** Provides details of the publicity undertaken under S48 of the PA 2008.

**Section 11: Section 49: Duty to take account of response to consultation and publicity** Sets out the regard the Applicant has had to any ‘relevant responses’ received to the statutory consultation and publicity carried out in accordance with Sections 42, 47 and 48 of the PA 2008.

**Section 12: Targeted consultation and engagement following stage 2 consultation** Describes the non-statutory targeted consultation and ongoing engagement that has been undertaken following the Stage 2 consultation including notifications of redline changes, consultation with new S44 parties, a community newsletter identifying changes following the Stage 2 consultation and ongoing engagement with S42 consultees.

**Section 13: Stakeholder Engagement** Sets out the engagement which took place with stakeholders prior to submission of the application.

**Section 14: EIA Consultation** outlines the EIA related consultation and publicity that has taken place during the pre-application process.

## **2.7. OVERVIEW AND TIMELINE OF CONSULTATION AND PUBLICITY UNDERTAKEN**

2.7.1. Table 2.1 below provides a chronological timeline and summary of the pre-application consultation and publicity undertaken in relation to the proposed development.

Table 2.1: Consultation Summary

Consultation / Engagement Phase	Dates	Summary of activity undertaken
Pre-consultation engagement	21 February 2018 – 21 September 2018	<p>Presented a PowerPoint presentation to BDC, LCC and HBBC on 21 February 2018. The presentation is attached at Appendix 2.1. The purpose of the presentation was to:</p> <ul style="list-style-type: none"> <li>• Introduce the site and the proposed development</li> <li>• Set the locational context of the site for a SRFI</li> <li>• Describe the quantum of development</li> <li>• Explain the DCO process</li> <li>• Set out the programme to submission of the application</li> <li>• Provide the opportunity for questions and discussion.</li> </ul> <p>‘Working Group’ Meeting with Lead local authorities with BDC, LCC and HBBC on 30 May 2018 to discuss Planning Performance Agreement (PPA), an initial draft of the SoCC, place shaping and the ability of the scheme to support a place shaping officer.</p> <p>A further ‘Working Group’ meeting was held with BDC, HBBC and LCC on 21 September 2018 regarding the forthcoming Stage 1 consultation, PPA, initial draft SoCC and archaeological trial trenching.</p>

Consultation / Engagement Phase	Dates	Summary of activity undertaken
<b>Consultation (with local authorities) on the initial Statement of Community Consultation (SoCC)</b>	22 March 2018 – 7 September 2018	<p>BDC, HBBC and LCC were consulted on the initial SoCC between March and September 2018.</p> <p>Although the local authorities were consulted on the initial SoCC, it was not formally publicised and the Stage 1 and Stage 1A non-statutory consultations did not have to be carried out strictly in accordance with it. The initial SoCC did however inform the Stage 1 and Stage 1A consultations.</p>
<b>Stage 1 Consultation (non-statutory)</b>	22 October 2018 – 7 December 2018	<p>Non-statutory consultation with the local community and stakeholders was carried out, introducing the project to the community and stakeholders and providing opportunity for early engagement and influence of the scheme design.</p>
<b>Stage 1A Consultation (non-statutory)</b>	8 July 2019 – 6 September 2019	<p>Non-statutory consultation with the local community and stakeholders was carried out, the focus of this consultation was traffic and highways which was a key issue raised in the Stage 1 Consultation.</p>

Consultation / Engagement Phase	Dates	Summary of activity undertaken
<b>SoCC formal consultation (Published SoCC)</b>	Notification sent 26 August 2021 – a 28 day consultation period was given in accordance with S47	<p>The following local authorities were formally consulted on the SoCC:</p> <ul style="list-style-type: none"> <li>• Blaby District Council</li> <li>• Hinckley and Bosworth Borough Council (HBBC)</li> <li>• Leicestershire County Council (LCC)</li> <li>• Harborough District Council (HDC)</li> <li>• Rugby Borough Council (RBC)</li> <li>• Nuneaton and Bedworth Borough Council (NBBC)</li> <li>• Coventry City Council (CCC)</li> <li>• Tamworth Borough Council (TBC)</li> <li>• North Warwickshire Borough Council (NWBC)</li> <li>• Leicester City County Council (LCiC)</li> <li>• Warwickshire County Council (WCC)</li> <li>• Staffordshire County Council (SCC)</li> <li>•</li> </ul> <p>Written responses were received from:</p> <ul style="list-style-type: none"> <li>• Leicestershire County Council (LCC)</li> <li>• Blaby District Council (BDC)</li> <li>• Hinckley and Bosworth Borough Council (HBBC)</li> <li>• Harborough District Council (HDC)</li> <li>• Staffordshire County Council (SCC)</li> </ul>

Consultation / Engagement Phase	Dates	Summary of activity undertaken
<b>Publication of the SoCC</b>	15 December 2021	<p>Notices of the publication of the statutory SoCC were published in the Hinckley Times and Leicester Mercury 15 December 2021 for two consecutive weeks. The statutory SoCC was made available for viewing on the project website; websites of BDC, HBBC, Harborough District Council and North Warwickshire Borough Council. The SoCC was also provided to other local authorities including NBBC, RBC, CCC, TBC, LCiC, LCC, WCC and SCC as well as Parish Councils and libraries as referenced in the statutory SoCC at Appendix 8, Appendix 10 and Appendix 11 of the statutory SoCC with a request that they display the SoCC on their website.</p>
<b>Stage 2 Consultation (Publication of S48 Notice)</b>	15 December 2021 – 22 December 2021	<p>S48 'Duty to publicise': The proposed application was publicised in the prescribed manner.</p> <p>The S48 Notice was published in the Leicester Mercury and Hinckley Times on 15 and 22 December 2021 and in the London Gazette and the Daily Telegraph on 15 December 2021.</p>

Consultation / Engagement Phase	Dates	Summary of activity undertaken
<b>Stage 2 Consultation ( Notification pursuant to S46)</b>	4 January 2022	S46 'Duty to notify Secretary of State of proposed application': The Secretary of State was notified of the proposed application on 4 January 2022 and supplied with the consultation information to be made available to S42 consultees by way of the letter being issued to consultees and a copy of the S48 notice which contained a link to the project website where the consultation material would be available. This notification was acknowledged by PINS on 7 January 2022.
<b>Stage 2 Consultation (Statutory consultation pursuant to S42)</b>	12 January 2022 – 9 March 2022	S42 'duty to consult': consultation was carried out with prescribed consultees, relevant local authorities and persons with an interest in the land. A number of non-prescribed consultees were also identified and consulted in the same way and at the same time as the prescribed consultees.
<b>Stage 2 Consultation (Statutory consultation pursuant to S47)</b>	12 January 2022 – 9 March 2022	S47 'Duty to consult local community': the local community was consulted in accordance with the statutory SoCC.

Consultation / Engagement Phase	Dates	Summary of activity undertaken
<p><b>Extended S42 and S47 Consultation</b></p>	<p>Extending the Stage 2 consultation period from 12 January 2022 – 9 March 2022 to 8 April 2022.</p>	<p>Following audit of the S42 mailout it was confirmed that a number of S42 consultees had not received the original mailout. In response all S42 consultees were then written to on 4 February 2022 advising of an extension to the consultation period to 8 April 2022, giving 9 weeks for those consultees that did not receive the original consultation letter to engage with the consultation.</p> <p>The S47 consultation was also extended to 8 April 2022 so that local community consultees had the same period in which to respond to the consultation.</p> <p>The extension of the Stage 2 consultation was publicised on the project website and in newspapers. Parish Councils and libraries previously advised of the consultation were written to advising of the extension of time for the consultation and site notices were erected.</p>



## 3.0 COMPLIANCE WITH STATUTORY REQUIREMENTS

### 3.1. INTRODUCTION

- 3.1.1. This section of the report sets out the statutory requirements under the PA 2008 and associated secondary legislation that an applicant must comply with when carrying out pre-application consultation and publicity on a proposed application for a DCO. It also identifies relevant government guidance about the pre-application process to which an applicant must have regard, and related non-statutory advice which has been published by PINS and which an applicant should consider.
- 3.1.2. A summary table (Table 3.1) is then provided to signpost the reader to the parts of this report containing details and evidence of how the Applicant has complied with the statutory requirements and had regard to relevant guidance and advice through its pre-application consultation and publicity activities.

### 3.2. STATUTORY REQUIREMENTS UNDER THE PA 2008

- 3.2.1. Chapter 2 of Part 5 of the PA 2008 sets out the pre-application procedure that is to be followed before a DCO application is submitted. The provisions of the PA 2008 relating to the pre-application process are supplemented by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations') and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations').
- 3.2.2. The duties placed on an applicant to carry out pre-application consultation and publicity can be summarised as follows.
- 3.2.3. Section 42 of the PA 2008 sets out a duty to consult certain specified consultees about the proposed application. Specifically, so far as relevant to the HNRFI<sup>1</sup>, s42 requires the applicant to consult:
- prescribed consultees listed in Schedule 1 to the APFP Regulations (s42(1)(a));
  - each local authority that is within section 43 (s42(1)(b)); and
  - each person who is within one or more of the categories in section 44 (commonly referred to as persons with an interest in land) (s42(1)(d)).
- 3.2.4. Section 46 requires the applicant to notify the SoS of the proposed application before commencing consultation under section 42. In giving this notification, the applicant must supply the SoS with such information in relation to the proposed application as would be supplied if the applicant were required to consult the SoS under section 42.
- 3.2.5. Section 47 of the PA 2008 sets out a duty to consult the local community about the proposed application. The applicant must prepare a statement (the SoCC) setting out how

<sup>1</sup> Section 42(1)(aa) requires consultation with the Marine Management Organisation where the proposed development would affect, or would be likely to affect, certain specified marine areas and Section 42(1)(c) requires consultation with the Greater London Authority if the land is in Greater London. Neither of these requirements is relevant for the HNRFI.

it proposes to consult the local community about the proposed application, having first consulted each local authority within whose area the project is to be located about what is to be in the SoCC and taken into account any comments received. The SoCC once prepared must be publicised and made available for inspection. The applicant must carry out consultation in accordance with the proposals in the SoCC.

- 3.2.6. Section 48 sets out a duty to publicise the proposed application. The applicant is required to publicise the proposed application in the manner prescribed by regulation 4 of the APFP Regulations. This regulation requires the applicant to publish a notice of the proposed application in certain publications. The notice has to include certain specified details about the proposed application and how to respond to the publicity.
- 3.2.7. Section 49 sets out a duty to have regard to the responses to the consultation and publicity. The applicant must, when deciding whether its DCO application should be in the same terms as the proposed application that was consulted on and publicised, have regard to any “relevant responses”. These are any responses to the s42 consultation, the s47 consultation or the s48 publicity that were received within the stipulated deadlines.
- 3.2.8. Section 50 of the PA 2008 requires the applicant to have regard to any guidance issued by the Secretary of State about how to comply with the pre-application procedural requirements. The relevant guidance is discussed in section 3.3 below.
- 3.2.9. Section 37(3)(c) of the PA 2008 requires a DCO application to be accompanied by a consultation report which gives details of what has been done in compliance with sections 42, 47 and 48, any relevant responses and the account taken of those responses.
- 3.2.10. Table 3.1 below summarises how the Applicant has complied with the requirements of the pre-application consultation and publicity requirements under the PA 2008 (as outlined above) in relation to the HNRFI, and provides signposts to where further details and evidence can be found in this Consultation Report.

### **3.3. GUIDANCE AND ADVICE ON THE PRE-APPLICATION PROCESS**

- 3.3.1. In March 2015, the former Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities) published guidance entitled ‘Planning Act 2008: Guidance on the pre-application process’ (the ‘Government Guidance’). The Government Guidance was issued under section 50 of the PA 2008 (see paragraph 3.2.8 above) and an applicant is therefore required to have regard to it.
- 3.3.2. The Government Guidance at paragraph 15 states that pre-application consultation is a key requirement for applications for DCOs for major infrastructure projects. Effective pre-application consultation will lead to applications which are better developed and better understood by the public. To this end the applicant has carried out a multiphase consultation and engagement process in which the important issues have been articulated and considered in advance of the submission of the application. It is considered that the applicant’s approach to consultation and engagement will allow for a more efficient examination.

3.3.3. Paragraph 18 of the Government Guidance encourages the early involvement of local communities, local authorities and statutory consultees. The Applicants approach to consultation and engagement has reached out to a wide audience seeking to achieve the benefits of early engagement set down in paragraph 18 of the guidance including:

- Helping the applicant to identify and resolve the issues
- Enabling members of the public to influence the project
- Helping the community to understand the nature and impact of the project as well as dispelling misapprehensions
- Enabling the applicant to obtain information about the economic, social and environmental impacts of the scheme from consultees
- Identifying mitigation measures
- Identifying opportunities for wider strategic or local objectives.

Each stage of the consultation has allowed the Applicant to realise the benefits at paragraph 18 in terms of identifying and implementing appropriate application changes identified through consultation and engagement.

3.3.4. It is important to note here what the guidance states at paragraph 70:

*To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.*

3.3.5. In line with the advice contained in paragraph 70 of the Government Guidance the Applicant has carried out an iterative phased consultation which has consisted of two stages of informal consultation followed by statutory consultation. The response to these consultations has been invaluable in informing the proposals now being presented in the DCO application.

3.3.6. In relation to the consultation report, paragraph 80 of the Government Guidance states that it should:

- provide a general description of the consultation process undertaken, which can helpfully include a timeline;
- set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate
- set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation;

- set out a summary of relevant responses to consultation (but not a complete list of responses);
- provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed;
- provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts;
- where the applicant has not followed the advice of the local authority or not complied with this guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and
- be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters

3.3.7. The Applicant paid close regard to the Government Guidance in devising its approach to and methods of pre-application consultation and in compiling the Consultation Report. Further details of how the Applicant followed the Government Guidance is set out in Appendix 3.1.

3.3.8. PINS has also published non-statutory advice relating to pre-application consultation for the purposes of the PA 2008. PINS Advice Note 14: Compiling the Consultation Report (Republished February 2021) provides advice about the format and content of the consultation report. It explains at paragraph 1.1 that the Consultation Report should include information and evidence about:

- who was consulted and how the consultation was carried out;
- how, and when, the project was publicised; and
- how the responses were taken into account.

3.3.9. Section 3 and 4 of PINS Advice Note 14 then sets out guidelines on the format and structure of the consultation report and the approach that might be taken to reporting statutory consultation responses, albeit it is made clear that it is not appropriate for PINS to issue prescriptive ‘one size fits all’ advice.

3.3.10. The Applicant has, in preparing this Consultation Report, taken into account the helpful advice and guidelines in PINS Advice Note 14. Further detail is provided in Appendix 3.1

3.3.11. The Applicant has also considered PINS Advice Note 3: EIA Notification and Consultation (version 7 republished August 2017). In particular, when identifying its list of prescribed consultees for the purposes of s42 consultation, the Applicant had regard to the approach taken by PINS to the identification of consultation bodies for the purposes of regulation 11 of the EIA Regulations. PINS Advice Note 14 paragraph 3.26 advises that consultation undertaken as part of the EIA process is separate to that required under the PA 2008. It also advises that applicants may wish to draw attention to consultation responses received under the EIA process, but any reference to that consultation should be addressed separately from the statutory consultation carried out under the provisions of the PA2008. In line with that advice, Section 15 of this report summarises consultation in accordance with the EIA Regulations, however the main focus of this consultation

report is on the consultation carried out under the PA 2008. Table 3.1 below summarises compliance with the statutory requirements and provides a signpost to where further detail and evidence can be found in the Consultation Report. Appendix 3.1 provides a detailed analysis of how the applicant has complied with the relevant sections of:

- The Planning Act 2008
- PINS Advice Note 14
- Planning Act 2008: Guidance on the pre-application process

**Table 3.1: Compliance with the statutory requirements**

Statutory Requirement	Summary of steps taken to comply	Where this is addressed in the report
<b>Section 42 ‘Duty to Consult’</b>		
S.42(1)(a) prescribed consultees	<p>Appendix 9.6 contains the list of prescribed consultees identified in accordance with Schedule 1 to the APFP Regulations.</p> <p>Prescribed consultees were consulted by letters dated 7 January 2022 and 4 February 2022.</p>	Section 9, Appendix 9.6
S.42(1)(b) each local authority within S43	Each S43 local authority within categories A, B, C and D were consulted, the S43 local authorities consulted are listed at table 9.1. Letters were sent by Royal Mail to S43 parties on 7 January 2022 and 4 February 2022.	Section 9, Table 9.1
S.42(1)(d) each person in one or more of the S44 categories	S44 persons were identified by the Applicant’s land referencing consultants. The S44 parties were written to 7 January and 4 February.	Section 9 and Appendices 9.1, 9.2, 9.3, 9.4, 9.5

Statutory Requirement	Summary of steps taken to comply	Where this is addressed in the report
<b>S.45 ‘Timetable for consultation under S42’</b>	Consultation with S42 parties extended beyond the minimum 28 day period. The consultation period ran from 12 January 2022 – 9 March 2022 (56 days) and was subsequently extended to 8 April 2022 (86 days).	Section 9
<b>S.46 ‘Duty to notify Secretary of State of proposed application’</b>	Notification of consultation sent to PINS on 4 January 2022 and acknowledged by PINS on 7 January 2022. A copy of the letter sent to PINS and the reply from PINS is referenced in Section 10.	Section 10 and Appendix 10.1 and 10.2.
<b>S.47 ‘Duty to consult local community’</b>		
S.47(1) Preparation of a SoCC on which the Applicant will consult people living within the vicinity of the land	The Applicant prepared a SoCC which set out how the Applicant would consult with people living within the vicinity of the land. The details of the statutory SoCC prepared under S47(1) is set out at Section 7 of this report.	Section 7
S.47(2) Before preparing the SoCC, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.	The Applicant consulted with the local authorities within S43(1). Extensive commentary was provided by BDC, HBBC and LCC. This commentary and regard to it is set out in Appendix 7.2.	Appendix 7.2.

Statutory Requirement	Summary of steps taken to comply	Where this is addressed in the report
<p>S.47(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.</p>	<p>The local authorities were consulted under S47(2) on 26 August 2021 for a period of 28 days. The letters sent to the local authorities are attached at Appendix 7.3.</p>	<p>Appendix 7.3.</p>
<p>S.47(4) The Applicant must have regard to any response to consultation under subsection S47(2) that is received by the Applicant before the deadline imposed by subsection S47(3).</p>	<p>The Applicant had regard to responses received under S47 (2). The responses and regard to the responses is referenced in Section 8 of the report and recorded in detail at Appendix 8.2.</p>	<p>Section 8, Appendix 8.2</p>
<p>S.47(5) The SoCC must be made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; a notice must be published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected and the SoCC must be published in such a way as may be prescribed.</p>	<p>Details of how the statutory SoCC would be made available for inspection was set out in Section 5 of the statutory SoCC. Notification of where and when the statutory SoCC could be inspected was published in the Leicester Mercury and the Hinckley Times. The statutory SoCC was published in the prescribed way as set out in the statutory SoCC.</p>	<p>Section 7, Section 7.1 (Statutory SoCC and its appendices)</p>
<p>S.47 (6) The consultation must be carried out in accordance with the SoCC.</p>	<p>The S47 consultation was carried out in accordance with the SoCC and a SoCC adherence tracker has been maintained and appended</p>	<p>Appendix 7.7.</p>

Statutory Requirement	Summary of steps taken to comply	Where this is addressed in the report
	to the report at Appendix 7.7.	
S.48 The applicant must publicise the application in the prescribed manner and must include a deadline for receipt by the applicant of responses to the publicity.	The application was publicised in the prescribed manner and included a deadline for receipt by the applicant of responses to the publicity.	Section 11
S.49 The applicant must have regard to any 'relevant responses' received to the S.42, S.47 and S.48 consultation and publicity.	The applicant has had regard to 'relevant responses' received to the S.42, S.47 and S.48 consultation and publicity. In giving regard to 'relevant responses' the applicant has amended the proposals.	Section 12



## 4.0 THE APPROACH TO PRE-APPLICATION CONSULTATION

### 4.1. INTRODUCTION

4.1.1. This section of the report describes the Applicant's approach to consultation and engagement, with particular focus on early iterative discussions that took place with the local authorities on an initial SoCC which was used as a guiding strategy for the Stage 1 and Stage 1A non-statutory consultations. This section of the report also explains why the initial SoCC was reworked to prepare the SoCC which the Stage 2 statutory consultation was carried out in accordance with. The section concludes by outlining the stages of consultation that are covered in more detail in sections 5, 6, 8 and 9 of this report.

### 4.2. INITIAL STATEMENT OF COMMUNITY CONSULTATION

4.2.1. Over the course of several months in 2018, the Applicant prepared and sought to agree the content of a SoCC with BDC, HBBC and LCC.

4.2.2. Given that this initial SoCC was prepared for the purpose of non-statutory consultation, it was consulted on with the local authorities on an informal basis and it was not ultimately publicised strictly in accordance with section 47(6) of the PA 2008. The initial SoCC was however made available on the project website and it was used to guide the approach to consultation with the community, including who would be consulted, when the consultation would take place and what would be consulted upon. The document also set out the proposed methods to be used to advertise the consultation and how follow up consultation would be carried out. The draft SoCC, including its appendices, is attached at Appendix 4.1. The initial SoCC was available on the project website from 22 October 2018 and remains on the project website. It should be noted that Appendix 2 of the initial SoCC is missing from the version on the project website and contained in Appendix 4.2 of this report. Appendix 2 contained extracts from the National Policy Statement for National Networks and can be found at Appendix 4.2 to this report.

4.2.3. The preparation of the draft SoCC commenced in early 2018 with the draft being sent to BDC, HBBC and LCC on 15 March 2018. A further draft was provided to the local authorities on the 4th May, 23rd May and 3rd July 2018 in response to the receipt of comments from the local authorities dated 22 March, 8 May, 4 June, 8 June, 4 July, 17 July and 2 August 2018. The draft SoCC was then submitted to the local authorities under S47 on 9th August 2018, copies of the letters submitted to the authorities is attached at Appendix 4.3. BDC responded on 29th August 2018; HBBC responded on 6th September 2018. No response was received from LCC. Significant detailed discussions took place with BDC in particular to prepare the SoCC for consultation with the local authorities under S47(2) of the PA2008. The Applicant made a number of amendments to the SoCC in response to the feedback received from the local authorities. The extent of these discussions are summarised below and set out in full in tabular form at Appendix 4.4.

- BDC sought clarification on whether or not the project comprised one NSIP or two. In March 2018 it was advised that it would be one NSIP, subsequently this was revised in July 2018 to two NSIPs. For the avoidance of doubt the submission

scheme comprises one NSIP now that the highway works at M69 Junction 2 are better defined and understood.

- BDC requested that the opening hours of Council offices and libraries be added to the SoCC. The SoCC was amended in light of this request.
- BDC requested that a new section was included in the SoCC summarising timescales for consultation. The Applicant did not add this as it was considered that the project programme at Section 6 of the SoCC adequately covered this.
- BDC requested that the SoCC be placed in Parish Council offices and libraries. The SoCC was amended to facilitate the placing of the document in Parish Council offices and libraries. The authorities sought clarification on the exhibition locations and postal communication areas were sought – clarifications were provided and the SoCC amended appropriately.
- The project description was said to be ‘very wordy’ by BDC and it was advised that this was amended to the previous short bullet points. In response to this request from BDC the SoCC was duly amended to the previous bullet points.
- BDC requested that the traffic issue was moved up the list of important issues. The SoCC was amended in this way in response to BDC’s comment.
- BDC sought clarification on the geographical area to be covered by postal communication advertising consultation. This was clearly set out in the SoCC and BDC informed of how the geographical area was determined.
- Additional interest groups identified - added to SoCC
- Additional site notice requested – this was agreed and the SoCC updated accordingly.
- HBBC asked that the consultation zone be extended to the A5. In response the consultation zone was extended beyond the A5. A Saturday exhibition in Sapcote was requested – this was not held as it was considered that a reasonable spread of venues, days of the week and times was available for attendees.
- Parish Chairs in Blaby District asked to receive a copy of the SoCC – this was agreed and the SoCC amended.

### 4.3. EVOLUTION OF THE INITIAL SOCC

4.3.1. The initial SoCC was used as a basis for a reworked SoCC in 2021. The initial SoCC underwent extensive amendment for the following reasons:

- In light of scheme changes resulting from Stage 1 and Stage 1A consultation.
- Further engagement with stakeholders and further EIA assessment which influenced the scheme design.
- The draft Order Limits had changed since the Stage 1 and Stage 1A consultation following further highway modelling work which identified highways mitigation in the form of an A47 link road and works at off-site junctions, this required consultation with additional local authorities as well as with premises within 100m of newly identified off site highways works.
- The Covid-19 pandemic had to be reflected in the SoCC such that flexibility was maintained on the holding of in person exhibitions.

4.3.2. The steps taken to prepare and consult on the formal SoCC for the purpose of Stage 2 consultation is explained in section 7 of this report.

#### 4.4. **OUTLINE OF CONSULTATION STAGES**

##### Stage 1 Consultation

4.4.1. Stage 1 (Non-Statutory) Consultation took place from 22 October 2018 to 7 December 2018. This initial consultation was used to introduce the project to the local community and other stakeholders and to provide details on the work undertaken to date and the further assessment work proposed.

4.4.2. The purpose of the proposed consultation was to:

- Introduce the scheme to the community
- Seek views on the initial proposals
- Describe the type and quantum of development proposed
- Describe the nature of impacts of the development
- Provide a forum for suggested mitigation measures and suggested scheme changes

4.4.3. Stage 1 consultation is covered in more detail in section 5 of this report.

##### Stage 1A Consultation

4.4.4. Stage 1A (Non-Statutory) Consultation took place from 8 July 2019 to 6 September 2019. This consultation was focused on highway matters and presented highway mitigation proposals in the form of options for an eastern villages bypass, option A around Stoney Stanton and option B around Sapcote, as well as an A47 link road connecting Junction 2 M6 to the B4668/A47.

4.4.5. Early highway modelling indicated that the installation of the southern slip roads had the effect of redistributing background traffic in the local area which potentially affected settlements in the vicinity of the site. In response to this initial modelling work highway mitigation proposals in the form of options for a proposed eastern villages bypass and an A47 link road were proposed as potential highway mitigation measures

4.4.6. The consultation focused on the highway improvements; the consultation did not focus on other off-site junction improvements. Other off-site junction improvements were considered during the Stage 2 consultation.

4.4.7. Stage 1A consultation is covered in more detail in section 6 of this report.

##### Stage 2 Consultation and Publicity

4.4.8. Stage 2 (Statutory Consultation) took place from 12 January 2022 to 8 March 2022. The Stage 2 Consultation was a statutory consultation with the community and statutory consultees. The Stage 2 Consultation presented a substantial amount of technical and design information in relation to the proposals.

4.4.9. Following audit of the S42 mailout it was confirmed that a number of S42 parties had not received the original mailout. All S42 parties were then written to on 4 February 2022 advising of an extension to the consultation to 8 April 2022. The period of the s47 consultation was also extended to ensure a consistent approach.

4.4.10. Stage 2 consultation is covered in more detail in sections 7, 8 and 9 of this report. The S48 publicity carried out as part of Stage 2 consultation is explained in section 10 of this report.

Targeted consultation and engagement following Stage 2 consultation

4.4.11. Consultation and engagement continued following the Stage 2 Consultation with Persons with an Interest in the Land (PILs), the community and prescribed and non-prescribed bodies. This further consultation and engagement is explained in section 12 of this report.

## 5.0 STAGE 1 NON-STATUTORY CONSULTATION

### 5.1. INTRODUCTION

- 5.1.1. The Stage 1 consultation on the proposed development was carried out between 22 October 2018 and 7 December 2018. The Stage 1 consultation introduced the proposed development to the community and stakeholders and provided mechanisms for feedback which has been used to shape the development.
- 5.1.2. The initial SoCC which was developed through consultation with the local authorities (BDC, HBBC and LCC) guided the Stage 1 consultation in terms of who was consulted, how they were consulted, what they were consulted on and how feedback could be provided. The initial SoCC is addressed in section 4 of this report and is attached at Appendix 4.1.

### 5.2. WHO WAS CONSULTED?

- 5.2.1. Prior to the commencement of the Stage 1 consultation the following consultees were notified of the consultation:
- All premises within the Core Consultation Zone (CCZ) identified at Appendix 7 of the initial SoCC.
  - List of Parish Councils and Parish Meetings within Blaby District included within Appendix 3 of the initial SoCC.
  - List of Parish Councils within HBBC included within Appendix 4 of the initial SoCC.
  - Interest groups, as identified in consultation with BDC identified at Appendix 8 of the initial SoCC.
  - Interest groups, as identified in consultation with HBBC identified at Appendix 9 of the initial SoCC.
  - Gypsy and Traveller communities at Aston Firs.
  - All District Councillors within Blaby District.
  - All District Councillors within HBBC.
  - List of LCC Councillors to be consulted as identified by LCC and listed at Appendix 10 of the initial SoCC.
  - Alberto Costa MP for South Leicestershire
  - David Tredinnick MP for Bosworth
  - Marcus Jones MP for Nuneaton
  - Mark Pawsey MP for Rugby

### 5.3. HOW WERE THEY CONSULTED?

- 5.3.1. Individuals, businesses and stakeholders were consulted using the following methods:

#### Postal communication:

- 5.3.2. Letters were issued to properties within the CCZ on 8 October 2018. A copy of the CCZ letter is attached at Appendix 5.1.

- 5.3.3. The postal communication included all properties, by reference to the full postcode unit (LE + 2 digits + number and 2 letters which are allocated to streets and to sides of the street). Where the 3km boundary cut through a postcode unit (the full postcode) the postal communication was extended to include all addresses within the postcode sector (other than postcode sector LE17 5 where there was only one property within the 3km boundary). This part of the postcode sector is shown with black cross hatching on the plan attached as Appendix 7 to the initial SoCC.
- 5.3.4. Letters were issued to Parish Councils, Interested Groups, Councillors, MPs. A copy of the letter issued to these parties is attached at Appendix 5.2.

Gypsy and Traveller Liaison Officer:

- 5.3.5. It was considered that there would be sections of the community who may be more difficult to engage with. In consultation with the LPAs this was determined to be the Gypsy and Traveller communities at Aston Firs.
- 5.3.6. Following a meeting between Mr M Bagley of LCC, Manager of the Multi-Agency Travellers Unit at LCC, and Mr P Frampton, of Frampton Town Planning on 8 March 2018, it was agreed that the gypsy and traveller community at Aston Firs would be kept informed of the progress of the proposal via Jacqui Green, Gypsy and Traveller Liaison Officer, at Aston Firs.
- 5.3.7. Ms Green was provided with a notification of the exhibitions and provided a copy of the short 'Community Explanation' document referred to in Section 7 of the initial SoCC which she displayed in the site office on the LCC owned and operated Aston Firs Gypsy and Traveller site.
- 5.3.8. Residents of Aston Firs, Woodfield Stables as well as occupiers of mobile home sites at Old Smithy Lane, Hinckley (west of M69 Junction 2) were consulted via Jacqui Green the Gypsy and Traveller Liaison Officer at LCC. A site meeting took place on 8 November 2018 with Jacqui Green where she expressed concerns from residents that their site would be part of the development, but she had seen the plans and assured residents this was not the case. Residents were also concerned about traffic, noise and air quality. A note of the meeting is attached at Appendix 5.3.

Public Notices in Newspapers

- 5.3.9. Public notices advertising the consultation were placed in the following publications:
- Hinckley Times (10 October 2018 and 17 October 2018)
  - Leicester Mercury (10 October 2018 and 17 October 2018)
- 5.3.10. Copies of the relevant public notices are attached at Appendix 5.4.

Press Release

- 5.3.11. A press release was issued to the Hinckley Times and the Leicester Mercury 9 October 2018. A copy of the press release is attached at Appendix 5.5.

- 5.3.12. Appendix 11 of the draft SoCC identifies the catchment areas and circulation numbers of the above publications.

#### Site Notices

- 5.3.13. Site notices were erected in the local area publicising the development and the location and time of public exhibitions as well as the project website.
- 5.3.14. The site notices were displayed from 9 October 2018. A copy of the site notice, a site notices document, location plan and maps and images plan of the site notice locations is attached at Appendix 5.6.

#### Website

- 5.3.15. A project website was established [www.hinckleynrfi.co.uk](http://www.hinckleynrfi.co.uk). The website provided a facility for:
- Comments to be submitted on a response form
  - The receipt of regular updates by way of an ‘e-newsletter’
  - Links to documents prepared by the consultant team on behalf of the Applicant for the Project – an ‘e-Library’
  - Links to the PINS Infrastructure Unit
  - A page to enable understanding of the Project Programme
- 5.3.16. Screenshots of the website during the Stage 1 consultation are included at Appendix 5.7. The screenshots include a page describing the proposals, the site, details of the Stage 1 consultation period and exhibitions, latest news, information about the Applicant and how to contact the project team.

#### Social Media

- 5.3.17. The Stage 1 consultation was also promoted via a dedicated Facebook page and Instagram page, which included a link to access the consultation website. Advertisements were extended to all users over the age of 18 throughout Leicestershire. A copy of the social media advertisements can be found at Appendix 5.8.

#### Public Exhibitions

- 5.3.18. The primary means of consultation was the public exhibitions held in the local area at different times and on different days of the week to allow as many people as possible to attend.

### **5.4. WHAT WERE THEY CONSULTED ON / WHAT INFORMATION WAS PROVIDED?**

#### Community Explanation Document (CED)

- 5.4.1. The Applicant prepared a ‘Community Explanation Document’ for the purposes of the Stage 1 Consultation specifically written for local communities in clear, accessible and non-technical language.

5.4.2. The CED provided a description of the proposed development, the relevant national and local planning policy background to the project and the main environmental effects of the development. It also explained how local communities could respond to the proposal, and the planning process beyond the Stage 1 Consultation.

5.4.3. The CED was made available on the project website ([www.hinckleynrfi.co.uk](http://www.hinckleynrfi.co.uk)) from the consultation launch date of 22 October 2018 and at consultation events. A copy of the CED (2018) can be found at Appendix 5.9.

#### Exhibition Boards

5.4.4. Exhibition boards were on display at the eight consultation exhibitions. The exhibition boards were also available to download on the project website and have been retained on the project website. A copy of the exhibition boards used for the consultation events are attached at Appendix 5.10.

5.4.5. Draft Parameters Plan, draft Illustrative Masterplan and Topic Papers were made available in the following ways:

- At the public exhibitions
- On the project website

5.4.6. Links to the topic papers and plans are at Appendix 5.11.

5.4.7. The topic papers presented for consultation outlined the assessment of the potential impact of the proposed Hinckley National Rail Freight Interchange on various environmental matters, identified the study area relevant to the different topics being assessed, recorded baseline conditions, identified relevant policy and guidance, set out the approach to assessment and mitigation and advised on the next steps and future work to be undertaken to develop the proposals. The topic papers covered the following matters:

- |                                       |                                |
|---------------------------------------|--------------------------------|
| • Air Quality                         | • Landscape and Visual Effects |
| • Cultural Heritage                   | • Noise and Vibration          |
| • Ecological Designations             | • Policy and Need              |
| • Ecology and Biodiversity            | • Public Rights of Way         |
| • Energy and Waste                    | • Rail Freight                 |
| • Geology and Hydrology               | • Site Selection               |
| • Habitat Plan                        | • Soils and Agricultural Land  |
| • Land Use and Socio-Economic Effects | • Surface Water and Flood Risk |
|                                       | • Transport                    |



## 5.5. HOW COULD COMMENTS FEEDBACK BE PROVIDED / WHAT WAS THE DEADLINE FOR COMMENTS?

5.5.1. A variety of mechanisms were provided for the community and other interested parties to submit their feedback. Feedback mechanisms included:

- A feedback questionnaire, which was made available on the project website and at public exhibitions.
- A dedicated Community Information Line (0844 556 3002), which was available to contact Monday to Friday between 9am – 5.30pm, with a voicemail facility available outside office hours.
- A dedicated email address: hinckleynrfi@lexcomm.co.uk.
- Postal feedback could be submitted to Lexington Communications, Third Queens House, Queen Street, Manchester M2 5HT.

5.5.2. The deadline for comments was 7 December 2018.

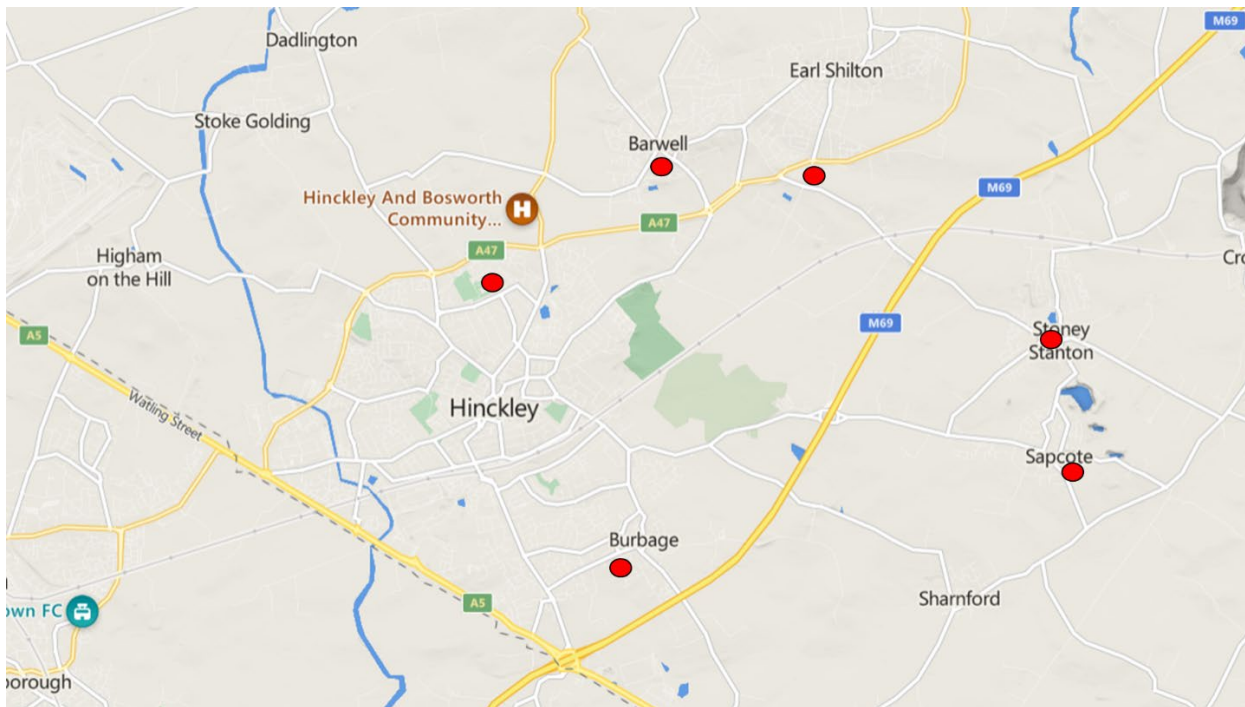
5.5.3. The Community Information Line was available to receive feedback, but the primary purpose of this facility was to receive enquiries on the consultation process and requests for technical plans, rather than substantive feedback. Callers were encouraged to provide written feedback once their questions had been addressed. Principally feedback was sought through the feedback forms which contained a series of targeted questions.

### The Public Exhibitions

5.5.4. Eight public exhibitions were held, which provided an opportunity for residents and other interested parties to meet the project team, view information boards, topic papers, the CED as well as complete a feedback form and ask questions.

5.5.5. The exhibition venues were chosen to ensure maximum accessibility for the local community. A range of days and times were offered to provide ample choice for attendees. The exhibitions venues, dates and times were discussed with BDC, HBBC and LCC prior to the commencement of the Stage 1 consultation through engagement on the initial SoCC. The location of the exhibition venues is shown below at figure 5.1.

**Figure 5.1 Public Exhibition Venue Locations**



- 5.5.6. Various members of the Applicant’s professional team attended the events to explain the proposals and answer questions raised by visitors. Experts involved in the application from disciplines covering rail, traffic, planning, development, environmental disciplines and architecture attended the events. Visitors were encouraged to complete feedback forms. A copy of the feedback form is attached at Appendix 5.12.
- 5.5.7. In total, 1,215 attendees were recorded at the eight public exhibitions. The table below summarises the number of attendees recorded at each event.

**Table 5.1 Stage 1 Attendance at Public Exhibitions**

Date	Time	Location	Number of recorded attendees
Friday 26 October 2018	2pm-8pm	Elmesthorpe Village Hall	167
Saturday 27 October 2018	10am-1pm	Elmesthorpe Village Hall	83
Monday 29 October 2018	3pm-8pm	Burbage Millennium Hall	292
Wednesday 31 October 2018	2pm-8pm	Sapcote Methodist Church	187
Friday 2 November 2018	1pm-7pm	Stoney Stanton Village Hall	271
Wednesday 7 November 2018	2pm-8pm	The George Ward Centre	90

Date	Time	Location	Number of recorded attendees
Friday 9 November 2018	12pm-6pm	St Francis Community Centre	61
Saturday 10 November 2018	12pm-6pm	St Francis Community Centre	64

**5.6. RESPONSE TO THE STAGE 1 CONSULTATION FROM STAKEHOLDERS**

5.6.1. Responses to the consultation were received from the following stakeholders:

- Sapcote Parish Council
- Public Health England
- Leicestershire and Rutland Bridleways Association and the British Horse Society (joint submission)
- Leicestershire Local Access Forum
- Midlands Connect

5.6.2. A summary of the above responses including regard to responses and whether or not the response influenced a scheme change has been tabulated and is attached at Appendix 5.13.

**5.7. RESPONSES FROM THE COMMUNITY**

5.7.1. In summary, 542 pieces of feedback were received from the community via email, telephone, hard copy feedback form, online feedback form, and by post. The most common themes raised during the Stage 1 consultation related to:

- highways and access
- impacts on rail networks and passenger services
- public transport
- public rights of way
- localised impacts
- general opposition to the development
- parking
- green belt
- rural character
- environmental impacts
- drainage
- impacts on green spaces
- economic opportunities

5.7.2. A summary of the above responses including regard to responses and whether or not the response effected a scheme change has been tabulated and is attached at Appendix 5.14.

## 5.8. CHANGES TO THE SCHEME FOLLOWING CONSULTATION

5.8.1. In light of the feedback received from the Stage 1 consultation, the Applicant considered a number of amendments to the proposals. The changes considered in response to feedback can be summarised as follows.

### Rail connectivity

5.8.2. Concerns were raised at consultation over the degree to which the development would be rail connected and about the effects of noise from the railport on the amenity of residential properties beyond the railway, in Elmeſthorpe and to the south-west of the village.

5.8.3. In response to this concern the Applicant considered the option of relocating the railport to the centre of the HNRFI site, providing enhanced rail connectivity for HNRFI occupiers and increasing the distance between the Railport and residential properties beyond the railway to the north-west. It was considered that the logistics buildings on either side of a centrally-placed railport was likely to help to contain the noise from freight handling operations. However, a centrally located Railport meant that the curvature was too tight for a useable rail chord.

5.8.4. In considering a centrally located Railport, it was found that it would require two parallel railway lines with a tight semi-circular radius at the northern end of the HNRFI. When rolling stock is hauled around a tight circle of track the differential rotation of the inner and outer wheels can cause sticking and sliding that results in 'wheel squeal' and a higher potential to derail wagons. The Applicant reviewed methods available to reduce or avoid wheel squeal. Common remedies include the use of rubber dampeners or wheel lubrication, as well as the erection of tall acoustic fences on the outside of the curve, before it was concluded that wheel squeal is simply best avoided if possible. The potential derailment of wagons also weighed heavily against the option of a central railport. A northern siding was retained on the masterplan but with a better layout and a much-reduced length of curve as part of a 'head shunt', which permits rail access into buildings.

### Noise impacts

5.8.5. In response to consultation comments further noise attenuation was proposed in the landscape buffer across the north-eastern edge of the site, adjacent to Elmeſthorpe. This included a 4m acoustic fence alongside the curved section of railway between the lineside sidings and the railport, designed to contain any 'wheel squeal' from freight trains moving between the two. The location of the acoustic fencing has been confirmed for the submission DCO application following extensive further noise modelling.

### Loss of recreational routes

5.8.6. Concerns were raised over the loss of recreational equestrian, cycle and walking routes that cross the Main HNRFI Site.

5.8.7. The benefits of relocating the railport were considered including the ability of a centrally located railport to facilitate the provision of a recreational route between Burbage

Common to the south-west of the HNRFI and Burbage Common Road near Elvesthorpe to the north-east. This recreational route was set within the landscape buffer along the railside edge of the site, with underpasses providing safe access beneath the road at the Burbage Common Road railway bridge, and beneath the proposed railway line in the northern corner of the Main HNRFI Site. As stated above a centrally located railport was not feasible as the curvature would be too tight for a usable rail chord.

- 5.8.8. A further recreational access route was proposed by the Applicant in the landscape corridor between a point north of Freeholt Wood to an existing footbridge over the M69 motorway, approximately 700m north of M69 Junction 2.
- 5.8.9. The additional recreational routes resulted in a slight benefit to the nature of land use and socio-economic effects. However as noted above it was not possible to relocate the railport centrally within the site.
- 5.8.10. It was suggested at consultation that the proposed recreational open space in the south-western corner of the site would effectively be cut off from Burbage Wood by the proposed landscape buffer around the HNRFI site.
- 5.8.11. In response the landscape buffer was realigned to follow the proposed edge of the built development, promoting a greater sense of connectivity between Burbage Wood and the proposed recreational open space. The amenity area, now referred to as the Burbage Common Expansion, was enlarged. In addition, a new community hall was proposed on a site to the east of the recreational open space.

### Traffic

- 5.8.12. Concerns were raised that the HNRFI development, in conjunction with the proposed upgrade to M69 Junction 2, would attract unacceptable volumes of additional road traffic on the local road network, including the B4669 Sapcote Road / Hinckley Road on both sides of M69 Junction 2, which passes through Sapcote, and the B581 Broughton Road through Stoney Stanton, as well as on various routes further afield.
- 5.8.13. Informed by initial rounds of road traffic modelling the Applicant developed options for relief roads extending westward from the HNRFI site to the B4668 / A47 Leicester Road, by-passing Burbage and Hinckley, and eastwards towards the B4114 Coventry Road, by-passing Sapcote and Stoney Stanton. These options were the focus of a further round of non-statutory public consultation (Stage 1A) in summer 2019.
- 5.8.14. The immediate effect of the inclusion of these road links in the project was the redesign and realignment of the main internal access road across the southern part of the site. Whereas this main internal access road was designed in earlier iterations of the master plan as an internal service road only, the addition of the eastern and western road links would open the road to general traffic, necessitating a redesign.
- 5.8.15. The design changes identified as a result of road traffic modelling resulted in benefits to the nature of transport and traffic effects in comparison to those known prior to consultation.

## 6.0 STAGE 1A NON-STATUTORY CONSULTATION

### 6.1. INTRODUCTION

- 6.1.1. The Stage 1A consultation on the proposed development was carried out between 8 July 2019 and 6 September 2019. A primary concern raised at the Stage 1 consultation was the potential traffic congestion effects on local towns and villages, both from the HNRFI development and from the addition of south-facing slips at Junction 2 M69.
- 6.1.2. In response, the Applicant explored options to address these concerns through various traffic mitigation options. Specifically, the proposed traffic mitigation measures included a link from Junction 2 M69, through the HNRFI westwards to the A47 (the A47 Link Road), as well as two options for link roads to villages to the east – ‘The Eastern Villages Link options:
- Option A - (North): Connecting Stanton Lane (South of Stoney Stanton) with Broughton Road (east of Stoney Stanton), routing between Stoney Stanton/Sapcote
  - Option B - (South): Connecting Hinckley Road (West of Sapcote) to Sharnford Road (south of Sapcote)
- 6.1.3. The above traffic mitigation measures were the focus of the Stage 1A consultation.
- 6.1.4. The initial SoCC which was developed through consultation with the local authorities (BDC, HBBC and LCC) prior to the Stage 1 consultation was used to guide the Stage 1A consultation in terms of who was consulted, how they were consulted, what they were consulted on and how feedback could be provided. Section 4 of this report provides more detail on the initial SoCC.

### 6.2. WHO WAS CONSULTED?

- 6.2.1. Prior to the commencement of the Stage 1A consultation the following consultees were notified of the consultation:
- All premises within the CCZ identified at Appendix 7 of the draft SoCC.
  - Persons with Interests in the Land – affected by highway mitigation works.
  - List of Parish Councils and Parish Meetings within BDC included within Appendix 3 of the draft SoCC.
  - List of Parish Councils within HBBC included within Appendix 4 of the draft SoCC.
  - Interest groups, as identified in consultation with BDC identified at Appendix 8 of the draft SoCC.
  - Interest groups, as identified in consultation with HBBC identified at Appendix 9 of the draft SoCC.
  - Gypsy and Traveller communities at Aston Firs.
  - All District Councillors within Blaby District.
  - All District Councillors within HBBC.
  - List of LCC Councillors to be consulted as identified by LCC and listed at Appendix 10 of the draft SoCC.
  - Alberto Costa MP for South Leicestershire

- David Tredinnick MP for Bosworth
- Marcus Jones MP for Nuneaton
- Mark Pawsey MP for Rugby

### 6.3. HOW WERE THEY CONSULTED?

6.3.1. Individuals, businesses and stakeholders were consulted using the following methods:

#### Postal communication:

6.3.2. As per the stage 1 consultation the CCZ identified within Appendix 7 to the initial SoCC was used to inform the mail out list advising of the consultation. A copy of the CCZ letter is attached at Appendix 6.1.

6.3.3. Letters were issued to the CCZ of 3km from the DCO site. The postal communication included all properties, by reference to the full postcode unit (LE + 2 digits + number and 2 letters which are allocated to streets and to sides of the street). Where the 3km boundary cut through a postcode unit (the full postcode) the postal communication was extended to include all addresses within the postcode sector (other than postcode sector LE17 5 where there was only one property within the 3km boundary). This part of the postcode sector is shown with black cross hatching on the plan attached as Appendix 7 to the draft SoCC.

6.3.4. Letters were issued to Parish Councils, Interested Groups, Councillors, MPs. A copy of the letter issued to these parties is attached at Appendix 6.2.

6.3.5. Letters were issued to those with land interests on land required for the development relating to highway mitigation works but outside of the Applicants control, a copy of the letter issued to the relevant parties is attached at Appendix 6.3 as well as the list of those who the letter was issued to.

#### Gypsy and Traveller Liaison Officer

6.3.6. As per the Stage 1 consultation, it was considered that there would be sections of the community who may be more difficult to engage with. Following the meeting between Mr M Bagley of LCC, Manager of the Multi-Agency Travellers Unit at LCC, and Mr P Frampton, of Frampton Town Planning on 8 March 2018, it was agreed that the gypsy and traveller community at Aston Firs would be kept informed of the progress of the proposal via Jacqui Green, Gypsy and Traveller Liaison Officer, at Aston Firs.

6.3.7. In advance of the Stage 1A consultation Ms Green was provided with a notification of the exhibitions which she displayed in the site office on the LCC owned and operated Aston Firs Gypsy and Traveller site.

6.3.8. Residents of Aston Firs, Woodfield Stables as well as occupiers of mobile home sites at Old Smithy Lane, Hinckley (west of M69 Junction 2) were consulted via Jacqui Green the Gypsy and Traveller Liaison Officer at LCC. A site meeting took place 5 September 2019.

Residents raised concerns in relation to lighting, noise, vibrations, air quality, proximity and height of buildings. A note of the meeting is attached at Appendix 6.4.

#### Press release in Newspapers

6.3.9. Press releases advertising the consultation were placed in the following publications:

- Hinckley Times (1 July 2019)
- Leicester Mercury (1 July 2019)

6.3.10. A copy of the press release is attached at Appendix 6.5 of this report. Appendix 11 of the initial SoCC identifies the catchment areas and circulation numbers of the above publications.

#### Site Notices

6.3.11. Site notices were erected in the local area publicising the development and the location and time of public exhibitions as well as the project website. The site notices were erected on 4 July 2019. A copy of the site notice, locations and map of site notice locations is attached at Appendix 6.6.

#### Website

6.3.12. The dedicated project website was updated to advise of the forthcoming stage 1A consultation [www.hinckleynrfi.co.uk](http://www.hinckleynrfi.co.uk). The website provided a facility for:

- i) Comments to be submitted on a response form
- ii) The receipt of regular updates by way of an 'e-newsletter'
- iii) Links to documents prepared by the consultant team on behalf of the applicant for the Project – an 'e-Library'
- iv) Links to the PINS Infrastructure Unit
- v) A page to enable understanding of the Project Programme

#### Social Media

6.3.13. The stage 1A consultation was also promoted via dedicated Facebook and Instagram advertisements, which included a link to access the consultation website. Advertisements were extended to all users over the age of 18 throughout Leicestershire. A copy of the social media advertisements can be found at Appendix 6.7.

### **6.4. WHAT WERE THEY CONSULTED ON / WHAT INFORMATION WAS PROVIDED?**

#### Community Explanation Document (CED)

6.4.1. The CED was not updated for the stage 1A consultation but was available on the project website ([www.hinckleynrfi.co.uk](http://www.hinckleynrfi.co.uk)) and at the consultation exhibitions.



### Exhibition Boards

- 6.4.2. Exhibition boards were on display at the six consultation exhibitions. The exhibition boards were also available to download on the project website and have been retained on the project website. A copy of the exhibition boards used for the consultation events are attached at Appendix 6.8.
- 6.4.3. A Parameters Plan, an Illustrative Masterplan and a Transport Topic Paper were made available in the following ways:
- At the public exhibitions
  - On the project website
- 6.4.4. Links to the plans and topic papers are at Appendix 6.9.

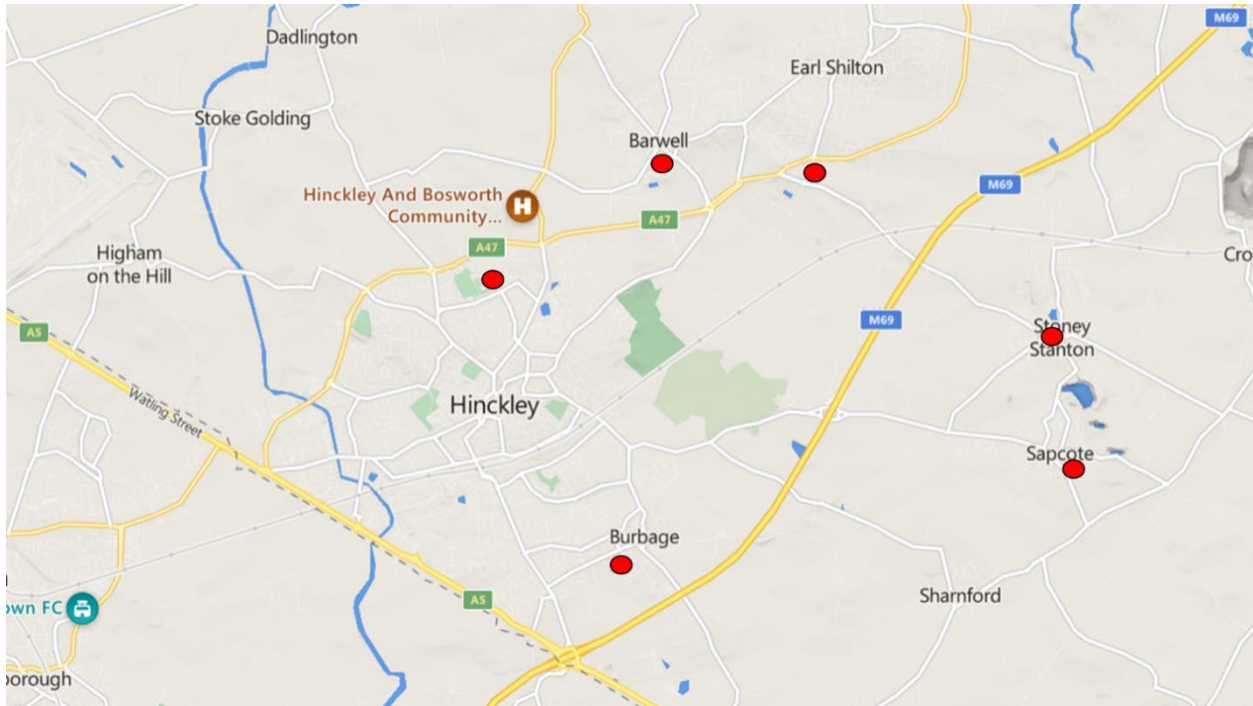
### **6.5. HOW COULD COMMENTS FEEDBACK BE PROVIDED / WHAT WAS THE DEADLINE FOR COMMENTS?**

- 6.5.1. A variety of mechanisms were provided for the community and other interested parties to submit their feedback. Feedback mechanisms included:
- A feedback questionnaire, which was made available on the consultation website and at public exhibitions. A copy of this can be viewed at Appendix 6.10.
  - A dedicated Community Information Line (0844 556 3002), which was available to contact Monday to Friday between 9am – 5.30pm, with a voicemail facility available outside office hours.
  - A dedicated email address: [hinckleynrfi@lexcomm.co.uk](mailto:hinckleynrfi@lexcomm.co.uk).
  - Postal feedback could be submitted to Lexington Communications, Third Queens House, Queen Street, Manchester M2 5HT.
- 6.5.2. The deadline for comments was 6 September 2019.
- 6.5.3. The Community Information Line was available to receive feedback, but the primary purpose of this facility was to receive enquiries on the consultation process and requests for technical plans, rather than substantive feedback. Callers were encouraged to provide written feedback once their questions had been addressed.

### The Public Exhibitions

- 6.5.4. Six public exhibitions were held in various locations, which provided an opportunity for residents and other interested parties to view information, complete a feedback form and ask questions.
- 6.5.5. The exhibition venues were chosen to maximise accessibility for the local community. A range of days and times were offered to provide ample choice for attendees. The location of the exhibitions is shown below at figure 6.1.

**Figure 6.1 Public Exhibition Venue Locations**



- 6.5.6. A series of exhibition boards were displayed at the public exhibitions which covered the highways mitigation options.
- 6.5.7. Various members of the Applicant’s professional team attended the events to explain the proposals and answer questions raised by visitors. Experts involved in the application from disciplines covering rail, traffic, planning, development, environment and architecture attended the events. Visitors were encouraged to complete feedback forms.
- 6.5.8. In total, 1,025 attendees were recorded at the six public exhibitions. The table below summarises the number of attendees recorded at each event.

**Table 6.1 Stage 1A Attendance at Public Exhibitions**

Date	Time	Location	Number of recorded attendees
Monday 29 July 2019	4pm – 8pm	St Francis Community Centre	55
Wednesday 31 July 2019	10am – 2pm	The George Ward Centre	79
Saturday 3 August 2019	10am – 2pm	Elmesthorpe Village Hall	127

Date	Time	Location	Number of recorded attendees
Saturday 3 August 2019	4pm – 8pm	Sapcote Methodist Church	122
Wednesday 7th August 2019	12:30pm - 6:30pm	Stoney Stanton Village Hall	342
Saturday 10 August 2019	10am – 2pm	Burbage Methodist Church	300

## 6.6. RESPONSE TO THE STAGE 1A CONSULTATION FROM STAKEHOLDERS

6.6.1. Responses to the consultation were received from the following stakeholders:

- Hinckley and Bosworth Borough Council
- Warwickshire County Council
- Narborough and Littlethorpe Parish Council
- Stoney Stanton Parish Council
- Burbage Parish Council

6.6.2. A summary of the above responses including regard to responses and whether or not the response effected a scheme change has been tabulated and attached at Appendix 6.11.

## 6.7. RESPONSE FROM THE COMMUNITY

6.7.1. In summary, 654 pieces of feedback were received from the community and other stakeholders via email, telephone, hard copy feedback form, online feedback form and by post. The most common themes raised during the Stage 1A consultation related to:

- |                            |                                 |
|----------------------------|---------------------------------|
| • Transport and Highways   | • Rural Character               |
| • Mitigation               | • Environmental Impacts         |
| • Travel Options           | • Localised impacts             |
| • Localised Impacts        | • General Opposition            |
| • Scale of the Development | • Requests for more information |

6.7.2. A summary of the feedback to the Stage 1A Consultation including regard to responses and whether or not the response effected a scheme change has been tabulated and attached at Appendix 6.12.

## 6.8. CHANGES TO THE SCHEME FOLLOWING CONSULTATION

- 6.8.1. The stage 1A consultation exercise sought community views on potential highway schemes, namely a road link between M69 J2 accessing HNRFI with the construction of a new railway bridge passing over the Felixstowe to Nuneaton railway so as to connect with the B4668. This link has been named the 'A47 Link'.
- 6.8.2. To the east of the site options were presented for a by-pass for the villages of Sapcote and Stoney Stanton. Alternative alignments were displayed for the consultation. This was known as the Eastern Villages By-Pass (EVB) or the Eastern Villages Link (EVL) options.
- 6.8.3. As stated above the illustrative masterplan was still being considered at this time in terms of the location of the railport, recreational routes, layout and design. It was made clear that the illustrative masterplan presented for the Stage 1A consultation was the same masterplan which was presented for the Stage 1 consultation which was still being reviewed in response to feedback received during the 2018 consultation.
- 6.8.4. The feedback from consultation demonstrated a very negative response to the EVB options, however the 'A47 Link' was looked upon more favourably. Following the Stage 1A consultation extensive traffic modelling was undertaken in accordance with the requirements provided by Leicestershire County Council as Highways Authority. It was determined that the results of this traffic modelling demonstrated that the EVB was not necessary to manage traffic arising from the HNRFI and traffic re-routing on the highway network following the provision of the south facing slips onto M69 J2.
- 6.8.5. Following the feedback from consultation and the further highway modelling work it was determined that the EVB / EVL would not be taken forward to the Stage 2 consultation. The inclusion of the A47 link road in the modelling scenarios was found to create wider traffic relief benefits than those of a new bypass around Stoney Stanton or Sapcote. Most impact was found to be generated from existing traffic in the area re-routing.
- 6.8.6. As stated above the comments from the 2018 consultation were still being considered to inform further design stages ahead of the Stage 2 statutory consultation.
- 6.8.7. As well as the proposed access infrastructure in the form of the southern slip roads and the new 'A47 link road' a number of off-site highway junctions were identified following the Stage 1A consultation where highway mitigation schemes would be carried out.

## 7.0 STAGE 2 STATUTORY CONSULTATION: STATEMENT OF COMMUNITY CONSULTATION

### 7.1. INTRODUCTION

- 7.1.1. An initial SoCC was produced in 2018, this document was used as a guide for the 2018 and 2019 rounds of informal consultation and is detailed in Section 4 of this report.
- 7.1.2. Ahead of the Stage 2 Consultation the initial SoCC of 2018 was substantially updated in light of scheme changes as a result of earlier rounds of consultation, further engagement with stakeholders and further EIA assessment which influenced the scheme design. Further highway modelling work resulted in the identification of off-site junctions affecting new local authority areas which were not identified in the initial SoCC which the 2018 and 2019 consultations were based upon. The Covid – 19 pandemic also had to be accounted for in the statutory SoCC. The statutory SoCC was prepared in such a way that it allowed flexibility in terms of running consultation entirely virtually or ‘face to face’ dependent on Covid 19 regulations.
- 7.1.3. The statutory SoCC which the S47 consultation was carried out in accordance with is attached at Appendix 7.1.

### 7.2. LEGISLATIVE REQUIREMENTS

- 7.2.1. Applicants for NSIPs are required under S47(1) of the PA 2008 to produce a Statement of Community Consultation (SoCC) to describe how they will consult the local community about the project. Before the SoCC is published, applicants are required to consult all local authorities in which the project is located (S47(2)). They are then obliged to carry out consultation in accordance with the SoCC (S47(7)).
- 7.2.2. The SoCC is to be made available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land where development is proposed, as required by S47 of the PA 2008. The Government Guidance (March 2015) highlights that, whilst there are statutory timescales setting out minimum requirements for consultation with local authorities on the SoCC, applicants may wish to engage with local authorities over a longer period to resolve any differences about the public consultation exercise. Specifically, paragraph 38 of the Guidance provides advice to local authorities on their role when engaging in such discussions and paragraph 39 identifies topics for consideration which might be included in pre-consultation discussions. The SoCC has been prepared in consultation with the local authorities (listed at paragraphs 4.1-4.2 of the Statutory SoCC and paragraph 7.3.6 below) and the applicant has had regard to the responses received.
- 7.2.3. Once the applicant has prepared the statement, the applicant must make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land. The applicant must publish in a newspaper circulating in the vicinity of the land a notice stating where and when the statement can be inspected.
- 7.2.4. The applicant must carry out consultation in accordance with the proposals set out in the statement.

### 7.3. CONSULTATION ON THE SOCC

- 7.3.1. Before a SoCC is published, applicants are required to consult all local authorities within whose area the project is located.
- 7.3.2. The SoCC and its earlier drafts were prepared in consultation with BDC, HBBC and LCC – the host authorities for the main HNRFI site.
- 7.3.3. Extensive consultation on the preparation of the statutory SoCC was undertaken with local authorities including BDC, HBBC and LCC. Comments were received from the local authorities during January 2021 and July 2021. The local authorities were keen to have face to face events and to this end nine face to face events were held as Covid-19 restrictions had been removed around the holding of such events.
- 7.3.4. The extensive comments provided by the Local Authorities on the statutory SoCC in response to its informal consultations and formal consultation through 2021 are detailed at Appendix 7.2. The commentary demonstrates the extensive consultation commitments the Applicant agreed to include within the SoCC which facilitated the holding of nine ‘face to face’ events, two webinars, a mailout to 51,000 premises in the core consultation zone as well as notification of the consultation to Parish Councils within a 10km radius of the site.
- 7.3.5. Other matters agreed during the drafting of the statutory SoCC included the creation of a project description which was appended to the SoCC at Appendix 1.
- 7.3.6. Statutory consultation on the SoCC took place from 26 August 2021 giving a period of 28 days for comments to 24 September 2021. Letters under S47(3) of the PA 2008 were issued to:
- Blaby District Council
  - Hinckley and Bosworth Borough Council
  - Leicestershire County Council
  - Harborough District Council
  - Rugby Borough Council
  - Nuneaton and Bedworth Borough Council
  - Coventry City Council
  - Tamworth Borough Council
  - North Warwickshire Borough Council
  - Leicester County Council
  - Warwickshire County Council
  - Staffordshire County Council
- 7.3.7. Copies of the letters issued to the local authorities are attached at Appendix 7.3.
- 7.3.8. Written responses were received from:
- Leicestershire County Council
  - Blaby District Council
  - Hinckley and Bosworth Borough Council
  - Harborough District Council
  - Staffordshire County Council
- 7.3.9. Appendix 7.2 includes a summary of these written responses and explains the regard had to them.

- 7.3.10. The statutory SoCC was finalised and published 8 December 2021 allowing for a 28-day consultation period.

#### 7.4. AVAILABILITY OF THE SOCC FOR PUBLIC INSPECTION

- 7.4.1. Section 47(6) of the PA 2008 provides that once the SoCC has been prepared, the applicant must make the SoCC available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land and publish in a local newspaper circulating in the vicinity of the land a notice stating where and when the SoCC can be inspected.

PINS Advice Note 14 indicates at para 3.15 that following the coming into force of the Infrastructure Planning (Publication and Notification of Applications etc) (Amendment) Regulations 2020, applicants no longer need to place paper copies of the SoCC on deposit at locations in the vicinity of the proposed development but instead should make the SoCC available for inspection online. The statutory SoCC was made available on the project website (<https://www.hinckleynrfi.co.uk/>) and details of how to contact the project team including by telephone were included on the project website. The public could access the website free of charge. A screenshot of this can be seen at Appendix 7.4.

- 7.4.2. The Applicant placed a notice on 15 December 2021 for two consecutive weeks in the following newspapers stating where and when the statutory SoCC could be inspected:

- Hinckley Times
- Leicester Mercury

A copy of the notice is attached at Appendix 7.5.

- 7.4.3. A link to the statutory SoCC was also provided to the following authorities prior to publication to enable the documentation to be uploaded.

- The Planning and Building webpage on the BDC website under 'Major Developments at <https://www.blaby.gov.uk/planning-and-building/major-developments/hinckley-rail-freight-interchange/>
- The webpage on the HBBC web site at: [https://www.hinckley-bosworth.gov.uk/info/200249/view\\_planning\\_applications\\_and\\_decisions/1543/hinckley\\_national\\_rail\\_freight\\_interchange](https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1543/hinckley_national_rail_freight_interchange)
- The website of Harborough District Council (as requested) at <https://www.harborough.gov.uk/>
- The website of North Warwickshire Borough Council (as requested) at <https://www.northwarks.gov.uk/site/>

- 7.4.4. The statutory SoCC was provided to the following local authorities in the form of a link, prior to its publication, with a request that the statutory SoCC be displayed on their websites:

- |   |                          |
|---|--------------------------|
| • Nuneaton and Bedworth Borough Council | • Leicester City Council |
|   | • Rugby Borough Council  |

- Leicestershire County Council
- Coventry City Council
- Warwickshire County Council
- Tamworth Borough Council
- Staffordshire County Council

7.4.5. The statutory SoCC was provided to the Chairs of Parish Councils within Blaby District (see Appendix 10 of statutory SoCC); Hinckley and Bosworth Borough (see Appendix 11 of statutory SoCC) and the Parish Councils identified at Appendix 8 of the statutory SoCC, with an invitation that the statutory SoCC be displayed on the individual Council’s website.

7.4.6. The statutory SoCC was provided to the libraries listed at Appendix 12 of the statutory SoCC with a request to display a link to the statutory SoCC on their website. The e-mail sent to the libraries is attached at Appendix 7.6. It should be noted that while the e-mail was issued to the libraries, the content of the e-mail inadvertently makes reference to Parish Councils.

## **7.5. ADHERENCE WITH THE SOCC**

7.5.1. An applicant for a DCO must carry out consultation in accordance with the proposals set out in their statutory SoCC. The Applicant’s adherence with the statutory SoCC has been set out in full in a tracker attached at Appendix 7.7.

## **7.6. HARD TO REACH GROUPS**

7.6.1. In accordance with paragraph 38 and 54 of the Planning Act 2008: guidance on the pre-application process for major infrastructure projects in addition to engagement with local people living within the vicinity of the Proposed Development.

7.6.2. The Applicant sought to encourage as wide a participation to its statutory consultation as possible. Reference to engagement and consultation with ‘hard to reach’ groups was included within the SoCC and discussed with BDC, HBBC and LCC.

7.6.3. Prior to publication of the statutory SoCC the applicant engaged with BDC, HBBC and LCC to consider whether there may be sections of the community who may be more difficult to engage with, such as: older people; younger people; people with disabilities; travelling communities; economically inactive people; ethnic minorities; religious groups; time poor / busy working people; and socially deprived communities.

7.6.4. It was concluded that individual arrangements should be made to engage with local gypsy and traveller communities resident to the south of HNRFI. The local authorities also provided lists of interested groups which the Councils considered should be informed of the consultation, details of these groups are attached at appendices 15,18 and 19 of the Statutory SoCC.



## 8.0 STAGE 2 STATUTORY CONSULTATION: UNDER SECTION 47 'DUTY TO CONSULT COMMUNITY'

### 8.1. INTRODUCTION

- 8.1.1. This section sets out the consultation carried out with the community as part of the Stage 2 consultation in accordance with S47 of the PA 2008. S47 requires the applicant to carry out consultation in accordance with the proposals set out in the Statutory SoCC. The statutory SoCC sets out a commitment to consult with the local community.
- 8.1.2. This consultation was carried out in accordance with the published statutory SoCC. The Stage 2 consultation was originally intended to run from 12 January 2022 to 8 March 2022. However, the S42 consultation period was later extended to 8 April 2022 after it became apparent that a number of S42 parties did not receive a consultation letter due to an administrative error in the creation of a mail merge list. This is covered in further detail in Section 9 of this report. It was determined that the S47 response period should also be extended until 8 April 2022 for a consistent approach.

### 8.2. COVID-19 PANDEMIC

- 8.2.1. The SoCC for the Statutory Consultation was prepared on the basis that Covid-19 Government health restrictions were subject to change and for this reason the consultation process in the SoCC was designed to be flexible in terms of the holding of 'face - to - face' events and if such events could be held, ensuring that they were undertaken in line with any Covid-19 Government health restrictions and guidance. The local authorities during review and discussion on the SoCC took a strong stance in favour of holding 'face to face' consultation events, this is evident in the comments received from the local authorities during the iterative compilation of the statutory SoCC and is detailed at Appendix 7.2.
- 8.2.2. While legal restrictions had been lifted by the time the consultation commenced, consultation notifications were issued with explanations that events would be held in compliance with any guidance on social distancing etc. Online webinars were held in addition to the in-person public exhibitions to allow for those not wanting to, or able to attend in-person events to participate.
- 8.2.3. At the time the public exhibitions commenced and throughout the exhibitions Covid-19 social distancing restrictions had lifted, however the consultant team observed the wearing of face masks to ensure attendees were made to feel comfortable engaging with the team. During the exhibition held at Burbage long queues formed outside of the exhibition room. Although social distancing restrictions were not in place at the time, queues were managed to ensure the room was comfortable for visitors and adequate space was available to view the exhibition materials and interact with the project team.

### 8.3. WHO WAS CONSULTED?

- All premises within the CCZ identified at Appendix 17 of the statutory SoCC.
- Gypsy and Traveller communities at Aston Firs
- Castlewood Park Home Residents Association

- All premises within 100m of the locations identified for potential off-site highway works (as shown on the plans attached at Appendix 17 of the statutory SoCC) received written notification of the consultation. The off-site junctions include Cross in Hand roundabout on the A5 close to Magna Park. A postal communication was sent to IDI Gazeley Ltd the owner / occupier of Magna Park and all premises at Magna Park.
- All respondents to the informal stages of consultation undertaken by the Applicant who provided either email or postal addresses.
- All landowners and tenants within the area of the Main HNRFI site.
- Consultation to the 10km Consultation Zone (10kmCZ) as identified at Appendix 17 of the statutory SoCC. The 10km CZ was specifically targeted by writing to all Parish Councils within the 10km CZ, targeted social media.
- The Parish Councils and Parish Meetings within Blaby District as listed at Appendix 10 of the statutory SoCC.
- The Parish Councils within Hinckley and Bosworth Borough as listed at Appendix 11 of the statutory SoCC.
- Tamworth Borough Council.
- Parish Councils within 10km of the main HNRFI site as listed at Appendix 8 of the statutory SoCC.
- Interested groups as identified in consultation with Blaby District, as identified at Appendix 15 of the statutory SoCC.
- Interested groups as identified in consultation with Hinckley and Bosworth Borough as listed at Appendix 18 of the statutory SoCC.
- Interested groups as identified in consultation with the Borough and District Authorities, as identified at Appendix 19 of the statutory SoCC.
- All District Councillors within Blaby District.
- All District Councillors within Hinckley and Bosworth Borough.
- LCC Councillors as identified by LCC and listed at Appendix 20 of the statutory SoCC.
- Alberto Costa MP for South Leicestershire
- Dr Luke Evans MP for Bosworth
- Marcus Jones MP for Nuneaton
- Mark Pawsey MP for Rugby
- Craig Tracey MP for North Warwickshire
- Neil O'Brien MP for Harborough, Oadby and Wigston
- All District Councillors where the off-site highway works are located as listed at Appendix 21 of the statutory SoCC.

## 8.4. HOW WERE THEY CONSULTED?

8.4.1. Individuals, businesses and stakeholders were consulted using the following methods:

### Postal Communication

8.4.2. The mailout to the 51,000 premises located within the CCZ, included all premises within 100m of the locations identified for off-site highway works and all respondents to the informal stages of consultation. The mailout included a letter, a community newsletter

and a plan showing the draft order limits. The mailout was contained within an envelope clearly indicating that the contents related to the HNRFI development. A copy of the envelope and its contents are attached at Appendix 8.1. The community newsletter and covering letter contained the project website address; community information telephone line and details of the exhibitions and virtual events and a plan identifying the proposed DCO order limits. The Royal Mail delivered notices invited consultation via a questionnaire which could be completed online. The notices explained that a paper copy of the questionnaire could be obtained for those without internet access, without charge, by telephoning the Community Information Line 0844 556 3002.

- 8.4.3. A copy of the letter and information issued to Parish Councils, Tamworth Borough Council, interested groups, Councillors and MPs is attached at Appendix 8.2.

#### Gypsy and Traveller Liaison Officer

- 8.4.4. Residents of Aston Firs, Woodfield Stables as well as occupiers of mobile home sites at Old Smithy Lane, Hinckley (west of M69 Junction 2) were consulted via Jacqui Green the Gypsy and Traveller Liaison Officer at LCC. The CED was issued to Jacqui Green ahead of the site meeting. A site meeting was considered to be the most appropriate means of communicating the proposals to the Gypsy and Traveller community due to their preference not to attend public exhibitions and an open air presentation and meeting was preferred due to concerns amongst the community around Covid-19.
- 8.4.5. The site visit was held on 8 March 2022. The weather was fine and clear. The meeting was attended by the Applicant and consultants with expertise in transport, air quality and noise. A large proportion of residents attended the site and where residents could not leave their homes, a representative went to the home of the resident to discuss the proposals. Two homes were visited on the day. Presentation boards used at the public exhibitions were taken to the site meeting to show residents as well as the illustrative masterplan. Concerns and questions were focused on air quality, traffic, noise and views. Feedback forms were left with the Gypsy and Traveller liaison officer to make available to residents to provide their comments on the proposals as well as a box to accept returned feedback forms for collection after the consultation. One feedback form was returned by post by the Gypsy and Traveller liaison officer. A note of the site meeting is attached at Appendix 8.3.

#### Castlewood Residents Association

- 8.4.6. A meeting was held with Castlewood Residents Association on 16 March 2022 at All Saints Church, Sapcote. The meeting was attended by the Applicant and consultants with expertise in transport, air quality, noise and lighting. The Chair of the association was also in attendance along with circa 30 residents.
- 8.4.7. A presentation was made to attendees and it was advised that circa 51,000 letters notifying the community of the consultation had been distributed by Royal Mail.
- 8.4.8. Residents raised concerns in relation to the following matters:

- Concern regarding the access from Smithy Lane in respect of the ability to turn right because of the anticipated increased traffic on Burbage Road and turn left because of the kerb radius.
- The ability to cross Burbage Road to access the bus stop.
- The lack of a footpath to Hinckley.
- Concern regarding noise from the development, particularly from the lorry park and who would monitor noise levels (CWRA has no confidence in BDC monitoring noise levels).
- Concern that EV charging points will interfere with radio frequency for a short-wave radio enthusiast.
- Concern regarding the impact of construction on air quality and monitoring of construction.
- Whether an air quality monitoring facility could be provided on the Castlewood site.
- Concern regarding light spillage onto the site.

8.4.9. It was evident that residents had difficulty in understanding the precise physical relationship between HNRFI and the Castlewood site, to assist residents in understanding the proposed development the Applicant attended the site to explain the physical relationship between the site and Castlewood 31 March 2022.

8.4.10. A note of the meeting with the residents association is attached at Appendix 8.4.

#### Public Notices in Newspapers

8.4.11. Public notices were placed in accordance with the statutory SoCC advertising the consultation. These public notices were separate to the S48 notice placed in The Telegraph, The London Gazette, The Hinckley Times and the Leicester Mercury, the S48 notice is addressed in detail in section 11 of this report. The public notices were placed in the following publications:

**Table 8.1: Newspapers used for public notices advertising Stage 2 consultation**

Newspaper	Date Published	Number of weeks published
Hinckley Times	15 <sup>th</sup> December 2021	2 (consecutive weeks)
Leicester Mercury	15 <sup>th</sup> December 2021	2 (consecutive weeks)
Big Red Magazine	1 <sup>st</sup> February 2022	1 month
Coventry Telegraph	12 <sup>th</sup> January 2022	1
Nuneaton News	12 <sup>th</sup> January 2022	1
Rugby Advertiser	13 <sup>th</sup> January 2022	1
Rugby Observer	13 <sup>th</sup> January 2022	1
Swift Flash	26 <sup>th</sup> January 2022	1
The Journal	19 <sup>th</sup> January 2022	1
The Local Rock	10 <sup>th</sup> January 2022	1

**Table 8.2: Newspapers used for public notices advertising the extension to the Stage 2 consultation**

Newspaper	Date Published	Number of weeks published
Hinckley Times	16 <sup>th</sup> February 2022	2 (consecutive weeks)
Leicester Mercury	16 <sup>th</sup> February 2022	2 (consecutive weeks)
Big Red Magazine	16 <sup>th</sup> February 2022	1
Coventry Telegraph	16 <sup>th</sup> February 2022	1
Nuneaton News	16 <sup>th</sup> February 2022	1
Rugby Advertiser	17 <sup>th</sup> February 2022	1
Rugby Observer	17 <sup>th</sup> February 2022	1
Swift Flash	23 <sup>rd</sup> February 2022	1
The Journal	19 <sup>th</sup> February 2022	1
The Local Rock	14 <sup>th</sup> February 2022	1

8.4.12. A copy of the notices advertising the Stage 2 consultation are attached at Appendix 8.5 and a copy of the notices advertising the extension to the Stage 2 consultation are attached at Appendix 8.6.

#### Press releases

8.4.13. Press releases were issued to the following online publications on 12 January 2022 providing an overview of the proposals, consultation process and dates for the public exhibitions.

- Leicestershire Live, an online free newspaper
- Rugby Advertiser, a weekly paid for newspaper
- Rugby Observer, an online free newspaper

- The Coventry Telegraph, is an everyday except Sunday and Christmas Day paid for newspaper.
- Coventry Live, an online free newspaper
- Nuneaton News, a weekly paid for newspaper

8.4.14. The relevant press release is attached at Appendix 8.7. Appendix 13 of the statutory SoCC identifies the catchment areas and circulation numbers of the above publications.

#### Site Notices

8.4.15. The site notices were displayed as listed in Appendix 14 of the statutory SoCC. Site notices were displayed at the locations described at paragraph 7.30 of the statutory SoCC. A copy of the site notices can be accessed at Appendix 8.8 of this report. The site notices were erected 18 – 22 December 2021 and further site notices were erected 12 – 19 February 2022 advertising the further consultation.

#### Website

8.4.16. The dedicated project website was updated to advise of the forthcoming Stage 2 consultation [www.hinckleynrfi.co.uk](http://www.hinckleynrfi.co.uk). The website contained the following details:

- Home - a short summary as to the progress of the application for HNRFI.
- The Proposals – a media presentation highlighting key aspects of the scheme.
- The Location – a map showing the red line boundary to The Proposal. This page has a direct link to the consultation page where an interactive map is available which sits alongside the feedback form.
- Community Engagement – the page outlines all community engagement to date including embedded links to the two consultation webinars hosted by Tritax Symmetry.
- The Process – provides an indicative programme to explain the timescales in which the application will be reviewed.
- FAQs – this page collates a number of questions which were frequently asked during the consultation period and provides immediate answers to these. This was continuously updated throughout the consultation period to reflect the consultee’s latest concerns.
- Consultation Materials – this page provides a number of drop-down options relating to consultation:
  - Formal Consultation 2022 – a complete list of documents available during the consultation period. Incorporated within this is a non technical summary, contents and glossary list to make navigation and understanding of the material easier.
  - Scoping Opinion Documentation
  - Previous Consultations including informal consultation 2018 and highway consultation 2019.
- News – used as a channel to inform consultees of consultation dates and additional relevant material e.g. community newsletter.

- About Us – background on the developer and a direct link to the company website to provide further insight (<https://tritaxsymmetry.com/>).
- Comment & Contact Us – outlines a number of channels in which consultees can make direct contact with the developer to ask questions and respond. These include:
  - Community Information Line (0844 556 3002)
  - Dedicated Email Address ([HinckleyNRFI@lexcomm.co.uk](mailto:HinckleyNRFI@lexcomm.co.uk))
  - Postal Address (Tritax Symmetry, c/o Lexington Communications Third Floor, Queens House, Queen Street, Manchester M2 5HT)
  - Social Media Links – Facebook, Instagram and Twitter.

8.4.17. Screenshots of each individual page of the website are attached at Appendix 8.9.

8.4.18. All documents on the website were available to download free of charge. Documents were readily accessible to consultees, being clearly named and logically structured.

#### Social Media

8.4.19. The stage 2 consultation was also promoted via dedicated Facebook advertisements, which included a link to access the consultation website. Advertisements were extended to all users over the age of 18 throughout Leicestershire. A copy of the social media advertisements can be found at Appendix 8.10.

8.4.20. A dedicated Facebook and Instagram page – Hinckley National Rail Freight Interchange HRNFI – was established for the DCO proposal. The page enabled those with an interest in the project to follow key updates and share comments.

#### Webinar

8.4.21. Two online presentations were undertaken. The applicant hosted the webinars on Zoom for members of the public which could be attended by registering. HNRFI Webinar 1 was held 2pm – 4pm, Tuesday 25 January 2022 and HNRFI Webinar 2 was held 6pm – 8pm, Wednesday 2 February 2022. A moderator facilitated the event; attendees could type questions in the chat facility which the moderator then asked to the Applicant’s team. The Applicant’s team comprised technical experts on the matters of planning, rail, transport, ecology, landscape, heritage, water management, noise, air quality and environmental impact assessment. Recordings of these events were made available on the website and remain available to view <https://www.hinckleynrfi.co.uk/db-community-engagement/>.

8.4.22. The webinars were advertised on the project website, social media, public notices in newspapers and press releases. In addition the mailout to the CCZ, the letters to Parish Councils, Councillors and MPs contained details of the webinars. Members of the local authority were also invited to attend the webinars.

#### Members Presentation

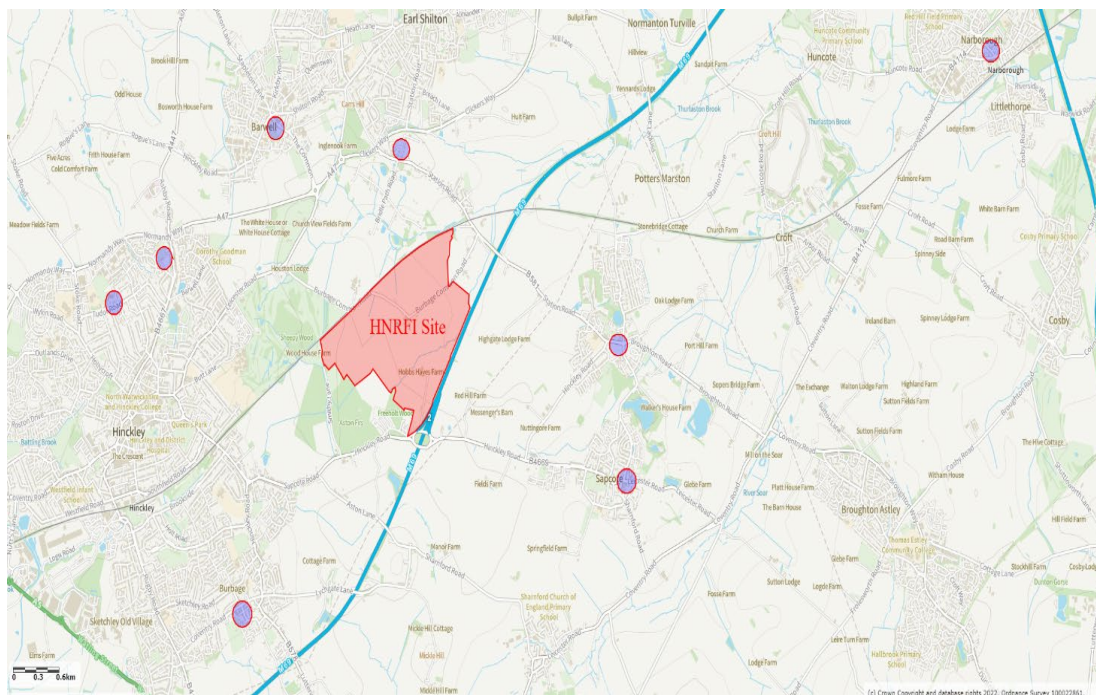
8.4.23. Members briefings were prepared and delivered virtually by the Applicant to BDC on 5 January 2022, HBBC on 6 January 2022 and LCC on 7 January 2022. The invites were made to all elected members of these authorities with high attendance achieved. The content of the presentation was the same as that presented at the public webinars which was

based on the information presented at the exhibitions. The briefing to members allowed members advanced viewing of the information which would be available to their constituents at the Stage 2 consultation. A copy of the presentation is attached at Appendix 8.11.

Public Exhibitions

- 8.4.24. Nine public exhibitions were held in various locations, agreed with the local authorities as part of the consultation on the statutory SoCC. The exhibitions provided an opportunity for residents and other interested parties to view information, complete a feedback form and ask questions.
- 8.4.25. The exhibition venues were chosen to maximise accessibility for affected communities. A range of days and times were offered to provide ample choice for attendees. The location of the exhibition venues are shown on the map below at figure 8.1.

**Figure 8.1 Public Exhibition Venue Locations**



- 8.4.26. Various members of the Applicant’s professional team attended the events to explain the proposals and answer questions raised by visitors. Experts involved in the application from disciplines covering rail, traffic, planning, development, environmental disciplines and architecture attended the events. Visitors were encouraged to complete feedback forms.
- 8.4.27. A copy of the exhibition boards is attached at Appendix 8.12
- 8.4.28. In total, 1,832 people were recorded at the nine public exhibitions. The table below summarises the number of attendees recorded at each event.



**Table 8.3 Stage 2 Attendance at Public Exhibitions**

<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Number of recorded attendees</b>
Wednesday 19 January 2022	2pm – 8pm	Elmesthorpe Village Hall	214
Friday 21 January 2022	12:30pm – 6:30pm	Stoney Stanton Village Hall	240
Saturday 22 January 2022	10am – 1pm	Elmesthorpe Village Hall	102
Monday 24 January 2022	3pm – 8pm	Burbage Millennium Hall	294
Wednesday 26 January 2022	2pm - 8pm	Sapcote Methodist Church	402
Friday 28 January 2022	2pm – 8pm	The George Ward Centre	100
Saturday 29 January 2022	10am – 1pm	St Francis Community Centre	96
Monday 3 January 2022	2pm – 8pm	Ashby Road Sports Club	197
Tuesday 1 February 2022	1pm – 9pm	Narborough Parish Centre	187

## 8.5. WHAT WERE THEY CONSULTED ON / WHAT INFORMATION WAS PROVIDED?

8.5.1. As explained above, the S47 Stage 2 consultation consulted the local community via a range of consultation methods and provided clear information on the proposed development.

8.5.2. The CED, Statement of Community Consultation, plans and the PEIR were made available in the following ways:

- At the public exhibitions
- On the project website

8.5.3. Links to the Stage 2 consultation materials are attached at Appendix 8.13. The consultation materials included:

- The statutory SoCC
- A PEIR report containing information on the following topics:
  - Site selection and evolution
  - Policy and need
  - Land use and socioeconomics
  - Transport
  - Air Quality
  - Noise and vibration
  - Landscape and visual effects
  - Ecology
  - Cultural heritage
  - Surface water and flood risk
  - Hydrogeology
  - Geology, soils and contamination
  - Materials and waste
  - Energy and climate change
  - Accidents and disasters
  - Cumulative and in-combination effects
- Community Explanation Document
- Community newsletter
- Draft Development Consent Order
- Draft Planning Statement
- Draft Design and Access Statement
- Draft Rail Report
- Site location Plan
- Parameters plan
- Illustrative masterplans
- Illustrative sections
- Illustrative elevations
- Works plans
- Access and Rights of Way plans
- Highways plans

- Highway classification plans
- Speed limit plans
- Rail plans
- Landscape wirelines

## 8.6. HOW COULD COMMENTS FEEDBACK BE PROVIDED / WHAT WAS THE DEADLINE FOR COMMENTS

8.6.1. A variety of mechanisms were provided for the community and other interested parties to submit their feedback. Feedback mechanisms included:

- A feedback questionnaire, which was made available on the consultation website and public exhibitions. A copy of this can be viewed at Appendix 8.14.
- A dedicated Community Information Line (0844 556 3002), which was available to contact Monday to Friday between 9am – 5.30pm, with a voicemail facility available outside office hours. To record the comments, a member of the Community Information Line team would write out the conversation to ensure it was noted as part of the consultation.
- A dedicated email address: hinckleynrfi@lexcomm.co.uk.
- Postal feedback could be submitted to Lexington Communications, Third Queens House, Queen Street, Manchester M2 5HT.
- During the webinar comments and questions were recorded and asked by the chair / moderator to the project team.
- Social media was monitored for feedback; however, it was primarily used to direct respondents to the Project website and feedback questionnaire.

8.6.2. The deadline for consultation feedback was extended to 8 April 2022. Following audit of the S42 mailout it was confirmed that a number of S42 parties had not received the original mailout, all S42 parties were then written to on 4 February 2022 advising of an extension to the consultation to 8 April 2022. In the interests of consistency and to give the opportunity of extended consultation to the community, the Section 47 consultation was also extended. Further details on the extension of the consultation are set out at section 9.2 of this report.

## 8.7. RESPONSE TO THE STAGE 2 CONSULTATION

8.7.1. In summary, 2,695 pieces of feedback were received from the community. The most common themes raised during the Stage 2 consultation related to:

- |                          |                               |
|--------------------------|-------------------------------|
| • Air Quality            | • Design and Access Statement |
| • Alternative Sites      | • Disasters                   |
| • Climate                | • Draft DCO                   |
| • Compulsory Acquisition | • Ecology                     |
| • Consultation           | • Flood Risk                  |
| • Cultural Heritage      | • Funding                     |
| • Cumulative Effects     | • Geology                     |
| • DCO Parameters         | • Human Health                |

- Hydrogeology
- Land Use
- Landscape Visual
- Narborough Level Crossing
- Noise
- Policy
- Public Rights of Way
- Socio-Economic
- Access Infrastructure
- Cycling and Walking
- Eastern Villages
- Off Site Highways
- Public Transport
- HGV Routing
- Strategic Road Network
- Narborough Level Crossing
- Traffic Generation

8.7.2. A summary of the feedback to the Stage 2 Consultation collated under the above themes including regard to responses and whether or not the response effected a scheme change has been tabulated and attached at Appendix 8.15.

8.7.3. In accordance with S.49 of the PA2008 the Applicant has had regard to consultation responses. Chapter 12 of this consultation report sets out the regard had to responses received to S47 and S42 consultation and S48 publicity.

## 9.0 STAGE 2 STATUTORY CONSULTATION: UNDER SECTION 42 'DUTY TO CONSULT'

### 9.1. INTRODUCTION

9.1.1. This section sets out the consultation carried out for Stage 2 consultation in accordance with S42 of the PA 2008, which requires the applicant to consult specific prescribed persons. The PA 2008 states:

*The Applicant must consult the following about the proposed application;*

*a) such persons as may be prescribed,*

*aa) The Marine Management Organisation, in any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in subsection (2)*

*b) each local authority that is within section 43*

*c) the Greater London Authority if the land is in Greater London, and*

*d) each person who is within one or more of the categories set out in section 44.*

9.1.2. S42(aa) and s42(c) are not relevant to the proposed development.

9.1.3. The Stage 2 consultation was intended to run from 12 January 2022 to 8 March 2022. However, following an audit of the mailing lists described below the consultation period was subsequently extended and ran from 12 January 2022 to 8 April 2022 to ensure all statutory parties were lawfully consulted for a 9-week period.

### 9.2. CONSULTATION EXTENSION

9.2.1. The Applicant adopted a protocol with the purpose of ensuring that all necessary parties had indeed been consulted. The first stage of this protocol was for the mailed-out addresses to be cross-checked with the established list of statutorily prescribed consultees. Project consultants would then confirm with their counterpart consultee that notification of the consultation had been received and to offer assistance as required. During this stage of direct communication, it became clear on 20 January 2022 that some intended recipients of the consultation had been missed from the mail out due to an administrative error in creating a mail merge list.

9.2.2. A refresh of land referencing data was also undertaken at this time, this refresh identified a small number of PILs who had not been written to; these identified PILs were written to on 4 February 2022.

9.2.3. The Applicant informed all parties that had been previously written to that the consultation would be extended. The Applicant also contacted the parties who had not received the initial notice of consultation and informed those parties of the consultation period and its concluding dates. As such, the formal consultation period for those parties that did not receive the initial notice ran from 4 February to 8 April 2022 (a total of 63 days).

- 9.2.4. A copy of the letter sent to the S42 consultees and ‘non-prescribed’ persons dated 7 January 2022 is attached at Appendix 9.1. A copy of the letter sent to sub-soil only parties is attached at Appendix 9.2.
- 9.2.5. Letters were sent on 4 February 2022 to the s42 consultees and ‘non-prescribed’ persons who had not been written to previously, as well as the S42 parties previously written to. Copies of these letters are attached at Appendix 9.3. Letters to parties with a sub soil only interest were also issued on 4 February 2022 to those not written to originally as well as those previously written to. A copy of the sub-soil only letters are attached at Appendix 9.4.
- 9.2.6. A follow up letter to S42 sub-soil only parties was issued on 15 February 2022, providing further clarity on the definition of a sub soil interest, a copy is attached at Appendix 9.5. This letter was issued following concerns from the community that the letters issued in relation to their sub-soil interest meant that their property was being compulsorily purchased.

### 9.3. WHO WAS CONSULTED?

- 9.3.1. The S42 consultation involved the Applicant consulting the ‘prescribed persons’, the relevant local authorities under S43 and other persons/land ownership interests under S44. These consultees are collectively known as the S42 consultees.
- 9.3.2. In line with the Applicant’s approach to consultation on the proposed development, a number of non-prescribed persons were also consulted.

#### Prescribed persons

- 9.3.3. For the purposes of S42(1)(a) of the PA 2008, the persons prescribed are those listed in column 1 of the table in Schedule 1 to the APFP Regulations, who must be consulted in the circumstances specified in column 2 of that table.
- 9.3.4. The full list of prescribed consultees identified for the HNRFI project can be accessed at Appendix 9.6. The list follows the order of prescribed consultees as set out in the table in Schedule 1 to the APFP Regulations. The list was cross checked against the list of consultation bodies received from the Planning Inspectorate under Regulation 11 of the EIA Regulations as part of the 2020 scoping opinion. All parties on the Regulation 11 list were consulted.
- 9.3.5. PINS ‘Advice Note 3: EIA Notification and Consultation’ (republished August 2017) explains at paragraph A2.1 that for the purpose of Schedule 1 to the APFP Regulations a “relevant” body means the body which has responsibility for the location where the proposals may or will be sited. PINS interprets ‘the location’ to encompass the land required for the development for which development consent is required and the land required for any associated development.
- 9.3.6. Applying these definitions and advice to the proposed development, there are 11 relevant parish councils:

- Aston Flamville Parish Council
- Barwell Parish Council
- Broughton Astley Parish Council
- Cosby Parish Council
- Croft Parish Council
- Elmesthorpe Parish Council
- Hinckley De Montfort Ward
- Lutterworth Town Council
- Sapcote Parish Council
- Stoney Stanton Parish Council
- Willey Parish Council

9.3.7. Schedule 1 to the APFP Regulations also includes “relevant statutory undertakers”, who must be consulted where the proposed application is likely to affect their functions as statutory undertakers. The term “statutory undertakers” is defined by legislative provisions and PINS Advice Note 3 provides guidance on how PINS approaches the identification of “relevant statutory undertakers” under Schedule 1 to the APFP Regulations when compiling a list of EIA consultation bodies for the purpose of the EIA Regulations. Specifically, Table 2 in the Annex to PINS Advice Note 3 identifies the bodies which PINS interprets to fall within the category of ‘relevant statutory undertakers’. The Applicant had regard to PINS Advice Note 3 when identifying the relevant statutory undertakers to consult for the purpose of its S42 consultation. Those statutory undertakers are listed in Appendix 9.6.

9.3.8. The relevant highway authorities in this instance are LCC, WCC and National Highways.

#### Local authorities

9.3.9. S42(1)(b) of the PA 2008 requires an applicant to consult each local authority that is within section 43. S43 sets out four categories of local authorities referred to as “A”, “B”, “C” and “D” local authorities:

#### *43. Local Authorities for purposes of S42(1)(b)*

*(1) A local authority is within this section if the land is in the authority’s area.*

*(2) A local authority (“A”) is within this section if –*

*(a) the land is in the area of another local authority (“B”),*

*(aa) B is a unitary council or a lower-tier district council and*

*(b) any part of the boundary of A’s area is also a part of the boundary of B’s area*

*(2A) If the land is in the area of an upper-tier county council (“C”), a local authority (“D”) is within this section if –*

*(a) D is not a lower-tier district council, and*

*(b) Any part of the boundary of D’s area is also part of the boundary of C’s area.*

9.3.10. The relevant local authorities for the proposed development and how S43 was applied are identified in the table below.

Table 9.1 S43 local authorities by category (A, B, C or D)

Local Authority	Section 43 Category	Description
Charnwood Borough Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
Melton Borough Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
North Warwickshire Borough Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
North West Leicestershire District Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
Nuneaton and Bedworth Borough Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
Oadby and Wigston Borough Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
Stratford-on-Avon District Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
Tamworth Borough Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
Warwick District Council	A	Part of the boundary of the authority's area shares a boundary with a unitary council or lower-tier district council within whose area development is situated.
Blaby District Council	B	The land to which the proposed application relates is in the authority's area, and this authority is a lower-tier district council.



Local Authority	Section 43 Category	Description
Harborough District Council	B	The land to which the proposed application relates is in the authority's area, and this authority is a lower-tier district council.
Hinckley and Bosworth Borough Council	B	The land to which the proposed application relates is in the authority's area, and this authority is a unitary council.
Rugby Borough Council	B	The land to which the proposed application relates is in the authority's area, and this authority is a unitary council.
Leicestershire County Council	C	The land to which the proposed application relates is in the authority's area, and this authority is an upper-tier county council.
Warwickshire County Council	C	The land to which the proposed application relates is in the authority's area, and this authority is an upper-tier county council.
Birmingham City Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Coventry City Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Derbyshire County Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Gloucestershire County Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Leicester City Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Lincolnshire County Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
North Northamptonshire Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Nottinghamshire County Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Oxfordshire County Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Rutland District Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Solihull Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Staffordshire County Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
West Midlands Combined Authority	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.

Local Authority	Section 43 Category	Description
West Northamptonshire Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.
Worcestershire County Council	D	Part of the boundary of the authority's area shares a boundary with a host 'C' authority.

Persons with an Interest in the Land (PIL)

9.3.11. Section 42(1)(d) of the PA 2008 requires the applicant to consult each person who is within one or more of the categories set out in section 44. To this end 841 PILs were consulted and responses were received from 54 of those PILs consulted.

9.3.12. Section 44 defines the categories of persons to be consulted for the purposes of Section 42(d). These are as follows:

- Category 1 – a person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.
- Category 2 – a person is within Category 2 if the applicant, after making diligent inquiry, knows that the person is interested in the land, or has the power to sell and convey the land or to release the land.
- Category 3 – a person is within Category 3 if the applicant thinks that, if the DCO were to be made and fully implemented, the person would or might be entitled (a) as a result of the implementing of the DCO, (b) as a result of the DCO having been implemented, or (c) as a result of use of the land once the DCO has been implemented, to make a relevant claim. A person is within Category 3 only if the person is known to the applicant after making diligent inquiry.

9.3.13. A 'relevant claim' is defined by Section 44(6) as meaning

- a claim under Section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);
- a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors cause by use of public works);
- a claim under Section 152(3) of the PA 2008.

9.3.14. As set out above, S44 of the PA 2008 places a duty on applicants to make 'diligent inquiry' in order to identify Category 1, 2 or 3 persons. The Applicant's land referencing company employed a number of methods to identify Section 44 persons taking account of S52 of the PA2008 and PINS Advice Note 4 'Section 52' Obtaining information about interests in land (Planning Act 2008 (March 2017)). Methods included the issue of land interest questionnaire (LIQ) letters to potentially affected landowners/occupiers; Companies House and title details and analysis of associated documents (e.g. transfers / conveyances / deeds / etc), companies house and electoral roll searches; searches for registered

correspondence to the relevant address (where appropriate); site visits; and discussions with known owners/occupiers, amongst others.

- 9.3.15. Where an interest remained in 'unknown' ownership or where it was not clear whether an interest existed or not (in each case following diligent inquiry), the Applicant erected a site notice on or close to the land in question as part of the Stage 2 Consultation. There were three types of notice; one dealing with general unknown interests, one dealing with specific unknown interests and one dealing with unknown interests in the subsoil beneath adopted highway land. Copies of the notices together with plans identifying where they were erected are included at Appendix 9.11. The locations of general notices are identified with green circles on the location plans, the unknown interests are identified with blue circles and the unknown subsoil interests with red circles. Notices were erected in the same locations for all of these interests to explain the consultation extension (as explained at section 9.2 above) and copies of those notices are also contained in Appendix 9.11. Additionally, the Applicant received six "return to sender" letters from the PILs identified for which alternative addresses could not be identified and therefore erected site notices in respect of these interests. These notices were erected on 10th March 2022 with the deadline for responses being 8th April 2022 (during the extended consultation period explained at section 9.2 above). Copies of these notices are contained in Appendix 9.12. The other consultation methods employed for the Stage 2 Consultation (including local and national newspaper adverts / notices, press releases and posters) also had the potential to notify those interested in the land to which the proposed development relates.
- 9.3.16. It is important to note that the Applicant's land referencing company continued with their methods seeking to identify Section 44 persons throughout the pre-application stage in order to ensure the greatest possible chance of identifying people who may be relevant, and where additional Section 44 persons were identified they were consulted in accordance with Section 42.
- 9.3.17. Based on the identification of sensitive receptors (including residential properties) by the Applicant's environmental consultants in the vicinity of the Site (as proposed prior to Stage 2 consultation), together with an appraisal of potential nuisance effects such as noise, vibration and dust generation during construction and operation of the proposed development, no potential Category 3 claimants were identified who could potentially make a 'relevant claim'. Further detail of the approach to identifying potential Category 3 claimants is set out in section 9 of the Statement of Reasons (document reference 4.1).

#### Non-prescribed persons

- 9.3.18. In addition to the prescribed persons, and despite there being no statutory duty to do so, the Applicant also consulted a number of 'non-prescribed' persons that it was considered the proposed development would be of interest to. In compiling the list of non-prescribed persons the applicant took account of PINS Advice Note 3 the list of consultation bodies received from PINS under Regulation 11 of the EIA Regulations and a range of other persons/bodies which the applicant thought appropriate to engage with. The non-prescribed persons were consulted at Stage 2 in the same manner (provided with the same consultation documents) and on the same date as the Section 42 consultees. The

non-prescribed persons included organisations such as the British Horse Society and The Ramblers who although not prescribed persons their views were considered relevant to the proposed development. Non-prescribed persons also included Parish Councils which because of their proximity to the site or suggested inclusion by LCC were included.

9.3.19. The non-prescribed persons consulted are listed in the table at Appendix 9.7

#### 9.4. HOW WERE THEY CONSULTED?

9.4.1. S42 consultees as well as the identified non-prescribed persons were contacted by letter on 7 January 2022 and 4 February 2022 which informed them of the consultation and in accordance with section 45 of the PA 2008 notified the consultees of the deadline for responses to the consultation. Enclosures included a community newsletter and a plan showing the draft order limits. The relevant S42 letters are enclosed at Appendix 9.1, Appendix 9.2, Appendix 9 and Appendix 9.4.

#### 9.5. WHAT WERE THEY CONSULTED ON / WHAT INFORMATION WAS PROVIDED?

9.5.1 The consultation letters provided the following information to the consultees:

- Details of the proposed development and a description of the site
- Details of amendments to the proposed development since the previous consultation exercise
- Why they were being consulted
- A list of consultation documents available for review
- Details of Tritax Symmetry
- Details of the dedicated consultation website where the PEIR could be viewed
- Details of alternative ways to access the consultation material
- Information on the different consultation feedback channels
- A breakdown of the public exhibition events taking place

9.5.1. Links to the Stage 2 consultation materials are attached at Appendix 8.13. The consultation materials included:

The statutory Statement of Community Consultation

A PEIR report containing information on the following topics:

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Site selection and evolution</li> <li>• Policy and need</li> <li>• Land use and socioeconomics</li> <li>• Transport</li> <li>• Air Quality</li> <li>• Noise and vibration</li> <li>• Landscape and visual effects</li> <li>• Ecology</li> <li>• Cultural heritage</li> <li>• Surface water and flood risk</li> </ul> | <ul style="list-style-type: none"> <li>• Hydrogeology</li> <li>• Geology, soils and contamination</li> <li>• Materials and waste</li> <li>• -Energy and climate change</li> <li>• Accidents and disasters</li> <li>• Cumulative and in-combination effects</li> <li>• Community Explanation Document</li> </ul> |
|---|---|

- Community newsletter
- Draft Development Consent Order
- Draft Planning Statement
- Draft Design and Access Statement
- Draft Rail Report
- Site location Plan
- Parameters plan
- Illustrative masterplans
- Illustrative sections
- Illustrative elevations
- Works plans
- Access and Rights of Way plans
- Highways plans
- Highway classification plans
- Speed limit plans
- Rail plans
- Landscape wirelines

## 9.6. HOW COULD COMMENTS FEEDBACK BE PROVIDED / WHAT WAS THE DEADLINE FOR COMMENTS?

9.6.1. A variety of mechanisms were provided for S42 consultees to submit their feedback. Feedback mechanisms included:

- A feedback questionnaire, which was made available on the consultation website and at public exhibitions. A copy of this can be viewed at Appendix 8.14.
- A dedicated Community Information Line (0844 556 3002), which was available to contact Monday to Friday between 9am – 5.30pm, with a voicemail facility available outside office hours.
- A dedicated email address: [hinckleynrfi@lexcomm.co.uk](mailto:hinckleynrfi@lexcomm.co.uk).
- Postal feedback could be submitted to Lexington Communications, Third Queens House, Queen Street, Manchester M2 5HT.
- Attending one of the public exhibitions to fill in a physical copy of the feedback form.

9.6.2. The consultation letters clearly stated the deadline for the submission of comments and feedback was 9 March 2022 and then extended to 8 April 2022. As such, the S42 and the non-prescribed consultees were provided with a significantly longer period than the statutory 28 days required by S45 of the PA 2008 to provide comments / feedback. The extension letters are attached at appendix 9.3 and 9.4 (sub-soil parties).

### Response and regard to the consultation

9.6.3. Responses to the consultation were received from the following prescribed bodies, 'non prescribed' bodies as well as 54 PILs:

- Aston Flamville PC
- Blaby District Council
- British Horse Society
- BT Openreach
- Burbage PC
- Cadent
- Claybrooke Parva PC
- Countesthorpe PC
- CPRE
- Cross Country
- Derbyshire CC
- Desford PC

- Earl Shilton PC
- East Midlands Railway
- Elmesthorpe PC
- Enderby PC
- Environment Agency
- Forestry Commission
- Hinckley and Bosworth Borough Council
- Historic England HE
- Huncote PC
- Kilby PC
- Leicestershire County Council – LHA
- Leicestershire County Council – LLFA
- Leicester, Leicestershire and Rutland CCG
- Leicester, Leicestershire and Rutland Local Resilience Forum
- Leicestershire and Rutland Wildlife Trust
- Leicestershire Fire and Rescue
- Narborough PC
- National Grid Land Rights and Acquisition
- National Highways
- NATS
- Natural England
- Network Rail
- North Warwickshire Borough Council
- North West Leicestershire Borough Council
- Office of Rail and Road
- Open Spaces Society
- Rail Safety and Standards Board
- Royal Mail
- Sapcote and Sharnford PC
- Southern Gas Networks
- Sport England
- Stoney Stanton PC
- The Coal Authority
- UK Health Security Agency
- Ullesthorpe PC
- Warwickshire County Council Highways
- Warwickshire County Council LLFA
- Western Power Distribution
- Wolvey PC
- Woodland Trust
- Historic Railway Estate

9.6.4. The main consultation themes and queries raised by the above consultees and PILs included:

- Air Quality
- Alternative sites
- Climate
- Construction
- Cultural heritage
- Cumulative effects
- DCO parameters
- Design and access statement
- Disasters
- Draft DCO
- Ecology
- Flood risk
- Funding
- Geology
- Human health
- Hydrogeology
- Socioeconomics and land use
- Landscape and visual
- Narborough crossing
- Noise
- Policy
- Public Rights of Way
- Cycling and walking
- Impacts on the eastern villages

9.6.5. Following consideration of the responses to the statutory consultation the proposals have been further refined with the following changes:

- i. *In response to comments received from Natural England and LUC (Landscape Consultant to Hinckley and Bosworth Borough Council and Blaby District Council) and whilst a parameter, and not directly illustrated on the masterplan, under the proposed DCO parameters, the proposed maximum building height (including the photovoltaics), has been reduced with the maximum proposed height now being 28m compared with 33m previously, as measured from ground level.*

*This, along with a further reduction of building heights within the northernmost and southernmost areas of the Proposed Development, improves the overall ability to mitigate medium range views from Earl Shilton, Barwell and Elmesthorpe and results in a benefit in reducing the level of landscape and visual effects.*

- ii. *In response to the comments received from LUC and the Public Consultation, the north western boundary has been extended by between 12.5 and 17.5m from the network rail ownership boundary. This provides an area for greater depth of woodland planting along the north western boundary. This improves the effectiveness of landscape mitigation, improves the amenity route for the PRow and provides a greater sense of a landscaped setting to the HNRFI.*

*This resulted in a benefit in the nature of ecology and landscape and visual effects. There were no other notable change in the nature of potential environmental effects across all other topics.*

- iii. *In response to the comments received from LUC and the Public Consultation, an additional 15m landscaped screening buffer to the west of the Container Returns area, this creates a screened buffer between the Main HNRFI Site and Burbage common and provides a greater sense of separation.*

*This change resulted in a benefit in the nature of ecology and landscape and visual effects. There were no other notable change in the nature of potential environmental effects across all other topics.*

- iv. *As part of the consultation with Natural England, there was a request to change the illustrative waterbody design from one balancing pond to four, for improved ecological design within the new amenity area.*

*This resulted in a benefit in the nature of ecology and surface water and flood risk effects. There were no other notable change in the nature of potential environmental effects across all other topics. Whilst the detail is still not confirmed this will be secured as a DCO Requirement and through the Landscape Ecology Management Plan (Document Reference 17.2).*

- v. *As a direct request from the Applicant to illustrate how the Main HNRFI Site could demonstrate greater opportunity to link the units to the Railport where a direct rail connection could not be illustrated, there has been the introduction of a connection from the Railport to the main internal estate road in order to provide greater intermodal connectivity across the park. This will allow for containers to be transported via the private internal estate road network, utilising lorries or Tugmaster trailers.*
- vi. *As a direct request from the Applicant to illustrate improved connectivity between the onsite footpath and cycleway network and the proposed public footpath and bridleway network, an additional link between units 02 and 03 was added.*

A detailed summary of the responses received including the regard to responses and whether or not the response effected a scheme change has been tabulated and attached at Appendix 9.8. A summary of the consultation themes and regard to the responses under S.49 of the PA2008 is set out in section 11 of this report.

- 9.6.6. Coventry City Council was consulted, however the Coventry City Council representative stated that they did not receive the consultation letter. This was reviewed and it was advised that a letter was sent to Coventry City Council and addressed to the officers manager, a second letter was also sent 4 February 2022. The Council was sent both of these letters and given the opportunity to submit a late representation, however no comments were made.

## **9.7. STAGE 2 STATUTORY CONSULTATION: SECTION 46 DUTY TO NOTIFY SECRETARY OF STATE OF THE PROPOSED APPLICATION**

- 9.7.1. Section 46 of the PA 2008 places a duty on applicants for a DCO to notify the Secretary of State (SoS) of the proposed application. Applicants must comply with this requirement either before or at the same time as commencing the Section 42 consultation. In doing so, applicants must supply the SoS with the same information that is to be provided to the Section 42 consultees.
- 9.7.2. The Applicant notified PINS of its intention to commence the Section 42 consultation for Stage 2 by email on 4 January 2022. The email was accompanied by a formal notification letter pursuant to Section 46 and included copies of the letters being sent to all parties to be consulted pursuant to Sections 42, 43 and 44 of the Act. A copy of the Section 48 press notice was also attached. A copy of the Applicants Section 46 Notification is provided at Appendix 9.9.
- 9.7.3. PINS issued a formal acknowledgement of receipt of the Applicant’s Section 46 notification by letter dated 7 January 2022. A copy of the PINS acknowledgment is provided at Appendix 9.10.



## 10.0 STAGE 2 STATUTORY CONSULTATION: PUBLICITY UNDER SECTION 48

10.1.1. Section 48 of the PA 2008 sets out the duty of applicants to publicise a proposed application for a DCO in the 'prescribed manner'. The prescribed manner is set out at regulation 4(2) of the APFP Regulations. Regulation 4(2) states that applicants must publish a notice of the proposed application:

- for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;
- once in a national newspaper;
- once in the London Gazette;
- where the application relates to offshore development once in Lloyd's list and once in an appropriate fishing trade journal.

10.1.2. APFP Regulation 4(3) states the matters which the notice must include, these are:

- (a) the name and address of the applicant;
- (b) a statement that the applicant intends to make a DCO application;
- (c) a statement as to whether the application is EIA development;
- (d) a summary of the main proposals, specifying the location or route of the proposed development;
- (e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge on a website maintained by or on behalf of the applicant;
  - (ea) the address of the website where the documents, plans and maps may be inspected;
  - (eb) the place on the website where the documents, plans and maps may be inspected;
  - (ec) a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;
- (f) the latest date on which those documents, plans and maps will be available for inspection on the website (being a date not earlier than the deadline in subparagraph (i));
- (g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;
- (h) details of how to respond to the publicity; and
- (i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.

10.1.3. A copy of the S48 Notice which was published for the HNRFI is attached at Appendix 10.1 and copies of the S48 notice in the requisite newspapers is attached at Appendix 10.2. The notice contained the requisite information prescribed by APFP Regulation 4(3) and was published in the manner prescribed by Regulation 4(2).

10.1.4. The below tables identify the publications and dates on which the S48 Notices were published and the number of weeks published:

**Table 10.1: Newspapers used for Section 48 Notice published December 2021**

Newspaper	Date Published	Number of weeks published
Daily Telegraph	15 <sup>th</sup> December 2021	1
London Gazette	15 <sup>th</sup> December 2021	1
Hinckley Times	15 <sup>th</sup> December 2021 22 <sup>nd</sup> December 2021	2
Leicester Mercury	15 <sup>th</sup> December 2021 22 <sup>nd</sup> December 2021	2

10.1.5. In accordance with regulation 13 of the EIA Regulations, the S48 notice was sent to the EIA consultation bodies the same time as the notice was published. The letter to the section 42 consultees (including the EIA consultation bodies) is contained in Appendix 9.1.

Publicity under S48 occurred in parallel to statutory consultation under S42 and S47 of the PA 2008.

## 11.0 SECTION 49 DUTY TO TAKE ACCOUNT OF RESPONSE TO CONSULTATION AND PUBLICITY

### 11.1. INTRODUCTION

- 11.1.1. Section 49 of the PA 2008 requires an applicant, when preparing their DCO application, to have regard to any ‘relevant response’ received to the statutory consultation and publicity carried out in accordance with Sections 42, 47 and 48 of the PA 2008. A ‘relevant response’ is one which is received before the deadline imposed by the applicant pursuant to Sections 42, 47 and 48.
- 11.1.2. The Government Guidance makes clear at paragraph 80 that the consultation report should set out a summary of relevant responses (but not a complete list of responses), provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed, and explain why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts.
- 11.1.3. PINS Advice Note 14 (section 4) also contains guidance on the reporting of relevant responses in order to demonstrate compliance with Section 49 of the PA 2008 and providing evidence that consultation responses have been taken into account during the preparation of the application. This includes advice on the grouping of responses under headline issues where the level of response was significant and on how to summarise and categorise individual responses in an appropriate way. In particular, paragraph 4.5 indicates that the summary of responses should identify comments that are relevant (directly or indirectly) to changes made to the project during the pre-application stage (e.g. changes to siting, route, design, form or scale of the scheme itself, or to mitigation or compensatory measures proposed). Paragraph 4.6 advises that it is also necessary to explain why responses have led to no change.
- 11.1.4. This section of the Consultation Report provides a summary of the responses received to consultation under Sections 42 and 47 and to publicity under Section 48 of the PA 2008 by consultation theme and how the applicant has had regard to the responses in preparing the DCO application. A full account of the consultation responses and the regard had to those responses is provided in Section 8 and Appendix 8.15 (for S47 consultation) and Section 9 and Appendix 9.8 (for S42 consultation) of this Consultation Report. As S48 publicity of the proposed application occurred in parallel with the S42 and S47 consultation, any responses to the S48 publicity are incorporated within the S42 and S47 responses.
- 11.1.5. To reflect the structure of the Consultation Report, this section deals first with the Section 47 consultation (paragraphs 11.2) and then with the Section 42 consultation (paragraphs 11.3). Whilst regard was given to all comments received there were a number of key comments that have led to a change to the proposals for the HNRFI project. The following sections provide a focused summary of those comments per consultation theme. The sections also explain why certain comments did not result in a proposal change.
- 11.1.6. Proposals change, for the purposes of this section, are defined as changes which affect documentation, design or commitments within the DCO application.

## 11.2. SUMMARY OF REGARD TO SECTION 47 RESPONSES

### Air quality

- 11.2.1. Concerns were raised with regard to the increase in traffic during the construction and operational phases and the associated impacts on air quality at existing sensitive receptor locations. Concerns with regard to dust associated with construction phase activities was also raised. Environmental Statement Chapter 9: *Air Quality* (document reference 6.1.9) sets out detailed environmental assessments for air quality and assessment of dust are included in the chapter.
- 11.2.2. Due to the detailed nature of assessments and their necessity to identify appropriate mitigation where required, the comments have not directly led to a proposal change but they have informed the development of the Applicant's proposals to mitigate air quality effects. Dust management would be controlled through a Construction Environmental Management Plan secured by a DCO requirement. Further information on this consultation theme is located in:
- Environmental Statement Chapter 9: Air Quality (document reference 6.1.9)
  - Construction Environmental Management Plan: (document reference 17.1)

### Alternative Sites

- 11.2.3. A number of comments were raised with regard to the siting of the HNRFI. Many expressed a desire for the HNRFI to be located elsewhere and a number of locations were suggested. The siting of the HNRFI has been subject to historical assessment as summarised within ES Chapter 4: *Site Selection and Evolution* (document reference 6.1.4).
- 11.2.4. Although comments received under this consultation theme have not led to a proposal change, ES Chapter 4: *Site Selection and Evolution* (document reference 6.1.4), outlines the consideration that the Applicant has given to alternatives. The chapter also assesses the design evolution of the proposals which were informed by consultation feedback and the EIA process, to the design, size and scale of the development. Further information on this consultation theme is located in:
- Environmental Statement Chapter 4: Site Selection and Evolution (document reference 6.1.4)

### Climate

- 11.2.5. Several concerns were raised with regard to the impact of HNRFI on climate. Several comments question the use of rail freight in comparison to HGVs, the net-zero aspirations and overall carbon footprint/ estimates of the proposed development and loss of agricultural land. At the time of writing, a Net-Zero Construction strategy had not yet been submitted, however, it is considered that a GHG Reduction Strategy should be drafted at a time considered practicable when a detailed design is available. This is referred to in Chapter 18: *Energy and Climate Change* (document reference 6.1.18).

11.2.6. Comments received under this theme have not led to a proposal change, however, it has been ensured that the proposed development is in keeping with the Governments 'Rail Freight Strategy' and TSH are a Gold Member of UK Green Building Council which requires commitment to net zero construction.

11.2.7. Further information on this consultation theme is located in:

- Environmental Statement Chapter 18: Energy and Climate Change (document reference 6.1.18)
- Environmental Statement Appendix 18.1 - Energy Strategy (document reference 6.2.18.1)
- Environmental Statement Appendix 18.2 Embodied Carbon (document reference 6.2.8.2)

### Compulsory Acquisition

11.2.8. A query was raised about whether CPO powers would be used to bring forward the development or parts of the development.

11.2.9. Comments received under this consultation theme have not led to a proposal change.

11.2.10. Compulsory acquisition powers are always viewed as a last resort and will only be used in circumstances where it has not been possible to reach an agreement with the relevant parties. In the case of acquisition of land, the proposals for such powers have been fully considered against the tests in S122 of the Planning Act 2008 and related guidance.

11.2.11. Further information on this consultation theme is located in:

- Statement of Reasons (document reference 4.1)

### Consultation

11.2.12. Concerns were raised with regard to public consultation events which were held, including maps not being large enough, the location of events, venue capacity at the Burbage event, and the attitude and knowledge of some people who presented the HNRFI was criticized.

11.2.13. Full details of the extensive consultation, including details of all the public events held can be found in the Consultation Report. This sets out why the particular locations and dates were selected to ensure maximum participation for members of the public. It also details all of the other forms of consultation and mediums of communication which were open to local residents including the telephone line, email address, website and virtual events. All persons attending the events on behalf of the applicant were attending in a professional capacity and answered questions to the best of their ability noting that the scheme design was still evolving (including in response to the issues raised at the consultation events themselves) and, as such, some elements were not yet finalised and so definitive responses could not at that stage always be given. The approach to consultation was detailed in the Statement of Community Consultation (SoCC) which went

through a rigorous review process with the Local Authorities to reach an agreeable approach prior to statutory publication of the SoCC.

- 11.2.14. Comments have not led to a proposal change.
- 11.2.15. As reported within Section 7 of this Consultation Report, the initial 8-week consultation period was extended to give an overall consultation period of 12 weeks and 2 days. The statutory minimum consultation period is 28 days. TSH considered the duration of the consultation period to be appropriate and the original time period of 8 weeks was reviewed by Blaby District Council, Hinckley and Bosworth Borough Council and Leicestershire County Council as part of the Statement of Community Consultation process.
- 11.2.16. Where appropriate, further consultation was undertaken with specific consultees to further environmental assessment
- 11.2.17. The Applicant made clear what matters had been settled and what had not in particular that the traffic impacts of HNRFI had not been settled with the Highway Authorities.
- 11.2.18. Additionally, all maps are available in electronic format to allow accessibility to those with difficulty in vision. Further information on this consultation theme is located in:
- Consultation Report (document reference 5.1)

#### Cultural Heritage

- 11.2.19. A number of concerns were raised with regard to the potential effects of the Proposed Development upon surrounding villages, listed buildings, how Burbage Common has been considered, the historic Elmesthorpe Land Society Settlement and approach to assessment of no-significant effects.
- 11.2.20. Comments received under this consultation theme did not lead to a proposal change but did lead to additional information being set out in Environmental Statement Chapter 13: *Cultural Heritage* (document reference 6.1.13). It was also clarified that non-significant effects do not equate to no harm.
- 11.2.21. Further information on this consultation theme is located in:
- Environmental Statement Chapter 13: Cultural Heritage (document reference 6.1.13)

#### Cumulative Effects

- 11.2.22. A number of consultee comments were raised with regard to the assessment of cumulative effects. These comments concerned assessment methodologies and developments that may have been missed in the cumulative effects assessment.
- 11.2.23. These comments did not lead to a direct proposal change however the comments have been reflected in the application documentation. An application at Croft Quarry (planning

reference 2019/CM/0125/LCC) has been added as Site 43 in the cumulative long-list, as shown by Figure 20.1 (document reference 6.3.20.1). Land West of Stoney Stanton and Land North of the Railway Site proposals were also added to Appendix 20.1 (document reference 6.2.20.2) as Site 65 and 66, respectively.

11.2.24. Further information on this consultation theme is located in:

- Environmental Statement Chapter 20: Cumulative and in-combination effects (document reference 6.1.20)

#### Design of buildings

11.2.25. A query was received questioning whether buildings in the proposed development could fade to blue at the top. Different aesthetic appearances were considered throughout the design and assessment process, the units have been designed to 'blend' within their surroundings, particularly in winter when they would be more visible. In other locations such as at Symmetry Park Aston Clinton, different colours have been used. However, the standard Tritax colour palette is considered the most appropriate in this location and therefore this comment has not led to a proposal change.

11.2.26. Further information on this consultation theme is located in:

- Environmental Statement Chapter 11: Landscape (document reference 6.1.11)
- Design and Access Statement (document reference 8.1)

#### Accidents and disasters

11.2.27. Several consultee comments were raised with regard to the assessment and management of disasters. Comments were received with regards to the detail contained within the PEIR Major Accidents and Disaster chapter and it was requested that all relevant risks are adequately considered.

11.2.28. Comments specifically regarded evacuation plans, consultation with emergency services, construction phase incidents and the identification of mitigation measures. These have led to proposal amendments, which are summarised as follows:

- Stage One Road Safety Audits have been undertaken for junctions where mitigation is proposed and a safety review has been included within Environmental Statement Chapter 8: Transport and traffic for all transport links affected.
- The design of the HNRFI takes into account considerations including access for the emergency and security services.
- Measures to avoid and manage the risks identified during construction of the HNRFI are set out in the Construction Environmental Management Plan and the Construction Traffic Management Plan. Phased CEMPs will be subject to detailed approval by the relevant planning authority in accordance with a DCO requirement.
- An updated assessment of external sources of hazards and hazards associated with the construction and operation of the HNRFI is provided within Chapter 19: Major

Accidents and Disasters. All appropriate mitigation is also reported in this assessment.

- TSH has taken into consideration consultation with local police, fire, ambulance and health services and Network Rail during design development. A discussion on the emergency protocols in place are provided within Environmental Statement Chapter 19: Major Accidents and Disasters (document reference 6.1.19).
- Improvement to public transport, Smarter Travel Measures, highway improvements and a HNRFI HGV Route Management Strategy which include a package of measures that will assist in managing and monitoring HGV movements.

11.2.29. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Environmental Statement Chapter 19: Major Accidents and disasters (document reference 6.1.19)
- Construction Environment Management Plan (document reference 17.1)
- Construction Traffic Management Plan (document reference 17.6)

### Ecology

11.2.30. Several comments were made with regard to impacts of the Proposed Development upon wildlife, biodiversity, any resultant loss of trees and Narborough Bog.

11.2.31. Comments specifically regarded how nature will be improved and the biodiversity impact assessment. These have led to proposals change, which are summarised as follows:

- A comprehensive biodiversity mitigation package has been put together and the Proposed Development has been further designed to maximize gains for biodiversity where possible including changes to the illustrative pond layout to the south-west of the site where one pond has been amended to four ponds for improved ecological benefits. This is reported in the Landscape and Ecological Management Plan (document reference 17.2).
- A full Biodiversity Impact Assessment has been undertaken with every effort made to reduce the level of biodiversity impact on site and to pursue off site mitigation in the closest location to the HNRFI to help provide benefits to the flora and fauna in proximity to the site.

11.2.32. Further information on this consultation theme is located in:

- Environmental Statement Chapter 12: Ecology and biodiversity (document reference 6.1.12)
- Landscape and Ecological Management Plan (document reference 17.2)
- Ecological Mitigation and Management Plan (document reference 17.5)
- Biodiversity Impact Assessment (document reference 6.2.12.2)

### Flood Risk



- 11.2.33. A number of concerns were raised with regard to an increase in flood risk in the surrounding area, negative impacts on water quality in nearby Burbage Wood and Aston First SSSI, the level of involvement of the Environment Agency and Lead Local Flood Authority and the capacity of the Proposed Site and Public Sewer Network.
- 11.2.34. Due to the detailed nature of assessments, the comments have not led to a proposal change; hydraulic modelling and flood risk assessment have been reviewed by the Lead Local Flood Authority and the Environment Agency and no concerns have been raised. Any upgrades to the local sewer network are the responsibility of Severn Trent Water.
- 11.2.35. Further information on this consultation theme is located in:
- Environmental Statement Chapter 14: Surface Water and Flood Risk (document reference 6.1.14)
  - Environmental Statement Chapter 14 Technical Appendices (document reference, 6.2.14.1 and 6.2.14.2)

#### Funding

- 11.2.36. Several queries were raised with regard to the sourcing of funding for the development.
- 11.2.37. Details of funding for the Proposed Development have been included in the Funding Statement. The funding is all private sector finance, no public sector funds are being sought. The comments received under this consultation theme have not led to a proposal change.
- 11.2.38. Further information on this consultation theme is located in:
- Funding Statement (document reference 4.2)

#### Geology

- 11.2.39. A concern was raised with regard to difficulty locating the earthworks model and as to whether any changes in volumes and methods could be foreseen.
- 11.2.40. Further information has been provided on the handling of subsoil and topsoil, while subsoil will be balanced on site, topsoil will be reused on site where possible. Topsoil to be removed will be used in the following hierarchy:
- Topsoil will be set aside for re-use in on site landscaping requirements (used in permanent works)
  - Topsoil will be used to create the various noise / visual bunds (used in permanent works)
  - Topsoil requirements for offsite BNG areas will be taken from the site (used in permanent works)
  - Topsoil will be placed back on plots for future development to protect the formation until they are ready to come forward (used in temporary works)

- Topsoil may be used to create surcharge loading if geotechnical conditions require ground improvement (pre-loading technique) (this will be a temporary use)

11.2.41. The residual topsoil that cannot be utilised in the above listed activities will be stockpiled for storage. Given that a balance of topsoil cannot be achieved on site, there are a number of options for movement of the excess:

- Reuse of the topsoil elsewhere, for use in agricultural or biodiversity uses or to meet the needs of developments in the region.
- The remainder will be transferred for re-use or recovery via a Waste Transfer Station or potentially for inert landfill cover and restoration if a suitable home cannot be found at the right time.

11.2.42. Due to the detailed nature of assessments which have been carried out and are detailed in Chapter 16: *Geology, Soils, and Contamination*, the comments have not led to a direct proposals change, however the applicant's proposals contain more details on the management of top soil. Further information on this consultation theme is located in:

- Environmental Statement Chapter 16: Geology, Soils, and Contamination (document reference 6.1.16)

### Human Health

11.2.43. Numerous comments were received with regard to human health. These comments can be largely grouped into the following concerns.

- Concern over the general health and wellbeing of Elmesthorpe village residents.
- Loss of Burbage common woods and other green space reducing areas available for the public and associated physical and mental health concerns.
- Proposed mitigation does not adequately offset impacts on community well-being. This was raised in relation to both landscaping plans and PROW diversions.
- Noise, air quality, light and traffic are all big concerns.
- Night-time works and movement of trains is a big cause of concern.
- Disproportionate effects on vulnerable or disadvantaged populations have been noted.
- Asthma was raised as a concern a number of times.
- Stress from now through construction and into operation.
- A standalone health impact assessment has been requested by a number of respondents.

11.2.44. Comments on human health have led to a proposal change. A Health and Equality Briefing Note (document reference 6.2.7.1) has been prepared to summarise the health impacts associated with the HNRFI. In addition, following the January 2022 statutory consultation:

- Design and mitigation features for night-time works have been further refined, including a concise summary of all the mitigation intended to protect, reduce disruption and support health promotion.

- Design and mitigation features for the management of noise, air quality, light, and traffic have been further refined, to remove and manage potential exposures such that they do not present any significant risk to local communities or public health.

11.2.45. Further information on this consultation theme is located in:

- Environmental Statement Appendix 3.2 - Lighting Strategy (document reference 6.2.3.2)
- Environmental Statement Appendix 7.1 - Heath and Equality Briefing Note (document reference 6.2.7.1)
- Environmental Statement Chapter 7: Land use and socio-economic effects (document reference 6.1.7)
- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Environmental Statement Chapter 9: *Air Quality* (document reference 6.1.9)
- Environmental Statement Chapter 10: *Noise and Vibration* (document reference 6.1.10)
- Environmental Statement Chapter 11: *Landscape and visual effects* (document reference 6.1.11)
- Environmental Statement Chapter 12: *Ecology and biodiversity* (document reference 6.1.12)
- Environmental Statement Chapter 13: *Cultural Heritage* (document reference 6.1.13)
- Environmental Statement Chapter 14: *Surface water and flood risk* (document reference 6.1.14)
- Environmental Statement Chapter 15: *Hydrogeology* (document reference 6.1.15)
- Environmental Statement Chapter 16: *Geology, Soils and Contamination* (document reference 6.1.16)
- Environmental Statement Chapter 17: *Materials and Waste* (document reference 6.1.17)
- Environmental Statement Chapter 18: *Energy and Climate Change* (document reference 6.1.18)
- Environmental Statement Chapter 19: *Accidents and disasters* (document reference 6.1.19)
- ES Chapter 20: *Cumulative and in Combination Effects* (document reference 6.1.20)
- Construction Environment Management Plan (document reference 17.1)

#### Hydrogeology

- 11.2.46. Several comments were received with regard to the volume of groundwater storage, drainage, groundwater flows, infiltration, remediation, and impacts upon surrounding green spaces.
- 11.2.47. Due to the detailed nature of assessments included within the Environmental Statement, the comments have not led to a proposal change. Further information on this consultation theme is located in:

- Environmental Statement Chapter 14: Surface water and flood risk (document reference 6.1.14)
- Environmental Statement Chapter 15: *Hydrogeology* (document reference 6.1.15)
- Environmental Statement Chapter 16: Geology, Soils and Contamination (document reference 6.1.16)

### Landscape and Visual

11.2.48. Several concerns were raised with regard to the Proposed Site taking up countryside and agricultural land, the quantum of space, the maintenance of the landscape, encroaching on Burbage Common.

11.2.49. Comments specifically regarded visual impact during construction and operation of the Proposed Development, light pollution, noise and the visual, light and noise impacts on Burbage Common, tree planting, and night-time visual representation. These have led to proposals change, which are summarised as follows:

- The building height parameters have been reduced and designed to ensure that the taller elements of the Proposed Development are centrally located within it, with lower parameter heights proposed around the perimeter of the HNRFI, particularly where there is a closer relationship to Public Rights of Way and areas of publicly accessible land. The parameters will also allow for a variation in roofscape heights across the proposed development, such that it is not seen as one single large block and instead has varying height and depth to it.
- The Environmental Statement Chapter 11: Landscape and visual effects has included an assessment in relation to ‘night-time’ views.
- In terms of completion, a lighting strategy has been developed for the Proposed Development that will ensure lighting is kept to a minimum and in line with safety standards. Phase specific lighting strategies will be secured by a DCO requirement.
- The adoption of an approved Construction and Environment Management Plan (CEMP) including mitigation designed to avoid significant landscape and ecological effects including those on key landscape features, would be secured through a DCO Requirement. A CEMP for each phase of development would also be secured through the relevant DCO requirement.
- The adoption of approved an Arboricultural Method Statement as part of the landscaping proposals will ensure retained trees and other vegetation is not adversely affected during the construction process; and an approved topsoil and earthworks management plan would include measures to protect and enhance soil for biodiversity purposes and for the establishment of landscaping.

11.2.50. Further information on this consultation theme is located in:

- Parameter Plan (document reference 2.12)
- Environmental Statement Chapter 11: Landscape and visual effects (document reference 6.1.11)
- Construction Environment Management Plan (document reference 17.1)
- Landscape Ecological Management Plan (document reference (17.3)

Narborough Level Crossing

- 11.2.51. Comments were received detailing concern that Narborough Level Crossing would be unable to cope with the increased demand. This has not led to a proposal change.
- 11.2.52. Network Rail have undertaken a detailed analysis of Narborough Station and the barrier downtime. Based on the pre-pandemic timetable, in the morning peak hours 7 – 10 am, there is only one possible time an additional intermodal freight train could run. In the afternoon, between 4 – 7 pm only two. Each train would cause a maximum barrier downtime of 2.5mins. This is far less than a stopping passenger train coming from Leicester, which is 4-5 minutes. In each hour the total barrier down time would be approximately 20 minutes, with 40 minutes open which is well within Network Rails acceptable barrier down time at a level crossing.
- 11.2.53. Further information on this consultation theme is located in:
- Environmental Statement Chapter 8 Technical Appendix 8.1 Transport Assessment

Noise

- 11.2.54. Concerns were received relating to increased levels of noise pollution during the operational phase, including increased noise from rail, road traffic and onsite operations. Concern was also raised around night-time noise disturbance and potential loss of tranquility. There was additional concern around the level of noise mitigation proposed and around construction phase noise and vibration impacts.
- 11.2.55. Comments have led to a proposals change in that:
- A Health and Equality Briefing Note (document reference 6.2.7.1) has been prepared to summarise the health impacts associated with the HNRFI.
  - The Construction Environmental Management Plan includes measures to mitigate for noise during construction (document reference 17.1)
- 11.2.56. Further information on this consultation theme is located in:
- Environmental Statement Chapter 10: Noise and Vibration (document reference 6.1.10) Environmental Statement Chapter 8 - Transport and traffic (document reference 6.1.8)
  - HGV Route Management Plan and Strategy (document reference 17.5)
  - Construction Traffic Management Plan (document reference 17.6)
  - Construction Environment Management Plan (document reference 17.1)
  - Chapter 12 – Ecology and Biodiversity (document reference 6.1.12)

Policy

- 11.2.57. Several comments were made with regard to the NPS, specifically the location of the Proposed Site, the consideration of good design, and environmental effects which may arise.
- 11.2.58. The comments made under this theme did not directly lead to a proposal change but they have informed the development of the applicant’s proposals in terms of more detailed information being included with ES Chapter 4 on site selection and design evolution as well as detailed analysis of the NPS and environmental effects of the HNRFI.
- Environmental Statement Chapter 4: Site Selection and Evolution (document reference 6.1.4)
  - Environmental chapters 8 to 20 – (document reference 6.1.8 to 6.1.20)
  - Planning Statement (document reference 7.1)

### PRoWs

- 11.2.59. Comments were received in regard to PRoW alteration and access and change in character from existing to proposed routes, lighting and the maintenance of routes.
- 11.2.60. Feedback has led to proposals changes which are as follows:
- A lighting strategy has been further developed.
  - Improved connectivity between the onsite footpath and cycleway network and the proposed public footpath and bridleway network via an additional link between units 2 and 3 has been provided.
  - A footbridge will be provided to replace the closed level crossing at The Outwoods.
  - The north western boundary has been extended by between 12.5 and 17.5m from the network rail ownership boundary. This provides an area for greater depth of woodland planting along the north western boundary. This improves the effectiveness of landscape mitigation and improves the amenity of this route.
- 11.2.61. Further information on this consultation theme is located in:
- Environmental Statement Chapter 7: *Land use and socio-economic effects* (document reference 6.1.7)
  - Environmental Statement Chapter 8: *Transport and traffic* (document reference 6.1.8)
  - Environmental Statement Chapter 11: *Landscape and visual effects* (document reference 6.1.11)
  - Appendix 11.2 Public Rights of Way Strategy (document reference 6.2.11.2)
  - Environmental Statement Figure 11.13 - - Public Rights of Way Assessment (document reference 6.3.11.14)
  - Environmental Statement Figure 11.14 - Public Rights of Way Strategy (document reference 6.3.11.14)
  - Environmental Statement Figure 11.15 - Public Rights of Way Strategy: Rail Crossings (document reference 6.3.11.15)
  - Indicative Phasing Plan (document reference 2.18)
  - Access and Rights of Way Plan (document references 2.17.1 – 2.17.5)

- Construction Environment Management Plan (document reference 17.1)

### Rail connectivity

- 11.2.62. A comment was received in regard to the rail connected element of the HNRFI, questioning whether it would be delivered and when this would be.
- 11.2.63. The comment received under this consultation theme has not led to a proposal change as rail connectivity is a requirement of National Policy Statement for National Networks. It notes that initial stages of a development must provide an operational rail network connection and a significant element of buildings must be rail connected from the outset.
- 11.2.64. The parameters plan allows for development in zones D, E and B3 to accommodate rail connected units. These 3 zones have the ability to accommodate up to 355,629sq m of warehouse space which is circa 55% of the total ground floor floorspace having the ability to be rail connected. The balance of floorspace can be 'rail served' i.e. containers could be moved to and from the Terminal using HGV or Tugmaster vehicles over the relatively short distances involved.
- 11.2.65. The most recent DCO for a SRFI for West Midlands Interchange allowed for development in zones A1 and A2 to be rail connected which was 20% of the proposed floorspace, the balance of floorspace would be rail served. (WMI recommendation report 5.6.24)

*The Parameters Plan demonstrates that Zones D1, D2, E1, E2 and B3 have the ability to be 'rail connected', meaning a warehouse 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. (Examining Authority's Report on Findings and Conclusions West Midlands RFI. Paragraph 1.1.4)*

- 11.2.66. The Examining Authority for West Midlands Interchange commented on the benefit of the remainder of the scheme being 'rail served'

*'As explained by the Applicant in response to my questions at ISH5, the balance of the floorspace, in Zones A3 to A7, would be rail-served as containers could be moved to and from the Terminal using HGV or Tugmaster vehicles over the relatively short distances involved. This would involve additional loading and unloading operations, but this is standard practice at SRFIs and does not negate the cost benefits to warehouse occupiers of co-location with the Rail Terminal. The use of Tugmasters is a viable proposition as no more than 1km of the journey would be on public highway and the operator could, therefore, benefit from the cost savings that these could provide.'*

- 11.2.67. The Secretary of State agreed with the Examining Authority that the proposal at WMI 'meets the criteria for function, transport links, locational requirement, scale and design of an SRFI as set out in paragraphs 4.83 - 4.89 of the NPSNN.' (DL paragraph 18). It is submitted that in the context of the NPSNN, Hinckley National similarly satisfies the criteria for functioning as an SRFI.

Socio Economic and Land use

- 11.2.68. Several comments were received with regard to the vacancies created by the Proposed Site and the socio-economic impact this will have upon areas in proximity to the site as well as potential strain on public services. A comment was also received raising concerns about the destruction of Green Belt.
- 11.2.69. Due to the detailed nature of the assessments and previously proposed provisions these comments have not led to a proposal change, data has however been updated in the chapter since the stage 2 consultation where relevant. The Proposed Site is not located within the Green Belt.
- 11.2.70. Further information on this consultation theme is located in:
- Environmental Statement Chapter 7: Land use and socio-economic effects (document reference 6.1.7)

Transport & Highways - Access Infrastructure

- 11.2.71. Several comments were received with regard to the location of new link roads, junctions, and connection resulting from the Proposed Development.
- 11.2.72. These comments have not resulted in a proposal change as access infrastructure has been a point of consideration since the first informal consultation in autumn 2018 where a substantial amount of feedback was received on the effects of the Proposed Development on the local road network. In response and guided by further road traffic modelling, the Applicant undertook a further informal consultation in summer 2019 specifically on the issue of off-site highways effects.
- 11.2.73. The Stage 1 consultation highlighted the concerns of local residents in relation to increased traffic and traffic routing on local roads due to the installation of the southern slip roads at M69 Junction 2. This led to bypass options being investigated to include options for bypasses around Stoney Stanton and Sapcote as well as a bypass which is now known as the A47 link to the west of M69 Junction 2. The bypass options were presented in the 2019 Stage 1A consultation. Consultation feedback demonstrated that close to 95% of consultees opposed the creation of the by-pass in Stoney Stanton and approximately 85-90% opposed a bypass around Sapcote. The A47 link road was looked upon more favorably. The A47 link road is included as part of the submission proposals and the latest highway modelling work has confirmed that the presence of the A47 link on the western side of the M69 helps to move traffic away from the B581 and routes through Stoney Stanton.
- 11.2.74. All modelled scenarios have been subject to a model brief which has been ratified by the TWG prior to model commencement. This also allows for a scenario which includes the proposed access infrastructure without Proposed Development. This is to understand the changes in background traffic distribution brought about by the new infrastructure.
- 11.2.75. Further information on this consultation theme is located in:



- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8).
- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Appendix 8.1.13 PRTM Forecasting Report (document reference 6.2.8.1)

### Transport & Highways – Cycling and Walking

11.2.76. Responses for this theme regarded the impacts of traffic on pedestrian safety and amenity, safety of the Pegasus crossing, loss of Burbage Common Road as a recreational route, cycling enhancement, the position and safety of proposed footpaths and footbridges, concerns of footways in Sapcote and Stoney Stanton being inadequate and the request for a Toucan crossing on the A47 link road, the loss of existing routes and the safety/viability of those which have been proposed.

11.2.77. Matters raised under this theme have been considered and comments have led to amendments to the proposals as follows:

- Improved connectivity between the onsite footpath and cycleway network and the proposed public footpath and bridleway network via an additional link between units 2 and 3. The north western boundary has been extended by between 12.5 and 17.5m from the network rail ownership boundary. This provides an enhanced route along this side of the railway line in terms of greater depth of woodland planting and landscaping which enhances the overall amenity of this route.
- A footbridge will be provided to replace the closed level crossing at The Outwoods.

11.2.78. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Appendix 11.2 Public Rights of Way Strategy (document reference 6.2.11.2)

### Transport & Highways – Eastern Villages

11.2.79. Feedback was received with regard to viability of proposed bypasses, width of existing and proposed widening of carriageways, and increased traffic flows. Comments with specific reference to proposed highway improvements and impacts on sensitive receptors in Sapcote have led to a proposal change. These are as follows:

- The works proposed are primarily to improve safety for pedestrians and cyclists than enhance capacity. Sensitive receptors have been added to the assessment. Light vehicle development traffic will route via Sapcote, and HGV routing enforcement strategies are in place to make sure HGVs do not use the route through Sapcote from site. The traffic modelling upon which the proposals are based clarifies that an eastern villages bypass would not be required.

11.2.80. The bypass has been reviewed, much of the new traffic is diverted from existing routes and local villages. The volumes are not high enough to justify a full bypass. The presence of the A47 link on the western side of the M69 also helps to move traffic away from the B581 and routes through toney Stanton. In addition, bypass options were presented at the Stage 1A consultation, close to 95% of consultees opposed the creation of the by pass in Stoney Stanton and approximately 85 – 90% opposed a bypass around Sapcote.

11.2.81. Further information on this consultation theme is located in:

- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Appendix 8.1.13 PRTM Forecasting Report (document reference 6.2.8.1)
- HGV Route Management Plan and Strategy (document reference 17.4)
- Appendix 8.1.11 Off-site highway Plans (document reference 6.2.8.1)
- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Highway Plans Key Plan (document reference 2.18.1)

#### Transport & Highways – Off-Site Highways

11.2.82. Several comments were received with regard to highway safety including bridge strikes on the A5 and congestion affecting pedestrians and motorists, speed limits and querying the need for the A47 link road.

11.2.83. The comments have not led to a direct proposals change.

11.2.84. The majority of vehicles accessing the HNRFI site will be of standard heights and warnings will be provided by the on-site travel planning team. Traffic modelling has confirmed highway capacity and has been used to identify areas for mitigation proposals. No speed limit alterations are proposed.

11.2.85. Further information on this consultation theme is located in:

- Highway Plans Key Plan (document reference 2.18.1)
- Chapter 8: *Transport and traffic* (document reference 6.1.8).
- Technical Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- HGV Route Management Plan and Strategy (document reference 17.4)
- Technical Appendix 8.1.13 PRTM Forecasting Report (document reference 6.2.8.1)

#### Transport & Highways – Public Transport

11.2.86. Feedback was received with regard to bus services and travel plans.

11.2.87. Comments regarding public transport have not led to an application change, however for clarity it should be noted that Appendix 8.1.14: *Sustainable Transport Strategy addresses public transport measures and will be secured by a DCO requirement*. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic.

- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Appendix 8.1.14 Sustainable Transport Strategy (document reference 6.2.8.1)
- Appendix 8.2 Framework Travel Plan (document reference 6.2.8.2)

#### Transport & Highways – HGV Routing

11.2.88. Feedback was received with regard to traffic impacts upon local roads, HGV routing and weight restrictions on roads in Sapcote and Stoney Stanton. These have led to a proposal change in that the HGV Route Management Plan and Strategy includes a review of existing systems deployed elsewhere in the Midlands, which were deemed to provide a precedent for the HNRFI site. These include mitigation and monitoring options for HGV route management. Construction routing has also been considered in a Construction Traffic Management Plan. Both of these management plans would be secured by a DCO requirement.

11.2.89. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8).
- HGV Route Management Plan and Strategy (document reference 17.4)
- Construction Traffic Management Plan (document reference 17.6)

#### Transport & Highways – Strategic Road Network

11.2.90. Feedback was received with regard to congestion and the capacity of surrounding road links to the HNRFI including capacity issues at M1 Junction 21. The comments have not led to a direct proposals change however further analysis of J21 to understand the impact from the Site has been carried out. Traffic from the site displaces existing vehicles and the net change at J21 is predicted to be low due to existing constraints.

11.2.91. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic.
- Appendix 8.1 Transport Assessment.

#### Transport & Highways – Traffic Generation

11.2.92. Comments were received with regard to concerns about traffic and congestion. Due to the detailed nature of The Transport Assessment and PRTM modelling, these comments have not led to a proposal change.

11.2.93. Feedback was also received with regard to the phasing of construction and these have led to a proposal change which are as follows:

- A series of indicative phasing and works plans have been produced to provide detail for assessments within the Environmental Statement.
- The Construction Traffic Management Plan includes detail on the management of construction vehicles.

11.2.94. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: *Transport and traffic* (document reference 6.1.8)
- Construction Traffic Management Plan (document reference 17.6)
- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Appendix 8.1.3 Trip Generation Addendum Notes (document reference 6.2.8.1)
- Appendix 8.1.5 PRTM 2.2 LMVR (document reference 6.2.8.1)
- Appendix 8.1.13 Forecast Model Report (document reference 6.2.8.1)
- Indicative Phasing & Works Plan 1 (document reference 2.18.1)
- Indicative Phasing & Works Plan 2 (document reference 2.18.2)
- Indicative Phasing & Works Plan 3 (document reference 2.18.3)
- Indicative Phasing & Works Plan 4 (document reference 2.18.4)
- Indicative Phasing & Works Plan 5 (document reference 2.18.5)
- Indicative Phasing & Works Plan 6 (document reference 2.18.6)

### Hazardous Materials

11.2.95. A query in regard to hazardous materials was received. This questioned whether the site intended to handle hazardous materials.

11.2.96. It is not expected that any significant quantity of hazardous waste would be produced during the operational phase although there would be oily rags and other light plant maintenance wastes that would be hazardous. Any hazardous waste produced during the operational phase would be segregated and stored securely before being disposed of by an approved and appropriately licensed hazardous waste contractor, in accordance with the Hazardous Waste Regulations (as amended 2015) and the associated Hazardous Waste Classification Guidance (2015).

11.2.97. This comment has not led to a proposal change. Further information on this consultation theme is located in:

- Environmental Statement Chapter 17: Materials and Waste (document reference 6.1.17)
- Environmental Statement Chapter 19: Major Accidents and Disaster (document reference 6.1.19).

## **11.3. SUMMARY OF REGARD TO SECTION 42 RESPONSES**

11.3.1. This section provides a summary of S.42 responses by consultation theme and how the applicant has had regard to the responses in preparing the DCO application. A full account of the S.42 responses and our regard to those comments is provided in Appendix 9.8 of this Consultation Report.

11.3.2. Whilst regard was given to all comments received there were a number of key comments that have led to a proposal change. The following sections provide a focused summary of those comments per consultation theme. The sections also explain why comments did not result in a proposal change.

11.3.3. Proposals change, for the purposes of this section are defined as changes which affect documentation, design or commitments within the DCO application.

#### Air Quality

11.3.4. The following consultees as well as several Parish Councils made comments with regard to the Air Quality assessment. Comments primarily regarding assessment methodologies and traffic data utilised in the operational phase road traffic emissions assessment:

- CPRE
- Leicester, Leicestershire and Rutland CCG
- Natural England
- Woodland Trust
- Blaby District Council (BDC)
- Hinckley and Bosworth Borough Council (HBBC)

11.3.5. Consultation feedback did not lead to a direct proposal change. Agreement of the traffic data was obtained with the Transport Working Group in April 2022 and updated traffic data for use in the operational phase road traffic emissions assessment was completed and reported in Environmental Statement Chapter 9: *Air Quality*.

11.3.6. BDC and HBBC also raised the absence of a quantitative construction phase road traffic emissions assessment, and assessment of the operational phase back-up Combined Heat and Power unit proposed for implementation on the Main HNRFI Site.

11.3.7. Following receipt of information with regard to peak construction phase road traffic movements from the Project Transport Consultants, a detailed construction phase road traffic emissions assessment was undertaken and presented in Environmental Statement Chapter 9: *Air Quality*.

11.3.8. Further information on this consultation theme is located in:

- Environmental Statement Chapter 9: *Air Quality* (document reference 6.1.9)

#### Alternative Sites

11.3.9. BDC, HBBC as well as several Parish Councils and Natural England made comments with regard to the siting of the HNRFI, evidence to support the choice of design options and the need for consultation feedback to influence design:

11.3.10. Comments have not led to a direct proposal change however a greater level of detail and evidence has been provided in Chapter 4: *Site Selection and Evolution* to justify the HNRFI and design alternatives considered in comparison to that submitted with the PEIR. Specifically, further information has been given with regards to the masterplan layout and content on environmental assessments has been provided and the chapter provides detail on how consultation has fed into the design process since 2018.

11.3.11. Further information on this consultation theme is located in:

- Environmental Statement Chapter 4: Site Selection and Evolution (document reference 6.1.4)

### Climate

- 11.3.12. BDC, HBBC, CPRE, Leicestershire Rutland and Wildlife Trust and some local Parish Councils made comments with regard to the level of detail of modelling, EV charging points, offsetting of carbon, lack of clarity with regard to energy sources used within HNRFI and their related emissions, sourcing of materials, exclusion of carbon sources and incomplete modelling and assessment:
- Blaby District Council
  - Hinckley and Bosworth Borough Council
  - CPRE
  - Huncote Parish Council
  - Leicestershire and Rutland Wildlife Trust
  - Sapcote Parish Council
- 11.3.13. GHG emission assessment excluded from initial assessments which includes construction plant GHG emissions has not been considered any further as there is currently insufficient information available to quantify direct GHG emissions associated with construction plant. However, this source of emissions is not expected to significantly affect the overall GHG emissions and therefore has only undergone qualitative assessment.
- 11.3.14. A DCO requirement commits to the installation of EV charging points as well as passive provision for the balance of car parking spaces.
- 11.3.15. Appendix 18.1 and Embodied Carbon Report at Appendix 18.2 set out key carbon reduction commitments made. These include commitments to substantial solar photovoltaic panel provision and to achieving net zero carbon in construction and to reducing emissions in operation.
- 11.3.16. Comments have not led to a direct proposal change however the application documentation has expanded on these points:
- The assessment now includes quantitative assessment of GHG emissions where data has been made available. This includes vehicular emissions during the construction stage, embodied carbon in construction materials, vehicular emissions during the operational stage and energy demand during the operational stage.
  - The sourcing of materials has been discussed in Chapter 18: Energy and Climate Change – Proposed Mitigation.
  - Details of the potential for the provision of renewable energy during the operational phase is included within The Energy Strategy (Appendix 18.2, document reference 6.2.18.2). This will greatly reduce the GHG emissions compared to procuring energy from the National Grid. It is anticipated that up to 83% of peak operational energy requirements would be produced by on site PV utilising the roof space of warehouses. An on-site battery storage system will also contribute to the

energy needs of the site with the balance made up by energy supply from the National Grid.

- Provisions will be made during the operational phase on-site for electric vehicle charging points.

11.3.17. Further information on this consultation theme is located in:

- Environmental Statement Chapter 18: Energy and Climate Change (document reference 6.1.18)
- The Energy Strategy (Appendix 18.2, document reference 6.2.18.2)
- IEMAs Steps Involved in Assessing Climate Change Resilience and Adaptation in EIA and Determining the Significance (document reference 6.2.18.5)

### Consultation

11.3.18. BDC, HBBC and several Parish Councils made comments with regard to consultation. Comments were received with regards to the adequacy of consultation with questions directed at the length, documents provided and audiences reached. Some consultees requested further consultation to be carried out with some consultees specifically requesting further consultation should the proposals change particularly following completion of the latest iteration of traffic modelling.

11.3.19. Comments under this theme have not led to a proposal change.

11.3.20. Full details of the extensive consultation, including details of all the public events held can be found in the Consultation Report. This sets out why the particular locations and dates were selected to ensure maximum participation for members of the public. It also details all of the other forms of consultation and mediums of communication which were open to local residents including the telephone line, email address, website and virtual events. All persons attending the events on behalf of the applicant were attending in a professional capacity and answered questions to the best of their ability noting that the scheme design was still evolving (including in response to the issues raised at the consultation events themselves) and, as such, many elements were not yet finalised and so definitive responses could not at that stage always be given.

11.3.21. The approach to consultation was detailed in the Statement of Community Consultation (SoCC) which went through a rigorous review process with the Local Authorities to reach an agreeable approach prior to statutory publication of the SoCC.

11.3.22. As reported within Section 9 of this Consultation Report, the initial 8 week consultation period was extended to give an overall consultation period of 12 weeks and 2 days. The statutory minimum consultation period is 28 days. TSH considered the duration of the consultation period to be appropriate and the original time period of 8 weeks was reviewed by Blaby District Council, Hinckley and Bosworth Borough Council and Leicestershire County Council as part of the Statement of Community Consultation process.

11.3.23. Where appropriate, further consultation was undertaken with specific consultees. This is set out at section 12 of this report.

### Cultural Heritage

11.3.24. Historic England BDC and HBBC made comments with regard to Cultural Heritage. Comments were received with regard to noise and light pollution pertaining to cultural heritage, the need for clarity of definitions with specific reference to adverse effects and harm, queries with regard to the listed building list and archaeological conclusions.

11.3.25. Comments have not led to a proposal change however the matters raised are addressed within the application documentation in particular within the documents listed below:

- Additional photos and annotations of the existing photo viewpoints included in Appendix 13.2 (document reference 6.2.13.2). These illustrate relationships, experiences and intervisibility of features.
- Any resulting impacts from noise and light assessments is addressed in Environmental Statement Chapter 13: Cultural Heritage.
- Clarity in the summary and conclusions of Environmental Statement Chapter 13: Cultural Heritage with regard to the defining of levels of harm in NPFF and NPS terms to relevant heritage assets.
- Sensitive receptors and listed building have been clarified in Appendix 13.2 (document reference 6.2.13.2).
- The results of completed archaeological investigations have been incorporated into Appendix 13.3-13.6 (document references 6.2.13.3-6).

11.3.26. Further information on this consultation theme is located in:

- Environmental Statement Chapter 13: Cultural Heritage (document reference 6.1.13)
- Heritage Assessment (document reference 6.2.13.2)
- Appendix 13.3-13.6 (document references 6.2.13.3-6)

### Cumulative Effects

11.3.27. BDC, HBBC, CPRE, Woodland Trust and Parish Councils made comments with regard to cumulative effects in relation to impacts on the environment of cumulative effects from external plant and activities, ecology, wildlife, flooding, and subsequent reliance on imported food staples. Further to this, the cumulative impacts were noted to need to take into consideration the in-combination transport effects from junction changes and increased use of Narborough crossing, residential development proposals, landscape and visual and overall temporal scale.

11.3.28. This consultation did not lead to a direct proposal change however the comments have been reflected in the application documentation. Specifically, BDC recommended the inclusion of an application at Croft Quarry (planning reference 2019/CM/0125/LCC), which was added as Site 43 in the cumulative long-list. BDC also recommended adding the Land West of Stoney Stanton and Land North of the Railway Site proposals from the Blaby



Local Plan Review Options document and these have been added to Appendix 20.1 (document reference 6.2.20.2) as Site 65 and 66, respectively. Further information on this consultation theme is located in:

- Environmental Statement Chapter 20: Cumulative and in-combination effects (document reference 6.1.20)
- Environmental Statement Chapter 18: Energy and Climate (document reference 6.1.18)
- Environmental Statement Chapter 11: Landscape and visual effects (document reference 6.1.11)
- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)

### Design And access Statement

- 11.3.29. Hinckley and Bosworth Borough Council commented that a more detailed analysis should be provided on the concept of connectivity and accessibility beyond standard Design and Access Statements. Noting specifically that it was unclear as to what is implied by the terms 'rail connected' and 'rail accessible'.
- 11.3.30. This comment has not led to a proposal change, however, the Design and Access Statement (document reference 8.1) has been updated to include reference to rail served and rail connected terms.
- 11.3.31. Further information on this consultation theme is located in:
- Design and Access Statement (document reference 8.1)

### Accidents and Disasters

- 11.3.32. HBBC and local Parish Councils made comments with regard to accidents and disasters. Comments received were in regards to the need for thorough insight and identification of hazards and mitigation measures for major accidents and disasters:
- 11.3.33. Comments have led to a proposal change in that:
- Stage One Road Safety Audits have been undertaken for junctions where mitigation is proposed and a safety review has been included within Environmental Statement Chapter 8: Transport and traffic for all transport links affected.
  - The design of the HNRFI takes into account considerations including access for the emergency and security services.
  - Measures to avoid and manage the risks identified during construction of the HNRFI are set out in the Construction Environmental Management Plan and the Construction Traffic Management Plan. Phased CEMPs will be subject to detailed approval by the relevant planning authority in accordance with a DCO requirement.
  - An updated assessment of external sources of hazards and hazards associated with the construction and operation of the HNRFI is provided within Chapter 19: Major

Accidents and Disasters. All appropriate mitigation is also reported in this assessment.

- TSH has taken into consideration consultation with local police, fire, ambulance and health services and Network Rail during design development. A discussion on the emergency protocols in place are provided within Environmental Statement Chapter 19: Major Accidents and Disasters (document reference 6.1.19).
- Improvement to public transport, Smarter Travel Measures, highway improvements and a HNRFI HGV Route Management Strategy which include a package of measures that will assist in managing and monitoring HGV movements.

11.3.34. Further information on this consultation theme is located in:

- Environmental Statement Chapter 3: Project Description (document reference 6.1.3)
- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Environmental Statement Chapter 19: Major Accidents and Disasters (document reference 6.1.19)
- Health and Equality Briefing Note (Appendix 7.1, document reference 6.2.7.1).
- HNRFI HGV Route Management Strategy (document reference 17.5)
- HNRFI HGV Route Management Strategy (document reference 17.5)

#### Draft DCO

11.3.35. LCC LHA and Royal Mail expressed a desire to be given the opportunity to comment on the Draft DCO prior to final submission. Draft protective provisions have been circulated to LCC. A draft DCO has not been circulated to Royal Mail as a requirement pertaining to notification will not be required given information and advance warning will be available through the highway authorities to inform Royal Mails operation. These comments have not resulted in a proposal change.

11.3.36. Details of protective provisions contained within the draft DCO are set out in:

- Draft DCO (document reference 3.1)
- DCO Explanatory Memorandum (document reference 3.2)

#### Ecology

11.3.37. BDC, CPRE, the Environment Agency, Forestry Commission, Leicestershire and Rutland Wildlife Trust, Natural England, Woodland Trust and parish councils made comments with regard to Ecology. Comments received were in regards to impacts arising from the HNRFI Site causing fragmentation of natural habitats, the effects of noise, light and dust pollution, soil compaction and encroachment by machinery:

11.3.38. Comments have led to proposal changes in the presentation of mitigation details included in the following document:

- Changes to the illustrative pond layout to the south-west of the site where one pond has been amended to four ponds for improved ecological benefits. This is reported in the Landscape and Ecological Management Plan (document reference 17.2).
- An Ecological Mitigation and Management Plan (EMMP, document reference 17.5) and Landscape and Ecological Management Plan (LEMP, document reference 17.2) have been provided to secure appropriate ecological mitigation measures. These management plans will be secured through DCO requirements.
- A Biodiversity Net Gain Strategy has been devised to ensure that net gains for biodiversity can be delivered focusing on providing gains within and in close proximity to the site. BNG will be secured through a DCO requirement.
- Development of the lighting strategy in Environmental Statement Appendix 3.2 - Lighting Strategy (document reference 6.2.3.2).

11.3.39. Further information on this consultation theme is located in:

- Environmental Statement Chapter 12: Ecology and Biodiversity (document reference 6.1.12)
- Ecological Mitigation and Management Plan (EMMP) (document reference 17.5)
- Landscape and Ecological Management Plan (LEMP) (document reference 17.2)
- Biodiversity Impact Assessment (document reference 6.2.12.2)

### Flood Risk

11.3.40. The following statutory consultees made comments with regard to Flood Risk. Comments received concerned surface water run-off, design plans including drainage schemes, impacts on the area in proximity to the HNRFI Site, suggested requirements and funding for off-site drainage works:

- |   |                                 |
|---|---------------------------------|
| • The Environment Agency                | • Natural England               |
| • Leicestershire County Council<br>LLFA | • Elmesthorpe Parish Council    |
| • Warwickshire County Council<br>LLFA   | • Stoney Stanton Parish Council |

11.3.41. Comments have not led to a proposal change. The Environment Agency did put forward surface water drainage requirements on behalf of the lead local flood authority at LCC, these requirements have been incorporated into the draft DCO. Further information on this consultation theme is located in:

- Environmental Statement Chapter 14: Surface Water and Flood Risk
- Sustainable Drainage Statement (document reference 6.2.14.2).
- Flood Risk Assessment (document reference 6.2.14.1).

### Section 106

11.3.42. The Open Spaces Society queried whether or not any funding would be provided to Burbage Common and Woods. The comment has not led to a proposal change, HBBC have not requested any S106 commuted sum for Burbage Common and Woods, any

contribution under S106 would have to meet the tests for S106. Access to Burbage Common and Woods is being enhanced as a result of the development and additional open space is being created adjacent to the Common.

### Geology, soils and contaminated land

- 11.3.43. BDC, HBBC, LCC, The Forestry Commission, Natural England, Woodland Trust, The Environment Agency, DEFRA, Historic England and Parish Councils made comments with regard to Geology. Comments received were made in relation to construction, flood risk, contamination, buffer zones, mitigation measures, effects on trees, health outcomes, groundwater and aquifers:
- 11.3.44. Comments have not led to a proposal change. The Environment Agency did however recommend DCO requirements in relation to this topic which have been incorporated into the draft DCO. Further information on this consultation theme is located in:
- Environmental Statement Chapter 16 - Geology, Soils and Contamination (document reference 6.1.16); Sections 16.90-16.91
  - Construction Environmental Management Plan (document reference 17.1)
  - Environmental Statement Chapter 15 - Hydrogeology (document reference 6.1.15)
  - Preliminary Risk Assessment (Appendix 15.1 (document reference 6.2.15.1))
  - Phase 1 Assessment (Appendix 15.1 (document reference 6.2.15.1))

### Human Health

- 11.3.45. The National Health Service Commissioning Board and Leicester, Leicester and Rutland Clinical Commissioning Group (LLR CCG) and Public Health England commented on Human Health. These comments covered key themes, including air quality, noise and wider health impacts, that will impact upon the population health outcomes.
- 11.3.46. Comments on human health have led to a proposal change. A Health and Equality Briefing Note (document reference 6.2.7.1) has been prepared to summarise the health impacts associated with the HNRFI. In addition, following the January 2022 statutory consultation:
- Design and mitigation features for night-time works have been further refined, including a concise summary of all the mitigation intended to protect, reduce disruption and support health promotion.
  - Design and mitigation features for the management of noise, air quality, light, and traffic have been further refined, to remove and manage potential exposures such that they do not present any significant risk to local communities or public health.
- 11.3.47. Further information on this consultation theme is located in:
- Environmental Statement Appendix 3.2 - Lighting Strategy (document reference 6.2.3.2)
  - Environmental Statement Appendix 7.1 - Health and Equality Briefing Note (document reference 6.2.7.1)
  - Chapter 7: Land use and socio-economic effects (document reference 6.1.7)

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Environmental Statement Chapter 9: *Air Quality* (document reference 6.1.9)
- Environmental Statement Chapter 10: *Noise and Vibration* (document reference 6.1.10)
- Environmental Statement Chapter 11: *Landscape and visual effects* (document reference 6.1.11)
- Environmental Statement Chapter 12: *Ecology and biodiversity* (document reference 6.1.12)
- Environmental Statement Chapter 13: *Cultural Heritage* (document reference 6.1.13)
- Environmental Statement Chapter 14: *Surface water and flood risk* (document reference 6.1.14)
- Environmental Statement Chapter 15: *Hydrogeology* (document reference 6.1.15)
- Environmental Statement Chapter 16: *Geology, Soils and Contamination* (document reference 6.1.16)
- Environmental Statement Chapter 17: *Materials and Waste* (document reference 6.1.17)
- Environmental Statement Chapter 18: *Energy and Climate Change* (document reference 6.1.18)
- Environmental Statement Chapter 19: *Accidents and disasters* (document reference 6.1.19)
- Environmental Statement Chapter 20: *Cumulative and in Combination Effects* (document reference 6.1.20)
- Construction Environment Management Plan (document reference 17.1)

### Hydrogeology

11.3.48. The Environment Agency, National Highways, Historic England, LCC, HBBC, BDC, The Forestry Commission and parish councils made comments with regard to hydrogeology. Comments received were in regard to remediation strategies, risk assessments, site investigation, borehole assessments, and land searches:

11.3.49. Comments have not led to a proposals change however it is noted that:

- The approach undertaken in the Environmental Statement follows the recommendations of the Environment Agency. A preliminary risk assessment accompanies the application Appendix 15.1 (document reference 6.2.15.1). The requirements proposed the Environment Agency are agreed in principle.

11.3.50. Further information on this consultation theme is located in:

- Environmental Statement Chapter 16 - Geology, Soils and Contamination (document reference 6.1.16)
- Construction Environmental Management Plan (document reference 17.1)
- Environmental Statement Chapter 15 - Hydrogeology (document reference 6.1.15)

### Socio-Economic and Land use

- 11.3.51. BDC, The Woodland Trust and parish councils made comments with regard to Socio-Economics and Land Use. Comments received were in regard to modelling and the baseline conditions which were used, PROWs, changing land use and lighting schemes. Additionally, the workforce and any related travel plans, the health impact assessment and the consideration of sensitive groups were noted to be of concern.
- 11.3.52. Comments have not led to a direct proposals change however the following have been included in the application documentation:
- Further commentary has been added to Chapter 7 – Land Use and Socio-Economic Effects (document 6.1.7) to clarify operational employment data.
  - A sustainable transport strategy has been drawn up which reviews existing and new routes to the Site.
  - A Health and Equality Briefing Note (document reference 6.2.7.1) has been prepared to summarise the health impacts associated with the HNRFI.
  - Trip generation has been agreed with the Transport Working Group.
  - Business Rate Information has been updated.
  - Production of a lighting strategy in Environmental Statement Appendix 3.2 - Lighting Strategy (document reference 6.2.3.2).
  - The routing of a new / realigned PROW through the site has been considered in iterations of the masterplan.
- 11.3.53. Further information on this consultation theme is located in:
- Environmental Statement Chapter 7 – Land Use and Socio-Economic Effects (document 6.1.7)
  - Environmental Statement Chapter 11 - Landscape and visual effects (Document 6.1.11)
  - Appendix 7.1 - Health and Equality Briefing Note (document reference 6.2.7.1)
  - Construction Environment Management Plan (document 17.1)
  - Appendix 11.2
  - Public Rights of Way Strategy (Document Reference 6.2.11.2)
  - Environmental Statement Chapter 16 – Geology, Soils and Contamination (Document 6.1.16)
  - Appendix 3.2 - Lighting Strategy (Document 6.2.3.2)
  - Environmental Statement Chapter 20 - Cumulative and in-combination effects (Document Reference 6.1.20)

### Landscape and Visual

- 11.3.54. BDC, HBBC, Natural England and parish councils made comments with regard to Landscape and Visual effects. Comments primarily related to the impact of HNRFI on landscape and visual receptors including bridleways and PROWs as well as comments on amenity, lighting strategy and cumulative effects:
- 11.3.55. Comments have led to a proposal change in that:

- A Ecological Mitigation and Management Plan (EEMP, document reference 17.5) and Landscape and Ecological Management Plan (LEMP, document reference 17.2) have been provided.
- Appendix 3.2 - Lighting Strategy (Document 6.2.3.2) has being developed for the proposed development
- The north-western boundary has been extended by between 12.5 and 17.5m from the network rail ownership boundary. This provides an area for greater depth of woodland planting along the north western boundary. This improves the effectiveness of landscape mitigation, improves the amenity route for the PRoW and provides a greater sense of a landscaped setting to the HNRFI.
- Additional 15m landscaped screening buffer to the west of the Container Returns area, this creates a screened buffer between the Main HNRFI Site and Burbage common and provides a greater sense of separation.
- Reduction in the maximum building height.

11.3.56. Further information on this consultation theme is located in:

- Environmental Statement Chapter 11 – Landscape and Visual (Document reference 6.1.11)
- Environmental Statement Chapter 12 - Ecology and biodiversity (Document reference 6.1.12)
- Ecological Mitigation and Management Plan (EEMP, document reference 17.5)
- Landscape and Ecological Management Plan (LEMP, document reference 17.2)
- Construction Environment Management Plan (Document reference 17.1)
- Public Rights of Way Strategy (Document reference 6.2.11.2)
- Environmental Statement Appendix 11.4 (Document reference 6.2.11.4)
- Environmental Statement Chapter 20 - Cumulative and in-combination effects (Document reference 6.1.20)
- Environment Statement Appendix 3.2 - Lighting Strategy (Document 6.2.3.2)

### Narborough Level Crossing

11.3.57. BDC, LCC Network Rail and Parish Councils including Narborough Parish Council raised concerns about the impact of HNRFI on Narborough Level Crossing. Comments primarily related to the impact at Narborough level crossing and barrier down times:

11.3.58. These comments have not led to a proposal change, however, Network Rail have undertaken a detailed analysis of Narborough Station and the barrier down time. Based on the pre-pandemic timetable, in the morning peak hours 7 – 10 am, there is only one possible time an additional intermodal freight train could run. In the afternoon, between 4 – 7 pm only two. Each train would cause a maximum barrier downtime of 2.5 mins. This is far less than a stopping passenger train coming from Leicester, which is 4-5 minutes. In each hour the total barrier down time would be approximately 20 minutes, with 40 minutes open which is well within Network Rails acceptable barrier down time at a level crossing.

11.3.59. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)

### Noise

11.3.60. National Highways, BDC, HBBC, CPRE, Public Health England, Natural England, Woodland Trust, Leicester, Leicestershire and Rutland CCG and Parish Councils made comments with regard to Noise. Comments primarily related to the impact on sensitive receptors and residents' health and wellbeing, impacts upon the surrounding environment, methodology and temporal scales of assessment including choice of receptors, pollution, traffic, attenuation and mitigation measures:

11.3.61. Comments have led to a proposal change in that:

- A Health and Equality Briefing Note (document reference 6.2.7.1) has been prepared to summarise the health impacts associated with the HNRFI.
- The Construction Environment Management Plan includes measures to mitigate for noise during construction (document reference 17.1)

The application documentation has also sought to provide clarity on matters raised by consultees including receptors, impacts, and methodology.

Further information on this consultation theme is located in:

- Environmental Statement Chapter 10 – Noise and Vibration (document reference 6.1.10)
- Environmental Statement Chapter 8 - Transport and traffic (document reference 6.1.8)
- HGV Route Management Plan and Strategy (document reference 17.5)
- Construction Traffic Management Plan (document reference 17.6)
- Construction Environment Management Plan (document reference 17.1)
- Chapter 12 – Ecology and Biodiversity (document reference 6.1.12)

### Policy

11.3.62. A number of references were made to policy within the consultation responses. As an overarching summary, comments requested that the HNRFI reports all relevant national and local policy and legislation and that these are considered throughout the environmental assessment. These comments have not led to a proposal change and further information on this consultation theme is located in:

- Environmental Statement Chapter 5: Relevant Legislation and Policy (document reference 6.1.5)
- Environmental chapters 8 to 20 – (document reference 6.1.8 to 6.1.20)



PRoWs

- 11.3.63. LCC, BDC, HBBC, Natural England, British Horse Society and local parish Councils made comments with regard to PRoWs. Comments primarily regarded the suitability of routes, their connectivity and access and a likely change in character from existing routes to those proposed:
- 11.3.64. These comments have led to a proposal change in that improved connectivity between the onsite footpath and cycleway network and the proposed public footpath and bridleway network via an additional link between units 2 and 3 has been provided. Additionally, the north western boundary has been extended by between 12.5 and 17.5m from the network rail ownership boundary. This provides an area for greater depth of woodland planting along the north western boundary. This improves the effectiveness of landscape mitigation, improves the amenity route for the PRoW and provides a greater sense of a landscaped setting to the HNRFI. The decision was also taken that the existing Outwoods level crossing would be closed and replaced with a pedestrian bridge.
- 11.3.65. Further information on this consultation theme is located in:
- Environmental Statement Appendix 3.2 - Lighting Strategy (document reference 6.2.3.2)
  - Environmental Statement Chapter 7: *Land use and socio-economic effects* (document reference 6.1.7)
  - Environmental Statement Chapter 8: *Transport and traffic* (document reference 6.1.8)
  - Environmental Statement Chapter 11: *Landscape and visual effects* (document reference 6.1.11)
  - Appendix 11.2 Public Rights of Way Appraisal and Strategy (document reference 6.2.11.2)
  - Environmental Statement Figure 11.13 - Public Rights of Way Assessment (document reference 6.3.11.13)
  - Environmental Statement Figure 11.14 - Public Rights of Way Strategy (document reference 6.3.11.14)
  - Environmental Statement Figure 11.15 - Public Rights of Way Strategy: Rail Crossings (document reference 6.3.11.15)
  - Indicative Phasing Plan (document reference 2.13)
  - Access and Rights of Way Plan (document references 2.17.1 – 2.17.5)
  - Construction Environment Management Plan (document reference 17.1)

Transport & Highways - Access Infrastructure

- 11.3.66. LCC LHA, Huncote PC, CPRE and WCC Highways provided consultation response in response to access infrastructure.
- 11.3.67. These comments have not resulted in a proposal change as access infrastructure has been a point of consideration since the first informal consultation in autumn 2018 where a

substantial amount of feedback was received on the effects of the Proposed Development on the local road network. In response and guided by further road traffic modelling, the Applicant undertook a further informal consultation in summer 2019 specifically on the issue of off-site highways effects.

- 11.3.68. The Stage 1 consultation highlighted the concerns of local residents in relation to increased traffic and traffic routing on local roads due to the installation of the southern slip roads at M69 Junction 2. This led to bypass options being investigated to include options for bypasses around Stoney Stanton and Sapcote as well as a bypass which is now known as the A47 link to the west of M69 Junction 2. The bypass options were presented in the 2019 Stage 1A consultation. Consultation feedback demonstrated that close to 95% of consultees opposed the creation of the by-pass in Stoney Stanton and approximately 85-90% opposed a bypass around Sapcote. The A47 link road was looked upon more favorably. The A47 link road is included as part of the submission proposals and the latest highway modelling work has confirmed that the presence of the A47 link on the western side of the M69 helps to move traffic away from the B581 and routes through Stoney Stanton.
- 11.3.69. All modelled scenarios have been subject to a model brief which has been ratified by the TWG prior to model commencement. This also allows for a scenario which includes the proposed access infrastructure without Proposed Development. This is to understand the changes in background traffic distribution brought about by the new infrastructure.
- 11.3.70. Further information on this consultation theme is located in:
- Environmental Statement Chapter 8: Transport and traffic. (document reference 6.1.8)
  - Appendix 8.1.13 PRTM Forecasting Report (document reference 6.2.8.1)
  - Appendix 8.1.2 GA Link Road Layout (document reference 6.2.8.1)

#### Transport & Highways – Cycling and Walking

- 11.3.71. National Highways, BBC, Leicester, Leicestershire & Rutland CCG, CPRE and Parish Councils made comments with regard to cycling and walking:
- 11.3.72. Responses referenced the provisions for cycling and walking. These comments have led to a proposal change, which are as follows:
- Improved connectivity between the onsite footpath and cycleway network and the proposed public footpath and bridleway network via an additional link between units 2 and 3 has been provided.
  - The north western boundary has been extended by between 12.5 and 17.5m from the network rail ownership boundary. This provides an area for greater depth of woodland planting along the north western boundary. This improves the effectiveness of landscape mitigation, improves the amenity for this route.
  - Following consultation, the decision was taken that the existing Outwoods level crossing would be closed and replaced with a pedestrian bridge.

11.3.73. In addition, further consultation in the form of a meeting held with representatives of LCC and Public Transport and cycling / walking teams in August 2021 for the public and sustainable transport inputs to the strategy.

11.3.74. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Appendix 8.1.13 PRTM Forecasting Report (document reference 6.2.8.1)
- Appendix 8.1.2 GA Link Road Layout (document reference 6.2.8.1)
- Appendix 11.2 Public Rights of Way Appraisal and Strategy (document reference 6.2.11.2)

#### Transport & Highways – Eastern Villages

11.3.75. BDC, LCC and Parish Councils made comments with regard to the eastern villages in terms of a bypass and HGV routing in particular.

11.3.76. The comments have not led to a proposal change however the concerns regarding significant transport impacts upon the villages of Stoney Stanton and Sapcote and the possibility of a Sapcote Bypass have been acknowledged.

11.3.77. Further review confirmed that a Sapcote Bypass drew more traffic to it (induced demand) which placed more pressure on the surrounding highway network. There are increases in general traffic through the village, however the numbers are at such a level that they do not justify the construction of a bypass.

11.3.78. A HGV route management strategy will be secured by a DCO requirement to ensure the Eastern Villages are protected from inappropriate routing of HGVs through the village during operation of the development. A Construction Traffic Management Plan will be secured by a DCO requirement to ensure the Eastern Villages are protected from inappropriate routing of HGVs through the village during the construction phase of the development

11.3.79. Further information on this consultation theme is located in:

- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Appendix 8.1.13 PRTM Forecasting Report (document reference 6.2.8.1)
- HGV Route Management Plan and Strategy (document reference 17.4).
- Appendix 8.1.11 Off-site highway Plans (document reference 6.2.8.1)
- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Highway Plans Key Plan (document reference 2.18.1)

#### Transport & Highways – Off-Site Highways

11.3.80. Both Blaby District Council and Hinckley and Bosworth Borough Council commented with regard to off-site highways. Specific comments were received on the phasing of off-site highway works and the need to further consider off-site highways improvements along the M69 to overcome any constraints on lorry movements. The comments have not led to a direct proposals change.

11.3.81. Further information on this consultation theme is located in:

- Highways Plans (document reference 2.4)
- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Indicative Phasing & Works Plan 1 (document reference 2.18.1)
- Indicative Phasing & Works Plan 2 (document reference 2.18.2)
- Indicative Phasing & Works Plan 3 (document reference 2.18.3)
- Indicative Phasing & Works Plan 4 (document reference 2.18.4)
- Indicative Phasing & Works Plan 5 (document reference 2.18.5)
- Indicative Phasing & Works Plan 6 (document reference 2.18.6)

#### Transport & Highways – Public Transport

11.3.82. National Highways, WCC, LHA, BDC and parish councils commented with regard to public transport:

11.3.83. Comments regarded the adequacy of public transport provision and the sustainability of such provisions. These comments have not led to a direct proposals change but have informed the development of the Applicants proposals as follows:

- Sustainable and public transport provision has been considered in detail to connect to the existing networks. Discussions with public transport providers have progressed and the draft S106 contains provisions to provides obligations to fund an extension of the X6 bus service. The Transport Assessment includes Appendix 15 - Sustainable Transport Strategy and Plan which gives further information on the topic of sustainable travel. The Sustainable Transport Strategy would be secured by a DCO requirement.

11.3.84. Further information on this consultation theme is located in:

- Chapter 8: Transport and traffic (document reference 6.1.8)
- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)
- Appendix 8.1.14 Sustainable Transport Strategy (document reference 6.2.8.1)
- Appendix 8.2 Framework Travel Plan (document reference 6.2.8.2)

#### Transport & Highways – HGV Routing

11.3.85. National Highways, LCC LHA, WCC LHA and local parish councils commented with regard to HGV routing:

11.3.86. Consultees expressed concerns with regard to the routing of HGVs and effects associated with HGVs. These have led to a proposal change in that the HGV Route Management Plan and Strategy includes a review of existing systems deployed elsewhere in the Midlands, which were deemed to provide a precedent for the HNRFI site. These include mitigation and monitoring options for HGV route management. Construction routing has also been considered in a Construction Traffic Management Plan. Both of these management plans would be secured by a DCO requirement.

11.3.87. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- HGV Management Plan and Strategy (document reference 17.4)
- Construction Traffic Management Plan (document reference 17.6)

#### Transport & Highways – Strategic Road Network

11.3.88. National Highways, HBBC and Parish Councils commented with regard to the Strategic Road Network:

11.3.89. Comments highlighted a concern regarding how the SRN would be affected in the event of accidents. These comments have not led to a proposal change. However, it is confirmed that the A47 Link Road does provide significant relief should a closure on the strategic road network occur. This will enable National Highways and the emergency services to re-route traffic away from sensitive residential areas and on to the key A and B roads in the unfortunate event of a motorway closure.

11.3.90. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Appendix 8.1 Transport Assessment (document reference 6.2.8.1)

#### Transport & Highways – Traffic Generation

11.3.91. Traffic generation was a matter raised by a number of consultees and specifically lack of agreement with LCC on traffic modelling. Concerns were also raised around HGV routing.

11.3.92. Work on transport modelling and agreement with the Transport Working Group was ongoing throughout consultation. The transport modelling has now been resolved and traffic data has been agreed with the Transport Working Group, this is detailed within Chapter 8 of the ES. For the avoidance of doubt, the new outputs do not significantly differ from the previous runs as they feature the same projected development traffic and infrastructure interventions.

11.3.93. Commentary was received specific to sensitivity of receptors in Sapcote and Stoney Stanton. This highlighted concerns that sensitive locations and highway conditions had

not been considered enough in detail. This led to a proposal change as the latest assessment has incorporated a revised level of sensitivity around the rural villages.

11.3.94. Feedback was also received with regard to the phasing of construction.

11.3.95. The comments on traffic generation and phasing have not led to a direct proposals change however they have informed the development of the applicant's proposals to mitigate effects.

- A series of indicative phasing plans have been produced to provide detail for assessments within the Environmental Statement.
- The Construction Traffic Management Plan (document reference 17.6) has been updated to include detail on the management of construction vehicles.

11.3.96. Further information on this consultation theme is located in:

- Environmental Statement Chapter 8: Transport and traffic (document reference 6.1.8)
- Construction Traffic Management Plan (Document 17.6)
- HGV Route
- Appendix 8.1.3 Trip Generation Addendum Notes (document reference 6.2.8.1)
- Appendix 8.1.5 PRTM 2.2 LMVR (document reference 6.2.8.1)
- Appendix 8.1.13 Forecast Model Report (document reference 6.2.8.1)
- Indicative Phasing & Works Plan 1 (Document 2.18.1)
- Indicative Phasing & Works Plan 2 (Document 2.18.2)
- Indicative Phasing & Works Plan 3 (Document 2.18.3)
- Indicative Phasing & Works Plan 4 (Document 2.18.4)
- Indicative Phasing & Works Plan 5 (Document 2.18.5)
- Indicative Phasing & Works Plan 6 (Document 2.18.6)

### Hazardous Materials

11.3.97. The Environment Agency made comment with regard to the identification and management of hazardous waste. These comments have led to a proposal change as:

- The Construction Environmental Management Plan has been produced taking into consideration the feedback received from the Environment Agency in relation to management of hazardous materials, the CEMP provides measures to control any such materials.
- With regards to waste, a Site Waste and Materials Management Plan has been produced and included within the DCO submission.

11.3.98. Further information on this consultation theme is located in:

- Environmental Statement Chapter 17: Materials and Waste (document reference 6.1.17)
- Environmental Statement Chapter 19: Major Accidents and Disaster (document reference 6.1.19)

- Construction Environmental Management Plan (document reference 17.1)
- Site Waste and Materials Management Plan (document reference 17.3)

## 12.0 TARGETED CONSULTATION AND ENGAGEMENT FOLLOWING STAGE 2 CONSULTATION

### 12.1. INTRODUCTION

12.1.1. This section provides information on non-statutory targeted consultation which the Applicant has carried out following the Stage 2 Consultation.

### 12.2. REDLINE CHANGES

12.2.1. Further to comments received during the statutory consultation and with regard to the requirements of section 49 of the Planning Act 2008 on applicants ('duty to take account of responses to consultation and publicity') as well as further design work, there have been a number of changes to the Order Limits for HNRFI which in some instances has led to additional land being included within the Order Limits.

12.2.2. The changes which have resulted in additional land being included are as follows:

#### B4668/Leicester Road

12.2.3. Additional land adjacent to the B4668 and to the south-west of the proposed new Link Road roundabout at the junction of the B4668. The Order Limits have been extended in this area to allow for improved visibility splay.

#### Bridge Farm - Landscaping buffer

12.2.4. Additional land has been included to the south-east of Bridge Farm to the north-west of the railway line by extending the north-western boundary of the Order Limits by between 12.5 and 17.5m from the existing network rail ownership boundary. This will provide an additional area for landscape mitigation by providing a greater depth of woodland planting along the north-western boundary.

#### Stanton Lane access to temporary compound

12.2.5. A length of the existing private access track on the western side of Stanton Lane near to the junction of the B4669 and Stanton Lane has been included to facilitate access into the field on the western side of that junction where a temporary construction compound will be located. The addition of this land enables the use of the existing track to access the temporary compound and enables a reduced area of land take required in connection with the temporary compound.

12.2.6. The land referencing company for HNRFI, have confirmed that these changes do not result in any additional land interests being identified for the purposes of s44 of the PA 2008 (they only include extensions to interests which were already included in earlier versions of the Order Limits). Therefore, taking into account paragraph 75 of the Government Guidance, which states: "... where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes", the view of the Applicant is that it was not necessary to undertake a new formal statutory consultation in respect



of the changes. In reaching this view, the Applicant had regard to the further design work, effects on the local community and level of public interest in connection with the changes.

- 12.2.7. However, in the light of that Guidance the relevant PILs were notified and allowed a period of at least 28 days for comments to be provided. Offers were made to meet individuals in person or over online platforms such as Microsoft Teams wherever possible.
- 12.2.8. The non-statutory targeted consultation carried out for each area where there were changes to the Order limits is as follows:

[B4668/Leicester Road](#)

- 12.2.9. PILs (this includes subsoil owners) were written to explaining the inclusion of the additional land within the Order Limits, explaining the need for its inclusion and the effect it will have on their interests and how they can provide their comments.
- 12.2.10. The Applicant has engaged with the Transport Working Group on the inclusion of the additional land.

[Bridge Farm - Landscaping buffer](#)

- 12.2.11. PILs were written to in respect of this plot to explain the inclusion of the additional land within the Order Limits, explaining the need for its inclusion and the effect it will have on their interest and how they can provide their comments.
- 12.2.12. The relevant consultees (Leicestershire County Council landscape officers / Natural England) have been updated on its inclusion.
- 12.2.13. Network Rail has also been updated on its inclusion due to its proximity to the railway.

[Stanton Lane access to temporary compound](#)

- 12.2.14. PILs were written to in respect of this plot to explain the inclusion of the additional land within the Order Limits, explaining the need for its inclusion and the effect it will have on their interest and how they can provide their comments.
- 12.2.15. A copy of the letters, plans and sub soil note issued to the above redline parties is included at Appendix 12.1.
- 12.2.16. One unknown land interest was included in the amended redline, a site notice was erected adjacent to the land. A copy of the site notice and plans is included at Appendix 12.2.
- 12.2.17. One written response was received in relation to the redline changes expressing concerns about the changes in terms of acquiring the land, the applicant is in negotiations with the landowner to agree terms for voluntary acquisition. One telephone call from an additional landowner was received in relation to the redline changes objecting to the temporary use of their land for the development and advising that further comments would be provided. Following the telephone call, no further written comments were made. The applicant intends to seek temporary possession for the land subject of the telephone call.

### 12.3. ADDITIONAL LANDOWNERS IDENTIFIED

12.3.1. Following a data refresh carried out in April 2022 out by the Applicant's land referencing company, 52 new PILs have been identified. The new parties include new owners of properties, sub soil interests, representatives of deceased persons or new owners of such properties, the Treasury solicitor in one instance and a person previously contacted during the sales transaction of the related property. Six different letters were created tailored to each of the different interests.

- Letter 1 – Standard new interest letter
- Letter 2 – New sub-soil letter
- Letter 3 – Treasury Solicitor
- Letter 4 – Representatives of a deceased party
- Letter 5 – Deceased party, new owner where owner is not yet named
- Letter 6 – New owner previously contacted during property transaction

12.3.2. The newly identified parties were written to on 28th September 2022 with a copy of the mailout pack sent to those individuals attached at Appendix 12.3. Following receipt of the letters, parties were invited to make comment no later than 31st October 2022. No responses were received to these letters.

### 12.4. SECTION 42 REPLIES

12.4.1. Ongoing engagement has taken place with s42 consultees and 'non-prescribed' consultees where appropriate. Letters were issued to a number of s42 consultees setting out matters which have been agreed and matters which it would be helpful to have further discussion upon and if relevant any matters not agreed and the reasons why. The purpose of this continuing engagement is to assist in the preparation of Statements of Common Ground, drafting of the DCO and mitigation plans.

12.4.2. Letters were also issued to 'non prescribed' persons where a response was deemed to be helpful to provide clarifications or response to matters raised.

12.4.3. A number of 'prescribed' and 'non-prescribed' persons were not written to further as it was considered that no further response was required at this time on review of their response to the Stage 2 statutory consultation.

### 12.5. COMMUNITY NEWSLETTER

12.5.1. A 'Community Update Newsletter' was issued in October 2022 to those that commented on the Stage 2 Consultation and provided contact details as well as those who asked to be registered for updates in the stage 1, 1A and stage 2 consultations. The newsletter provided an update on changes to the proposed development following the consultation. A copy of the newsletter and envelope it was issued in is attached at Appendix 12.4.

## 13.0 STAKEHOLDER ENGAGEMENT

### 13.1. INTRODUCTION

- 13.1.1. This section of the report outlines stakeholder engagement including when engagement took place, why they were engaged how they were engaged, and outcomes from engagement and how it has influenced the proposals. Stakeholder responses to the Stage 1, Stage 1A and Stage 2 consultations are included in sections 5, 6, 8 and 9 of this report.
- 13.1.2. Early stakeholder engagement is supported by the guidance set out in the Planning Act 2008: Guidance on the pre-application process. Paragraph 68 advises that to realise the benefits of consultation, on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. The guidance also acknowledges that at the same time, consultees will need sufficient information to be able to recognise and understand the impacts.
- 13.1.3. Paragraph 69 states detailed technical advice from consultees will be of greatest value when the project proposals are fluid. Early engagement with stakeholders has been carried out at a stage when proposals can be influenced and when there is enough detail to allow an understanding of the proposals.

### 13.2. STAKEHOLDERS

#### Transport Working Group

- 13.2.1. A transport working group was set up in November 2017 comprising National Highways, AECOM (National Highways term consultant), LCC, WCC, Leicester City Council (LCC), Coventry City Council (CCC), BDC and HBBC with the Applicant and initially Hydrock the Applicants transport and highways consultants and in 2020 BWB Consulting Ltd acting as the applicant's transport and highway consultants.
- 13.2.2. Meetings with the TWG occurred monthly except for when there was a pause in the project from November 2019 until November 2020 when the TWG meetings were reconvened. Technical meetings with the relevant TWG members will continue post submission.
- 13.2.3. The purpose of the TWG was:
- To provide a forum for consultation with the regulatory stakeholders
  - To allow agreement in a phased and methodical process of the key components of the transport work that are required to support the DCO submission and ES chapter
- 13.2.4. Engagement with the TWG from November 2017 until November 2019 allowed the following key matters to be agreed:
- The principle of using the Pan Regional Transport Model (PRTM).
  - Trip Generation and inputs to it were agreed for the PRTM 1.0 model run.
  - The Junction 2 VISSIM baseline was agreed.

- The requirement to model the WCC network separately (through Vectos' PARAMICS model) was agreed.

- 13.2.5. Following the re-start of the project in 2020, the Transport Working Group was re-established and included the major highway authorities affected by the development. Inclusion of planning authorities was based on those areas directly affected by traffic impacts, principally those closest to the site. Initial discussions around the access infrastructure and the previous modelling happened between November 2020 and January 2021. During this time, it was established that the A47 link road should be included as 'access infrastructure' along with the Junction 2 slip roads. The bypasses consulted upon in 2019 had not been approved by Leicestershire Highways and it was established that they were not to be included in the new model.
- 13.2.6. A new version of the PRTM was released in December 2020 and the TWG required this iteration to be used rather than rely on the earlier version used in 2019. The PRTM 2.1 model was run in June 2021 in order to understand the wider environmental impacts and allow processing of data for the use by other technical disciplines ahead of the consultation. At the end of July 2021 National Highways announced the removal of the RIS2 scheme for widening at Dodswell/Longshoot on the A5 and in July 2021 this was communicated to the HNRFI team.
- 13.2.7. The subsequent agreements and new reporting on base models continued through Autumn/Winter 2021. It was during this period when PEIR documentation was required for checking and review. Therefore, the June figures were used as a proxy for the updated model results, as the differences in the outputs were small. Full sign off from the relevant highway authorities was achieved as the consultation process started in January/February 2022. This included: trip generation and distribution, planning and infrastructure logs (uncertainty log), the base model and its adjustments. The outputs of the models were received in late March 2022, the results of which varied little from the initial June 2021 runs.
- 13.2.8. The trip generation and trip distribution used in the June 2021 model run had been approved by LCC, but was subject to further clarification ahead of the PEIR. The clarifications did not change the figures used in both the PEIR and final model runs. These were signed off in late 2021 ahead of the consultation submission. We therefore had confidence that the June 2021 model contained development trip estimates that were reasonable for PEIR submission. In addition, uncertainty log updates for the final model run included updates to trajectories rather than significant infrastructure or strategic sites being added.

#### Local Authority Working Group

- 13.2.9. Early LAWG meetings took place with BDC, HBBC and LCC on 30 May 2018 and 21 September 2018. The meetings included the Applicant, LCC, BDC and HBBC as the lead local authorities. The purpose of the Working Group' Meeting with Lead local authorities with BDC, LCC and HBBC on 30 May 2018 to discuss PPA, SoCC, place shaping and the ability of the scheme to support a place shaping officer.

- 13.2.10. The further 'Working Group' meeting held with the Applicant, BDC, HBBC and LCC 21 September 2018 ahead of the Stage 1 consultation was used to discuss the forthcoming consultation, PPA, SoCC and archaeological trial trenching.
- 13.2.11. LAWG meetings commenced on a three-week cycle May 2021 until present. However, during the statutory consultation period, the meetings were scheduled weekly. The purpose of the LAWG meetings has been to:
- Assist the local authorities to understand the proposed development
  - Discuss mitigation proposals
  - Keep the Local Authority informed of consultation and programme
  - To assist the Local Authority to engage with the statutory consultation and the application
  - To provide advice on the DCO process
  - Discuss mitigation proposals and Statements of Common Ground
- 13.2.12. The LAWG meetings are proposed to continue post submission to assist agreeing mitigation proposals and Statements of Common Ground.
- 13.2.13. Key discussions had during the LAWG meetings include:
- The local authorities' schemes of delegation and the importance for the LAs to have appropriate schemes in place raised May 2021.
  - Description of the scheme and presenting draft designs / plans – these matters were discussed at several meetings to keep the local authorities abreast of scheme changes and draft designs.
  - Highway mitigation – albeit this was mainly in the form of updates on work going through the Transport Working Group.
  - The Applicant queried progress signing the PPA primarily with HBBC and LCC through 2021 and 2022.
  - Project programme.
  - BDC raised that they had not been made aware that the consultation was proposed to be a Statutory consultation. Following a review of meeting minutes, it was confirmed at the following LAWG meeting that the fact that the next round of consultation would be a statutory consultation was discussed at previous meetings and the LA's queried timing for the statutory consultation 27 May 2021. The PPA signed by BDC July 2021 also referenced statutory consultation.
  - As well as the exchange of written comments on the statutory SoCC, the SoCC was discussed at the LAWG meetings from first circulation in July 2021 until its publication in December 2021.
  - The effect of delays to transport modelling outputs on the submission programme.
  - On 20 January 2022 BDC advised that they had had IT issues opening the consultation documentation, they did however acknowledge receipt of USB and hard copies of the documentation. HBBC expressed concern about the content of the materials, the time to respond and asked about the format the response should take. The Applicants team urged the LAs to review the consultation material and advised that 8 weeks was a reasonable time to review the materials. The Applicants

team also expressed surprise to the feedback, as when the consultation was scheduled to take place and the length of consultation had been discussed with the authorities for a number of months ahead of consultation as part of the SoCC discussions.

- HBBC suggested technical working groups 14 January 2022 to address technical issues. The Applicants team agreed with this suggestion. HBBC advised through the rest of January and through February that arranging the working group meetings was ongoing.
- The working group meetings took place 2 March 2022 for a full day covering different topics, however the Applicant expressed disappointment that a number of the officers had not read the relevant materials, working group meetings were held again 16 March 2022 for a full day and engagement was much improved from the earlier working group meetings.

### Network Rail

- 13.2.14. Network Rail have been working positively with the Applicant since the initial meeting in December 2017. It appointed a Project Sponsor to liaise and lead its own work in reviewing the project proposals as they came forward. The first site meeting was in October 2018. This was followed by meetings to discuss NR's requirements in line with its Governance of Railway Investment Projects (GRIP) process for project approvals; and enter into agreement for the delivery of that work by Network Rail.
- 13.2.15. Extensive work has subsequently been undertaken since April 2019 covering all aspects of Network Rail's requirements to validate the design and operational impacts on the railway to beyond GRIP 2, including mitigations such as the closure of level crossings, the replacement bridge, signalling, main line connections, and a network capacity study.
- 13.2.16. An additional study was undertaken by Network Rail to investigate the concerns expressed about the level crossing at Narborough, the findings of which have been advised to the Transport Working Group.
- 13.2.17. The ongoing engagement has influenced the design of the proposed development such that the GRIP 2 work has completed and work beyond the GRIP 2 stage moving to GRIP 3 has been undertaken and a Statement of Common Ground is taking shape with Network Rail.

### Multi Agency Travellers Unit at Leicestershire County Council

- 13.2.18. The approach to consultation included reaching those groups which do not or cannot engage with a planning application consultation process. The approach included holding physical events and by making all information available online through the website and providing various feedback channels. Those groups who required hard copy versions of information were able to request them via the consultation phone number, email address or in person at the exhibitions. The consultation was promoted through face-to-face meetings or direct contact, local media, site notices, direct mailing, and online paid-for advertising to ensure that awareness of the process has been as raised as much as is possible.

- 13.2.19. This approach included meeting with the Manager of the Multi-Agency Travellers Unit at LCC on 8 March 2018, where it was agreed that the traveller community at Aston Firs and adjoining landowners would be informed of the consultation process via the Gypsy and Traveller Liaison Officer at Aston Firs.
- 13.2.20. In response to a request, a meeting was also held with the South Leicestershire Member of Parliament Alberto Costa on 2 May 2018. During the meeting, the Applicant briefed the MP on the site selection process and background to the early proposals and agreed to continue to provide updates on all elements of the public consultation.

#### Warwickshire County Council

- 13.2.21. WCC expressed concern about the lack of discussion and progress with WCC 19 August 2019 and lack of engagement with their modelling team and that they had concerns about the LCC PRTM Model and the use of the Furness Technique. WCC would not accept the use of this approach and would require the use of the WCC Paramics models.
- 13.2.22. The concern was that WCC would be beholden to another authority's model, which does not represent the WCC network in sufficient detail.
- 13.2.23. The Applicant responded to advise that engagement had been ongoing since March with WCC, a presentation had been arranged for a wider WCC group (April 2019) and the Applicant had attended meetings with the A46 and A5 partnerships at the request of WCC. An outstanding action for WCC from March 2019 was noted, the action was to arrange a briefing with the WCC modellers, this was requested again August 2019 as a matter of urgency.
- 13.2.24. The Applicant shared the June Highways Group Meeting minutes with WCC to advise that the correspondence of 19 August 2019 did not reflect the position that the transport consultants have adopted. It has been identified on a number of occasions that there would be a need for a two-stage process, the first being to reach agreement on the use of PRTM for 'strategic purposes' the second being the use of the relevant WCC Paramics models as necessary.
- 13.2.25. Regarding the principles of the PRTM and its appropriateness of use in the Warwickshire area, this was discussed at length at the July workshop and the LCC modelling team provided assurances as to its appropriateness.
- 13.2.26. The concerns expressed by WCC have subsequently been resolved through ongoing engagement with WCC and the wider TWG.

#### A5 Partnership

- 13.2.27. The Applicant attended a meeting with the A5 partnership July 2019 where a presentation was made on the proposed development to members of the partnership. A small number of Councilors were in attendance at the meeting however HBBCs Chief Executive was in attendance.

- 13.2.28. Points discussed following the presentation included cycle connectivity to the east of Hinckley, it was acknowledged to be good and the need to ensure the A47 link would not ruin it.
- 13.2.29. It was queried if the rail could be electrified. Concerns were raised about diesel trains having to wait at Nuneaton station.
- 13.2.30. HBBC suggested the need for a link from the A47 to the A5 to bypass the Longshoot roundabout, however it appeared that an extant permission to the north of the Triumph unit for 850 dwellings did not appear to make provision for any real access road / through road. The Applicant also discussed the potential reduction in trips into this location arising from the new infrastructure (slip road sand A47 link).
- 13.2.31. Other points discussed included:
- Timing of delivery of rail terminal
  - Passenger/freight conflict of proposals
  - Cumulative assessment of impacts of other developments
  - Timing of delivery of Junction 2 slip roads

#### Arriva

- 13.2.32. The Applicants transport consultants met with and wrote to the Arriva bus operator 31 March 2021 to gain an understanding of the services and availability in the vicinity of the Hinckley site. Diverison / extension of routes was discussed and a potential route for HNRFI was identified, the X6.
- 13.2.33. LCC funding from DfT to test the demand responsive transport (DRT) in the Hinckley/South Leicester area was discussed. Success of DRT elsewhere in Leicestershire has been demonstrated at New Lubbethorpe.
- 13.2.34. Additional services to the X6 could fall under the Bus Improvement plans of LCC, under the National Bus Strategy. Potential to integrate rail with buses was discussed.
- 13.2.35. Typically for new development a hybrid plan of bus provision is used, with a fixed route (such as the X6) going in at the start and additional DRT services phased in as occupation accelerates. This might be most feasible for Hinckley NRFI.
- 13.2.36. The Applicants transport consultants wrote to Arriva 2 March 2022 stating that the hybrid approach previously discussed in the last meeting would be the optimal solution from the earlier stage. Therefore, enhancements to the X6 service from first occupation would pick-up demand from employee-based trips from both the Leicester and Coventry conurbations. This would follow potentially with a DRT type service.
- 13.2.37. The Applicants transport consultants met with and then wrote to Arriva 18 March 2022 setting out how the X6 could service HNRFI. It was suggested that DRT could work as a second phase to the service.

#### Alberto Costa MP



13.2.38. An initial introductory meeting was held with the MP on 1 July 2019 explaining our approach to the scheme. A meeting was arranged with Alberto Costa MP for October 2019, however the meeting was cancelled by the MP. A meeting with the MP was held 7 October 2020 to provide an update on the project to discuss previous consultation and proposed statutory consultation as well as next steps for the project. The Applicant met with the MP 21 December 2022 to update on the project.

#### Dr Luke Evans MP

13.2.39. The Applicant met with the office of Dr Luke Evans MP 9 February 2021 and again 21 June 2021 to provide information on the development of the project, previous and future consultation and the next steps. The Applicant met with the MP 21 December 2022 to update on the project.

#### Marcus Jones MP

13.2.40. The Applicant met with Marcus Jones MP 19 March 2021 to update on the development of the project, previous and future consultation and the next steps. The Applicant explained the employment opportunities the development would create for the MPs constituents. The MP highlighted the need to consider public transport links between Nuneaton town centre and HNRFI to ensure those seeking employment are not faced with a barrier of not being able to get to work.

#### Midlands Connect

13.2.41. The Applicant's first engagement with MC was 19 September 2018 where they were provided with an overview of the early proposals, and their relevance to current MC Strategy on road, rail, economic and carbon agenda for the region. MC's evolving strategy throughout 2019 led us to hold further meetings on 16 June 2020 and 19 November 2020 to understand the changes and ensure the HNRFI proposals continued alignment with their revised strategy. Further meetings were held on 3 March 2021 to discuss 13 October 2021.

#### Planning Performance Agreement Engagement

13.2.42. Planning performance agreements (PPA) are a matter for the local authority and the developer and may be justified by the impact on the local authority's resources. The Planning Inspectorate is, in principle, supportive of PPAs but will not get involved in the negotiation of a PPA as it is a legal agreement between two parties. The duration that any PPA is in effect and the scale of support at different stages is a matter for negotiation and is likely to be driven, in part, by the commitments in the DCO in terms of the scale of the local authorities' ongoing role if the SoS decides to grant development consent.

13.2.43. The Applicant notes that PINS Advice Note 2: The role of local authorities in the development consent process advises that PINS while supportive of PPAs will not get involved in the negotiation of PPA. The Applicant understands the resourcing implications for a Local Authority and has sought to provide funding to BDC, HBBC, LCC.

- 13.2.44. Initially a PPA was in circulation which had BDC, HBBC and LCC all party to the PPA. At the end of 2019 the PPA remained unsigned, however monies were paid to BDC in March 2020 to cover a full-time dedicated officer who primarily carried out review and comment on the draft SoCC. The Applicant sought to continue negotiations with HBBC and LCC on the PPA and agree financial resourcing, HBBC advised that a nominal amount of officer time had been spent on the project at that stage and due to this payment was not requested. LCC did not engage in further funding request negotiations at this time.
- 13.2.45. At the end of the Stage 1A consultation the project was temporarily paused for an internal project review. Work recommenced in 2020 with PPA negotiations recommencing in late 2020. The decision was taken to have an individual PPA with each of the authorities to simplify negotiations and to tailor the relevant PPA to each of the authorities. The Applicant provided a draft PPA for the authorities with terms and funding amounts against agreed scopes to be established.

#### BDC Engagement

- 13.2.46. Following negotiations on scope of the PPA and clarifications on the drafting of the document the funding against dedicated officer time, specialist officer time and external consultant resource was agreed and the Applicant and BDC entered into a PPA in July 2021. BDC requested an extension to PPA funding summer 2022, additional funding has been agreed with BDC.

#### HBBC Engagement

- 13.2.47. HBBC presented a funding request in May 2021, in response scopes of the work against the funding were requested by the Applicant. Following the queries raised in May 2021 a draft PPA was drawn up by HBBC with amended funding requests. The Applicant made comments on the PPA and sought clarifications on the scope. In response HBBC sent an updated PPA 8 March 2022 again scopes against funding were requested. An amended schedule of costs was issued 8 May 2022, this schedule was then withdrawn due to review scopes. Revised costings and scopes were negotiated between July and October 2022 to a position where a PPA which could be signed was agreed.

#### LCC Engagement

- 13.2.48. At the same time as the approaches were made to BDC and HBBC to enter into a PPA, LCC were also contacted April 2021 to progress entering into a PPA. A number of requests were made for scopes of work and a costs schedule throughout 2021. Costs were provided in 2022 allowing a PPA to be signed December 2022.

## 14.0 EIA CONSULTATION

### 14.1. INTRODUCTION

14.1.1. This section of the report outlines the EIA related consultation and publicity that has taken place during the pre-application process. This is covered in more detail in the ES (Document Reference 6.1).

### 14.2. EIA NOTIFICATION AND SCOPING

14.2.1. On 12 March 2018, the Applicant (then known as DB Symmetry (Hinckley) Ltd) sent a letter to PINS formally notifying the SoS that the Applicant intends to provide an ES in respect of the HNRFI pursuant to Regulation 8(1)(b) of EIA Regulations. This letter also asked PINS on behalf of the SoS to provide a scoping opinion under Regulation 10(1) of the EIA Regulations. The letter was accompanied by an EIA Scoping Report.

14.2.2. The Applicant's request for a scoping opinion was accompanied by the following information as required by regulation 10(3):

- A plan sufficient to identify the land;
- A description of the proposed development, including its location and technical capacity;
- An explanation of the likely significant effects of the development on the environment; and
- Such other information or representations as the person making the request may wish to provide or make.

14.2.3. PINS issued an EIA scoping opinion on 24 April 2018. This was accompanied by the responses received from the relevant EIA consultation bodies. The Scoping Opinion confirmed that the SoS was broadly satisfied with the suggested approach to and the topics to be covered by the EIA but drew attention to a number of general points as well as points made in respect of specific topic areas.

14.2.4. In accordance with Regulation 10(6) of the EIA Regulations PINS consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1 of ES Appendix 6.2 EIA Scoping Opinion (document reference 6.2.6.2). The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose

14.2.5. Subsequent assessment of the effects by the Applicant of the proposed development on road traffic indicated that the scope of the ES needed to be extended. In particular, transport modelling suggested that the proposed upgrade of Junction 2 of the M69 would change patterns of existing non-HNRFI-related road traffic in the locality, creating new routes on the local road network with consequential environmental effects. In response the Applicant submitted an updated EIA scoping request on 12 November 2020

(document reference 6.2.6.1). A new EIA scoping opinion was adopted by the Secretary of State on 22 December 2020 (the 2020 Scoping Opinion) (document reference 6.2.6.2).

14.2.6. In line with the EIA Regulations, the ES has been prepared in accordance with the 2020 Scoping Opinion (document reference 6.2.6.2), the most recent Scoping Opinion received for the HNRFI, the response to the Planning Inspectorate’s comments and those from prescribed consultees is provided in the introductory sections of each of the environmental topic-based chapters of the ES.

**14.3. EARLY EIA ENGAGEMENT**

14.3.1. Prior to the stage 1 consultation launch, various consultees were engaged with regarding various documents as part of the EIA work. The table below provides a summary of those engaged with and the documents consulted upon:

<b>Consultee</b>	<b>Document consulted upon</b>	<b>Date</b>
Leicestershire Local Enterprise Partnership (LEP)	Approach to the Land Use and Socio-economic Impact Assessment of the application	19/06/2018
Coventry & Warwickshire LEP	Approach to the Land Use and Socio-economic Impact Assessment of the application	19/06/2018
LCC Archaeology	Archaeological Assessment	22/06/2018
Blaby District Council	Air Quality Assessment (AQA) and associated Environmental Statement (ES), Agricultural Land Classification (ALC), Ecological Interim Report, Landscape Baseline, Public Rights of Way Assessment, Arboricultural Impact Assessment	06/07/2018 – 13/08/2018
Hinckley & Bosworth Borough Council	Agricultural Land Classification (ALC), Ecological Interim Report, Landscape Baseline, Public Rights of Way Assessment, and the Arboricultural Impact Assessment	03/08/2018 – 21/01/2019
Leicestershire County Council	Ecological Interim Report, Landscape Baseline, Public Rights of Way Assessment,	03/08/2018 – 21/01/2019

Consultee	Document consulted upon	Date
	Arboricultural Impact Assessment	
British Horse Society	Public Rights of Way Assessment	17/08/2018
Elmesthorpe Parish Council	Public Rights of Way Assessment	17/08/2018
Sapcote Parish Council	Public Rights of Way Assessment	17/08/2018
Leicestershire Footpath Association	Public Rights of Way Assessment	17/08/2018
Leicestershire and Rutland Bridleways Association	Public Rights of Way Assessment	17/08/2018
Leicestershire Local Access Forum	Public Rights of Way Assessment	17/08/2018
Nottingham City Council	Transport scoping	12/03/2019
Derby City Council	Transport scoping	12/03/2019 – 13/03/2019

#### 14.4. PARTIES CONSULTED

##### Blaby District Council

14.4.1. BDC were consulted 6 July 2018 – 13 August 2018 on a range of documents to feed into the Environmental Impact Assessment work, including:

- Air Quality Assessment (AQA)
- Agricultural Land Classification
- Ecological Interim Report
- Landscape Baseline
- Public Rights of Way Assessment
- Arboricultural Impact Assessment

14.4.2. The Environmental Health officer advised that the information submitted did not contain any information in relation to potential land contamination. However, it was concluded that the information that had been collated in terms of soil structure may be relevant to any land contamination investigation as it will affect the pathways that contamination would follow.

14.4.3. The Environmental Health team also advised that the proposed air quality methodology appeared reasonable. IBDC raised queries regarding the impact of the development on Narborough level crossing February 2019.

14.4.4. The Applicant replied 15 February 2019 It was advised that the Nuneaton to Felixstowe line is on Network Rail's National Freight Network and as such HNRFI will not be adding to the trains that are forecast to operate along this line. It will merely be servicing a number of trains going to the Midlands and beyond, that will pass Narborough regardless of whether HNRFI is built or not. Information on capacity of the terminal as well as train path availability was set out.

#### Hinckley and Bosworth Borough Council

14.4.5. HBBC were consulted 3 August 2018 – 21 January 2019 to feed into the Environmental Impact Assessment work on a range of documents including:

- Agricultural Land Classification,
- Ecological Interim Report,
- Landscape Baseline
- Public Rights of Way Assessment
- Arboricultural Impact Assessment

14.4.6. The feedback from the Council influenced the topic papers presented at the Stage 1 consultation.

14.4.7. HBBC further responded on landscape matters 21 December 2018. They made requests for further information on the Landscape and Visual Impact Assessment (LVIA). It was noted that views should be taken from Burbage Common or from the 1-2km range from the southwest of the site, the views from here have only been taken at the edge of the site boundary. It was suggested that the submitted LVIA should include photomontages from within Burbage Common and further out, across Burbage Common. Additional Photo viewpoint locations have been included from within Burbage Common and Woods Country Park (four) of which three have been proposed as photomontages.

#### Leicestershire County Council

14.4.8. LCC provided comment on the scoping for the Public Rights of Way (PRoW) appraisal 9 August 2018.

14.4.9. It was suggested that there was agreement with keeping the connectivity through the site that already exists, the principle of closing the foot crossings of the railway and providing an alternative route alongside the Pegasus crossing to the road bridge. Footpath, V35, next to the Aston Firs caravan site was considered unsuitable for upgrading. The response also stated that users will want a direct route through the site, therefore any possibility of making a route available to horses would be welcomed. To improve accessibility, it was suggested that no stiles should be present on footpaths and gates, only if absolutely necessary.

- 14.4.10. The PROW strategy was subsequently reviewed in light of the comments received from LCC. In terms of a route for horses, rather than through the site, the scheme incorporates a multi-user bridleway around the eastern edge of the Main HNRFI Site from the retained northern end of Burbage Common Road. The route continues west over a Pegasus crossing (signalised crossing) at the entrance of the site and towards Burbage Common and Woods Country Park.
- 14.4.11. The Applicant issued the Landscape Visual Impact Assessment (LVIA) baseline document to LCC Landscape for comment 21 January 2019. LCC Landscape responses 31 January 2019 advised on the appropriateness of photo viewpoint locations and night time photo viewpoint locations following a desktop review of the document. Following a site visit by the landscape officer further comments were made on the photo viewpoint and night time viewpoint locations and additional photo viewpoint locations were suggested.
- 14.4.12. The Applicant sent the Archaeological Assessment to LCC Archaeology 22 June 2018 for consideration.

#### Aston Flamville Parish Council

- 14.4.13. Engagement with Aston Flamville Parish Council specifically in relation to air quality took place 24 July 2018 – 29 July 2018.
- 14.4.14. Following review of the Parish Councils contribution to the scoping opinion of 24 April 2018 the Applicants Air Quality consultants sought to engage with the Parish Council to address the specific concerns residents of Aston Flamville had around emissions resulting from the development.
- 14.4.15. Aston Flamville Parish Councils feedback was reviewed and taken into consideration. Clarifications were then provided to the Parish advising that the traffic model covers the affected highway network across highway authority boundaries.

#### Public Health England

- 14.4.16. Following Public Health England's response to the Scoping Opinion of 24 April 2018, the Applicant contacted Public Health England in January 2019 to ensure all matters raised by Public Health England would be addressed and provided information on the air quality assessment methodology. Public Health England in response to the Scoping Opinion advised that the EIA should fully assess the potential impact of the development on public health and put forward appropriate management plans as well as provide information on how accidents with potential off-site impacts would be managed.
- 14.4.17. The Applicant advised that relevant ES chapters would address these matters.
- 14.4.18. Public Health England responded to advise that they had no further comments to make at that stage of the NSIP process. As noted in the scoping response, we welcome estimation of impacts on a holistic, worst-case basis, with a justification for any omissions or screening decisions.

#### Burbage Parish Council

- 14.4.19. Engagement with Burbage Parish Council specifically in relation to air quality took place 24 July 2018 – 17 August 2018.
- 14.4.20. Following review of the Parish Councils contribution to the scoping opinion of 24 April 2018 the Applicants Air Quality consultants wrote to the Parish Council to set out the approach to air quality assessment.
- 14.4.21. The Parish Council responded with their concerns regarding traffic and pollution which the development could generate. Members wished to seek assurances that the impacts on infrastructure and air quality would be seriously considered and that mitigation measures would be provided as a result.
- 14.4.22. It was not deemed to be problematic to give such assurances.

#### Elmesthorpe Parish Council

- 14.4.23. The Public Rights of Way Strategy and informal open space assessment was issued to Elmesthorpe Parish Council 17 August 2018 for consideration of the content of these documents.
- 14.4.24. Following review of the Parish Councils contribution to the scoping opinion of 24 April 2018 the Applicants Air Quality consultants wrote to the Parish Council to set out the approach to air quality assessment.
- 14.4.25. The Parish Council responded to state that having reviewed the air quality monitoring sites, the nearest sites to Elmesthorpe were:
- no 8 on the Earl Shilton bypass
  - no 9 on Wood Street Earl Shilton
  - no7 at 66 London Road, Hinckley
- 14.4.26. The Parish Council stated that their request for an air quality monitoring site in Elmesthorpe village had not been undertaken. The Parish Council asked that a review of the position of the AQ monitoring sites again and if there is a technical reason why a monitoring site could not be provided within Elmesthorpe village, for example on the B581.
- 14.4.27. Further details were sent to Elmesthorpe Parish Council explaining the air quality methodology and how the existing monitoring location located on the A47, in close proximity to Masefield Drive and receptors would be used to inform air quality assessment in Elmesthorpe village alongside the traffic modelling inputs

#### Sapcote Parish Council

- 14.4.28. On 17 August 2018 the PRow Assessment was sent to Sapcote Parish Council for their consideration.

#### Leicestershire and Rutland Bridleways Association



14.4.29. On 17 August 2018 the Public Rights of Way Assessment was sent to the Leicestershire and Rutland Bridleways Association for consideration.

14.4.30. The Leicestershire and Rutland Bridleways Association responded 22 November 2018 advising that they had attended the stage 1 consultation and drew attention to the written response they had made to the consultation.

#### [Leicestershire and Rutland Ramblers](#)

14.4.31. On 17 August 2018 the PRoW Assessment was sent to the Leicestershire and Rutland Ramblers for their consideration.

14.4.32. The Ramblers advised 12 September 2018 that the main concern raised by the Footpaths Committee was the loss of the route from the North (U50) although it could be seen why no alternative was offered. Otherwise, no issues could be seen with the proposals.

14.4.33. A point of note was made on the state of footpaths, some routes were blocked by crops or vegetation or ploughed. The Ramblers concluded by stating it was presumed that there was an awareness of an application to divert U50 around the fishponds.

#### [British Horse Society, Leicestershire Footpath Association, Leicestershire Local Access Forum](#)

14.4.34. A copy of the PRoW strategy was issued to the British Horse Society, Leicestershire Footpath Association, Leicestershire Local Access Forum 17 August 2018 for their consideration.

#### [Coventry and Warwickshire Local Enterprise Partnership \(LEP\)](#)

14.4.35. On 19 June 2018 the Applicant issued documentation to the LEP setting out the approach to the land use and socio-economic impact assessment of the application for their consideration.

#### [Leicestershire Local Enterprise Partnership \(LEP\)](#)

14.4.36. On 19 June 2018 the Applicant issued documentation to the LEP setting out the approach to the land use and socio-economic impact assessment of the application for their consideration.

#### [Nottingham City Council](#)

14.4.37. The Applicants transport consultants engaged with Nottingham City Council 12 March 2019. The Transport Assessment scoping report was sent to the Council for their consideration.

14.4.38. Highway modelling work discounted Nottingham junctions.

#### [Derby City Council](#)

14.4.39. Engagement took place with Derby City Council in relation to highway matters 12 – 13 March 2019.

14.4.40. Highway modelling work discounted junctions in this area.