

**Hinckley National Rail Freight Interchange
(ref. TR05007)**

**Blaby District Council (ref. HRFI-AFP061)
Written Representation**

DRAFT

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[DRAFTING NOTE: This document is a working draft of the Written Representation that BDC intends to submit to the Examining Authority at Deadline 1 (10 October 2023). The draft sets out BDC's overall position on the principal issues relating to the application. The details of BDC's position are preliminary at this stage and will be subject to further refinement to reflect the outputs of ongoing work being carried out by the officers and professional advisers considering the application.]

Additional wording relating to technical matters, and the necessary Requirements and potential S106 obligations, are the subject of ongoing work from Consultees and external Consultants and will be added/refined in advance of submission. Placeholders have been added where this content is expected.]

1 Executive Summary

- 1.1 This is the Written Representation of Blaby District Council (**'BDC'**) on the application by Tritax Symmetry (Hinckley) Limited (**'Applicant'**) for development consent for the Hinckley National Rail Freight Interchange (**'the Proposed Development'**).
- 1.2 BDC vehemently opposes the Proposed Development on the basis of the far-reaching adverse environmental and social impacts it would cause in the local area. BDC's (LIR) identifies the impacts which the Proposed Development will have on BDC's area. Whilst the Proposed Development will have benefits in terms of employment during the construction and operational phase, the LIR notes a wide range of significant negative impacts upon the natural and built environment that will occur as a result of the proposals. These include significant impacts associated with the traffic generated by the Proposed Development and major adverse visual impacts.
- 1.1 BDC considers there are significant flaws and omissions within the Applicant's assessment of some of these impacts. Some of these flaws and omissions derive from the inadequate pre-application consultation and engagement carried out by the Applicant which involved incomplete information, vague proposals and a refusal to engage in meaningful dialogue with BDC on concerns raised during the pre-application stage. Had the information requested by BDC and other local authorities been provided when requested, a number of the issues that are detailed in this Written Representation may have been addressed prior to submission of the Application.
- 1.2 The design of the Proposed Development is represents poor design and the mitigation proposed by the Applicant is inadequate and does not appropriately address the adverse impacts. This Written Representation explains these impacts and the deficiencies in the proposed mitigation.

- 1.3 This Written Representation identifies a range of fundamental concerns that BDC has about the Proposed Development. BDC submits that development consent should be refused on the basis that the adverse impacts of the Proposed Development outweigh its benefits. In the event that the Secretary of State consents the Proposed Development, BDC insist that the Requirements and obligations to be secured pursuant to Section 106 of the Town and Country Planning Act 1990, which are still under negotiation and are not yet acceptable to BDC, should be an essential part of the overall scheme.
- 1.4 BDC objections to the Proposed Development are summarised as:
- Does not meet the government's net zero expectations
 - Does not have a sufficient transport strategy in place and consequently will cause significant adverse road network impacts, traffic delays and air pollution at junctions in village centres close to schools
 - Does not meet the requirements for a Strategic Rail Freight Interchange (SRFI) with rail-first priority
 - Has not been subject to adequate consultations with local residents
 - Does not include a satisfactory noise and light pollution assessment
 - Fails to explain the impacts in neighbouring villages such as Narborough from the increased rail crossing barrier downtime
 - Does not provide adequate works and skills plans
 - Under represents HGV movements and workforce requirements in this rural sustainable location
 - Will give rise to untold damage to village communities.

2 Introduction

- 2.1 This is the Written Representation by BDC on the application for development consent for the Hinckley National Rail Freight Interchange (**'the Proposed Development'**).
- 2.2 The Proposed Development is located on 268 hectares of land south-west of the village of Elmesthorpe, between the M1 motorway and the Leicester to Birmingham Railway Line (**'Site'**).
- 2.3 BDC vehemently opposes the Proposed Development on the basis of the far-reaching adverse environmental and social impacts it would cause in the local area. These include significant impacts associated with the traffic generated by the Proposed Development and major adverse visual impacts. The extent and significance of these environmental and social impacts within BDC's area are

detailed within this Written Representation and in BDC's Local Impact Report ('LIR').

- 2.4 There are significant flaws and omissions within the Applicant's assessment of impacts caused by the Proposed Development and the mitigation being put forward to address these impacts. This has created uncertainty and hindered BDC's ability to understand the full extent of the impacts and the adequacy of the proposed mitigation. Some of these flaws and omissions derive from the inadequate pre-application consultation and engagement carried out by the Applicant which involved incomplete information, vague proposals and a refusal to engage in meaningful dialogue with BDC on concerns raised during the pre-application stage.
- 2.5 This Written Representation identifies a range of fundamental concerns that BDC has about the Proposed Development. BDC submits that development consent should be refused on the basis that the adverse impacts of the Proposed Development outweigh its benefits. In the event that the Secretary of State consents the Proposed Development, BDC insist that the Requirements and obligations to be secured pursuant to Section 106 of the Town and Country Planning Act 1990, which are still under negotiation and are not yet acceptable to BDC, should be an essential part of the overall scheme.

3 Consequences of inadequate consultation and engagement

- 3.1 As outlined in BDC's Adequacy of Consultation Response [AoC-001] BDC considers the Applicant's pre-application consultation and engagement was inadequate. In particular, the Applicant provided incomplete information, vague proposals and refused to engage in meaningful dialogue with BDC and other local authorities on concerns raised during the pre-application stage.
- 3.2 Had the information, assessment methodologies, and other inputs that were sought by BDC at the pre-submission stage been provided by the Applicant, many of the issues raised by BDC in this Written Representation may have been capable of being resolved. Instead, the assessment of the impacts of the Proposed Development contains significant omissions and uncertainties. As a consequence, the application does not provide a complete picture of the likely impacts of the Proposed Development and BDC and other interested parties are not able to conclude whether the design and the mitigation proposed by the Applicant is capable of adequately addressing those impacts.
- 3.3 Of particular concern for BDC is the proposed highway/transport proposals and mitigation. BDC notes that the traffic modelling and proposed mitigation have still not been agreed with the local and national highway authorities and the authorities consider there are significant omissions in the Applicant's modelling – including a failure to appropriately model junction 21 of the M1. Uncertainty over traffic impacts and associated impacts such as noise and air quality is a significant concern for BDC.

4 Site Selection and Evolution

Need

- 4.1 There are a network of existing and recently approved rail freight interchanges and distribution centres within the Midlands. Whilst the Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20 (March 2014) highlights 'South West Leicestershire' as an option (Option 5), it is only a potential growth location and no specific projects are identified in terms of a SRFI. The Leicester and Leicestershire Strategic Distribution Study (updated March 2022) recognises that the Hinckley NRFI site being promoted would meet the anticipated demand to 2041 for rail-served warehousing in Leicestershire, but it should be recognised that the Hinckley NRFI is only one option that could be taken forward.
- 4.2 The justification for the Proposed Development, both in terms of a need for the proposed interchange and warehousing, and the modal shift and carbon reduction benefits derived from their operation, are intrinsically linked to the transport of goods primarily via rail. Paragraph 2.44 of the National Policy Statement for National Networks (NPSNN) sets out the aim of an SRFI is to *"optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road, through co-location of other distribution and freight activities. SRFIs are a key element in reducing the cost to users of moving freight by rail and are important in facilitating the transfer of freight from road to rail, thereby reducing trip mileage of freight movements on both the national and local road networks"*.
- 4.3 The NPSNN sets out various requirements that an SRFI must fulfil to achieve this aim. Paragraph 4.88 requires that *"Applications for a proposed SRFI should provide for a number of rail connected or rail accessible buildings for initial take up, plus rail infrastructure to allow more extensive rail connection within the site in the longer term. The initial stages of the development must provide an operational rail network connection and areas for intermodal handling and container storage. It is not essential for all buildings on the site to be rail connected from the outset, but a significant element should be"*. The NPSNN therefore requires that a significant element of the buildings on site to be rail connected from the outset.
- 4.4 The proposals put forward by the Applicant do not meet this requirement. Requirement 10 (Rail) of the dDCO allows for 105,000 square metres of warehouse floorspace to be occupied prior to the completion of the rail freight terminal. **To ensure compliance with the NPSNN BDC submits that Requirement 10 of the dDCO should be amended as follows:**

Rail

- (1) The rail terminal and any associated infrastructure capable of handling a minimum of four intermodal trains per day, including 775*

metre length trains, must be constructed and available for use prior to the occupation of any of the warehousing.

(2) No rail infrastructure may be removed which would impede the ability of the rail freight terminal to handle four intermodal trains per day unless otherwise agreed in writing by the relevant planning authority.

- 4.5 BDC acknowledges there are precedents for Development Consent Orders which allow a proportion of SRFI warehouse floorspace to be occupied prior to the final delivery and commissioning of the rail connection, and the revised draft NPSNN expressly recognises this may be appropriate in some cases (para. 4.86). However, BDC submits it is not appropriate in this case particularly due to the concerns expressed below regarding the impacts of the Proposed Development on the road network and deficiencies in the Applicant's modelling and assessment of these impacts. In view of these impacts, it is imperative that the Proposed Development is rail connected prior to the occupation of any warehouse floorspace.
- 4.6 A SRFI must also have adequate links to the road network, in particular the Strategic Road Network (SRN). The Council is not currently content that the Scheme's access to the SRN is proven suitable, given the issues with the M1 Junction 21 noted in section 7 of this Written Representation.

Site Alternatives

- 4.7 In response to the Applicant's statutory consultation BDC raised concerns in respect of the relevance of site options 1 – 3 (Brooksby, Syston Fosse Way Junction and Syston Barkby Lane). Whilst the options are all to the north of Leicester and do not accord locationally with the *Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20* (March 2014), or the options also do not correlate with the more recent *Leicester and Leicestershire Authorities Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change* (amended March 2022), it does not mean that such sites should not be considered. Moreover, additional comment was provided in respect of the potential ability to locate facilities on land to the north of Stoney Stanton or between Hinckley and Nuneaton to the south of the A5. Other than a cursory comment on alternative sites, no enhancement of the original site assessment appears to have been undertaken by the Applicant. The assessment provided is therefore still considered inadequate by BDC.
- 4.8 The lack of consideration of sites further to the west is considered to be particularly important. Whilst not within Leicestershire, the Solent and Felixstowe lines connect close to Nuneaton, providing the opportunity for a single facility which would also serve two ports. BDC consider this alternative location has not been adequately considered by the Applicant. **The Applicant should be asked to provide a reasoned justification for why these alternative sites were not considered.**

Scheme Evolution

- 4.9 During the pre-application stage, BDC raised concerns in respect of the layout of the Proposed Development, with any tugmaster movements needing to cross the A47 link road (see Table 4.2 of document 6.1.4 – Chapter 4 of the Environmental Statement – Site Selection and Evolution). This issue is considered important to ensure the Proposed Development operates principally as a rail-linked facility and not as a road served distribution centre. The updated illustrative masterplan includes a ‘railport estate road link’ which seeks to address this previous concern. **[Placeholder for requesting amendments o dDCO to resolve this matter].**

5 Relevant Legislation and Policy

- 5.1 The relevant policy and legislation to the Proposed Development has been referenced within the Applicant’s Environmental Statement (**‘ES’**), with one exception referred to below. However, BDC is concerned that due consideration has not been given to the local policy context in which the HNRFI proposal sits. It is also unclear to what extent the draft revised NPSNN has been taken into account.
- 5.2 No reference is made to the Planning Policy for Traveller Sites (PPTS). The PPTS is a national policy document with the same standing as the National Planning Policy Framework (NPPF). The PPTS includes principles relating to environmental quality impacting the health and wellbeing of travellers. There is a traveller community around Aston Firs, immediately adjacent to the Site and thus, this policy is directly relevant and needs to be adequately addressed.
- 5.3 Traveller people are protected against discrimination under the Equality Act 2010. We note that the Applicant’s Equalities Impact Assessment Statement (ES Appendix 7.2; document reference: 6.2.7.2.) does not appear to consider the impacts of the Proposed Development on this community. As noted in paragraph 4.74 of the revised draft NPSNN, Applicants must comply with any obligations under the Equality Act and the Secretary of State must have regard to the public sector equality duty when determining the application. **The Applicant should therefore be asked to explain how the Proposed Development will impact the traveller community around Aston Firs and how the scheme is consistent with the principles in the PPTS.**

6 Land Use and Socio-Economic Effects

- 6.1 The socio-economic impacts of the Proposed Development within BDC’s area can be summarised as follows:
- (a) Positive impacts related to employment creation in the area and general Gross Value Added (GVA) during both construction and operation.

- (b) Neutral impacts on the current demand for housing to meet Proposed Development employee requirements during operation.
- (c) Negative impacts related to the scale of the Proposed Development which could cause the rate of demand for labour to experience a step change, which could create challenges for the local labour pool with the risk of demand outstripping supply posing recruitment difficulties for local businesses.

6.2 Whilst the overall socio-economic impacts of the Proposed Development may be positive for the wider region, many of these benefits will not be experienced in BDC's area .

Skills and Training

6.3 Overall, whilst the effect on employment within the area is considered beneficial, the likely employment requirements of the Proposed Development as it progresses through construction and during operation could have significant negative impacts for resourcing staff or particular skills in the area.

6.4 The demand for skilled workers in the logistics sector is rapidly growing. However, with the industry constantly evolving and incorporating new technologies, the skills gap is increasing. There is a strong possibility that the Proposed Development would lead to the movement of people between different companies and sectors. BDC therefore consider that the strain in resourcing skilled workers would mean that the benefits of employment generation will be largely conferred upon those outside the District. The impacts noted in paragraphs 7.14 to 7.24 indicate they are likely to travel by means of private transport. have the knock on effect that workers who are coming from outside the District to meet the required resourcing demand will be commuting a long distance. The impacts noted BDC considers this issue further highlights the need for a robust Skills and Training Programme which supports local employment and is coupled with the provision of a sustainable travel plan to ensure that those commuting are not reliant on private modes of travel.

6.5 Given the scale of the Proposed Development the rate of demand for labour could experience a step change. This could create challenges for the local labour pool with the risk that demand would outstrip supply posing recruitment difficulties for local businesses.

6.6 To mitigate these impacts and optimise the employment benefits of the Proposed Development it is imperative that the Applicant implements a robust employment, skills and training programme. **BDC considers the Applicant's current proposals in respect of skills and training set out in Requirement 32 (employment and skills) of the dDCO and the obligations in Schedule 2 to the draft Section 106 Agreement (doc ref 9.1) are not sufficient. Details of the enhanced commitments sought by BDC are set out below.**

6.7 **[Placeholder for amendments to resolve this matter]**

6.8 BDC considers the implementation of an effective Employment and Skills Strategy is essential to ensure the realisation of the employment benefits of the Proposed Development within Blaby and avoid some of the potential negative socio-economic impacts identified above and in the LIR.

7 Transport and Traffic

7.1 As outlined in the LIR and BDC's Relevant Representation (RR), Leicestershire County Council (LCC) and National Highways as the Highway Authority will provide their own representation on this matter. BDC has significant concerns in respect of the highway impacts of the Proposed Development within BDC's area and the assessment of traffic impacts carried out by the Applicant.

7.2 In particular, BDC has concerns about the following:

- (a) A significant increase in traffic through Junction 3 M69 / Junction 21 M1. BDC is concerned that the Applicant has failed to appropriately assess and mitigate the Scheme's impacts on both the SRN and the local road network.
- (b) Inadequate proposals in respect of sustainable transport.
- (c) Consequential impacts of insufficient mitigation on local road network, including villages east of the site such as; Sapcote, Stoney Stanton and Sharnford.
- (d) The increased barrier downtime at Narborough Level Crossing and the impact it will have on the local road network and users of the crossing.

7.3 It is understood there is no agreement between LCC and the Applicant on the following matters:

- (a) Trip generation - including discrepancies in employee numbers and addition of a lorry park
- (b) Access infrastructure including its design, capacity and deliverability
- (c) Strategic model outputs including furnishing methodology and lack of phased testing
- (d) Impact of the development and role of the access infrastructure in the interpretation of modelling results
- (e) Mitigation strategy and package, including local and strategic junction assessments, design, and lack of testing of mitigation strategy in strategic model

- (f) Impacts on rail including Narborough crossing and future passenger provision
- (g) HGV Management Plan and Route Strategy including method of enforcement
- (h) Public Right of Way Strategy including rail crossings
- (i) Construction Traffic Management Plan and construction traffic routeing impacts
- (j) Framework Site Wide Travel Plan
- (k) Sustainable Transport Strategy
- (l) Walking, Cycling and Horse-Riding Assessment

7.4 In addition, it is concerning to note at paragraph 2.26 of the Transport Assessment it states that an addendum Transport Assessment will be prepared at a later date, which will include a final Transport Assessment, further traffic modelling information, and Road Safety Audits. Moreover, no timetable is provided for this submission.

7.5 **[Placeholder for any further input from LCC Highways]**

Strategic Road Network

7.6 The Proposed Development would significantly increase the traffic through Junction 3 M69 / Junction 21 M1. The access to the SRN is a fundamental part of the justification and function of the Proposed Development as a Nationally Significant Infrastructure Project. The Council understands that the ability of the SRN to accommodate the Scheme's impact without further mitigation, particularly in respect of Junction 21 of the M1, is doubtful.

7.7 There are technical shortcomings with the Applicant's modelling including limited sensitivity tests. Most concerning is the lack of appropriate detailed modelling of Junction 21 of the M1. The consequences of significant changes to the quantum and routing of highway movements are wide ranging across multiple chapters of the ES.

7.8 Due to the lack of appropriate detailed modelling of Junction 21 of the M1 there is significant uncertainty as to the impacts of the Proposed Development on the road network and in terms of environmental impacts associated with the additional traffic. It is unacceptable that the Applicant has omitted to model this junction to the same extent as the other M69 junctions. It is essential that the Applicant models this critical junction to provide the decision maker with a proper understanding of the impacts of the Proposed Development. There is currently insufficient information about the impact of the scheme on this junction to enable the application to be determined.

7.9 BDC is therefore concerned that the Applicant has failed to appropriately mitigate the scheme's impacts on both the SRN and the local road network. Issues with congestion on the SRN have been highlighted however the only mitigation that has been proposed is a £500,000 contribution towards an exiting bus service. The figure of this contribution has not been agreed with any of the Local Authorities and there has been no explanation and justification for the figure offered. Whilst this mitigation has been offered, by-pass options around the southern villages of Blaby District have been prematurely discounted. Moreover, the mitigation has not been agreed with the appropriate highway and planning authorities.

Inconsistency in employment numbers used

7.10 The application documents indicate that the flexibility in the layout and building sizes for the Proposed Development provides scope to create between 8,400 and 10,400 jobs (low and high development quantum) as part of the Proposed Development (e.g. paragraphs 7.214, 7.223, 7.224, 7.226 and Table 7.15 and 7.17 of ES Chapter 7 Land Use and Socio-Economic Effects reference 6.1.7). However, the various technical reports have adopted an inconsistent approach to these employment figures.

7.11 The Transport Assessment (document reference 6.2.8.1) and the associated transport modelling appears to be predicated on the lower employment level (e.g. paragraph 5.1). BDC note that at the first Issue Specific Hearing the Applicant was asked to correct this error and BDC await the Applicant's clarification on this point. Pending clarification on this point, BDC submit that the potential under estimation of workers on site by 24% could significantly alter the quantum of vehicle movements, potential vehicle routing and the associated impacts of the traffic generated by the Proposed Development.

7.12 Furthermore, any significant changes to the highway quantum and routing of highway movements will have a knock-on effect upon the other environmental areas such as noise / vibration, air quality reports, and sustainable travel. Significant concern is therefore raised by the Council in respect of the adequacy of the assessment undertaken.

7.13 **[Placeholder for requesting amendments to resolve this matter].**

Maximising use of rail during construction

7.14 BDC requires the Applicant set out how they are maximising the use of rail during the long construction phase to reduce road-based HGV movements.

Sustainable transport

7.15 The Site is located on the very edge of Burbage and beyond its current built up limits. This, in addition to the indicated high level of car use, the large number of potential employees, and the fact that those employees are likely to reside beyond the southern villages of Blaby District, means that the Site is an

unsustainable location. **The Applicant's proposals to facilitate sustainable transport are inadequate. Much greater measures in respect of public and active transport need to be secured** that will deliver a clear vision that enables walking, wheeling, and cycling facilities to be created prior to first occupation of the Proposed Development. **The measures which BDC considers necessary are set out below.**

- 7.16 [It is unclear why the Applicant's proposals are split between the Site Wide Travel Plan (secured by Requirement 8 of the dDCO) and the Sustainable Transport Strategy (secured by Requirement 9). This creates a risk of overlap, duplication and a disjointed approach. It also increases the administrative burden on the relevant discharging authority. BDC considers these Requirements should be combined and the Applicant's commitments set out in a single Travel Plan which incorporates measures to support sustainable travel.]
- 7.17 **[Placeholder for requesting further amendments to resolve this matter].**
- 7.18 Limited information has been provided on bus route upgrades. It is disappointing that the intended connection of the Site by a bus service to Hinckley Railway Station appears to have been replaced by an 'on-demand service' only, as shown in the Framework Site Wide Travel Plan ref. 6.2.8.2. The relatively stable shift patterns of the scheme's end use combined with the high number of proposed employees means that an element of fixed bus services or shuttle busses should be effective. The failure to extend the 1 and 2 Hinckley to Earl Shilton or Barwell bus services into the Site is a significant missed opportunity.
- 7.19 Key routes linking Hinckley Railway Station to the Site have the ability to support multi-mode travel, reducing car trips locally. Improved cycle storage at Hinckley Railway Station will aid those choosing to travel by rail and bike. BDC requests that a secure hub undercover and overlooked by CCTV, accessed by a fob is provided. Similar secure cycle parking hubs on the Site should also be provided to encourage movements by bicycle.
- 7.20 Secure cycle storage should be provided at Narborough Railway Station, together with a contribution towards future maintenance.
- 7.21 Consideration should also be given to the implementation of an E – Bike hire scheme for staff to access. E-bikes can efficiently enable short – medium journeys of 5-10 miles, which would be very beneficial to those accessing the Site from Hinckley Railway Station and the surrounding villages and towns. The current extent of sustainable transport movements do not appear to be maximised; this is a missed opportunity.
- 7.22 New cycle infrastructure should be separated from motorised vehicles and where possible pedestrian facilities should be separated to reduce conflict and increase desirability. They should be designed in accordance with the Department for Transport's Cycle Infrastructure Design (LTN1/20) and in

particular Chapter 6 Space for cycling within highways. This includes ensuring that they are well lit and visible for personal safety considerations.

- 7.23 Existing cycling routes and key walking routes should be assessed with official Government tools. It is requested that current cycle provision is audited with Department for Transport's Cycle Level of Service and Junction Assessment Tools to ensure all aspects of user experience and safety have been assessed and scored. The Department for Transport's Walking Route Audit Tool will ensure that facilities such as dropped kerbs are assessed for tactile paving. These assessments are important to understand accessibility for all.
- 7.24 It should also be noted that the Council are producing a Local Cycling and Walking Infrastructure Plan ("Blaby LCWIP") which is in the very early stages of production. There will be an expectation that the Proposed Development delivers the required cycling and walking infrastructure to contribute and connect to the Blaby LCWIP.
- 7.25 It is crucial that cycle and pedestrian movements are catered for through the Site in north-south / east-west directions that link to each other, these newly created routes need to connect on with existing routes and corridors. A cohesive pedestrian and cycle signage scheme should assist with movements through the Site, highlighting links to villages and towns accessible onwards through the Site.

Narborough Level Crossing

- 7.26 The Proposed Development will accept up to 16 rail freight services per day. This will be made up of 16 inbound and 16 outbound train movements per day. It is expected that of the new freight services, 6 services (comprising 6in + 6out) will approach from the west (Nuneaton) and not pass through Narborough, and 10 services (10in + 10out) will approach from the east (Wigston) and must pass through Narborough level crossing.
- 7.27 The Council has significant concerns around the impacts of additional barrier down time at the Narborough Level Crossing on Narborough, Littlethorpe and the surrounding area.
- 7.28 Narborough level crossing provides an important link between the communities of Narborough and Littlethorpe. The level crossing is used by vehicles and pedestrians. There is a stepped pedestrian footbridge at the crossing available to the public when the barrier is down, but there are no lifts for people with impaired mobility. The pavements at the crossing are narrow, making waiting and crossing unpleasant, and potentially unsafe, if there is a large number of cars waiting to cross at the same time.
- 7.29 The crossing downtime, the length of time that the road crossing is closed, would increase as a result of the additional freight services associated with the HNRFI.

- 7.30 No improvements or mitigations are planned for the Narborough Level Crossing or its approach roads or footways as part of the Proposed Development.
- 7.31 BDC considers there are significant deficiencies in the Applicant's assessment of the traffic impacts of downtime at the level crossing. An assessment commissioned by BDC suggests a likely increase in barrier down time compared to the figures presented by the Applicant. Accordingly, BDC considers the Applicant's assessment understates the likely impacts of the increased barrier down time at the level crossing including the noise and air quality impacts from the additional queuing traffic, and the potential rerouting of vehicles unwilling to wait in a queue at the level crossing.
- 7.32 **The Applicant should be required to carry out further assessment work to address the issues raised in the Arup report, appended to BDC's LIR appendix (x), and provide greater certainty regarding the magnitude and significance of these negative impacts.** A detailed analysis of traffic flows and capacity modelling should be carried out to determine the traffic impacts on local junctions as a result of the increased barrier down time. The noise and air quality impacts associated with an increase in queuing and diverted traffic should also be assessed.
- 7.33 The negative Health and Wellbeing impacts have been assessed in a report commissioned by BDC and is appended to this Written Representation. The Report outlines that the negative impacts of increased down time comprise of a maximum delay of 2 minutes 30 seconds, creating an ongoing daily inconvenience impacting upon individuals' experience and perceptions of accessibility. In addition to the ongoing daily inconvenience there is a risk that the increase in level crossing downtime would impact the accessibility to healthcare. This impact is compounded by the District's ageing population with a higher-than-average proportion of emergency admissions for incidents.
- 7.34 **[Placeholder for requesting amendments to resolve this matter].**

8 Landscape and Visual Effects

- 8.1 As set out in the Council's Relevant Representation and LIR, the scale and proposed built form of the Proposed Development will have a major, permanent, adverse effect on landscape character and visual amenity of the surrounding environment. These impacts are not solely constrained to the Site and the rural character of the surrounding landscape and villages of the vale will change as a result of the bulk and scale of the development.

Landscape

- 8.2 The Proposed Development will cause significant long term negative residual effects on the character and fabric of the Site, the character area within which the Site is located, adjacent character area and in relation to the character and fabric of the A47 link road. The Council's LIR identifies the specific landscape character areas that will be adversely affected.

Visual

- 8.3 There will be significant long term negative residual effects on a large number of visual receptors, footpath (PRoW) and road users, visitors and recreational receptors including to the Country Park, Church users. These locations are identified in the Council's LIR.
- 8.4 The landscape mitigation measures set out in the LVIA and Landscape Strategy will not adequately mitigate these effects such that they will remain significant in the long term. The landscaping proposed by the Applicant is simply not sufficient to enable assimilation into the countryside setting. BDC's views on the inadequacy of the proposed mitigation are set out in paragraphs [XXXX] of the LIR.
- 8.5 The scale of residual impacts indicate that the Proposed Development represents an overdevelopment of the Site. Changes to the parameter plans and a comprehensive package of wider landscaping enhancement is necessary to mitigate these impacts to an acceptable level.
- 8.6 **It is unclear why the Applicant has proposed a 'Landscape Ecological Management Plan', secured by Requirement 20 of the dDCO, together with a 'Landscape Scheme' that is secured under Requirement 22. The Applicant should be asked to explain the rationale for this and consider whether these Requirements could be combined.**
- 8.7 The parameter plan outlines a primary development zone too large for its context and relies on insufficient fringe areas to adequately buffer the development. **[Placeholder for requesting amendments to resolve this matter].**
- 8.8 BDC also requests the Applicant provides a range of off-site local enhancements and improvements to the surrounding area that are secured through planning contributions. It is imperative that the detail of any such scheme is agreed to offset the impact of the Proposed Development on the locality.

9 Surface Water and Flood Risk

- 9.1 Given that part of the Site is within Flood Zones 2 and 3, flood risk and Drainage is of high concern for BDC. Statutory responsibility falls to the Environment Agency for this type of development, with LCC as the Lead Local Flood Authority liaising with the EA and with the Applicant in relation to the surface water proposals. In 2019, 30 homes, as well as a commercial property and a school in Stoney Stanton flooded and some people were unable to return to their homes for many months. This highlights the importance of ensuring surface water is adequately assessed and flood risk matters are considered properly.
- 9.2 **[Placeholder for potential further points on this matter].**

9.3 BDC considers it necessary for additions to the requirements in Schedule 2 to the dDCO to be made so that the lead local flood authority can have better input into the approval of the required flood and drainage mitigation strategies.

9.4 Requirement 13 (sustainable drainage): The following wording must be added to Requirement 13:

“(2) The sustainable drainage strategy must be implemented in accordance with the details approved by the lead local flood authority or in accordance with any variations to those details agreed in writing by the lead local flood authority.”

9.5 Requirement 14 (surface water): The following wording must be added to Requirement 14:

9.6 *(3) The surface water drainage strategy and the maintenance details must be implemented in accordance with the strategy and details approved by the relevant planning authority or in accordance with any variations to those details agreed in writing by the relevant planning authority.”*

10 Design

10.1 The design of the Proposed Development has significant deficiencies and fails to meet the criteria for ‘good design’ set out in paragraphs 4.28 – 4.35 of the NPSNN. BDC would go as far as to consider the scheme constitutes poor design.

10.2 BDC commissioned a review of the Proposed Development’s design [Appended to this Written Representation]. The key issues of the design identified by that review are outlined below.

10.3 The Applicant’s design code at page 4 states:

The HNRFI, will be an exemplar rail connected warehousing development of strategic importance, not only locally, but regionally and nationally. It is therefore critical that the proposals are of the highest quality in terms of materials, finish and landscaping with the site planned so that it maximises the benefits for the occupiers, users and neighbours alike. Key to this objective will be the consideration given to the design of the access, landscaping, ecology, layout, scale, massing and building form, colour, and material of each part of the development.

10.4 The proposals fail to deliver on the above statement and do not propose a landscape scheme of the highest quality or maximise benefits for users and its neighbours.

10.5 The proposals would lead to over development of the Site and the proposed landscape is alien to the surrounding landscape character. This would in turn significantly damage the setting to the Site and sensitive areas such as Burbage

Common, Burbage Woods & Aston Firs SSSI. The masterplan appears to have been designed in an insular fashion disregarding local urban grain and vernacular. The parameters plan outlines a primary development zone too large for its context and relies on insufficient fringe areas to adequately buffer the development.

- 10.6 The intended approach to clear all existing natural site assets (including a veteran tree, hedgerows & watercourse) in the primary development zone is typical of the proposals and illustrates the general lack of sensitivity.
- 10.7 There is a loss of both visual and physical amenity. The scale and massing of the Proposed Development and its position makes it visible from a large number of receptors. This is worsened by the architectural design that has made little attempt to blend into its surroundings. The severance of existing PRoW's particularly impact the residents of Elmesthorpe. The proposed diversions are inadequate in quality and poorly laid out. The experience of the user changes from encountering a natural aesthetic to an urban one as a result of the majority of the proposed routes being adjacent to roads.
- 10.8 The streetscape is repetitive and has limited legible hierarchy. Hard surfaces dominate the landscape including large, uninterrupted areas for parking. The detailed proposals are vague in areas some of which are set out within the design code. Wording within this document is not definitive enough and lacks certainty in what will be delivered.
- 10.9 Green infrastructure is largely focussed on the fringe areas of the Site. The proposed green areas within the masterplan are disproportionate to the scale of the development and often occur as fragmented leftover spaces with little ecological value. The inclusion of SuDS in the scheme is welcomed but the layout and form is dictated by the infrastructure. The SuDS scheme appears to have missed opportunities to include other features including enhancing existing watercourses that would assist in promoting on site biodiversity.
- 10.10 The proposed materiality is generic and lacks sensitivity to the local area. The large amounts of hardstanding and built form will lead to a future maintenance burden that will likely impact on the schemes overall sustainability.

Suggested Design Improvements

- 10.11 BDC considers the following design improvements are needed:
- 10.12 The proposal would benefit from a clearer street hierarchy creating a legible public realm that is distinct yet related to the wider area. The Proposed Development should strengthen existing connections avoiding severance and provide an enhanced quality of the existing rural character, not diminish it.
- 10.13 The proposals would be improved through showing more cohesion with the existing grain and field pattern of the landscape and surrounding settlements to

properly integrate into its surroundings. The architectural form could also be improved upon to avoid the current monolithic aesthetic.

- 10.14 The proposal could be improved by reviewing the parameters plan to ensure that proper allowances are made for green space both to buffer the development and accommodate replaced green infrastructure (if removal of the existing is unavoidable). Currently the scale of green space provided is not commensurate with the scale of the surrounding built environment. The masterplan should provide meaningful green space that is integrated throughout helping to lessen the scale of proposals and soften the scheme from within as well as when viewed from the outside.
- 10.15 The proposals could be improved by studying local vernacular and making reference to the existing character of the built form within surrounding settlements. The Proposed Development can still meet the Applicant's desire to be contemporary but shape proposals in a more sympathetic way to its context. This is particularly true in the landscape where furniture, signage and boundaries can all have a stronger connection to the development's setting and local vernacular.
- 10.16 The landscape design should respond to its context and enhance the local green infrastructure. The scheme could be improved through exploring options to retain the existing site assets including the veteran oak tree, removal is only acceptable once loss is proven to be unavoidable. Proposed green infrastructure should focus on connectivity to the local area and avoid 'islands' of green. Landform and the creation of SuDS is welcomed but these features should avoid an engineered approach and have a more naturalistic aesthetic. Attenuation tanks could be minimised through integration of rain gardens and areas of permeable paving.
- 10.17 The masterplan would benefit from a general reduction in the amount of hard standing and integrate more soft landscaping into the proposals. Proposing a material palette that is in keeping with the local area and rural character would increase the Proposed Development's identity and sense of place. The proposals should be robust, high quality but also reference the local character.
- 10.18 The detailed design of the scheme would benefit from aligning more closely with the local vernacular and use the local SPD and similar policy to inform proposals. The detailing should show sensitivity to existing features on the Site and the Site's context. To achieve a high quality scheme the material palette must enrich the local vernacular whilst being robust and low maintenance. BDC consider use of blue fading horizontal panels could mitigate the schemes impact.

11 Air Quality

- 11.1 As outlined in the Council's LIR, minor air quality impacts are predicted within the Applicant's assessment and increases in ambient pollutant concentrations

will be experienced at a number of human and ecological receptors as a result of the Proposed Development.

- 11.2 The approach and extent of the Applicant's assessment overall of air quality impacts is considered appropriate, but BDC has a number of more specific concerns in respect of the assessment, which are outlined below.
- 11.3 An overarching concern is whether the traffic information which informs the Applicant's assessment is correct. In addition to the failure to assess the high development scenario (10,400 jobs), BDC considers there are inaccuracies within the transport modelling regarding the geographical origin and mode of transportation of the employees. This may have a significant impact upon the air quality assessments and any expected mitigation as a result.
- 11.4 BDC is concerned that no traffic flow information has been provided to verify the conclusions of this part of the Applicant's assessment.
- 11.5 The Applicant should be asked to confirm:
- (a) that the 2022 version of the DEFRA Technical and Policy Guidance has been used; and
 - (b) that when the revised Air Quality Objectives are published by the Government later this year, the assessments will be revised to take account of them.
- 11.6 No assessment appears to have been undertaken of the air quality impact of queueing traffic as a result of the additional 'barrier down' time at Narborough level crossing. With residential receptors and pedestrian traffic, including school children, adjacent to these affected highways, the implication for air quality needs to be assessed by the Applicant.
- 11.7 **[Placeholder for potential amendments on this topic].**

12 Noise and Vibration

- 12.1 The Proposed Development will result in **major, permanent and irreversible adverse impacts** on the identified Noise Sensitive Receptors (NSR) within the vicinity of the Site. BDC has significant concerns with the assessments undertaken by the Applicant and the conclusions reached by the ES. BDC commissioned an independent assessment of the noise and vibration impacts and identify measures to better mitigate the noise and vibration impacts of the Proposed Development. [The report is appended to this Written Representation.] BDC's concerns in respect of noise are set out below.
- 12.2 BDC is concerned that the assessment of traffic noise may not be accurate given the inaccuracies within the transport modelling and, in particular, may not reflect the traffic generated in the high development scenario (10,400 jobs). **We have asked that the high development scenario should be modelled and**

the noise assessment should be updated to take account of the updated model outputs.

- 12.3 The acoustic character corrections applied in the Applicant's assessment are too lenient and do not reflect the irreversible change in acoustic environment that the Proposed Development will have. [Subject to the further advice] there would be a potential for a greater than 12 dB increase in sound levels which would result in further impact on residents and would result in nearby residents potentially needing to keep windows closed to have conversations indoors.
- 12.4 **[Placeholder for requesting amendments on this topic].**
- 12.5 The Council has concerns over the extent and proximity and deliverability of acoustic fencing required to protect nearby residential properties and the impact this has upon their visual amenity. The inclusion of 4 and 6 metre high acoustic fencing around the Aston Firs Caravan Site is of particular concern and considered inappropriate (see figure 10.10 for the plan identifying the acoustic fencing locations – document 6.3.10.10 in the Environmental Statement and illustrative masterplan drawing 2.8).
- 12.6 The proposed mitigation measures do not follow a good acoustic design process and rely upon visually intrusive barriers, up to 6m in height, between 5 and 20m away from residential properties at Aston Firs Caravan Site, Castlewood Mobile Homes Site and dwellings located on Burbage Common Road respectively.
- 12.7 No assessment appears to have been undertaken of the noise impact of queueing traffic caused by the additional 'barrier down' time at Narborough Level Crossing. With residential receptors and pedestrian traffic, including school children, adjacent to these affected highways, the implication for noise and vibration needs to be addressed.
- 12.8 The working hours proposed in the Construction Environmental Management Plan and Construction Traffic Management Plan are not acceptable. Whilst 0700 to 1900 hours Monday to Saturday may be acceptable for certain phases, construction works or construction areas, some elements will have an unacceptable impact on sensitive receptors. **[Placeholder for requesting further amendments to resolve this matter].**
- 12.9 **The following amendment should be made to Requirement 28 (acoustic barriers):**

Acoustic barriers to be provided as part of any phase in accordance with the details approved pursuant to requirement 4 must be completed prior to the first occupation of that phase and must be maintained for the lifetime of the authorised development.

13 Lighting

13.1 The Proposed Development will have the following impacts:

- (a) Potential major, adverse long-term effects on residential receptors due to the height and intensity of some of the lights surrounding the rail yard.
- (b) Potential, major, adverse, negative long-term impacts on the commuting and foraging routes of bats as a result of light spill.
- (c) Potential major, adverse, negative long term impacts on road and rail users as a result of glare.
- (d) A potential minor adverse, negative long term impact on sky glow.

13.2 The Lighting Strategy (document reference 6.2.3.2) prepared by the Applicant partly responds to requests from the Council. However, due to the scale of the Proposed Development, the amount of lighting required and the proximity of highly sensitive receptors, the Council considers that the Lighting Strategy is insufficient. The Applicant needs to present further evidence in the form of a quantitative assessment to prove that the impact on surrounding receptors in terms of light intrusion and glare intensity is acceptable.

13.3 Section 8 of the Council's Relevant Representation sets out the additional assessment and mitigation measures that need be secured to make the assessment robust and ensure local amenity is not detrimentally impacted by the Proposed Development's lighting.

13.4 **Requirement 31 (lighting) of the dDCO is not sufficient. BDC submits that the following drafting should be used instead:**

(1) No phase of the authorised development may be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The report and schemes submitted and approved must be in accordance with the lighting strategy (document reference 6.2.3.2) and include the following;

- (a) a layout plan with beam orientation;*
- (b) an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.;*
- (c) a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and*
- (d) measures to avoid glare on surrounding railway and highways.*

(2) The approved lighting scheme must be implemented and maintained as approved by the relevant planning authority during operation of the authorised development and no external lighting other than that approved under this requirement may be installed.

14 Ecology and Biodiversity

- 14.1 As detailed in the Council's LIR, the proposed development would have a range of negative and neutral impacts on local biodiversity and ecology including loss of woodland, mature trees, hedgerows and fragmentation of habitats.
- 14.2 The quantum of ecological work undertaken is recognised and that sufficient Phase 1 and 2 species surveys are considered to have been completed and in general accordance with standard guidance. In terms of the content of the assessment, BDC have a number of comments and concerns.
- 14.3 In general, BDC agrees with the position stated in respect of important ecological features within the Order Limits. However, the level of importance afforded to various protected species is not agreed, with them generally being undervalued. This includes:
- (a) Bats should not be afforded only 'Local' importance.
 - (b) Breeding birds, such as lapwing and skylark, are considered to be higher than 'District' importance.
 - (c) Otters are considered to be higher than 'District' importance.
- 14.4 All former European Protected Species should be of 'National' level importance irrespective of their presence within the Main Order Limits.
- 14.5 The Applicant's Ecological Report (document 6.2.12.1) states that baseline information is presented for the Main Order Limits and that other areas within the dDCO limits are 'typically of negligible ecological importance'. However no data is presented to support this assumption. It appears that Phase 2 surveys were only conducted within the Main Order Limits and not the full DCO Order Limits. BDC queries the ability to assume 'negligible importance' without undertaking surveys.
- 14.6 BDC disagrees with the grading of importance to habitats and species, which appears to be based on their abundance within the Order Limits as opposed to their status or level of protection.
- 14.7 There is a general disagreement with the assigning of value to ecological receptors – this is heavily based on presence within order limits rather than based on national decline/legal protection.
- 14.8 Furthermore, there is a lack of consideration to habitat fragmentation during the operational phase, including the provision of only one relatively narrow corridor

in a north-east/south-west direction. Further assessment of the impact habitat fragmentation will have on bats needs to be undertaken.

- 14.9 There is a general lack of detail provided for long term ecological management plans. The overall enhancements proposed are therefore difficult to quantify. The mechanism securing the implementation of Biodiversity Net Gain (BNG) are unclear and necessitate S106 Obligations.
- 14.10 In terms of the BNG, it is difficult to provide any meaningful comment as the mapping associated with the BNG has not been provided. Mapping should be included within the metric 3.1 and associated reporting. This also links the Biodiversity Improvement Area and Landscape Enhancement Management Plan that also need to be provided for full review. Additionally, completed DEFRA BNG metric and supporting condition sheets, including assessor comments and supporting rationales for decision making (such as strategic significance and 'fairly' condition selection) needs to be provided for review.
- 14.11 The Council understands the Applicant has committed to delivering 10% BNG in relation to the Scheme and that the Scheme may have to comply with the BNG requirements of the Environment Act 2021. The Scheme as proposed fails to clearly demonstrate and secure 10% BNG, including its long-term management, and further mitigation is required in this respect.
- 14.12 It is proposed that through partnering with the Environment Bank, further area habitat and linear river units will be achieved in order to meet the 10% requirement. This, however, has not yet been established nor is it clear how these proposals will be achieved.
- 14.13 The need for a phased assessment approach needs to be further explored, as it is intended that the Proposed Development will be constructed in phases, therefore it may be possible that habitat could be created or enhanced in advance of loss, thus improving the overall BNG score and providing greater enhancements for biodiversity.
- 14.14 BDC considers that light spill onto retained and enhanced hedgerows has the potential to have significant adverse, long term effects on species, in particular bats. The current lighting strategy is brief and unsupported by appropriate surveys to determine the effect of the proposed development on the surrounding/retained habitats. Further assessment and surveys need to be undertaken to adequately understand the potential impacts light spills will have on bats and to subsequently inform a robust mitigation package.
- 14.15 There is also a lack of consideration to the retention of existing hedgerows/features of note within the Site area to minimise need to displace fauna (including protected species). Further detail is required from the Applicant with regard to the proposed additional hedgerow creation or enhancement that is expected to be achieved through partnering with the Environment Bank to enable BDC to assess whether these proposals adequately mitigate the impacts on existing hedgerows.

14.16 The Applicant's mitigation includes a buffer around the proposed retained/enhanced habitats, however it is unclear within the application documents as to the dimensions of these proposed buffers. **Further detail is required regarding the biodiversity impact of the loss of hedgerows, particularly those which link to the Common and how this will be mitigated.**

14.17 **[Placeholder for requesting further amendments on this topic].**

15 Cultural Heritage

15.1 As outlined in the LIR, the key significant adverse impacts that the Proposed Development will have on cultural heritage assets relate to impacts on the following structures that appear on the Historic Environment Record:

- (a) Woodhouse Farm, Burbage Common Road, Elmesthorpe;
- (b) Hobbs Hayes Farm, Hinckley Road, Sapcote;
- (c) Freeholt Lodge, Hinckley Road, Sapcote; and
- (d) Burbage Common Road Bridge, Elmesthorpe.

15.2 It is considered that these assets are of low sensitivity but will be subject to a large magnitude of change, either through total loss or substantial modification. This equates to moderate or minor impacts on their significance in environmental terms when assessed under the methodology of Table 13.6 in the ES (document reference 6.1.13) and as such, mitigation has been sought in the form of a Historic Building Record by way of a conditional requirement in the event that the DCO is consented.

16 Archaeology

16.1 **[Placeholder for input on Archaeology]**

16.2 It is understood that Leicestershire County Council's Planning Archaeologists have requested a financial contribution to assist with the management of any post-decision archaeological matters in the event that the DCO is consented.

16.3 **[Placeholder for requesting amendments on this topic].**

17 Geology and Contamination and Waste

17.1 The Council have no concerns in respect of the work undertaken or proposed additional investigative work programmed in respect of the geology and contamination.

17.2 The Soils and Waste Materials Management Plan (SWMMP) and Construction Environmental Management Plan set out the remedial measures proposed to

deal with any contamination encountered within the soil and potential spills of fuel during the construction period.

- 17.3 BDC considers additional details should be added to the SWMMP to detail the procedure that will be followed when dealing with site waste materials if contamination or suspected contamination is encountered during movement and handling of these materials, with a particular focus on asbestos materials.
- 17.4 Requirement 15 in Schedule 2 to the Draft DCO includes provision for exercising planning controls over the contamination associated with the Proposed Development. BDC consider additional controls should be put in place to ensure their sufficient planning controls can be exercised over the contamination associated with the Proposed Development. **The following wording should be added to Requirement 15:**

(2) Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall, after consultation with the Environment Agency, be submitted to and approved by the relevant planning authority.

(3) The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

18 Energy and Climate Change

- 18.1 In 2020, BDC made a commitment to tackle climate change. BDC's ambition is for the Council to be carbon neutral by 2030, and the District carbon neutral by 2050. This ambition is supported by BDC's Climate Change Strategy, which provides a vision for a Green Recovery, post Covid 19 to create sustainable communities, low carbon transport networks and a thriving local economy.

Construction and Building Operation

- 18.2 It is recognised that the Applicant is seeking to reduce energy requirements on the Site and included a commitment to achieving net zero in construction. This is commended by BDC.
- 18.3 The Applicant has prepared a Framework Construction Environmental Management Plan (CEMP) and a Construction Traffic Management Plan (CTMP) to support the application, as detailed at ES paragraphs 18.248 and 18.249. Whilst the inclusion of best practice measures is supported, details should be provided with respect of how the employment of construction plant that relies of the use of fossil fuels may be avoided, particularly when considering the location of the Proposed Development, and the nature of the existing land uses.

- 18.4 Whilst it is encouraging that the Proposed Development will seek to achieve a 'Very Good' BREEAM rating, as stated at ES paragraph 18.253, BDC considers that this is not an ambitious enough target. By only designing to BREEAM: Very Good, the HNRFI is unlikely to be future proofed – an aim stated in the Opportunities and Constraints section of the Design and Access Statement (document reference 8.1). It is recognised that the achievement of 'Excellent' or 'Outstanding' is challenging, however considering the scale and expected lifetime of the proposed development, this would be a proportionate challenge.
- 18.5 Truly sustainable projects that aim to be future proofed and meet the challenge of net zero would need to go beyond what has been outlined in the Proposed Development. The timescale for construction means that construction and energy targets will continue to be increased, leaving the Proposed Development potentially lagging behind other proposals. As it will have a development lifespan to and beyond 2050, where the UK must operate at net zero, a failure to design a net zero capable development will make it impossible to operate in this manner without substantial retrofitting of technology. This creates an unnecessary and avoidable barrier to achieving the Country's net zero ambitions. The necessary building specification to ensure net zero operation should be secured in the Scheme's Requirements.
- 18.6 A potential constraint to the ability to generate on-site renewable energy and be net zero in operation is the 49.9 MW limitation for the generation of on-site electricity proposed in Requirement 17 of the dDCO. **BDC queries why this cap is included other than to avoid the Proposed Development triggering the thresholds for energy generation in section 15 of the Planning Act 2008. The Applicant should be asked to justify this limitation. If the cap is justified, it should be included in the description of the authorised development in Schedule 1 to the DCO, not as a Requirement as it fails to meet the test of necessity for Requirements.**
- 18.7 Further rationale for the proposed choice of technologies as well as reasons why others have been ruled out is required. It is unusual that a gas powered CHP and an uncertain and unproven technology is being considered ahead of already widely used heat pump technology. Both Ground Source Heat Pumps and Air Source Heat Pumps should be used and if either are to be excluded this should be justified. Currently Ground Source Heat Pumps are not proposed as part of the Proposed Development, but they should be because they make the onsite generated renewable energy (from solar) go further which takes the pressure off of finite energy resources.
- 18.8 There ought to be an assumption that the HNRFI is entirely off-gas due to the unsustainable nature of natural gas and the unreliability of hydrogen as a replacement. There is no certainty that Hydrogen will be available especially given the inefficiency of the production process (when compared to solar or wind) and lack of transportation infrastructure. It is disappointing that reliance is being placed on fossil fuels for a main energy source to the facility. It doesn't appear that decarbonisation of heat via heat networks and the utilisation of ground, water or air source heat pumps have been fully explored by the

Applicant. Instead, Gas CHP and possibly hydrogen have been proposed. This shows a lack of ambition for this project, particularly given it will be constructed over the next 10 – 15 years and thus needs to comply with future requirements on such matters.

- 18.9 In terms of energy use, it is far more efficient to use renewable energy power directly via the grid or to store this close to where it's produced for later use. This may well be via battery or conversion to hydrogen. To assume that hydrogen will be widely available for use in CHP plants at some unknown point in the future is a risk and does not make sense from a climate resilience or sustainability perspective.
- 18.10 The Council would expect to see a full consideration and uptake of zero carbon heat and cooling options as standard in the application as per the EIA Hierarchy (Figure 18.3 of ES Chapter 18 Energy and Climate Change document reference 6.1.18). Heat pump technology is likely to remain a far more efficient and cost effective use of a finite resource (renewable energy) than Hydrogen. Given the direct control the developer has over GHG emissions arising from space heating (scope 1) and the potential to eliminate emissions arising from it, it's not clear why this hasn't been proposed.
- 18.11 The Scheme is adopting a 'fabric first' approach to development which prioritises the energy efficiency of a property right from conception, at the start of the design and development process. This approach is supported to minimise the energy requirements of the buildings for operation. It is not however clear what innovative approaches, if any, are being considered and allowed for in this Proposed Development beyond that typically included in such new warehouse units.

Water Conservation

- 18.12 Water conservation measures are only being 'considered' at this stage. Far greater water harvesting and conservation techniques could and should be employed and secured via a Requirement. It is widely publicised that the demand for water in the future will be greater and thus the Proposed Development should include commitments to and set out the mechanisms for securing the measures taken to reduce water usage.

Transport

- 18.13 The Scheme's existing approach to sustainable travel is unacceptable and results in excessive climate related impacts. The ES states that due to its location, significant worker commuting is expected to be by private car. Greater practical choice of sustainable transport options is important to future energy use and climate change.
- 18.14 The Scheme's commuting patterns prove that the Site is in an unsustainable location and that the mitigation currently proposed is inadequate. BDC's

submissions in respect of support for sustainable transport are set out in section XXX of this Written Representation.

19 Health and Wellbeing

- 19.1 The Proposed Development will result in negative impacts to numerous health determinants as detailed in BDC's LIR. BDC consider the Wards chosen for the Applicant's assessment of health and wellbeing impacts has underrepresented the areas of Narborough, and also Hinckley and Earl Shilton.
- 19.2 The negative impacts upon health and wellbeing determinants can be summarised as including:
- 19.2.1 Reduced accessibility to social infrastructure and additional wait times for emergency services due to the increased downtime at the Narborough Level Crossing.
 - 19.2.2 Negative mental and physical health impacts due to the reduction in the Burbage Commons area, further there has been a lack of analysis around the qualitative nature of replacement rural open space bridleways. BDC consider the change in user experience for bridleways from a previously natural experience to a predominantly urban one will have negative physical and mental impacts.
 - 19.2.3 Negative impacts on mental health from a reduction of the tranquillity of Burbage Common due to excessive noise impacts.
- 19.3 BDC consider the mitigation measures proposed are presently unclear and underpinned by a lack of analysis. It is presently unclear as to the quality of the proposed alternative open space which will be provided.
- 19.4 BDC consider there has been a lack of analysis around the qualitative nature of replacement rural open space bridleways, The user experience will change from encountering a natural aesthetic to an urban one with most of the proposed routes being adjacent to roads.
- 19.5 There has been no analysis within Appendix 7.1 of the ES of the commuting patterns and how active travel will be incorporated into the Proposed Development.
- 19.6 Given no traffic flow information has been provided as part of the air quality assessment, any stated impacts on the human receptors cannot be verified or relied upon.
- 19.7 Furthermore, the transport modelling underpinning the Proposed Development is not considered robust and so the mitigation proposed in terms of sustainable travel and road network improvements is not considered adequate.
- 19.8 **[Placeholder for paragraphs detailing requested amendments].**

20 **Draft DCO and Requirements**

- 20.1 BDC's comments on the draft DCO are set out below. A revised draft of Schedule 2 to the dDCO incorporating the amendments which BDC considers necessary is appended.
- 20.2 **[Placeholder for further comments on this matter].**

21 **Conclusion**

- 21.1 This Written Representation identifies a range of fundamental concerns that BDC has about the Proposed Development, as such, BDC vehemently opposes the Proposed Development given the far-reaching adverse environmental and social impacts it would cause in the local area, as outlined throughout this document. BDC acknowledges that the Proposed Development will have benefits in terms of employment during the construction and operational phase, however, this is overridden by the significant negative impacts upon the natural and built environment.
- 21.2 In the event that the Secretary of State consents the Proposed Development, BDC insist that the Requirements and obligations to be secured pursuant to Section 106 of the Town and Country Planning Act 1990, which are still under negotiation and are not yet acceptable to BDC, should be an essential part of the overall scheme.