



CABINET - 5 FEBRUARY 2021

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

REPORT OF THE CHIEF EXECUTIVE

PART A

Purpose of the Report

1. The purpose of this report is to set out the background to the proposed Hinkley National Rail Freight Interchange (HNRFI) project, located within Blaby District, and advise the Cabinet of the risks to the Council associated with the project and the 'Nationally Significant Infrastructure Proposal' planning application timeline proposed by the developer, Tritax Symmetry (formerly known as DB Symmetry).

Recommendations

2. It is recommended that:-
 - a) The concerns and views set out in paragraph 29 of this report be communicated to and discussed with the developer, in particular:
 - i. The developer's current planned timetable;
 - ii. The Council's desire to secure a Planning Performance Agreement with the developer that provides certainty regarding both the project programme and the financial contributions required to cover the Council's costs in responding to the developer's proposals; and
 - iii. Concerns regarding the developer's proposed approach to providing evidence in respect of highways and transport issues for consideration by the Planning Inspectorate;
 - b) The Developer and Planning Inspectorate be informed of the Council's concerns resulting from the developer's submission timeline and that, if the applicant continues to disregard these concerns, the Council's likely objection to the proposal;
 - c) The County Council engages with Blaby District Council over the implications for Blaby District Council's emerging Local Plan in the event that a Development Consent Order is made by the Secretary of State approving the project.

Reasons for Recommendation

3. Before the Council can form a view on the proposals being put forward by the developer, particularly in relation to its statutory transport responsibilities, it needs to undertake substantial assessment of key information. The recommendations in this report set out the initial actions required to enable the County Council to effectively fulfil its statutory consultee roles and if the application is accepted, to fully participate in the Development Consent Order (DCO) process.
4. Resolution of concerns regarding the timing of the submission of information from the developer will help inform Council's contribution to the DCO process.
5. As a result of the scale of the proposal and the impact it would have on the local area, it is essential that the developer complies fully with the consultation requirements of the pre-application process so that local communities, including Parish Councils, are provided with up to date information.

Timetable for Decisions (including Scrutiny)

6. Approval of the recommendations will allow for the establishment of the formalised Council approach to managing risks associated with the HNRFI project.
7. Subject to any revisions to the developer's project timetable, the Cabinet will need to give further consideration of the proposals later in 2021.
8. In January 2021 LCC responded to the developer's request for comments on its informal 'Statement of Community Consultation'. The Council has since been informed by letter that the formal community consultation will take place in mid-May 2021.

Policy Framework and Previous Decisions

9. The Council has not given consideration to this proposal in the past

Resource Implications

10. There are no resource implications arising directly from the recommendations in this report.
11. A draft Planning Performance Agreement (PPA) was prepared by relevant parties in 2019 to set out the commitment required by the developer, the County Council and Blaby District Council. This included funding for the work needed in relation statutory and non-statutory services. This PPA reached an advanced stage but was not completed due to the developer (DB Symmetry) deciding to put the project on hold. In order to properly resource the work moving forward, a new PPA will need to be negotiated with the developer in consultation with Blaby District Council.

Legal Implications

12. The Director of Law and Governance has been consulted on this report and more detail regarding the planning process and legal implications are set out in Part B of this report below.
13. The proposed development is considered to be a Nationally Significant Infrastructure Project and as such the planning application will be determined by the Secretary of State. The County Council will be a statutory consultee in the planning process.

Circulation under the Local Issues Alert Procedure

14. Mrs M. Wright CC

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PART B

Rail Freight Interchanges

15. A Strategic Rail Freight Interchange (SRFI) is a large multi-purpose freight interchange and distribution centre linked into both the rail and trunk road networks. It would have rail-served warehousing and container handling facilities. SRFIs enable freight to be transferred between transport modes, thus allowing rail to be used to best effect to undertake the long-haul primary trunk journey, with other modes (usually road) providing the secondary (final delivery) leg of the journey.
16. 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 can help to reduce the cost and environmental impacts of distribution operations by moving some of the goods by rail, reducing dependency upon the strategic road network.

National Policy Statement for National Networks

17. In December 2014, Government published National Policy Statement for National Networks. This sets out the need for, and Government's policies to deliver, development of Nationally Significant Infrastructure Projects (NSIPs) on the national road and rail networks in England. It provides planning guidance for promoters of NSIPs on the road and rail networks, and the basis for the examination by PINS and decisions by the Secretary of State. The thresholds for nationally significant road, rail and strategic rail freight infrastructure projects are defined in the Planning Act 2008 as amended (for highway and railway projects) by The Highway and Railway (Nationally Significant Infrastructure Project) Order 2013.
18. The Secretary of State will use this National Policy Statement as the primary basis for making decisions on DCO applications for NSIPs in England.

Hinckley National Rail Freight Interchange

19. Until recently, the promoter of the HNRFI scheme, Tritax Symmetry had stated their intention to conduct a public consultation exercise in March 2021. Correspondence received on 1 February 2021 from the developer advises of their decision to delay the public consultation originally intended in March 2021 by four to five months. Whilst this is helpful as it allows more time to consider the proposals before formal consultation begins, there remains considerable concern regarding the timetable for the submission in September 2021 and the developer's as yet unjustified position with regard to mitigation measures for the local transport network.
20. The developer's pre-consultation documentation states the following will be included in its proposals:

- Railway sidings and freight transfer area alongside the two-track railway between Hinckley and Leicester. This line forms a part of Network Rail's 'F2N' freight route between Felixstowe and Nuneaton, lengths of which have been the subject of upgrades, and is also well-placed in the national rail network to provide direct links to and from major cargo terminals at Southampton, Liverpool and the Humber estuary.
 - A dedicated road access directly from Junction 2 of the M69 motorway. The M69 connects the M6 near Coventry to the M1 near Leicester and links to the A5 in between. As a part of the proposals, a northbound off-slip and a southbound on-slip would be added to this Junction, which currently caters only for motorway traffic heading to and from the north.
 - Up to 13.71 hectares (ha) of level land for the construction of a rail port for the loading and unloading of freight trains, and for a total area of up to 850,000 square metres gross internal area (GIA) of high-bay storage and logistics buildings in a single land parcel bounded by the railway to the north-west and the M69 to the south-east.
 - Land for landscape and planting works, ecological mitigation, drainage balancing ponds and footpath and cycleway links.
21. This proposal differs to that previously presented by the developer which was the subject of public consultation in 2019, and proposed substantial options for highways improvement, including bypasses for Stoney Stanton and Sapcote. The Applicant's current assumption is that these bypasses will not be required to mitigate the impact of the development. The County Council as Highways Authority is awaiting submission of evidence on this matter.

Detailed Legal Observations

22. The nature of the proposed development means the decision whether or not to proceed will be taken by the Secretary of State following examination by the Planning Inspectorate (PINS).
23. The decision-making process is governed by the Planning Act 2008 as amended and the Regulations made under it.
24. Obtaining a DCO under the 2008 Act involves a front-loaded process where the developer consults on a proposed project before submitting an application.
25. The application, once accepted, will then be examined by a single inspector or a panel of inspectors from PINS ("the Examining Body").
26. On completion of the examination, PINS will provide a report and make a recommendation to the Secretary of State who will decide whether a DCO should be granted.

27. Where the Secretary of State proposes to grant a DCO, this is normally made as a statutory instrument – a form of secondary legislation. The DCO not only provides planning permission for the project but may also incorporate other consents and include authorisation for the compulsory acquisition of land. The Order will specify details of the development consented and its location (including plans) and any requirements (conditions) that must be met in implementing the consent. As necessary a Development Consent Obligation (akin to a Section 106 Planning Agreement) may also be required.
28. This application is currently registered with PINS at the Pre-application stage.

Key Risks for the County Council

29. The Council is facing a number of considerable risks associated with the proposal and these are set out below:-
- a) With the developer's submission still planned for September 2021, the Council, as the Local Highway Authority, has a statutory responsibility to assess and comment on complex and significant transport modelling, at the request of the developer, without adequate resources and without adequate time to properly assess the true impact and suitability of the proposed mitigations.
 - b) It is necessary to assess the impact of the NRFI alongside other significant developments being considered for inclusion in Blaby's emerging Local Plan. This work will be costly and time consuming.
 - c) The assessment of the impact of the proposals will also need to take into consideration committed and emerging proposals in the neighbouring Hinckley and Bosworth Borough.
 - d) Given the proximity of the HNRFI proposals to the M69 motorway, the impact on the County's local highway network needs to be assessed alongside Highways England's assessment of the impact on the strategic road network. Other neighbouring highways authorities, such as Warwickshire, are likely to be affected.

Equality and Human Rights Implications

30. There are no equality or human rights implications arising from the recommendations in this report.

Background Papers

None.