



## **CABINET – 29 MARCH 2022**

### **RESPONSE TO THE HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE CONSULTATION**

#### **REPORT OF THE CHIEF EXECUTIVE**

#### **PART A**

##### **Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of the County Council's comments, as the Local Highway Authority (LHA), in response to the consultation concerning the proposed Hinckley National Rail Freight Interchange (HNRFI) being undertaken by Tritax Symmetry, the applicant.
2. The detailed comments are set out in the Appendix to this report and key comments are highlighted at paragraph 26 of the report.

##### **Recommendations**

3. It is recommended that:
  - a) The comments set out in the Appendix to the report to be submitted to Tritax Symmetry as the views of the County Council on the proposed Hinckley National Rail Freight Interchange be noted;
  - b) It be noted that minor amendments may be made to the County Council's comments by the Director of Environment and Transport in consultation with the Director of Law and Governance (using their delegated powers) to reflect, for example, comments of the Cabinet, prior to their submission on 8 April.

##### **Reasons for Recommendation**

4. The proposed response sets out key comments for consideration by the applicant, Tritax Symmetry in preparing its application to the Planning Inspectorate.
5. The Director of Environment and Transport will use their delegated powers to submit the comments, however it is being presented to the Cabinet as the LHA has concerns regarding the applicant's transport, data and evidence use to inform the modelling.

### **Timetable for Decisions (including Scrutiny)**

6. The Consultation response will be submitted by the deadline of 8 April 2022.

### **Policy Framework and Previous Decisions**

7. The 2021 Midlands Connect Strategy refresh advocates the movement of more goods by rail rather than road, reducing carbon emissions by up to 76%.
8. The non-statutory Strategic Growth Plan (SGP) for Leicester and Leicestershire which sets out a vision for growth to 2050, was approved by the Cabinet in November 2018, and by partners in December of the same year. The SGP sets out employment land that is needed between 2011 and 2031/2036 in addition to housing need. The SGP includes the Leicestershire International Gateway concept where there are major employment opportunities, directly referring to East Midlands Airport and the East Midlands Gateway Strategic Rail Freight Interchange (SRFI).
9. The 'Warehousing and logistics in Leicester and Leicestershire: managing growth and change' study (April 2021) specifically focuses on strategic warehousing (units over 9,000sqm of floorspace) such as the proposed interchange. This provides updated evidence for road and rail based strategic warehousing provision and in the period to 2041 looks for one further SRFI in Leicester and Leicestershire. Broad 'Areas of Opportunity' are identified in the study to steer future strategic warehousing and logistics proposals. The HNRFI sits within one of these broad 'Areas of Opportunity'.
10. In November 2021 the County Council became a signatory to the Leicester and Leicestershire Statement of Common Ground (SoCG) relating to Strategic Warehousing and Logistics needs (September 2021). The SoCG will help to inform an approach to meeting the Leicester and Leicestershire need which maintains an appropriate supply across the Areas of Opportunity in terms of geography and trajectory. This is required to help demonstrate a collective Duty to Co-operate on this matter.
11. A report was considered by the Cabinet on 5 February 2021 which set out the Council's initial concerns and views with regard to the proposed HNRFI , in particular
  - the applicant's planned timetable;
  - the need for a Planning Performance Agreement with the applicant that provided certainty regarding both the HNRFI project programme, and the financial contributions required to cover the Council's costs in responding to the developer's proposals
  - the applicant's proposed approach to providing evidence in respect of highways and transport issues for consideration by the Planning Inspectorate.

### **Resource Implications**

12. The County Council is required to provide advice to the Applicant in its capacity as statutory consultee as the Local Highway Authority.
13. National Significant Infrastructure Projects (NSIP), of which the HNRFI is one, and the associated planning processes often lead to a level of workload that is outside of business as usual for the Environment and Transport Department and will therefore have a significant draw on the Department's resources at a time when it is already managing other strategic and local planning matters. It may therefore be necessary to secure additional resource in order for the Authority to provide the necessary level of advice.
14. The County Council will do its utmost to recover the costs of transport and environmental consultation and advice given by the County Council to the applicant (including related legal costs). These will be recovered through a Performance Planning Agreement (PPA) between the Authority and the applicant.
15. The PPA will seek to recover costs already incurred and any further costs up to the date the applicant submits their application to the Planning Inspectorate. Any costs after this date will be the subject of an additional PPA.
16. Costs incurred to date are estimated to be £71,000. In addition, further estimated costs in the region of £160,000 are expected to be incurred by the County Council up to the date the applicant submits their application to the Planning Inspectorate.
17. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

### **Circulation under the Local Issues Alert Procedure**

18. This proposed development is in Blaby District Council. This report will be circulated to Mrs Maggie Wright CC as the local member and in addition, all Members of the County Council.

### **Officers to Contact**

Tom Purnell  
 Assistant Chief Executive  
 Tel: 0116 305 7019 Email: [tom.purnell@leics.gov.uk](mailto:tom.purnell@leics.gov.uk)

Simon Lawrence  
 Growth Service and Major Programmes Manager  
 Tel: 0116 305 7243 Email: [simon.lawrence@leics.gov.uk](mailto:simon.lawrence@leics.gov.uk)

Sue Kirby  
 Growth Manager  
 Tel: 0116 3050919 Email: [susan.kirby@leics.gov.uk](mailto:susan.kirby@leics.gov.uk)

## **PART B**

### **Background**

#### **The principle of Strategic Rail Freight Interchanges (SRFI)**

19. Strategic Rail Freight Interchanges (SFRI) are large multi-purpose rail freight interchange and distribution centres linked into both the rail and trunk road system. They have rail-connected warehousing and container handling facilities and may also include manufacturing and processing activities.

#### **Hinckley National Freight Interchange proposal**

20. The Hinckley National Freight Interchange (HNFRI) is a SFRI to include railway sidings and freight transfer area alongside a two-track railway between Hinckley and Leicester. The line forms a part of Network Rail's freight route between Felixstowe to Nuneaton as part of a wider network to link major cargo terminals at Southampton, Liverpool and the Humber estuary.
21. The development as proposed would include the construction of south facing slip roads at junction 2 of the M69 motorway and a new link road between M69 and the B4668 Leicester Road, Hinckley – generally known as the A47 link road. The Applicant also proposes land for landscape and planting works, ecological mitigation, drainage balancing ponds and footpath and cycleway links.
22. HNFRI has been designated a Nationally Significant Infrastructure Project (NSIP). NSIPs are major infrastructure projects and include power stations, pipelines and transport infrastructure. NSIPs are outside of local plans and planning authority processes. The relevant Secretary of State is responsible for making the final decision to approve an NSIP.
23. The applicant of HNFRI, Tritax Symmetry (Hinckley) Limited is required to follow a six-stage process set out by the Planning Inspectorate. This process is called the Development Consent Regime. The Applicant is currently working toward Stage 1 of the process which is the submission of their pre-application to the Planning Inspectorate.

The other stages are:

- 2: The application stage when the Applicant submits to the Planning Inspectorate. The Inspectorate has up to 28 days in which to accept or reject the application.
- 3: The pre-examination determines the examination process. This can take up to 28 days.
- 4: The examination stage when interested parties can make written and oral representations to the Planning Inspectorate in its capacity as the examining authority. This can last a maximum of six months.

- 5: The Inspectorate makes its recommendation to the relevant Secretary of State who decides whether to approve the project. This can last a maximum of six months.
- 6: The post decision stage when the Applicant or other interested party can appeal any decision via a legal challenge. This is a six-week window.

24. The County Council's role in this process is as a consultee. At this first stage of the process, called the pre-application stage, the County Council is only responding in its statutory consultee capacity as the Local Highway Authority

#### Pre-Application Consultation process.

25. The applicant's formal consultation process runs from 12 January 2022 to 8 April 2022, consisting of the following

- published data and assessment reports available on the applicant's website: [www.hinckleynrfi.co.uk](http://www.hinckleynrfi.co.uk)
- two webinars. Recordings available on the applicant's website.
- nine public exhibitions, took place in: Elmesthorpe (2), Burbage, Stoney Stanton, Narborough, Barwell, Hinckley (2), Sapcote.

#### **Response to the Hinckley National Rail Freight Interchange consultation**

26. The County Council's response is in its capacity as a statutory consultee as the LHA and the full response is included as the Appendix and summarised below

- The Interim Transport Assessment (ITA) is based on outputs and assumptions from Leicestershire County Council's Pan-Regional Transport Model (PRTM) that have not been agreed/have been superseded and therefore the findings in the ITA are not accepted (including mitigation proposals). This could mean that the information being presented to the public in the form of impact and mitigation proposals is subject to change following a revised modelling exercise which is currently being undertaken
- There is currently insufficient robust evidence to eliminate the need for a Sapcote Bypass at this stage.
- The applicant has not engaged on the Public Right of Way proposals, and consequently these cannot be agreed.
- The LHA welcomes the development of a Sustainable Transport Strategy (STS) but to date the applicant's engagement on this has been limited.
- HGV Route Management Plan and Strategy - there are concerns with regards to the deliverability, legality and enforceability of the Strategy as currently drafted.

- Framework Site Wide Travel Plan - the relationship between this plan and the STS is unclear.
- Further work is required to ensure that the analysis of rail impacts takes proper account of the Midlands Engine Rail proposals being promoted through Midlands Connect, which includes proposals to enhance passenger rail connectivity between Leicester and Birmingham and to reinstate direct services to Coventry.
- The LHA welcomes further and continued engagement with Tritax to address the above.

### **Equality and Human Rights Implications**

27. There are no equality and human rights implications for the County Council arising from the recommendations in this report. The applicant is required to submit a Statement of Community Consultation and include a Consultation report as part of their application setting out how they consulted and took account of consultation responses.

### **Environmental Implications**

28. The environmental implications of the development are a matter for Government as part of the Nationally Significant Infrastructure Project regulation.

### **Partnership Working and Associated Issues**

29. The County Council continues to engage with Blaby District Council and Hinckley and Bosworth Borough Council and the applicant regarding the proposals.
30. Blaby District Council and Hinckley and Bosworth Borough Council will be submitting responses to the consultation.
31. The scope of the County Council's response is restricted to the Highway Authority's statutory consultation however, feedback on areas where the County Council has expertise including in ecology and archaeology, has been shared with the district councils in support of any wider response they may submit.

### **Background Papers**

Report to the Cabinet – 5 February 2021 - HNRFI

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MIId=6440&Ver=4>

Tritax Symmetry: Hinckley National Rail Freight Interchange Formal Consultation documentation [www.hinckleynrfi.co.uk](http://www.hinckleynrfi.co.uk)

**Appendix**

Leicestershire County Council response as the Local Highway Authority to the Hinckley National Rail Freight Interchange formal consultation

This page is intentionally left blank