



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 30 November 2021

Wards affected: All wards

Hinckley National Rail Freight Interchange

Report of Director (Environment & Planning)

1. Purpose of report

- 1.1 To update Members on the progress being made in relation to the pre-application and application for a Development Consent Order (DCO) for the Hinckley National Rail Freight Interchange (HNRFI) by Tritax Symmetry to the Planning Inspectorate.
- 1.2 To advise Members on the statutory process and how the Borough Council are engaged in that process
- 1.3 To seek approval for a scheme of delegation to enable the Council to respond and engage effectively in the DCO process.
- 1.4 To confirm arrangements for member briefing.

2. Recommendation

- 2.1 That members authorise the Director (Environment & Planning) in consultation with the Executive Member for Planning and the Chair of the Member Working Group to respond on behalf of the Council on all matters pertaining to the HNRFI (Hinckley National Rail Freight Interchange) as described in this report.

3. Background to the report

- 3.1 The Hinckley National Rail Freight Interchange is classed as a Nationally Significant Infrastructure Project (NSIP) which are major infrastructure developments. A Development Consent Order (DCO) application for consent

to undertake an NSIP is made to the Planning Inspectorate who will consider the application and make a recommendation to the Secretary of State, who will decide on whether the DCO should be granted for the proposed scheme.

- 3.2 The HNRFI sits predominantly within the administrative boundary of Blaby District Council with approximately 250m of the proposed A47 road link from the M69 to Leicester Road being within the Hinckley and Bosworth administrative boundary which makes the Council a 'Host Authority' along with Blaby District Council and Leicestershire County Council.
- 3.3 The proposal is still being developed based on its evolving evidence base, however the current proposal for the DCO is:
- a) New rail infrastructure off the existing Felixstowe to Midlands and the North rail freight route (F2MN);
 - b) An intermodal freight terminal aka railport capable of accommodating up to 16 trains per day;
 - c) Up to 850,000 m² of buildings for logistics use (comprising 650,000 square metres at ground floor level and a further 200,000 square metres of mezzanine floorspace) – a use within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (warehouse and storage);
 - d) Lorry park which may include HGV fuelling facilities
 - e) Highway works including:
 - i. Provision of south facing slips onto Junction 2 of the M69;
 - ii. A new highway link between Junction 2 and B4668/A47 Leicester Road
- 3.4 The DCO application is currently at the pre-application phase of the DCO process where a formal public consultation must be held by Tritax Symmetry and this is anticipated to be early 2022.
- 3.5 There are then five other stages of the DCO process which are summarised below:
- Acceptance – submission of the application to the Planning Inspectorate
 - Pre-examination – Interested parties including the host authorities register to then be able to make their relevant representations
 - Examination – Hearings, representations, statement of common grounds on all matters being considered as part of the application
 - Recommendation & Decision – the Planning Inspectorate makes their recommendation within three months of the close of the examination. The Secretary of State then has a further three months to make the decision whether to grant/refuse the DCO.
 - Post-decision – 6 week Judicial Review period
- 3.6 As part of the DCO application process, and particularly during the examination stage, there will be continuous deadlines for the Council to submit further representations, answer queries and update statements of common ground on topic specific matters. These requests by the Planning Inspectorate will require swift responses (potentially within 14 calendar days)

to ensure all matters are fully explored before the close of the examination of the application.

3.7 The Planning Inspectorate has stated that late submissions of representations may prejudice the ability of other interested parties to consider and comment on its content, potentially then disrupting the examination and resulting in additional costs for other interested parties.

3.8 It is therefore advised that the Council ensures it has adequate delegations in place as it is unlikely there will be time to seek committee approval for representations made by the Council within the swift turnaround times. The HNRFI specific Member Working Group in place provides a cross party, discussion and consultation platform for the DCO process and so will be able to provide views on matters brought before them to assist in responding back to the Planning Inspectorate, with final decisions being made by the Director (Environment & Planning) in consultation with the Executive Member for Planning and the Chair of the Member Working Group.

4. Exemptions in accordance with the Access to Information procedure rules

4.1 This report will be taken in open session.

5. Financial implications [CS]

5.1 Specialist consultants may be required and developers will be asked to cover these costs via a Planning Performance Agreement.

5.2 There are currently no budgets approved for this project. If required, expenditure and income will require approval in accordance with financial procedure rules.

6. Legal implications [MR]

6.1 Section 101 local Government Act 1972 provides that a local authority may arrange for the discharge of any of its functions by a committee sub-committee or officer

6.2 Town and Country Planning and development control are specifically excluded from being executive functions by the Local Authority (Functions and Responsibilities) (England) Regulations 2000

6.3 It is therefore not possible under this section to delegate the exercise of powers relating to the exercise of town and country planning and development control to an individual councillor.

6.4 If it is intended, as set out in the report, that a single member should be involved in the decision, then the power can be delegated to an officer to be exercised after consulting with the named member.

6.5 This is the recommendation in the report, and, in law, the decision must be that of the officer.

7. Corporate Plan implications

7.1 Delegating decision making powers to the Director (Environment & Planning) and the Lead Executive Member for Planning for actions and responses pertaining to the HNRFI DCO application process will contribute to the delivery of the following two Corporate Plan themes:

- Places - We will do everything we can to ensure the transport and community infrastructure can support growth
- Prosperity - Boost economic growth and regeneration by encouraging investment that will provide new jobs and places to live and work all over the borough and we will encourage developers to use local labour, developing skills in collaboration with local colleges and provide opportunities for training and employment

8. Consultation

8.1 There is a cross party Member Working Group in place, which meets regularly to discuss matters and issues pertaining to the HNRFI DCO.

9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
S.04 – Damage to Reputation / adverse publicity by not responding appropriately or within the specified timeframes dictated by the Planning Inspectorate.	Have a scheme of delegation in place to enable quick and timely responses on behalf of the Council back to the Planning Inspectorate.	Bill Cullen

10. Knowing your community – equality and rural implications

- 10.1 By giving the Director (Environment & Planning) and the Lead Executive Member for Planning delegated powers to respond in a timely manner to matters pertaining to the HNRFI DCO application, this enables the Council to comment at every opportunity given ensuring the interests of the Borough are represented.

11. Climate implications

- 11.1 The climate implications of the HNRFI will be assessed through the DCO process and the Council's Carbon Reduction and Climate Change Officer is part of the Council's project team and so will be heavily involved in any consultation responses.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications – None directly as a result of this report.
 - Environmental implications – This will be assessed through the DCO application process.
 - ICT implications – None directly as a result of this report.
 - Asset management implications - This will be assessed through the DCO application process.
 - Procurement implications – Consultants may be required and officers will follow the correct procurement procedures.
 - Human resources implications - None directly as a result of this report.
 - Planning implications - this will be assessed through the DCO application process.
 - Data protection implications - None directly as a result of this report.
 - Voluntary sector - None directly as a result of this report.

Background papers: None.

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