

Tritax Symmetry (Hinckley) Limited

# **HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE**

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

Project reference TR050007

### **Statement of Reasons**

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Planning Act 2008

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

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## 1. INTRODUCTION

- 1.1 This Statement of Reasons (“Statement”) relates to an application made by Tritax Symmetry (Hinckley) Limited (“TSH”) to the Secretary of State (through the Planning Inspectorate) under the Planning Act 2008 (“PA 2008”) for a development consent order (“DCO”) to authorise the construction, operation and maintenance of a rail freight interchange (including warehousing and associated highway works) on land near Junction 2 of the M69 in Leicestershire (“the Project”), known as the Hinckley National Rail Freight Interchange (“HNRFI”).
- 1.2 This Statement explains why it is necessary, justifiable and proportionate for TSH to seek powers of compulsory acquisition in the DCO and why there is a compelling case in the public interest for TSH to be granted these powers pursuant to section 122 of the PA 2008.
- 1.3 This Statement is required to support the application because the DCO (if granted) would include powers to:
- compulsorily acquire land including interests in or rights over land;
  - extinguish, interfere with, suspend or override existing rights over land; and
  - use and possess land temporarily.
- 1.4 The Statement has been prepared to accompany the application for the DCO (“the Application”) in accordance with section 37(3)(d) of the PA 2008 and regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“APFP Regulations”) and having regard to guidance contained in ‘Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land’ (September 2013) published by the former Department for Communities and Local Government (“CLG guidance”).
- 1.5 It should be read alongside other Application documents, in particular:
- 1.5.1 the Funding Statement (document reference: 4.2), which explains how the proposed compulsory acquisition will be funded;
  - 1.5.2 the Land Plans (document reference: 2.20), which identify the land anticipated to be subject to powers of compulsory acquisition and temporary possession;
  - 1.5.3 the Book of Reference (document reference: 4.3), which describes the land and rights required for the Project and provides details of those persons with a right or interest in it;
  - 1.5.4 the Planning Statement (document reference: 7.1);
  - 1.5.5 the Market Needs Assessment (document reference: 16.1) and the Logistics Demand and Supply Assessment (document reference 16.2); and
  - 1.5.6 the Environmental Statement (“ES”), particularly Chapter 3 Project description (document reference: 6.1.3) and Chapter 4 Site selection and evolution (document reference: 6.1.4).
- 1.6 The structure and content of the remainder of the Statement is as follows:

- Section 2 provides an overview of the site and the Project and explains the need for the Project in the context of national policy;
- Section 3 sets out the statutory context in which this Statement has been prepared and relevant guidance;
- Section 4 explains the compulsory acquisition powers proposed in the draft DCO;
- Section 5 provides an overview of the land proposed to be subject to compulsory acquisition powers (referred to as the Order Land);
- Section 6 sets out TSH's justification for its proposed compulsory acquisition of land and rights for the purpose of the Project;
- Section 7 explains TSH's approach to land acquisition and the progress made in discussions with landowners.
- Section 8 deals with Crown land and special category land;
- Section 9 explains the consideration given to Category 3 persons; and
- Section 10 outlines what other information may be of interest to persons who are or may be affected by the DCO.

## 2. THE PROJECT

- 2.1 This section provides an overview of the site on which the Project is proposed to be carried out and provides a summary description of the Project. It then explains the need for the Project in the context of relevant national policy.
- 2.2 These matters are covered in more detail in the Planning Statement (document reference: 7.1), ES Chapters 2 and 3 (document references: 6.1.2 and 6.1.3) and the Market Needs Assessment (document reference: 16.1).

### The site and its location

- 2.3 The area of land within which the Project is proposed to be carried out is referred to in the draft DCO and in this Statement as the "Order limits". In other Application documents, such as the Environmental Statement, this area is referred to as "the DCO Site".
- 2.4 The Order limits are represented by a redline as shown on the Works Plans (document reference: 2.2) which accompany the Application. This defines the area within which the works authorised by the DCO may be carried out. The Order limits include:
- 2.4.1 land on which the HNRFI would be developed, located between the M69 motorway and the Leicester to Hinckley railway (the "Main HNRFI Site"), and contiguous areas of land to the north-west containing the corridor for the proposed A47 link road and to the south and east containing proposed works to Junction 2 of the M69 and a section of the B4669 Hinckley Road towards the village of Sapcote (together the "Main Order Limits"); and

- 2.4.2 land outside the Main Order Limits to accommodate additional highway works (including modifications and improvements to roads, junctions and pedestrian level crossings) required in connection with the HNRFI.
- 2.5 The land within the Order Limits (also referred to as the DCO Site) covers an area of approximately 268 hectares, with the Main HNRFI Site covering an area of approximately 187 hectares. The land within the Main Order Limits sits mainly in Blaby District in Leicestershire, although the north-western end of the A47 link road corridor is in the Borough of Hinckley and Bosworth also in Leicestershire. The proposed additional highway works referred to at paragraph 2.4.2 above are located in Blaby District, Hinckley and Bosworth Borough and Harborough District in Leicestershire and in the Borough of Rugby in Warwickshire.
- 2.6 The location of the Main HNRFI Site offers a range of attributes which make it ideally and uniquely suited to the development of a strategic rail freight interchange (“SRFI”), including:
- 2.6.1 its location on the strategically important Felixstowe to Nuneaton freight line connecting Britain’s deep sea ports of Felixstowe and London Gateway with the Midlands and the North;
  - 2.6.2 its location on the strategic road (adjacent to junction 2 of the M69) and the rail network is ideally placed to meet the identified need for SRFI in this locality and to serve a dense catchment of manufacturing, distribution and consumer businesses around the area known as ‘The Golden Triangle’ for logistics; and
  - 2.6.3 its scale and physical suitability for development, which offers an ample area of open level land, a sufficient at-grade rail frontage with the ability to accommodate 775m length trains, direct a comparatively low level of environmental constraint with no designated features of ecological or cultural heritage within the site.
- 2.7 A full description of the DCO Site can be found in ES Chapter 2 (document reference: 6.1.2).

### **Project description**

- 2.8 Schedule 1 to the draft DCO (document reference: 3.1) contains a description of the works proposed to be authorised by the DCO and ES Chapter 3 (document reference: 6.1.3) contains a detailed description of the Project. The following paragraphs of this Statement provide an overview of the main components of the Project:

### **2.9 Development on the Main HNRFI Site**

- a) The demolition of Woodhouse Farm, Hobbs Hayes, Freeholt Lodge and the existing bridge over the Leicester to Hinckley railway on Burbage Common Road;
- b) new rail infrastructure including points off the existing Leicester to Hinckley railway providing access to a series of parallel sidings at the HNRFI, in which trains would be unloaded, marshalled and loaded;
- c) an intermodal freight terminal or ‘Railport’ capable of accommodating up to 16 trains up to 775m in length per day, with hard-surfaced areas for container storage and HGV parking and cranes for the loading and unloading of shipping containers from trains and lorries;

- d) up to 850,000 square metres (gross internal area or GIA) of warehousing and ancillary buildings with a total footprint of up to 650,000 square metres and up to 200,000 square metres of mezzanine floorspace, including the potential for some buildings to be directly rail linked if required by occupiers. These buildings might incorporate ancillary data centres to support the requirements of HNRFI occupiers and operators. They will also incorporate roof-mounted photovoltaic arrays with a generation capacity of up to 42.4 megawatts (MW), providing direct electricity supply to the building or exporting power to battery storage in the energy centre;
- e) an energy centre incorporating an electricity substation connected to the local electricity distribution network, battery storage and a gas-fired combined heat and power plant (designed to be ready for 100% hydrogen in the grid gas supply) with an electrical generation capacity of up to 5 megawatts (MW). Total electricity generation capacity at the Main HNRFI Site is therefore 47.4 MW;
- f) a lorry park with welfare facilities for drivers and HGV fuelling facilities;
- g) a site hub building providing office, meeting space and marketing suite for use in connection with the management of the HNRFI and ancillary car parking;
- h) terrain remodelling, hard and soft landscape works, amenity water features and planting;
- i) noise attenuation measures, including acoustic barriers up to six metres in height;
- j) habitat creation and enhancement, and the provision of publicly accessible amenity open space at the south-western extremity of the HNRFI near Burbage Wood and to the south of the proposed A47 Link Road between the railway and the B4668/A47 Leicester Road;
- k) pedestrian, equestrian and cycle access routes and infrastructure, including a new dedicated route for pedestrians, cyclists and horse riders from a point south of Elmesthorpe to Burbage Common;
- l) utility compounds, plant and service infrastructure;
- m) security and safety provisions inside the HNRFI including fencing and lighting;
- n) drainage works including surface water retention ponds, underground attenuation tanks and swales;

## 2.10 Highway works

- a) works to M69 Junction 2 comprising the reconfiguration of the existing roundabout and its approach and exit lanes, the addition of a southbound slip road for traffic joining the M69 motorway and the addition of a northbound slip road for traffic leaving the M69 motorway at Junction 2;
- b) a new road ('the A47 Link Road') from the modified M69 Junction 2 to the B4668 / A47 Leicester Road with a new bridge over the railway, providing vehicular access to the



proposed HNRFI from the strategic highway network. The A47 Link Road will be intended for adoption as a public highway;

- c) modifications to several junctions and amendments to Traffic Regulation Orders on the local road network in response to the different traffic flow pattern resulting partly from the trips generated by the HNRFI development and principally from the change in movements as a result of the M69 Junction 2 upgrade;
- d) works affecting existing pedestrian level crossings on the Leicester to Hinckley railway at Thorney Fields Farm north-west of Sapcote, at Elmesthorpe and at Outwoods between Burbage and Hinckley. In addition, pedestrian level crossings serving footpaths that connect Burbage Common Road to Earl Shilton and Barwell are proposed for closure with the associated footpaths being diverted;
- e) off-site (outside the Order Limits) railway infrastructure including signals and signage.

### Need for the Project

2.11 Section 2 of the National Policy Statement for National Networks (“NN NPS”) sets out the Government’s policy on the need for the development of the national road and rail network networks, including the development of Strategic Rail Freight Interchanges (“SRFIs”).

2.12 Paragraphs 2.1 to 2.11 of the NN NPS summarise the general drivers of the need for development of the national networks. It is highlighted that well-connected and high-performing networks with sufficient capacity are vital to meet the country’s long-term needs and support a prosperous economy (para 2.1), and that there is a critical need to improve the national networks to (amongst other things) address road congestion and provide resilient networks the better support economic activity and is capable of stimulating and supporting economic growth (para 2.2). It is also made clear that pressure on the networks is expected to increase substantially, with rail freight forecast to nearly double by 2030 (based on October 2014 forecasts), and that there is also a need to improve integration between transport modes, including the linkages to ports, which can reduce end-to-end journey times. Para 2.10 records the following conclusion:

*“The Government has therefore concluded at a strategic level there is a compelling need for development of the national networks and as an integrated system”.*

2.13 Paragraphs 2.42 to 2.48 of the NN NPS go on to deal with the need for SRFIs in particular. An SRFI is defined as “a large multi-purpose rail freight interchange and distribution centre linked into both the rail and trunk road system. It has rail-served warehousing and container handling facilities and may also include manufacturing and processing activities” (footnote 42). Paragraph 2.44 describes the aim of SRFIs as follows:

*“The aim of a strategic rail freight interchange (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.”*

2.14 Paragraphs 2.46 to 2.52 of the NN NPS explain the specific drivers of the need for SRFIs. They include the changing needs of the logistics sector, rail freight growth (with forecasts confirming the need for an expanded network of large SRFIs across the regions to accommodate long-term growth in rail freight), the environmental advantages of modal shift from road and aviation to rail particularly with regard to carbon emissions, and national and local economic benefits in terms of jobs and growth. It is also worth noting that the NN NPS recognises the role of the logistics industry and how it is evolving to meet demand for integrated rail freight and transport operations which requires the development of new facilities located alongside major rail routes and close to major trunk roads and conurbations (para 2.45).

2.15 The Government's policy for addressing this need is set out at paras 2.53 to 2.58 of the NN NPS. The Government's "vision" for transport is set out at paras 2.53 as follows:

*"The Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities. The Government therefore believes it is important to facilitate the development of the intermodal rail freight industry. The transfer of freight from road to rail has an important part to play in a low carbon economy and in helping to address climate change."*

2.16 Paragraph 2.54 indicates that "to facilitate this modal transfer, a network of SRFIs is needed across the regions, to serve regional, sub-regional and cross-regional markets" and that it is "essential that these have good connectivity with both the road and rail networks, in particular the strategic rail freight network". After explaining why other strategic options for addressing this need were discounted, the following conclusion is then recorded at paragraph 2.56:

*"The Government has concluded that there is a compelling need for an expanded network of SRFIs. It is important that SRFIs are located near the business markets they will serve – major urban centres, or groups of centres – and are linked to key supply chain routes. Given the locational requirements and the need for effective connections for both rail and road, the number of locations suitable for SRFIs will be limited, which will restrict the scope for developers to identify viable alternative sites."*

2.17 It is also highlighted that SRFI capacity needs to be provided at a wide range of locations, to provide the flexibility needed to match the changing demands of the market, possibly with traffic moving from existing rail freight interchanges to new larger facilities (para 2.58).

2.18 The locational requirements for SRFIs are explained in more detail in paragraphs 4.84 to 4.87 of the NN NPS. It is important that new SRFIs are appropriately located relative to the markets they serve, which will focus largely on major urban centres or groups of centres and key supply chain routes (4.84). Good road access is also emphasised, to enable rail to effectively compete with and work alongside road freight to achieve modal shift to rail (4.84), and adequate links to the rail and road networks are essential (4.85). The existence of an available and economic workforce is also identified as an important consideration (4.87).

2.19 The Planning Statement (document reference: 7.1) explains, by reference to the Market Needs Assessment (document reference: 16.1), how the HNRFI:

2.19.1 responds to the drivers of the need for SRFIs as set out in the NN NPS (see paragraphs 3.7 to 3.26 of the Planning Statement (document reference: 7.1)); and

- 2.19.2 meets the locational requirements for SRFIs which are identified in the NN NPS (see paragraphs 3.95 to 3.101 of the Planning Statement).
- 2.20 The Planning Statement also explains (see paragraphs 1.24 to 1.27 and 3.9 to 3.14, again by reference to the Market Needs Assessment, how the need for SRFIs generally and the HNRFI particularly has been further heightened by global events and factors that have arisen since the NN NPS was published in 2014, namely: (a) the consequences of Brexit (including increased fuel costs, HGV driver shortages and increased unitised movement of goods); (b) increasing environmental pressures (which are expected to accelerate modal shift to rail for which efficient hub capability is required in the network); and (c) the Covid-19 pandemic which has highlighted the fragility of global supply chains.
- 2.21 The Planning Statement (paragraphs 3.21 to 3.25 and 3.97 to 3.101) refers to more recent policy documents which reinforce the policies in the NN NPS confirming that there is a compelling need for an expanded network of SRFIs. Those policy documents include 'Great British Railways: The Williams-Shapps Plan for Rail' (May 2021), 'Decarbonising Transport: A Better Greener Britain' (July 2021) and 'Future of Freight: A Long Term Plan' (June 2021).
- 2.22 As noted above, the Application includes a Market Needs Assessment (document reference: 16.1). This report concludes as follows (paragraph 8):
- "HNRFI is an exceptional proposal for an SRFI, which is in the National and Regional interest. It is needed to secure the sustainable development and economic importance of the Midlands Engine, entirely in line with Midlands Connect's Routemap for Freight, recognising the vital importance of rail freight access for sustainable local and national economies.*
- ...
- The scheme is required to provide the core rail infrastructure needed to achieve Net Zero targets and ensure the UK has a resilient supply chain that can maximise the use of rail and makes the best use of scarce resources, including that of HGV drivers."*
- 2.23 The Application also includes a Logistics Demand and Supply Assessment (document reference: 16.2) which assesses the market demand for industrial and logistics (I&L) uses in relation to the proposed HNRFI. It considers both the national trends underpinning demand in the I&L sector as well as demand and supply dynamics specific to the property market area within which HNRFI is located. The report concludes (para 1.1.3) that "based on strong, unmet demand in the sub-region, consistent with national trends, there is a robust market need case for the development of HNRFI."
- 2.24 ES Chapter 5 (document reference: 6.1.5) also addresses the need for the Project in the context of local and national policy.

### 3. STATUTORY CONTEXT

- 3.1 This section sets out the statutory context within which this Statement has been prepared. It explains the requirement for a statement of reasons to be prepared as part of a DCO application and the provisions of the PA 2008 which deal with the authorisation of compulsory acquisition of land in a DCO. It also summarises relevant guidance contained in the CLG guidance about the justification of compulsory acquisition powers in a DCO.

### Requirement for a statement of reasons

- 3.2 As noted in the Introduction, section 37(3)(d) of the PA 2008 and regulation 5(2)(h) of the APFP Regulations require a statement of reasons to be submitted with an application for a DCO where powers to compulsorily acquire land or an interest in or right over land are sought within the DCO. In accordance with that requirement, this Statement has been prepared to accompany the Application because the draft DCO for the Project seeks powers, for the purpose of the Project, to acquire land and rights over land (including the creation of new rights in land) and to acquire, extinguish and override existing rights in land.
- 3.3 The compulsory acquisition powers sought are explained in Section 4 of this Statement.

### Compulsory acquisition provisions under the PA 2008

- 3.4 By section 120(3) and (4) of the PA 2008, a DCO may include provision for or relating to any of the matters listed in Part 1 of Schedule 5 to the PA 2008 including (amongst others):
- 3.4.1 the acquisition of land, compulsorily or by agreement;
  - 3.4.2 the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement;
  - 3.4.3 the abrogation or modification of agreements relating to land; and
  - 3.4.4 the payment of compensation.
- 3.5 Section 122 of the PA 2008 provides that a DCO can include provisions authorising the compulsory acquisition of land only if the Secretary of State is satisfied that two conditions are met. The conditions are:
- 3.5.1 under section 122(2), that the land is:
    - (i) required for the development;
    - (ii) required to facilitate or is incidental to the development; or
    - (iii) is replacement land for commons, open spaces etc; and
  - 3.5.2 under section 122(3), that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 3.6 In the case of the Project, powers are sought to acquire land which is required for the development and also land which is required to facilitate, or is incidental to, the development. No powers are sought for replacement land and the reasons for this are set out in section 8 of this Statement.

### Relevant Guidance

- 3.7 The CLG guidance provides advice on the justification that an applicant should provide when seeking compulsory acquisition powers in a DCO and sets out the factors which the Secretary of State will have regard to in deciding whether or not to include provisions in a DCO authorising the compulsory acquisition of land.

- 3.8 The CLG guidance, at paragraphs 8 to 10, sets out a number of ‘general considerations’ in relation to the justification of compulsory acquisition powers. In summary:
- 3.8.1 the applicant should be able to demonstrate that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored;
  - 3.8.2 the applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate;
  - 3.8.3 the applicant must have a clear idea of how they intend to use the land which it is proposed to acquire;
  - 3.8.4 the applicant should be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available (this is addressed in the Funding Statement (document reference: 4.2) and so is not repeated in this Statement); and
  - 3.8.5 the Secretary of State must be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.
- 3.9 The CLG guidance goes on at paragraph 11 to explain how the conditions in section 122 of the PA 2008 for including compulsory acquisition powers in a DCO can be met.
- 3.10 In respect of the section 122(2) condition (see paragraph 3.5.1 above), the CLG Guidance states that:
- 3.10.1 the land is “required for the development” (s122(2)(a)) – for this to be met the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development;
  - 3.10.2 the land is “required to facilitate or is incidental to that development” (s122(2)(b)) – in the example of land acquired for the purposes of landscaping, the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose, and that it is proportionate.
- 3.11 In respect of the s122(3) condition that there is a compelling case in the public interest for the land to be acquired compulsorily, paragraphs 13 and 14 of the CLG guidance provides as follows:
- “13. For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should*

*only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.*

*14. In determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.”*

- 3.12 It is also recognised that in practice there is likely to be some overlap between the factors that the Secretary of State must have regard to when considering whether to grant development consent and those that must be taken into account when considering whether to authorise any proposed compulsory acquisition powers (para 15).
- 3.13 TSH has carefully considered the CLG guidance in developing its proposals for the Project and in preparing this Statement. Section 6 of this Statement sets out the justification for seeking compulsory acquisition powers in respect of the Order land and in so doing explains how the statutory conditions for including compulsory acquisition powers in the DCO are met and how the considerations set out in the CLG guidance have been taken into account.

#### **4. COMPULSORY ACQUISITION POWERS SOUGHT IN THE DRAFT DCO**

- 4.1 This section explains the powers sought in the draft DCO to authorise the compulsory acquisition and temporary use of land for the purposes of the Project. Before dealing with those powers, a summary is provided of the principal powers in the draft Order to authorise the construction, operation and maintenance of the Project.

##### **Principal powers**

- 4.2 The powers in the draft DCO, if made, will allow TSH to carry out the Project and acquire the land and rights it needs to do so. Articles 3 to 8 of the draft DCO contain provisions which would give TSH<sup>1</sup> the principal powers needed to construct, operate and maintain the Project. The detail of the works that would be authorised is set out in Schedule 1 to the draft DCO. As explained above (see paragraphs 2.4 – 2.5), these works would be carried out within the “Order limits” as shown on the Works Plans (document reference: 2.2) which accompany the Application. The principal powers and details relating to their drafting are explained in the Explanatory Memorandum (document reference: 3.2).

##### **Powers of compulsory acquisition**

- 4.3 Part 5 of the draft DCO contains the powers of acquisition proposed for the purposes of the Project. They include (amongst other powers):
- 4.3.1 Article 23 of the DCO provides a power to compulsorily acquire so much of the Order Land as is required for the authorised development or as is required to facilitate or is incidental to the authorised development.
- 4.3.2 Article 25 of the DCO provides a power to compulsorily acquire such rights over the Order Land as may be required for any purpose for which land may be acquired under Article 23, including by the creation of new rights as well as by

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<sup>1</sup> The draft DCO contains provisions to enable TSH to transfer the benefit of certain powers under the DCO to another person with the consent of the Secretary of State (see Articles 7 and 8).

acquiring rights already in existence. For certain parcels of Order Land specified in Schedule 11 to the DCO, this power is limited to the acquisition of new rights for specified purposes.

- 4.3.3 Article 26 of the DCO provides a power to override easements and other rights in land within the Order Limits in connection with the carrying out of any authorised activity under the DCO.
- 4.3.4 Article 28 of the DCO provides a power to extinguish all private rights and restrictions over land subject to compulsory acquisition under the DCO. It also provides for the extinguishment of all private rights and restrictions over land subject to the compulsory acquisition of rights to the extent that the continuance of such private rights and restrictions would be inconsistent with the exercise of the right.
- 4.4 The compulsory acquisition provisions of the draft DCO also provide for the payment of compensation which, with some clarification, follows the usual statutory compensation code. Provisions are also included to enable implementation of the compulsory acquisition by way of either the notice of entry and notice to treat procedure or the general vesting procedure.
- 4.5 The land proposed to be subject to compulsory acquisition powers under the DCO is referred to as the “Order Land” and is shown on the Land Plans accompanying the Application (see further section 5 below).
- 4.6 As explained at paragraphs 2.4 – 2.5 above, the land on which the authorised development may be carried out is referred to as the “Order Limits” and is shown by a redline on the Works Plans accompanying the Application. Not all of the land within the Order Limits is Order Land.

### Temporary use of land

- 4.7 Article 32 of the draft DCO contains a power for the undertaker to enter on and take temporary possession of:
  - 4.7.1 certain parcels of land for particular purposes as specified in Schedule 10 to the draft DCO; or
  - 4.7.2 any other Order land in respect of which permanent acquisition powers have not been exercised.
- 4.8 This power will allow the temporary use of land for construction and related purposes. Where temporary possession of land is taken, the undertaker cannot without the agreement of the landowner remain in possession of the land after one year from completion of the relevant works, unless in the case of Order land powers to permanently acquire the land have been exercised before the end of the one year period (article 32(4)). Before giving up temporary possession of the land, the undertaker must remove all temporary works and restore the land to its previous condition, but the undertaker is not required to carry out certain specified works as part of the restoration (see article 32(5)).
- 4.9 Article 33 is also a temporary use power which allows entry and temporary possession of land within the Order land for the purpose of maintaining the Project. This power does not authorise temporary possession of a house, residential garden or occupied building. Exercise of the power is subject to notice requirements and the land the temporary possession is

authorised only for as long as reasonably necessary to carry out the maintenance. Before giving up temporary possession, any temporary works must be removed and the land restored to the reasonable satisfaction of the owners.

- 4.10 Where temporary possession is taken over land pursuant to the powers in the DCO, compensation is payable to the owners and occupiers of the land in respect of any loss or damage arising from the exercise of those powers.

## 5. THE ORDER LAND

- 5.1 The Order Land is shown on the Land Plans (document reference: 2.20) and described in the Book of Reference (document reference: 4.3) which accompany the Application.
- 5.2 The Land Plans identify the land proposed to be subject to acquisition powers under the DCO. Different categories of land are shown on the Land Plans as follows:
- 5.2.1 Land shown tinted pink is proposed to be subject to the compulsory acquisition of the freehold, leasehold, tenant and/or occupier interests as well as the acquisition of existing rights and/or the creation of new rights pursuant to articles 23 and 25 of the DCO. This land will also be subject to the general powers in Part 5 of the DCO such as the power to override private rights where they are inconsistent with the authorised development.
- 5.2.2 Land shown tinted blue is proposed to be subject to the compulsory creation of new rights pursuant to article 25 of the DCO and if necessary, this land will also be subject to the general powers in Part 5 of the DCO such as the power to override private rights where they are inconsistent with the authorised development.
- 5.2.3 Land shown tinted green is proposed to be subject only to the powers to acquire existing rights pursuant to article 25 of the DCO or to override third party rights or powers to extinguish, suspend or interfere with any third party rights pursuant to articles 26 and 28 of the DCO.
- 5.2.4 Land shown tinted yellow is proposed to be subject to powers of temporary possession pursuant to article 32 of the DCO.
- 5.2.5 Land shown white is not proposed to be subject to any compulsory acquisition powers. These parcels comprise land which is existing adopted public highway over which the Applicant proposes only to carry out highway works or “street works” under the DCO, and therefore land rights are not required.
- 5.3 For each numbered plot shown in the Land Plans, the Book of Reference sets out a description of the land or right proposed to be acquired and details of ownership and other interests.

## 6. JUSTIFICATION FOR THE ACQUISITION OF LAND AND RIGHTS

### Purpose for which compulsory acquisition powers are sought

- 6.1 As explained above in paragraph 3.5, s122(2) of the PA 2008 provides that a DCO can authorise the compulsory acquisition of land only if the Secretary of State is satisfied that the land:



- 6.1.1 is required for the development to which the development consent relates,
  - 6.1.2 is required to facilitate or is incidental to that development, or
  - 6.1.3 is replacement land to be given in exchange for commons, open spaces etc.
- 6.2 Whilst the draft DCO does include proposed compulsory acquisition powers over common land, the Applicant is not seeking powers for the compulsory acquisition of any replacement land. This is explained further in section 8 below.
- 6.3 **Appendix 1** of this Statement sets out, for each parcel of land proposed to be subject to compulsory acquisition powers, the purpose for which the land or rights in the land may be acquired. **Appendix 1** thus explains on a plot by plot basis why the land is required for, or is required to facilitate or is incidental to, the proposed development. This is done by reference to the works that would be authorised by the DCO as described in Schedule 1 to the DCO.

#### No more than reasonably necessary

- 6.4 The CLG Guidance (para 11) makes clear that in order to meet the condition that land is required for the proposed development, the Secretary of State will need to be satisfied that the land in question is needed for the development and is no more than is reasonably required for the purposes of the development. Similarly, in order to meet the condition that land is required to facilitate or is incidental to the proposed development (e.g. for the purposes of landscaping), the Secretary of State will need to be satisfied that the land to be taken is no more than is reasonably necessary for that purpose and that that is proportionate.
- 6.5 As explained above, **Appendix 1** to this Statement sets out why each parcel of land proposed to be subject to compulsory acquisition powers is needed for the Project.
- 6.6 TSH has agreed voluntary arrangements with the owners of the Main HNRFI Site, with the only compulsory acquisition powers sought over that land being limited in respect of the Main HNRFI Site to:
- 6.6.1 the acquisition of rights;
  - 6.6.2 the acquisition of small slithers of land where the registration of that land is not clear at the land registry;
  - 6.6.3 the acquisition of leasehold interests in plots 29 and 30 in the event that the voluntary agreement with the freehold owner fail to deliver vacant possession;
  - 6.6.4 the acquisition of land where TSH has been unable to engage with the owner notwithstanding repeated attempts (plot 40 on the land plans); and
  - 6.6.5 the acquisition of the extent of Burbage Common Road which is unregistered and which is proposed to be stopped up, to ensure that TSH retains control of that land after the highway has been stopped up.
- 6.7 The remaining few parcels of land therefore which are subject to compulsory acquisition are categorised as follows:
- 6.7.1 land required for the delivery of the highway works for the Project, being

- 6.7.1.1 Plot 15 - part of the A47 Link Road between the railway and Tritax's land adjoining the B4668 Leicester Road;
  - 6.7.1.2 Plots of land required for the new slip roads at junction 2 of the M69 motorway;
  - 6.7.1.3 a slither of land for off-site highway works at the B4114 (plot 140); and
  - 6.7.1.4 various off site highway junctions where TSH is in continued discussions with the local highway authority in respect of the land rights needed, if any, for the dedication of new highway (such as those parcels of land on the B4668 Leicester Road).
- 6.7.2 land required for the landscaping works immediately north of the railway (plots 35 and 36);
  - 6.7.3 land required for drainage works (plots 16 and 17);
  - 6.7.4 land required for the delivery of public rights of way and diversions; and
  - 6.7.5 the railway land, to ensure there is no uncertainty in the deliverability of the land, rights and works required for the demolition of the existing bridge, the provision of the new A47 Link Road over the railway, the provision of the alternative/diverted public rights of way including a new footbridge at the Outwoods.
- 6.8 TSH has limited powers over various plots to temporary possession where possible, to minimise the interference with that land.
  - 6.9 TSH is therefore satisfied that only land that is reasonably required for the Project is included within the Order Land.

### **Compelling case in the public interest**

- 6.10 As set out above, section 122(3) of the PA 2008 provides that a DCO can authorise the compulsory acquisition of land only if the Secretary of State is satisfied that "there is a compelling case in the public interest for the land to be acquired compulsorily".
- 6.11 In this respect the CLG guidance states (para 13):

*'For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired'.*
- 6.12 The CLG guidance indicates (para 14) that in determining where the public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition. It is recognised that in practice there is likely to be some overlap between the factors the Secretary of State will have regard to when considering whether to grant development consent and the factors that must be taken into account when considering whether to authorise any proposed compulsory acquisition.

6.13 As explained above at paragraphs 2.12 and 2.16, the Project is being brought forward to meet the “compelling need” for an expanded network of new SRFIs which is identified in the NN NPS and reinforced in more recent policy documents published by the Government (see paragraph 2.21 above).

6.14 Section 6 of the Planning Statement (document reference: 7.1) sets out the ‘planning balance’ in respect of the Project, and at paragraphs 6.13 and 6.14 concludes as follows:

*“6.13 The Market Needs Assessment and ES Chapter 7: Land Use and Socio Economic Effects have established the economic benefits that will arise from HNRFI. HNRFI is estimated to result in the transfer of goods from road to rail amounting to some 83m miles per annum.*

*6.14 The benefits of HNRFI will substantially outweigh the adverse residual impacts that have been identified. As such, the ‘presumption in favour of granting development consent for national networks NSIPs that fall within the need for infrastructure established in this NPS’ (NPS paragraph 4.2) applies to HNRFI. This conclusion is reached in response to the statutory consultation and the amendments made to the project. HNRFI satisfies all the locational design, environmental and technical issues identified in the NPS.”*

6.15 The Market Needs Assessment (document reference: 16.1) concludes:

*“HNRFI is an exceptional proposal for an SRFI, which is in the National and Regional interest. It is needed to secure the sustainable development and economic importance of the Midlands Engine, entirely in line with Midlands Connect’s Routemap for Freight, recognising the vital importance of rail freight access for sustainable local and national economies.*

*HNRFI’s ability to act as a national intermodal rail hub, able to efficiently consolidate mixed destination traffic from smaller regional terminals and ports, will clearly assist in enabling the growth of rail freight in line with Government policy and aspirations for levelling up.*

*The scheme is required to provide the core rail infrastructure needed to achieve Net Zero targets and ensure the UK has a resilient supply chain that can maximise the use of rail and makes the best use of scarce resources, including that of HGV drivers.”*

6.16 The significant public benefits of the Project will, therefore, outweigh the private loss that would be suffered by those whose land or rights are proposed to be compulsorily acquired.

### **Consideration of reasonable alternatives to compulsory acquisition**

6.17 The CLG Guidance (paragraph 8) states that an applicant proposing to compulsorily acquire land should be able to demonstrate that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored.

#### Site selection and evolution of scheme design

6.18 ES Chapter 4 (document reference: 6.1.4) explains how TSH identified the site for the Project. It outlines the options considered in terms of alternative locations and the consideration given to the design, size and scale of the proposed development. In assessing location and design

options, TSH had regard to consultation feedback relating to the site selection process and its appraisal of alternative locations (see Tables 4.1, 4.2 and 4.3 in ES Chapter 4). TSH also took into account the policy guidance at paras 4.83 to 4.89 of the NN NPS on the assessment principles for SRFIs, including their function, locational requirements and scale and design (see paragraph 2.18 above).

- 6.19 In summary, as explained in ES Chapter 4, TSH identified seven potential SRFI site options in locations on or readily connectable to the Felixstowe to Nuneaton strategic rail freight route. The options were then assessed using professional judgement and applying criteria and principles relating to rail connectivity, road access, environmental and amenity considerations, and commercial and economic considerations. On the basis of that assessment, the Hinckley/Burbage site option was identified as the preferred location for the development of an SRFI that would be capable of meeting the policy requirements in the NN NPS and have the practical potential to deliver a site of the scale required. Specifically, compared to the alternative locations considered, the Hinckley/Burbage site option presented the lowest flood risk and offered significant advantages in terms of rail connections, train handling capability, road access and environmental/amenity considerations.
- 6.20 Having identified a preferred location, TSH assessed a range of technology, design and layout options in order to develop the masterplan for the Main HNRFI Site. This master-planning exercise involved review of numerous illustrative masterplan layouts to test the commercial potential of the site, its road and rail access arrangements, the likely effects on the local environment and the ability of the site to accommodate appropriate environmental mitigation. The considerations which influenced this exercise included the nature and features of the terrain, existing access and rights of way, proposed access to the site, residential amenity, environmental factors and pre-application consultation feedback. The masterplan was developed from 2018 and through pre-application consultation to arrive at the proposals put forward in the Application. The master planning process in respect of the Main HNRFI Site is described in paragraphs 4.132 to 4.162 of ES Chapter 4. TSH also assessed various options for link road and off-site highway improvements that form part of the Project, and this is described in paragraphs 4.167 to 4.183 of ES Chapter 4.
- 6.21 TSH's consideration of alternatives as part of site selection and scheme development is also explained in paragraphs 3.51 to 3.64 of the Planning Statement (document reference: 7.1) and the Design and Access Statement (document reference: 8.1).

#### Alternatives to compulsory acquisition

- 6.22 In order to construct and operate the Project, land and rights in the ownership of parties other than TSH would need to be acquired. Any practicable alternative location for the Project would similarly require the acquisition and use of third party land. This means that acquisition of third party rights and interests for the Project cannot be avoided.
- 6.23 **Appendix 1** of this Statement sets out why the Order Land is required for the Project or is required to facilitate or is incidental to the Project. The attempts by TSH to acquire the land and rights in the land by negotiated agreement is set out in section 7 of this Statement.
- 6.24 As explained in section 2 above, the NN NPS confirms (para 2.56) that there is a "compelling need" for an expanded network of SRFIs located near the business markets they will serve and linked to key supply chain routes. The NN NPS also acknowledges that, given the locational requirements and the need for effective connections for both rail and road, the number of locations suitable for SRFIs will be limited and this will restrict the scope for developers to

identify viable alternative sites. Without the land and rights proposed to be compulsorily acquired, the Project cannot be constructed and operated and will not be able to contribute to meeting the compelling need for SRFIs identified in the NN NPS.

- 6.25 In considering the land required for the Project, TSH has sought to minimise compulsory acquisition and temporary possession powers. This is demonstrated by the proportionate use of powers across the site, seeking only to acquire rights or temporary possession where possible. As is clear from the Land Plans and Book of Reference, TSH has secured voluntary agreements with the owners of the vast majority of the Main Order Limits (described at paragraph 2.4 above). There are limited parcels of land within the Main Order Limits over which compulsory acquisition of the freehold is required for the Project, the purpose of which is explained in **Appendix 1**. TSH is confident that those areas of land are required for the delivery of the Project and whilst it is committed to continue to seek to secure voluntary agreements, there are no alternatives to the compulsory acquisition of that land at this stage.

### **Interference with private rights must be necessary and proportionate**

- 6.26 The CLG Guidance (para 8) makes clear that an applicant proposing to compulsorily acquire land will need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and that it is necessary and proportionate.
- 6.27 Appendix 1 of the Statement sets out the purpose for which each parcel of land or right in land comprised in the Order Land is proposed to be acquired compulsorily. In broad terms, the purpose of the proposed acquisition powers is to enable TSH to construct and operate the Project and thereby contribute to meeting the compelling need for SRFIs which is confirmed by the NN NPS and other government policy. It is considered that this is a legitimate purpose.
- 6.28 Furthermore, the above paragraphs of this Statement explain how TSH has ensured that the land and rights proposed to be subject to compulsory acquisition powers is no more than is reasonably required for the purposes of the Project and the consideration that TSH has given to reasonable alternatives to compulsory acquisition in this case. For those reasons, it is considered that the proposed interference with the private rights of those with an interest in the land is both necessary and proportionate.

### **Human rights**

- 6.29 The European Convention on Human Rights (“the Convention”) is applied within UK domestic law by the Human Rights Act 1998.
- 6.30 The Secretary of State responsible for deciding the Application, as a public body, is under a duty to consider whether the exercise of powers engages the rights protected by the Convention. The CLG Guidance sets out the approach to be taken to give effect to rights under the Convention. At para 10 it states:

*“The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention.”*

- 6.31 The DCO has the potential to infringe the human rights of persons who own property in the Order Land. Such infringement is authorised by law provided that:
- 6.31.1 the statutory procedures for making the DCO are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the DCO; and
  - 6.31.2 any interference with any Convention right is proportionate to the legitimate aims served.
- 6.32 The following Articles of the Convention are relevant to the determination of whether compulsory acquisition proposed in the DCO should be authorised.
- 6.32.1 Article 1 of the First Protocol to the Convention: This protects the right of everyone to a the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.
  - 6.32.2 Article 6: This entitles those affected by powers sought for the project to a fair and public hearing. This includes property rights and can include opportunities to be heard in the consultation process.
  - 6.32.3 Article 8: This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest if national security, public safety or the economic well-being of the country.
- 6.33 As a general principle, the procedures for compulsory acquisition which apply in the United Kingdom are considered compliant with the need for a fair hearing.
- 6.34 Under the PA 2008, landowners who are affected by nationally significant infrastructure projects, such as the Project, must be consulted and notified of the approval procedures and may call for their concerns to be heard in public by the Secretary of State. Where property is acquired or affected by a project, the statutory compensation code will provide compensation for qualifying claims.
- 6.35 The Statement, together with the documents referred to supporting the Application, demonstrate the need for the Project in the context of national policy and explain why the land proposed to be subject to compulsory acquisition is needed and why there is a compelling case in the public interest for compulsory acquisition of that land to be authorised so as to enable the construction and operation of the Project.
- 6.36 On that basis and for the reasons set out in this Statement, the Secretary of State can be satisfied that the purposes for which the DCO would authorise the compulsory acquisition of the Order Land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the Order Land.

## 7. APPROACH TO LAND ACQUISITION

### Land assembly strategy

- 7.1 As is noted throughout this Statement and is clear from the Land Plans and Book of Reference, TSH has successfully negotiated voluntary agreements with the freehold owners of the vast majority of the land required for the Project, resulting in TSH seeking limited powers over select plots of land required for the delivery of the development.
- 7.2 TSH's land acquisition strategy centres around seeking to agree voluntary arrangements and it continues its endeavours to progress negotiations where agreements have not yet been progressed or concluded. Furthermore, as is clear from the minimisation of powers sought over those plots of land where voluntary agreement has been reached (i.e. acquisition of rights only), TSH is committed to reducing the extent of powers over other plots where further agreements can be concluded.

### Progress on land acquisition

- 7.3 As part of its pre-application consultation, TSH consulted the owners of interests and rights in land potentially affected by compulsory acquisition. The pre-application consultation carried out in relation to the Project is explained in detail in the Consultation Report (document reference: 5.1). In particular, Chapter 10 of the Consultation Report explains how persons with an interest in land affected by the Project were consulted in accordance with the requirements of sections 42 and 44 of the PA 2008.
- 7.4 In addition to the consultation exercise, TSH has engaged directly with all but one of the landowners affected by the Project in order to seek to acquire land by negotiated agreement. This is in line with the CLG Guidance (para 25) which makes clear that an applicant for a DCO should seek to acquire land by negotiation wherever practicable. The one landowner which TSH has not been able to engage with directly is the registered owner of plot 40. TSH has written to the registered address several times with no response. TSH has also attempted to contact the registered owner by telephone, having obtained a purported contact number from landowners in the vicinity of the relevant plot, but has so far been unable to contact the owner.
- 7.5 An explanation of the current status of negotiations with the owners of the Order Land is set out in **Appendix 2** to this Statement.
- 7.6 TSH has, through agreement, secured control over the freehold interest in the majority of the Main HNRFI Site. Nevertheless, powers are required to acquire existing rights and to override or extinguish any third party rights in that land to ensure that the Project can be constructed, operated and maintained.
- 7.7 In relation to the remainder of the Order Land, negotiations with the owners and occupiers are ongoing and it is intended that agreements with those parties will be concluded. Nevertheless, the compulsory acquisition powers sought in the DCO are required to secure the remainder of the interests required for the Project in the event that those negotiations are unsuccessful, and to ensure that any third party rights affecting that land can be overridden or extinguished so that the Project can be constructed, operated and maintained.

## 8. CROWN LAND AND SPECIAL CATEGORY LAND

### Crown Land

- 8.1 Section 135(1) of the PA 2008 provides that a DCO cannot authorise the compulsory acquisition of an interest in Crown land unless (a) that interest is held otherwise than by or on behalf of the Crown and (b) the appropriate Crown authority consents to the acquisition. Section 135(2) of the PA 2008 allows a DCO to include any other provision applying in relation to Crown land or rights benefitting the Crown, but only if the appropriate Crown authority consents to the inclusion of that provision. It is therefore necessary to obtain consent from the appropriate Crown authority before a provision is included in a DCO which authorises the acquisition of an interest in Crown land which is held by a person other than the Crown or which applies in relation to Crown land or rights benefitting the Crown.
- 8.2 Crown land is defined by section 227 of the PA 2008 to mean land in which there is a Crown interest or a Duchy interest and such interests are further defined by that provision. In general terms, Crown land is land that is owned outright by a Crown institution such as the Crown Estate Commissioners, the Duchy of Cornwall and government departments.
- 8.3 In the case of the Project, the Order Land includes several plots that are Crown land within the scope of section 135 of the PA 2008. These plots are shown on the Crown Land Plans (document reference: 2.26) and the Crown interests are described in Part 4 of the Book of Reference (document reference: 4.3).
- 8.4 The Crown interests affected by the Project are as follows:
- 8.4.1 **Plot 36:** This is agricultural land the freehold of which is owned by a third party. However, the land is also subject to a conveyance dated 3 October 1972 which reserves rights (including for the use of service media and conduits and access to light or air) for the benefit of ‘adjoining or neighbouring land’ which is now held by the Department for Environment, Food and Rural Affairs (“DEFRA”). The precise land benefitting from those rights is unknown despite extensive investigations undertaken by TSH’s land agent. Plot 36 is part of a larger parcel of undeveloped arable farmland. TSH has included Plot 36 within the Order limits for the purpose of undertaking and maintaining soft landscaping works on the northern side of the existing railway line only. TSH is seeking to compulsorily acquire the freehold interest only in Plot 36. TSH is not seeking to acquire the rights held by DEFRA and so the enjoyment of those rights will remain unaffected by the Project. Given that an interest in Plot 36 is held by DEFRA, TSH considers that Plot 36 constitutes Crown land for the purposes of the PA 2008. Accordingly, pursuant to sections 135(1) and (2) of the PA 2008, TSH has sought consent from DEFRA as the appropriate Crown authority for the inclusion of Plot 36 within the Order Land under the DCO.
- 8.4.2 **Plot 53:** This is a small area of land which is adopted highway land. TSH understands that DEFRA has an interest in land which benefits from a restrictive covenant not to use the subsoil below the adopted highway for agricultural or horticultural purposes. This restrictive covenant is understood to be contained in a conveyance dated 28 May 1970 (despite extensive investigations TSH has been unable to obtain a copy of that conveyance). Plot 53 is included within the Order Limits for the purposes of highway works which will be carried out pursuant to the DCO and will only affect the adopted highway and not the subsoil in which



DEFRA is assumed to have the interest noted above. Whilst there are no powers of compulsory acquisition sought in respect of this land, pursuant to section 135(2) TSH has sought DEFRA's consent as the appropriate Crown authority to the inclusion in the DCO of works powers in respect of Plot 53.

- 8.4.3 **Plots 127, 131, 132, 133 and 135:** The land comprised in these plots is adopted public highway. No compulsory acquisition powers are proposed in relation to this land but highway works are proposed to be carried out. The registered owners of the freehold interest in the highway and subsoil of these plots have each gone into liquidation and are no longer corporate entities. Consequently, the subsoil in each of these plots vests in the Crown as "bona vacantia". TSH therefore considers that the subsoil in these plots constitutes Crown land for the purposes of the PA 2008. Plots 127, 131, 132, 133 and 135 have been included within the Order Limits for the purposes of highway works to be carried out pursuant to the works powers in the DCO. The highway and subsoil in which the Treasury Solicitor has an interest will be unaffected. Whilst no compulsory acquisition powers are proposed in relation to these plots, pursuant to s131(2) of the PA 2008 TSH has sought consent from the Treasury Solicitor as the appropriate Crown authority to the inclusion in the DCO of works powers in respect of these plots.

### Common land

- 8.5 The Project includes the provision of a new bridleway connection into Burbage Common as shown on the Access and Rights of Way Plans (document reference: 2.3A) (Work No. 6(l)). The connection will link an existing bridleway in Burbage Common with a new bridleway which is to be provided within the Main HNRFI site (Work No. 6(e)).
- 8.6 The Order Limits therefore extend slightly into Burbage Common to include the area in which the works to provide the new bridleway connection will be carried out.
- 8.7 Burbage Common is an area of land of approximately 74 acres which was registered as a common pursuant to section 6 of the Commons Registration Act 1965 (now largely superseded by the Commons Act 2006). In addition, according to the Commons Register, the land was also provisionally registered in the register of Town and Village Greens.
- 8.8 The part of Burbage Common on which the works to provide the new bridleway connection will be carried out comprises an area of approximately 950 square metres. This land is described as Plots 120 and 121 in Part 5 of the Book of Reference. The area of land which will contain the permanent bridleway connection will be less than 200 square metres.
- 8.9 Plots 120 and 121 are shown shaded pink on the Land Plans (document reference: 2.20C) as land proposed to be permanently acquired. However, TSH intends to permanently acquire only that part of the land which will contain the bridleway connection, being an area less than 200 square metres. The remainder of the land is proposed to be used temporarily pursuant to Article 32 of the DCO for the purpose to carrying out the works to provide the bridleway connection.
- 8.10 The compulsory acquisition of common land is subject to additional restrictions under sections 131 of the PA 2008. Section 131 has the effect that a DCO which authorises the compulsory acquisition of land forming part of a common is subject to special parliamentary

procedure unless the Secretary of State is satisfied that one of subsections 131(4) to 131(5) applies and that fact is recorded in the DCO. Subsection 131(5) applies if:

- (a) the land authorised to be compulsorily acquired does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway; and
- (b) the giving in exchange of other land is unnecessary, whether in the interests of the persons (if any) entitled to rights of common or other rights or in the interests of the public.

8.11 The draft DCO therefore includes at article 23 a restriction on the extent of common land which may be acquired to no more than 200 square metres and therefore TSH considers that section 131(5) PA 2008 applies.

8.12 The CLG Guidance (para 11 of Annex A) indicates that in coming to a view on whether these criteria are met the Secretary of State will have regard to the overall extent of common land being acquired compulsorily, and where all or a large part of such land would be lost, the Secretary of State may be reluctant to be satisfied that the criteria are met.

8.13 As explained above, the area of common land which TSH proposes to compulsorily acquire is less than 200 sqm. That area forms a very small part of the 74 acres of land comprising Burbage Common. Since the bridleway connection will improve connectivity and make the land no less advantageous for those who use the common, TSH considers that the giving of exchange land is unnecessary whether in the interests of persons entitled to rights of common or the general public.

8.14 On that basis, TSH considers that subsection 131(5) applies and consequently the DCO will not be subject to special parliamentary procedure.

## 9. CONSIDERATION OF CATEGORY 3 PERSONS

9.1 This section of this Statement explains the consideration given to identifying any Category 3 persons for the purposes of the Project and explains why no such persons are identified in the Book of Reference (document reference: 4.3) accompanying the Application.

### Category 3 persons

9.2 Part 2 of the Book of Reference accompanying a DCO application is required to contain the names and addresses for service of each person within Category 3 as set out in section 57 of the PA 2008. Under section 57, a person is within Category 3 if the applicant thinks that, if the order as sought by the application were to be made and fully implemented, the person would or might be entitled –

- (a) as a result of the implementing the order,
- (b) as a result of the order having been implemented, or
- (c) as a result of the use of the land once the order has been implemented,

to make a “*relevant claim*”.

9.3 A person is within Category 3 only if they are known to the applicant after making diligent inquiry.

9.4 A “*relevant claim*” is defined in section 57 to mean: –

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

9.5 TSH has concluded that there are no potential claimants under any of these provisions for the following reasons.

**Claims under section 10 of the CPA 1965 or section 152(3) of the PA 2008**

9.6 Section 10 of the CPA 1965 and section 152(3) of the PA 2008 provide a right to claim compensation where land is injuriously affected (i.e. affected in such a way that its value is depreciated) by the execution of works authorised by statute or DCO.<sup>2</sup>

9.7 There are limitations on the right to compensation under these provisions. Any prospective claimant would have to show that, but for the powers granted by the DCO, the losses they suffered would be actionable e.g. in public or private nuisance. Furthermore, there must be physical damage to the land or an interference with a right benefitting the land which results in depreciation in its value. Finally, the loss must arise from the execution of the works authorised by the DCO and not from their use.

9.8 TSH has considered the potential for a claim under section 10 of the CPA 1965 or section 152(3) of the PA 2008 to arise as a result of the construction of the Project, particularly in relation to noise, dust, vibration and physical impacts on properties during the construction phase. The assessment of the construction impacts in respect of these matters is reported in the following chapters of the ES:

- ES Chapter 9 Air Quality (document reference: 6.1.9);
- ES Chapter 10 Noise and Vibration (document reference: 6.1.10);
- ES Chapter 11 Landscape and Visual (for lighting) – (document reference: 6.1.11); and
- ES Chapter 8 Transport (document reference: 6.1.8).

9.9 None of the above Chapters identify an adverse impact as a result of construction which might lead to a relevant claim and TSH considers that there are no other environmental

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<sup>2</sup> Section 10 of the CPA 1965 would not apply to the Project if the DCO is granted (s125(3) of the PA 2008). However, section 152(3) of the PA 2008 provides for compensation to be payable to a person whose land is injuriously affected by the carrying out of the works authorised by a DCO in circumstances where the DCO or s158 of the PA 2008 confers a defence of statutory authority to a claim for nuisance. Article 43 of the draft DCO confers such a defence.

impacts which might give rise to a claim. The Statutory Nuisance Statement (document reference 14.1) provides further details.

- 9.10 On the basis of those assessments, TSH has concluded that the construction of the Project is not likely to affect any property in such a way that its value would be depreciated. Consequently, TSH has not identified any person that it thinks would have a relevant claim under s10 of the CPA 1965 or s153(3) of the PA 2008. The Statutory Nuisance Statement (document reference: 14.1) provides further details.

### Claims under Part 1 of the LCA 1973

- 9.11 Part 1 of the LCA 1973 provides a right to compensation where the value of a qualifying interest in land has been depreciated by 'physical factors' caused directly by the use of 'public works'. For these purposes:

9.11.1 'physical factors' are defined as noise, vibration, smell, fumes, smoke, artificial lighting, and the discharge onto the subject land of any solid or liquid substance;

9.11.2 'public works' are defined as any highway, any aerodrome and any works of land (other than a highway or aerodrome) provided or used in the exercise of statutory powers.

- 9.12 Compensation is not payable under Part 1 of the LCA 1973 unless the use of the public works is immune by statute from an action in nuisance (except for highways where statutory immunity from an action in nuisance is irrelevant).

- 9.13 Section 158 of the PA 2008 confers immunity from an action in nuisance arising from use of works authorised by the DCO. Article 44 of the draft DCO provides a defence to proceedings in respect of statutory nuisance arising from (amongst other things) the use of premises in connection with operation of the authorised development in compliance with the DCO.

- 9.14 TSH considered the potential for a claim under Part 1 of the LCA 1973 to arise as a result of physical factors caused directly by the use and operation of the Project. Having regard to the definition of 'physical factors', TSH has considered in particular the assessment of operational effects of the Project as reported in the following Chapters of the ES:

- ES Chapter 9 Air Quality (document reference: 6.1.9);
- ES Chapter 10 Noise and Vibration (document reference: 6.1.10);
- ES Chapter 11 Landscape and Visual (for lighting) – (document reference: 6.1.11); and
- ES Chapter 8 Transport (document reference: 6.1.8).

- 9.15 None of the above Chapters identify an adverse impact as a result of the use and operation of the Project and therefore on the basis of those assessments, TSH has concluded that the operation of the Project is not likely to give rise to physical factors that would cause directly a depreciation in the value of any interest in land. Consequently, TSH has not identified any person that it thinks would have a relevant claim under Part 1 of the LCA 1973. The Statutory Nuisance Statement (document reference: 14.1) provides further details.

## 10. FUTURE INFORMATION

- 10.1 Further information about the Application can be found on TSH's website – <https://www.hinckleynrfi.co.uk/>.
- 10.2 Owners, occupiers or any person with an interest in any of the Order Land who wish to discuss matters relating to the negotiation of agreements should contact Sinead Turnbull, Planning Director of Tritax Symmetry, 2 Roman Way, Northampton NN4 5EA. (01604) 330 630 or email [Sinead.Turnbull@tritaxsymmetry.com](mailto:Sinead.Turnbull@tritaxsymmetry.com).
- 10.3 Following submission of the Application the Planning Inspectorate will decide whether or not to accept it for Examination. This will take place within 28 days of submission. If the Application is accepted then TSH will notify all parties who have land or interests within the Order Limits and those parties will be advised of dates when the Application documents will be available for consideration. The notice will also explain how any person who wishes to be informed of or involved in the Examination can register an interest with the Planning Inspectorate.
- 10.4 The Planning Inspectorate's Advice Note 8.2: How to Register to Participate in an Examination (February 2017) provides further guidance on how to register as an interested party and make a representation and can be accessed via the following link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-2v3.pdf>.
- 10.5 Advice Notes 8.3, 8.4 and 8.5 also deal with aspects of the Examination process and are available on the Planning Inspectorate website.

## APPENDIX 1

### PURPOSE FOR WHICH LAND IS REQUIRED

Parcel Number on Land Plan	Purpose for which land/right may be acquired
4, 5, 6, 7, 8, 9, 10, 11, 12	Construction of a new three arm roundabout on the B4668 Leicester Road, the closure of existing private accesses shown on the access and rights of way plans (Work No.7).
13	<p>Construction of a new three arm roundabout on the B4668 Leicester Road, the A47 link road, bus stops and laybys, street lighting, signage, footways and cycleways, and drainage and attenuation structures. (Work No.7).</p> <p>Soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan. (Work No.19).</p>
14	<p>Construction of the A47 link road. (Work No.7).</p> <p>Soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan. (Work No.19).</p>
15	<p>Construction of the A47 link road, a new private access to Bridge Farm and closure of the existing private access to Bridge Farm as shown on the access and public rights of way plans, roundabouts and other junctions, bus stops and laybys, street lighting, signage, footways and cycleways, and drainage and attenuation structures. (Work No.7).</p> <p>A new public right of way connecting to Burbage Common Road, the stopping up of the length of Burbage Common Road shown on the access and rights of way plans, and the provision of a new turning head, soft landscaping within and surrounding the development,</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
	integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, work to stop up the lengths of footpaths V23/1 and U50/3 shown on the access and rights of way plans and work associated with the closure of the existing Barwell level crossing and Earl Shilton level crossing. (Work No.19).
15a	Earthworks to create screening bunds and a bund to the north of the railway (Work No. 1), soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new public right of way connecting to Burbage Common Road, connection into the existing ditch at Burbage Common, connection of a new bridleway into Burbage Common, the stopping up of the length of Burbage Common Road shown on the access and rights of way plans; and the provision of a new turning head (Work No.19).
16	Soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure). (Work No.19)
17	Soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, a new public right of way connecting to Burbage Common Road, connection into the existing ditch at Burbage Common, the stopping up of the length of Burbage Common Road shown on the access and rights of way plans, and the provision of a new turning head. (Work No.19).
18, 17b	Earthworks to create screening bunds and a bund to the north of the railway (Work No. 1).

Parcel Number on Land Plan	Purpose for which land/right may be acquired
	<p>A new bridge over the Felixstowe to Nuneaton railway, works comprising the interface with Work No. 4, a new private access to Bridge Farm, street lighting, signage, and footways and cycleways, and drainage and attenuation structures (Works No. 7).</p> <p>Soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new public right of way connecting to Burbage Common Road, the stopping up of the length of Burbage Common Road and private means of access shown on the access and rights of way plans. (Work No.19).</p>
19	<p>The construction of new railway lines from the rail freight terminal (Work No. 2) to connect with the existing Felixstowe to Nuneaton railway line including construction of a new railway track and associated rail infrastructure, formation of new railway embankments and all necessary earthworks and drainage, construction of railway improvements including the alteration of the existing railway infrastructure including points and signals and railway signage and warning lights, new arrival and departure rail tracks adjacent to the existing railway, the alteration of existing tracks, signalling and associated plant, works to accommodate the demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line, works to accommodate the construction of new vehicular, pedestrian and cycleway bridge to cross the Felixstowe to Nuneaton railway line and all necessary superstructures and substructures including footings, abutments and wingwalls to be provided as part of Work No. 7, a headshunt, work to stop up the lengths of footpaths V23/1 and U50/3 shown on the access and rights of way plans and work associated with the closure of the existing Barwell level crossing and Earl Shilton level crossing, works to accommodate a revised public right of way from Burbage Common Road underneath the rail corridor to be provided as part of Work No. 6, works to accommodate a new foul rising main within Burbage Common Road underneath the rail corridor to be provided as part of Work No. 18. (Work No.1)</p>
19a, 19b, 19c	<p>The construction of a new railway track and associated rail infrastructure, formation of new railway embankments and all necessary earthworks and drainage, construction of railway improvements including the alteration of the existing railway infrastructure including points and signals, railway signage and warning lights, new arrival and departure rail tracks adjacent to the existing railway, the alteration of existing tracks, signalling and associated plant, works to accommodate the demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line, works to accommodate the construction of new vehicular, pedestrian and cycleway bridge to cross</p>



Parcel Number on Land Plan	Purpose for which land/right may be acquired
	<p>the Felixstowe to Nuneaton railway line and all necessary superstructures and substructures including footings, abutments and wingwalls to be provided as part of Works No. 7(Works No. 1).</p> <p>A new bridge over the Felixstowe to Nuneaton railway, works comprising the interface with Work No. 4, a new private access to Bridge Farm, street lighting, signage, and footways and cycleways (Works No. 7).</p>
17c, 19d 20, 21, 21a	<p>The demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line, works to accommodate the construction of new vehicular, pedestrian and cycleway bridge to cross the Felixstowe to Nuneaton railway line and all necessary superstructures and substructures including footings, abutments and wingwalls to be provided as part of Work No. 7, (Work No.1).</p> <p>A new bridge over the Felixstowe to Nuneaton railway, works comprising the interface with Work No. 4, a new private access to Bridge Farm, street lighting, signage, and footways and cycleways, and drainage and attenuation structures (Works No. 7).</p>
23, 24	<p>The demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line, works to accommodate the construction of new vehicular, pedestrian and cycleway bridge to cross the Felixstowe to Nuneaton railway line and all necessary superstructures and substructures including footings, abutments and wingwalls to be provided as part of Work No. 7, the closure of existing private accesses shown on the access and rights of way plans, the stopping up of the length of Burbage Common Road shown on the access and rights of way plans. (Work Nos.1 and 2)</p>
22	<p>The demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line, works to accommodate the construction of new vehicular, pedestrian and cycleway bridge to cross the Felixstowe to Nuneaton railway line and all necessary superstructures and substructures including footings, abutments and wingwalls to be provided as part of Work No. 7, works to accommodate a revised public right of way from Burbage Common Road underneath the rail corridor to be provided as part of Work No. 6, works to accommodate a new foul rising main within Burbage Common Road underneath the rail corridor to be provided as part of Work No. 18, the closure of existing private accesses shown on the access and rights of way plans, the stopping up of the length of Burbage Common Road shown on the access and rights of way plans. (Work No.1).</p>
25	<p>The construction of new railway lines from the rail freight terminal (Work No. 2) to connect with the existing Felixstowe to Nuneaton railway line, formation of new railway embankments and necessary earthworks and drainage, new arrival and departure rail tracks, works</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
	<p>to accommodate the demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line and to accommodate the construction of new vehicular, pedestrian and cycleway bridge to cross the Felixstowe to Nuneaton railway line to be provided as part of Work No. 7, a headshunt. (Work No.1).</p> <p>The construction of a rail freight terminal to connect with the rail infrastructure described in Work No. 1. (Work No.2).</p> <p>The construction of a new railway line to serve the warehousing to be constructed within Work No. 5 on land identified as zones B3, D1, D2, E1 and E2 on the parameters plan. (Work No.3).</p> <p>Private estate roads to be provided and associated infrastructure and demolition works. (Work No. 4).</p> <p>The construction of rail served warehousing, off-plot HGV parking and driver welfare facilities and HGV fuelling area, container storage, energy centre, ancillary buildings including estate management offices, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, the stopping up of the lengths of footpaths U35/2, U50/2, U50/3, U53/1, V29/6 and V29/7 shown on the access and rights of way plans, the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans. (Work No.5).</p> <p>Hard and soft landscaping works including screening bunds, surface water attenuation, the provision of new footpaths and bridleways including a connection into Burbage Common as shown on the access and public rights of way plans, wildlife and habitat creation, amenity open space. (Work No. 6).</p> <p>Construction of the A47 link road including interface with private estate roads to be provided as part of Work No. 4, closure of existing private accesses shown on the access and rights of way plans, the stopping up of the lengths of footpaths U35/2, U50/2, U52/6, U52/7 and V29/7 shown on the access and rights of way plans, bus stops and laybys, street lighting, signage, footways and cycleways, and drainage and attenuation structures. (Work No.7).</p>
26	<p>The construction of new railway lines from the rail freight terminal (Work No. 2) to connect with the existing Felixstowe to Nuneaton railway line, formation of new railway embankments and necessary earthworks and drainage, new arrival and departure rail tracks, works to accommodate the demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line and to accommodate</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
	<p>the construction of new vehicular, pedestrian and cycleway bridge to cross the Felixstowe to Nuneaton railway line to be provided as part of Work No. 7, a headshunt. (Work No.1).</p> <p>The construction of a rail freight terminal to connect with the rail infrastructure described in Work No. 1. (Work No.2).</p> <p>The construction of a new railway line to serve the warehousing to be constructed within Work No. 5 on land identified as zones B3, D1, D2, E1 and E2 on the parameters plan. (Work No.3).</p> <p>Private estate roads to be provided and associated infrastructure and demolition works. (Work No. 4).</p> <p>The construction of rail served warehousing, off-plot HGV parking and driver welfare facilities and HGV fuelling area, container storage, energy centre, ancillary buildings including estate management offices, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, the stopping up of the lengths of footpaths U35/2, U50/2, U50/3, U53/1, V29/6 and V29/7 shown on the access and rights of way plans, the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans. (Work No.5).</p> <p>The demolition of existing buildings, earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a revised public right of way from Burbage Common Road underneath the rail corridor (Work No. 1), the stopping up of the lengths of footpaths U35/2, U50/2, , U53/1, V29/6 and V29/7 shown on the access and rights of way plans, signage and totems located within the areas indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans (Work No. 6).</p> <p>Roundabouts and other junctions, works comprising the interface with Work No. 4, the closure of existing private accesses shown on the access and rights of way plans, the stopping up of the lengths of footpaths U35/2, U50/2, and V29/7 shown on the access and rights of way plans, bus stops and laybys, street lighting, signage, footways and cycleways and drainage and attenuation structures (Work No.7).</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
27	<p>The formation of new railway embankments and necessary earthworks and drainage, works to accommodate the demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line and to accommodate the construction of new vehicular, pedestrian and cycleway bridge to cross the Felixstowe to Nuneaton railway line to be provided as part of Work No. 7, a headshunt. (Work No.1).</p> <p>The construction of a rail freight terminal to connect with the rail infrastructure described in Work No. 1, the general arrangement of which is shown on the railway plans including, construction of an intermodal freight loading/unloading terminal including but not exclusively railway sidings to load/unload freight and cripple sidings, gantry cranes, crane rails, reach stackers and freight dock platforms, freight and container storage areas, earthworks to achieve a terminal plateau, railway infrastructure including gantry signals and signs, rail freight terminal refuelling and minor maintenance areas, terminal entrance and exit gateways, loading lanes, internal roads, gatehouses and parking areas, and rail freight terminal administrative building including staff and visitor welfare facilities and the stopping up of the length of Burbage Common Road shown on the access and rights of way plans (Works No. 2).</p> <p>The construction of a new railway line to serve the warehousing to be constructed within Works No. 5 on land identified as zones B3, D1, D2, E1 and E2 on the parameters plan (Works No. 3).</p> <p>Principal on-site private access roads and associated junctions, roundabout junctions, footways, cycle tracks and bridleways, footpaths, bus stop lay-bys, shelters and signage, street lighting, signage, demolition of existing buildings, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, and the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of way plans (Work No. 4).</p> <p>Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans (Work No. 5).</p>
27a	<p>Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works (Work No. 5).</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
28a	<p>Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works ,weighbridges, vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, washing and refuelling facilities and electric vehicle charging units, hardstandings, off-plot HGV parking and driver welfare facilities and HGV fuelling area , and the closure of existing private accesses shown on the access and rights of way plans (Work No. 5).</p>
28	<p>Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works ,weighbridges, vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, washing and refuelling facilities and electric vehicle charging units, hardstandings, off-plot HGV parking and driver welfare facilities and HGV fuelling area, the stopping up of the lengths of footpaths U50/2, and U50/3shown on the access and rights of way plans, the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans (Work No. 5).</p> <p>Principal on-site private access roads and associated junctions, roundabout junctions, footways, cycle tracks and bridleways, footpaths, bus stop lay-bys, shelters and signage, street lighting, signage, demolition of existing buildings, and the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of way plans (Work No. 4).</p>
29	<p>Private estate roads to be provided and associated infrastructure and demolition works. (Work No. 4).</p> <p>The construction of rail served warehousing, off-plot HGV parking and driver welfare facilities and HGV fuelling area, container storage, energy centre, ancillary buildings including estate management offices, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, the stopping up of the lengths of footpaths U50/2, U50/3, U53/1, V29/6 and V29/7 shown on the access and rights of way plans, the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans. (Work No.5).</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
26a, 26b, 30	The construction of rail served warehousing, off-plot HGV parking and driver welfare facilities and HGV fuelling area, container storage, energy centre, ancillary buildings including estate management offices, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, the stopping up of the lengths of footpaths U50/2, U50/3, U53/1, V29/6 and V29/7 shown on the access and rights of way plans, the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans. (Work No.5).
31,32	<p>Principal on-site private access roads and associated junctions, roundabout junctions, footways, cycle tracks and bridleways, footpaths, bus stop lay-bys, shelters and signage, street lighting, signage, demolition of existing buildings and the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of way plans (Work No. 4).</p> <p>Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works ,weighbridges, vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, washing and refuelling facilities and electric vehicle charging units, hardstandings, and the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans (Work No. 5).</p>
33	Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works ,weighbridges, vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, washing and refuelling facilities and electric vehicle charging units, hardstandings, off-plot HGV parking and driver welfare facilities and HGV fuelling area, , , and the closure of existing private accesses shown on the access and rights of way plans (Work No. 5).
34a	The construction of a rail freight terminal to connect with the rail infrastructure described in Work No. 1, the general arrangement of which is shown on the railway plans including, construction of an intermodal freight loading/unloading terminal including but not exclusively railway sidings to load/unload freight and cripple sidings, gantry cranes, crane rails, reach stackers and freight dock platforms, freight and container storage areas, earthworks to achieve a terminal plateau, railway infrastructure including gantry signals and signs,

Parcel Number on Land Plan	Purpose for which land/right may be acquired
	rail freight terminal refuelling and minor maintenance areas, terminal entrance and exit gateways, loading lanes, internal roads, gatehouses and parking areas, rail freight terminal administrative building including staff and visitor welfare facilities.(Works No. 2).
34	<p>The construction of a rail freight terminal to connect with the rail infrastructure described in Work No. 1, the general arrangement of which is shown on the railway plans including, construction of an intermodal freight loading/unloading terminal including but not exclusively railway sidings to load/unload freight and cripple sidings, gantry cranes, crane rails, reach stackers and freight dock platforms, freight and container storage areas, earthworks to achieve a terminal plateau, railway infrastructure including gantry signals and signs, rail freight terminal refuelling and minor maintenance areas, terminal entrance and exit gateways, loading lanes, internal roads, gatehouses and parking areas, rail freight terminal administrative building including staff and visitor welfare facilities, and the stopping up of the length of Burbage Common Road shown on the access and rights of way plans (Works No. 2).</p> <p>The construction of a new railway line to serve the warehousing to be constructed within Works No. 5 on land identified as zones B3, D1, D2, E1 and E2 on the parameters plan (Works No. 3)</p> <p>Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, landscape and planting works. weighbridges, vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, washing and refuelling facilities and electric vehicle charging units, hardstandings, off-plot HGV parking and driver welfare facilities and HGV fuelling area, , and the closure of existing private accesses shown on the access and rights of way plans (Work No. 5).</p>
35,36	Earthworks to create screening bunds and a bund to the north of the railway (Work No. 1), soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new public right of way connecting to Burbage Common Road, connection into the existing ditch at Burbage Common, connection of a new bridleway into Burbage Common, the stopping up of the length of Burbage Common Road shown on the access and rights of way plans; and the provision of a new turning head (Work No.19).

Parcel Number on Land Plan	Purpose for which land/right may be acquired
37	<p>The construction of new railway lines from the rail freight terminal (Work No. 2) to connect with the existing Felixstowe to Nuneaton railway line, formation of new railway embankments and necessary earthworks and drainage, new arrival and departure rail tracks, works to accommodate the demolition of the Burbage Common Road bridge over Felixstowe to Nuneaton railway line and to accommodate the construction of new vehicular, pedestrian and cycleway bridge to cross the Felixstowe to Nuneaton railway line to be provided as part of Work No. 7, a headshunt. (Work No.1).</p> <p>The construction of a rail freight terminal to connect with the rail infrastructure described in Work No. 1. (Work No.2).</p> <p>The construction of a new railway line to serve the warehousing to be constructed within Work No. 5 on land identified as zones B3, D1, D2, E1 and E2 on the parameters plan. (Work No.3).</p> <p>Principal on-site private access roads and associated junctions, roundabout junctions, footways, cycle tracks and bridleways, footpaths, bus stop lay-bys, shelters and signage, street lighting, signage, and demolition of existing buildings, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, the closure of existing private accesses shown on the access and rights of way plans and the stopping up of the length of Burbage Common Road shown on the access and rights of way plans (Work No. 4).</p> <p>The construction of rail served warehousing including, construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works, weighbridges vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, ancillary buildings including estate management offices, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, the closure of existing private accesses shown on the access and rights of way plans; and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans. (Work No.5)</p> <p>Demolition of existing buildings, earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest; amenity open space; noise attenuation including acoustic fencing or landscape screening along the</p>



Parcel Number on Land Plan	Purpose for which land/right may be acquired
	lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans. (Work No.6)
38	<p>A revised public right of way from Burbage Common Road underneath the rail corridor to be provided as part of Work No. 6, (Works No. 1)</p> <p>The construction of a new railway line to serve the warehousing to be constructed within Works No. 5 on land identified as zones B3, D1, D2, E1 and E2 on the parameters plan (Work No.3)</p> <p>The construction of rail served warehousing including, construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works, weighbridges vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, washing and refuelling facilities and electric vehicle charging units, hardstandings, off-plot HGV parking and driver welfare facilities and HGV fuelling area, container storage, energy centre, ancillary buildings including estate management offices, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans. (Work No.5)</p> <p>A new bridleway connection into Burbage Common as shown on the access and rights of way plans. (Work No.6)</p>
39	<p>Works to accommodate a revised public right of way from Burbage Common Road underneath the rail corridor to be provided as part of (Work No. 6), works to accommodate a new foul rising main within Burbage Common Road underneath the rail corridor to be provided as part of (Work No. 18), the closure of existing private accesses shown on the access and rights of way plans; and the stopping up of the length of Burbage Common Road shown on the access and rights of way plans. (Work No. 1)</p> <p>The demolition of existing buildings, earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
	<p>(including flood alleviation related drainage infrastructure), new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing and landscape screening along the lengths indicated on the parameters plan, a revised public right of way from Burbage Common Road underneath the rail corridor (Work No. 1), (Work No. 6)</p> <p>The construction of a new railway line to serve the warehousing to be constructed within Works No. 5 on land identified as zones B3, D1, D2, E1 and E2 on the parameters plan (Work No.3)</p> <p>The construction of rail served warehousing including, construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works, weighbridges vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, washing and refuelling facilities and electric vehicle charging units, hardstandings, off-plot HGV parking and driver welfare facilities and HGV fuelling area, container storage, energy centre, ancillary buildings including estate management offices, works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6, the stopping up of the lengths of footpaths U35/2, U50/2, U50/3, U53/1, V29/6 and V29/7 shown on the access and rights of way plans, the closure of existing private accesses shown on the access and rights of way plans; and the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans. (Work No.5)</p> <p>Principal on-site private access roads and associated junctions, roundabout junctions, footways, cycle tracks and bridleways, footpaths, bus stop lay-bys, shelters and signage, street lighting, signage, and demolition of existing buildings(Work No. 4).</p>
40	<p>The construction of a new railway track and associated rail infrastructure, formation of new railway embankments and all necessary earthworks and drainage, construction of railway improvements including the alteration of the existing railway infrastructure including points and signals, railway signage and warning lights, new arrival and departure rail tracks adjacent to the existing railway, the alteration of existing tracks, signalling and associated plant, works to accommodate a revised public right of way from Burbage Common Road underneath the rail corridor to be provided as part of Work No. 6, (Works No. 1)</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
	The creation of earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan. (Works No.6)
65	The provision of hard and soft landscaping works including, earthworks to create screening bunds; soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, noise attenuation including acoustic fencing and landscape screening along the lengths indicated on the parameters plan; signage and totems located within the areas indicated on the parameters plan (Work No. 6)
44, 45, 46, 47, 49, 50	The closure of the Elmesthorpe level crossing and the diversion of public footpath T89/1 to the extent shown on the access and rights of way plans (Work No.22)
64	The provision of hard and soft landscaping works including, earthworks to create screening bunds; soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan (Work No. 6)
54, 55, 55b, 56, 57, 57a, 58, 59, 60, 61	The closure of the Thorney Fields level crossing and the diversion of public footpath U17/2 along the route shown on the access and rights of way plans including temporary access and temporary construction compounds (Work No. 21)
115a, 116a, 117, 118, 119	The closure of the outwoods level crossing and the diversion of public footpath U8/1 comprising the construction of a new footbridge over the Felixstowe to Nuneaton railway line to connect into existing footpath U52/3 as shown on the access and rights of way plans, including access and temporary construction compounds (Work No.20).
112, 113	Access and temporary construction compounds (Work No.20).

Parcel Number on Land Plan	Purpose for which land/right may be acquired
114, 115, 116	The closure of the outwoods level crossing and the diversion of public footpath U8/1 comprising the construction of a new footbridge over the Felixstowe to Nuneaton railway line to connect into existing footpath U52/3 as shown on the access and rights of way plans, including access and temporary construction compounds (Work No.20).
120, 121	A new bridleway connection into Burbage Common as shown on the access and rights of way plans (Work No. 6)
28b	<p>Principal on-site private access roads and associated junctions, roundabout junctions, footways, cycle tracks and bridleways, footpaths, bus stop lay-bys, shelters and signage, street lighting, signage, and demolition of existing buildings. (Work No. 4).</p> <p>Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, gatehouses, service yards and vehicle and cycle parking, on-plot drainage, swales, bunding, landscape and planting works ,weighbridges, vehicle, cycle, equestrian and pedestrian access routes and signage, roof mounted photovoltaics, external plant, vehicle maintenance, washing and refuelling facilities and electric vehicle charging units, hardstandings, off-plot HGV parking and driver welfare facilities and HGV fuelling area, container storage, energy centre, and ancillary buildings including estate management offices. (Work No. 5).</p>
65,66,67,68,69	Earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans (Work No. 6).
70	Basins for surface water attenuation (including flood alleviation related drainage infrastructure, drainage and attenuation structures. (Work No 4,5,6,7),

Parcel Number on Land Plan	Purpose for which land/right may be acquired
71	<p>Construction of development plateaux, earthworks to provide development plateaux, ancillary buildings including estate management offices. (Work: No 5).</p> <p>Demolition of existing buildings, earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest; amenity open space; noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans. (Work No.6)</p> <p>Connection into a new access arm onto junction 2 of the M69 motorway (Work No. 9), roundabouts and other junctions, a new private access to Bridge Farm, bus stops and laybys, street lighting, signage, footways and cycleways, drainage and attenuation structures. (Work No.7).</p>
72	<p>Construction of development plateaux, earthworks to provide development plateaux, demolition of existing buildings, warehouses and ancillary buildings, roof mounted photovoltaics, and ancillary buildings including estate management offices (Works No. 5).</p>
73	<p>Demolition of existing buildings, earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, basins for surface water attenuation (including flood alleviation related drainage infrastructure), wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest; amenity open space; noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans. (Work No.6)</p> <p>Connection into a new access arm onto junction 2 of the M69 motorway (Work No. 9), roundabouts and other junctions, a new private access to Bridge Farm, bus stops and laybys, street lighting, signage, footways and cycleways, drainage and attenuation structures. (Work No.7).</p>

Parcel Number on Land Plan	Purpose for which land/right may be acquired
73a	Demolition of existing buildings, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans. (Work No.6)
74	Demolition of existing buildings, earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, , wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest; amenity open space, and noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan (Work No.6)
84	<p>Construction of a new slip road for southbound traffic joining the M69 and construction of a new slip road for northbound traffic leaving the M69 and junction 2, construction of surface water attenuation basins, temporary construction laydown sites and stock piling areas for topsoil and subsoil material and construction of temporary haul roads, roadside landscape works and planting, to include structural tree planting and landscape bunds, associated earthworks as to enable slip road construction, signage, lighting, and diversion of existing services. (Work No. 8)</p> <p>Realignment of the B4669 Hinckley Road to the west of M69 junction 2 to include a dedicated left-turn slip road into the main site, realignment of the B4669 Hinckley Road to the east of M69 junction 2 to include a dedicated southbound merge slip road, widening and realignment of approaches to the junction, footways and cycleways, lighting, signage, temporary construction laydown sites and stock piling areas for topsoil and subsoil material and construction of temporary haul roads, and closure of existing private accesses and provision of new private accesses as shown on the access and rights of way plans. (Work No. 9)</p>
101	Realignment of the B4669 Hinckley Road to the west of M69 junction 2 to include a dedicated left-turn slip road into the main site, realignment of the B4669 Hinckley Road to the east of M69 junction 2 to include a dedicated southbound merge slip road, widening and realignment of approaches to the junction, footways and cycleways, lighting, signage, temporary construction laydown sites and stock piling areas for topsoil and subsoil material and construction of temporary haul roads, and closure of existing private accesses and provision of new private accesses as shown on the access and rights of way plans. (Work No. 9)

Parcel Number on Land Plan	Purpose for which land/right may be acquired
101a	<p>Construction of a new slip road for southbound traffic joining the M69 and construction of a new slip road for northbound traffic leaving the M69 and junction 2, construction of surface water attenuation basins, temporary construction laydown sites and stock piling areas for topsoil and subsoil material and construction of temporary haul roads, roadside landscape works and planting, to include structural tree planting and landscape bunds, associated earthworks as to enable slip road construction, signage, lighting, and diversion of existing services. (Work No. 8)</p> <p>Realignment of the B4669 Hinckley Road to the west of M69 junction 2 to include a dedicated left-turn slip road into the main site, realignment of the B4669 Hinckley Road to the east of M69 junction 2 to include a dedicated southbound merge slip road, widening and realignment of approaches to the junction, footways and cycleways, lighting, signage, temporary construction laydown sites and stock piling areas for topsoil and subsoil material and construction of temporary haul roads, and closure of existing private accesses and provision of new private accesses as shown on the access and rights of way plans. (Work No. 9)</p>
102, 103, 104	<p>Construction of a new slip road for southbound traffic joining the M69 and construction of a new slip road for northbound traffic leaving the M69 and junction 2, construction of surface water attenuation basins, temporary construction laydown sites and stock piling areas for topsoil and subsoil material and construction of temporary haul roads, roadside landscape works and planting, to include structural tree planting and landscape bunds, associated earthworks as to enable slip road construction, signage, lighting, and diversion of existing services. (Work No. 8)</p>
122	<p>The provision of improvements to the footpath along the B4669 Hinckley Road;  a temporary construction compound and associated access, alterations to the junction at Hinckley Road and Stanton Lane and signage (Work No. 10)</p>
140	<p>Additional lane, signalling, and signage (Work No. 17)</p>
141	<p>Signalling, amended layout to the access to the existing public house and signage (Work No. 17)</p>

**APPENDIX 2**

**CURRENT STATUS OF NEGOTIATIONS WITH LAND OWNERS (COMPULSORY ACQUISITION OF LAND)**

<b>Plot No. as shown on Land Plan</b>	<b>Extent of Negotiations</b>
4, 6, 8, 10, 11, 12, 65, 69	<p>Registered land (adopted highway, or land owned by highway authorities)</p> <p>TSH is progressing technical highway design discussions with the relevant highway authorities, this includes monthly working groups which commenced in April 2020. The highway authorities have advised that any necessary land arrangements will follow agreement/discussions on the highway design. In the absence of clarity on whether the freehold of land will be required for dedication purposes, TSH is currently seeking compulsory acquisition to ensure it is able to secure the necessary powers to deliver the works.</p>
5, 17b, 17c, 21, 21a, 23,	<p>Unregistered land (adopted highway)</p> <p>TSH is progressing technical highway design discussions with the relevant highway authorities, this includes monthly working groups which commenced in April 2020. The highway authorities have advised that any necessary land arrangements will follow agreement/discussions on the highway design. In the absence of clarity on whether the freehold of land will be required for dedication purposes, TSH is currently seeking compulsory acquisition to ensure it is able to secured the necessary powers to deliver the works.</p>
7	<p>TSH awaits a response from the owner to its initial proposals for voluntary acquisition of this plot, the most recent offer being made in November 2022.</p>
9	<p>TSH has been liaising with the owner of this land for over 12 months but awaits a response from the owner to its formal proposals for voluntary acquisition of this plot, the most recent offer being made in November 2022.</p>
14, 64, 70	<p>Unregistered stream/ditch. TSH will ultimately benefit from riparian rights as adjoining owner of the relevant parcels, and has therefore been in liaison with the current adjoining owners where appropriate, but seeks powers to acquire plots 14 and 70, and</p>



Plot No. as shown on Land Plan	Extent of Negotiations
	rights for drainage into plot 64 since the stream/ditches are unregistered and the powers will provide certainty of deliverability of the Project.
15	TSH has secured a Promotion Agreement with the owners of this land, however this does not relate to the DCO Project. TSH continues its extensive negotiations with the owner of this land to secure voluntary arrangements in respect of this land for the Project.
16	Interests in the land are required to enable the provision of drainage which affects plot 15. The land is currently unregistered however TSH understands that the owners of Ramallah House, opposite plot 16, are the owners and has been liaising with them, and the adjoining owners (Dunton Cottage) for over 12 months. TSH understands an application for registration of this land is pending at HM Land Registry. TSH awaits a response to its formal offer for voluntary acquisition of this plot which is subject to proof of ownership. TSH has included the owners of Dunton Cottage as “reputed owners” in the Book of Reference until evidence of ownership is provided.
17	Unregistered highway. Interests in the land are required to enable the provision of drainage which affects plots 15 and 16.
18, 19, 19a, 19b, 19c, 19d, 20, 45, 55, 55b, 115, 115a	Unregistered land (Network Rail reputed owner)  TSH is currently seeking compulsory acquisition over or temporary possession over these plots of land to ensure there is no uncertainty in the deliverability of the land, rights and works required for the demolition of the existing bridge, the provision of the new A47 Link Road over the railway, railway works and connections, the provision of the alternative/diverted public rights of way including a new footbridge at the Outwoods. TSH continues its technical discussions with Network Rail and this includes land arrangements.
26a, 26b, 27a, 28a, 28b, 34a, 66, 68, 73a,	Unregistered land

Plot No. as shown on Land Plan	Extent of Negotiations
29, 30	Whilst TSH has secured a voluntary agreement with the freehold owner, these plots are included for certainty in the event that the leasehold interest is not terminated and vacant possession is not delivered under the freehold agreement. TSH is not directly engaging with the leaseholder at this time since it is not the landlord.
35	TSH awaits a response from the owner to its initial proposals for voluntary acquisition of this plot, the most recent formal offer being made in October 2022.
36	TSH awaits a response from the owner to its initial proposals for voluntary acquisition of this plot, the most recent offer being made in November 2022.
38	This plot is unregistered adopted public highway but will be stopped up as part of the Project proposals. Compulsory acquisition is sought to ensure TSH retains control of the land once it is stopped up.
40	TSH has to date been unable to establish contact with the registered owner of this land. It is understood the owner may be currently living abroad. Despite attempts at contact TSH has received no response and considers it very unlikely that a voluntary agreement will be reached.
54	Compulsory acquisition of this land is currently sought in order to deliver the proposed public right of way diversion as a result of the closure of the Thorney Fields Level Crossing. TSH has explained this position to the owner and discussions are ongoing.
56	Compulsory acquisition of this land is currently sought in order to deliver the proposed public right of way diversion as a result of the closure of the Thorney Fields Level Crossing. TSH has explained this position to the owner and discussions are ongoing.
57a	Compulsory acquisition of this land is currently sought in order to deliver the proposed public right of way diversion as a result of the closure of the Thorney Fields Level Crossing. TSH has explained this position to the owner and discussions are ongoing.
67	TSH awaits a response from the owner to its initial proposals for voluntary acquisition of this plot, the most recent offer being made in November 2022, following direct engagement since August 2022.

Plot No. as shown on Land Plan	Extent of Negotiations
74	Unregistered mines and minerals. Rights are sought to ensure any necessary works can be delivered.
84, 104	TSH has been engaging with the owner of this plot for over 5 years and discussions are ongoing. TSH received a response from the owner in early January 2023 to its most recent formal proposal for voluntary acquisition of this plot and discussions are ongoing.
101a, 103	TSH has been engaging with the owner of this plot for over 5 years and discussions are ongoing. TSH awaits a response from the owner to its various proposals for voluntary acquisition of this plot, the most recent offer being made in December 2022.
102	TSH awaits a response from the owner to its proposals for voluntary acquisition of this plot, the most recent offer having been made in October 2022 following direct engagement since July 2022.
114	TSH awaits a response from the owner to its proposals for voluntary acquisition of this plot but understands that the principles are agreed.
116	TSH awaits a response from the owner to its proposals for voluntary acquisition of this plot, the most recent offer being made in November 2022 following direct engagement since July 2022.
120	<p>Common Land</p> <p>TSH continues to engage with Hinckley &amp; Bosworth Borough Council as the registered owner of this Common Land. As explained in Section 8 of this Statement, permanent acquisition will ultimately be limited to less than 200 square metres but TSH requires flexibility in respect of the ultimate location of the proposed public right of way connection into the Common, with the powers over the remainder of the plot being limited to temporary possession.</p>
121	<p>Unregistered Common Land</p> <p>As explained in Section 8 of this Statement, permanent acquisition will ultimately be limited to less than 200 square metres but TSH requires flexibility in respect of the ultimate location of the proposed public right of way connection into the Common, with the powers over the remainder of the plot being limited to temporary possession.</p>

<b>Plot No. as shown on Land Plan</b>	<b>Extent of Negotiations</b>
140	TSH awaits a response from the owner to its proposals for voluntary acquisition of this plot, the most recent offer being made in November 2022.