



Event Transcript

Project:	East Midland Gateway Phase 2
Event:	Compulsory acquisition hearing 1 (CAH1) – Part 2
Date:	10 March 2026

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Compulsory Aquisition 10_3_26 - Hearing 1, Session 2

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SUMMARY KEYWORDS

Compulsory acquisition, statutory undertakers, operational land, non-operational land, UK Power Distribution, National Highways, A453, public cycle track, special category land, Planning Act, temporary acquisition, permanent acquisition, protected provisions, landowner support, legal objections, action points.

SPEAKERS

Speaker 4, Speaker 1, Speaker 5, Speaker 2, Speaker 3

 01:42

AV good, afternoon, everybody. It's 20 to four, so we'll resume. Can I just confirm that the recording has been restarted? Thank you getting the nod from the back. Okay. Now moving on to Item three, which is statutory undertakers. Grateful if the applicant could update his latest position in respect to the land of statutory undertakers as to whether it's obtained agreement for the land to be acquired and whether there are and if so, what any outstanding matter to be resolved. Obviously, I'd like to differentiate between operational land of statutory undertakers and land which statutory undertakers also own, but isn't for very expression is non operational land. I'm sure there will those here will appreciate the difference, due to the statutory test relating to the without serious detriment, of carrying out of the carrying of the undertaker. So there might be a point

 02:40

when that so, so they might, there might be a point which depends on what the land is operational or, as opposed to non operational, but under this is still a statutory Undertaker's land. So if I could have the applicants first, please.

 02:57

Thank you, Sir Alexander booth, for the applicant, I think

 03:01

I think I can take this matter relatively briefly, sir. Firstly, just to note that subject to the reservation by my learned friend, Mr. Westman Smith, as regards that land for the active Travel Link immediately to the east of the airport proper, or the runway, the position is that no statutory Undertaker's land operational land is sought, or rather, no compulsory acquisition powers are sought in relation to any operational land of statutory undertakers. And so that's as per paragraph 6.18, of the statement of reasons. Point two, sir, is that a right is sought over land held by a statutory Undertaker. That is plot 310 the electricity distribution site leased to UK Power Distribution limited. So the reason why rights are sought in respect of that plot is because of the need, the desire to extend the substation,

 04:19

you'll note, so there is no relevant representation from UK PD. There is no suggestion of serious detriment. And indeed, discussions as between the applicant and ukpd are well advanced, and there is no reason to anticipate any difficulty there at all.

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It's right to note further than that, sir,

 04:47

that the applicant does seek the extinguishment of rights held by statutory undertakers, but protected provisions, draft provisions are included in schedule 13, I think, to the DCO, as I've already indicated, those other undertakers, aside from ukpd, cadent seven, Trent open reached. There's no representation from them. Discussions are also well advanced, and the anticipation is that there will be agreement with all of those bodies in good time, well before the end of the examination. And I mean, we have a confidence in that position, sir. Because, as you'll be aware, this is not the first rodeo, so to speak. SEGRO have already successfully promoted DCO applications in respect of EMG one, and also Northampton gateway, that is two strategic rail freight interchange DCOs we've already sought, obtained, and in in the case of EMG, one, entirely built out that first eco so so we do have a track record, and that track record also speaks to our ability to reach agreement with statutory undertakers.

 06:21

Thank you, Mr. Booth.

 06:24

I'm going to bring in those statutory undertakers who we have here. We'll start with national highways, if they could provide us where they where they are at the moment, in relation to their view.

 06:38

Thank you, sir Rahul hack, on behalf of national highways. So I'd like to just start by making some general comments. I'll be relatively brief. So national highways do not object to the scheme in principle. However, we do object to the compulsory acquisition of land or rights. The applicant has helpfully excluded the vast majority of national highways is land from the scope of powers, but it seems as though there are still some plots subject to powers, and some powers which still generally apply to the strategic road network. A preliminary review of the book of reference has revealed that there are plots in which national highways have rights as just referred to, national highways have relevant rights for the purposes of Section One Three of the Planning Act, and do object to the acquisition of those were the order to be made in its current form, national highways would have rights that risk being extinguished or interfered with, and that, in our view, there are inadequate controls Within the DCO and protected provision to safeguard those interests. Having said that we are in the process of carrying out our own investigations on the land in the book of reference, and I understand that we are awaiting receipt of some shape files from the applicant. I also understand that we are currently in receipt of a marked up copy of the protected provisions from the applicant, and we do hope that we can negotiate and agree an acceptable form of protected provisions to resolve our concerns. We will provide you with an update sir at deadline one as part of our written representation. Thank you,

 08:22

Dr, normally not. I'm going to come back to the applicant on that point of, how is the shape file? Where do you think this? Where you think you've got to on the shape file to national highways? So if you

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just give us a moment on that, because that's not information I've got immediately to hand. I

 08:48

going to be Chinese whispers up the line I'm going to give

 08:58

you so it's in hand.

 09:01

If you could please make sure it's expedited so that national highways have it, because clearly there isn't a need for them to identify the land those plots that are affected by the proposed government. Because obviously they will. We're at equal world. There we then the question, obviously, is whether they're operational land or not operational land. But then we can work move forward from those to get to get it, hopefully would allow them to, between yourselves, to sort out the protective provisions, which is essentially the fundamental to resolve with this. Thank you. Can I next move on to Leicester county council, please and where, where it feels it has got to in relation to this

 09:50

in Leicestershire county council, so in respect of land that has highway status, Present, our primary concern is with the protection of land at the A, 453, for future drilling purposes. But I understand we're going to cover that tomorrow.

 10:14

It's It's tomorrow issue. Fine. That's absolutely fine. No problem at all. East Midlands Airport. Mr. Westland Smith, obviously you've got this query over these three plots. Do you know when you will have decided whether you consider them to be operational land? Because clearly AV from your viewpoint, because there are mechanisms if necessary to determine it under the town of Country Planning Act if there is a dispute as to whether they are or are not operational land, notwithstanding that even then, whether that would result in serious detriment to the undertaking.

 10:55

Well, so I think we'll set our position at the first deadline, if that's acceptable to you. And I think in light of that, I don't need to say anything else on this.

 11:06

Okay, we'll mark that down as an action for you. And that we've got, we've, I think we're about three or four so far, so we'll get you from that. Thank you. Does anybody else have any wish to comment on statutory undertakers? No. Fine. In which next case we will move on to Item four, special category land. We've noticed that all the special category land, which is relates to open space, would be affected by work number single Work, Work Number 19. We're going to have a discussion tomorrow about the merits or otherwise of that work. But for the purpose of this discussion this afternoon, can we assume that the work is justified? What we'd like the applicant is if to do is to explain to us and those here how this relates to sections 131 and 132 of the Planning Act, and

 11:56

what its position is. Thank

 11:59

you very much, sir. Section 131 is, of course, of course, concerned with the compulsory acquisition of special category land. 132 is concerned with the acquisition of rights over that land. 132 is not relevant in this context, so we can park it, put it to one side. What we are concerned with here is a proposal, essentially to upgrade footpath I 57 to a public cycle track, a footpath and cycle track as opposed to just a footpath. I'm not going to speak to the merits and justification of that. We'll deal with that tomorrow. But To that end, plot two slash 20 and two slash 23 are land on which the cycle track will be situated, and it is proposed to acquire the freehold interest in that land.

 12:49

The other plots, which are 219-220-1222,

 12:53

and 224, will be temporarily used to facilitate the carrying out of works before being reinstated at the end of the works, all five, no, sorry, all six of those plots. That is to say the two temporary acquisition plots and the four sorry, the two permanent acquisition plots and the four temporary acquisition plots currently comprise open space in so far as they form part of playing fields. So just to note, beyond that, the landowner, which is the parish council, does not oppose and indeed supports this, this proposal. So no opposition from the landowner, and there's no opposition understood from the county council, either insofar as they have an interest, because plot 222, 23 comprise highway, or will comprise highway. So that's the position. It's set out in a statement of reasons at paragraph 6.36, point 15. In terms of the powers relied upon or the provisions relied upon in Section 131, so that we don't get bumped into special parliamentary procedure, we rely upon subsection 4b as regards those four plots, 1921, 22 and 24 where there will be temporary possession, as regards the freehold acquisition of plot 220, and 223, we rely upon subsection five. And I say that advisedly said, because I think in the documentation you have, it says four, we are going to amend that.

 14:47

But it's subsection 1315,

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which provides that an exception to the need for SPP in circumstances where, well, in multiple circumstances where one of them, though, is where land is acquired for the widening of a highway. So for all those reasons, we say that there is no need for SPP here. The statutory exceptions apply, and as I say, there's no opposition from the landowner.

 15:17

Thank you. That was, that was the only point on that, right? Are you?

 15:37

Yeah, we've before any Does anybody else have any other matters they wish to raise at this hearing this afternoon on compulsory acquisition and temporary possession. Now, if you don't mind this, we're going to have a couple of minutes when the three of us are going to hop out to go and check that we've got our action points, what we believe they to be. They will then be back to go run through them just to make sure that they're all done, but hopefully it'll be there aren't many, as far as I can tell. Remember fairly quick. So if we can give us a five minute general resume again or at four o'clock, okay?