East Midlands Gateway
Phase 2 (EMG2)

Document DCO 7.5 / MCO 7.5

Applicants' Response to Examining Panel's First Written Questions

APRIL 2026

The East Midlands Gateway Phase 2
and Highway Order 202X and The East Midlands Gateway
Rail Freight and Highway (Amendment) Order 202X

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The East Midlands Gateway Phase 2 and Highway Order 202X and The East Midlands Gateway Rail Freight and Highway (Amendment) Order 202X

APPLICANTS' RESPONSE TO EXAMINING PANEL'S FIRST WRITTEN QUESTIONS

(DOCUMENT DCO 7.5 / MCO 7.5)

Version	Date	Status of Version
0	April 2026	Deadline 1

CONTENTS

Section		Page
1.	Introduction	6
2.	Applicants' Response	7
Appendices		
1.	General and Cross-Topic Questions	8
2.	Design, Parameters and Other Details of the Proposed Development	26
3.	Agriculture and Soils	32
4.	Air Quality and Emissions	39
5.	Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment)	51
6.	Climate Change and Energy	74
7.	Compulsory Acquisition, Temporary Possession and Other Land Rights Considerations	84
8.	The draft Development Consent Order (dDCO)	88
9.	The draft Material Change Order (dMCO)	96
10.	Ground Conditions	100
11.	Historic Environment	111
12.	Landscape and Visual	126
13.	Major Accidents and Disasters and Other Safety Risks	139
14.	Materials and Waste	154
15.	Need and Alternatives	170
16.	Noise and Vibration	175
17.	Population and Human Health	201
18.	Socio-Economic Effects	212
19.	Traffic and Transport	223

20.	Utilities	244
21.	Water Environment	251
22.	Construction Environmental Management Plan (CEMP)	259
23.	Abbreviations	263
Annexures		
1A.	Response to Q1.2.2 Planning History at EMG2, EMG1 and the Surrounding Area	267
1B.	Response to Q1.2.5 EMG1 Parameters Plan Key Layout	272
1C.	Response to Q1.3.2 Overlay of the DCO Scheme [APP-039D] with the current version of the Prologis / EMIA parameters plan reference 1184481 superimposed over it	273
1D.	Response to Q1.3.2 Section overlay which superimposes the current Prologis / EMIA site section (coloured illustration) onto the Applicants' black and white technical section	274
1E.	Response to Q1.3.2 Comparison of EMG2 Main Site / Community Park and Prologis / EMIA Scheme	275
1F.	Response to Q1.4.1 EMG1 DCO Development Obligation	277
1G.	Response to Q1.4.2 EMG2-BWB-GEN-XX-SK-CH-SK079_Community Park Ground Profile-S2-P01	278
1H.	Response to Q1.5.1 Figure showing ecological receptors	279
2A.	Response to Q2.0.1 Table 3.6 MCO Parameters and Details	280
4A.	Response to Q4.0.20	281

	Local Authority Monitoring Locations	
5A.	Response to Q5.0.23 Cumulative Effects Plan	282
10A.	Response to Q10.0.3 Table 1 Referenced Requirements for Each Consent Regime	283
10B.	Response to Q10.0.4 Illustration 1: Extract of Figure 14M.1 – EMG2 Works – Potential Sources of Contamination Plan	284
10C.	Response to Q10.0.8 Email from Environment Agency dated 22 April 2025	285
11A.	Response to Q11.0.15 Schedule of heritage impact assessment	286
12A.	Response to Q12.0.1 Figure 16 Landscape Character (Regional)	287
13A.	Response to Q13.0.8 IEMA Major Accidents and Disasters in EIA: A Primer	288
15A.	Response to Q15.0.8 Table showing use of strategic rail freight terminal	289
18A.	Response to Q18.0.13 Tavel 5.37	290
19A.	Response to Q19.0.11 Need for a Strategic Approach to Mitigations at M1 Junctions 23a and 24	291
21A.	Response to Q21.0.5 Greenfield runoff rates	292

1 Introduction

1.1 This document relates to the applications for a second phase at East Midlands Gateway Logistics Park (EMG1), being an application for a Development Consent Order (DCO) made by SEGRO Properties Limited (DCO Applicant) and an application for a Material Change Order (MC) made by SEGRO (EMG) Limited (MCO Applicant). The DCO Applicant and the MCO Applicant are together the "Applicants".

1.2 This document has been prepared by the Applicants to set out their responses to the Examining Panel's (ExP) First Written Questions issued on 18 March 2026 [**PD-013 / PD-015**]. This document is submitted at Deadline 1 of the Examination.

2 Applicants' Response

2.1 The Applicants' response to the ExP's First Written Questions is set out in the tables in Appendix 1 to 22 of this document.

2.2 The same abbreviations as set out in the ExP's First Written Questions has been adopted. For ease of reference, these are included in Appendix 23 to this document.

2.3 Where a response refers to an annexure, this can be found at the end of this document. Annexures are numbered using the relevant Appendix number followed by a letter (A, B, C, etc.).

APPENDIX 1

GENERAL AND CROSS-TOPIC QUESTIONS

ExQ1	Question to:	Question:	Applicants' Response
1.	**General and cross-topic questions**		
1.0	**Planning and Infrastructure Act 2025**		
Q1.0.1	All IPs	**Planning and Infrastructure Act 2025** The Planning and Infrastructure Act received Royal Assent on Thursday 18 December 2025. All IPs, including the applicants, are invited to submit comments on the new Act in relation to any implications for the examination of this application.	The Applicants note that the changes relating to compulsory purchase proposed in sections 105, 108, 109 of Part 5 and Schedule 4 of the 2025 Act. However, the Applicants do not consider that any amendments are required to the DCO Application or the MCO Application at this time. The 2025 Act includes provisions intended to streamline the consultation requirements during the pre-application period, which will not apply, and those directed at the examination stage are not yet in force and lack supporting regulations. The Applicants will therefore keep this issue under review as the Examination progresses.
1.1	**Development plan**		
Q1.1.1	North West Leicestershire District Council (NWLDC) Leicestershire County Council (LCC) Neighbourhood plan bodies	**Development plan** Could the identified interested parties please provide copies of the development plan for which they are responsible along with any associated policy maps. Where a development plan is under review, could the identified interested party, also provide information as to the stage of review that the plan has reached, along with a timetable through to	N/A

ExQ1	Question to:	Question:	Applicants' Response
		adoption/ making. This should be updated throughout the examination should it change. Where a draft development plan document exists, please could a copy also be provided (along with any associated maps). Again, this should be updated throughout the examination.	
Q1.1.2	NWLDC	**Development plan** In paragraphs 4.64 to 4.77 of Planning Statement [AS-018] the applicants set out various policies they consider important and relevant in the consideration of the proposed development. Does NWLDC agree with this? If not, could NWLDC please set out those policies it considers to be important and relevant along with a reasoning as to their (non-) applicability where a difference occurs.	N/A
1.2 Consideration of application – general matters			
Q1.2.1	The applicants NWLDC	**Planning Statement** In paragraphs 4.48 and 6.6 of the Planning Statement [AS-018] the applicants set out the effect of paragraph 11 of the Framework. However, it is not clear whether the applicants consider: • the proposed development accords with an up-to-date development plan, • the so-called 'tilted balance' should apply to this proposed development, or • any other position.	The current NWLDC Local Plan was adopted in 2017, with a partial review completed in 2021. The Applicants' Planning Statement [AS-018] does not suggest that the Local Plan is out of date, nor do we suggest that the 'tilted balance' is engaged. The continued relevance of the Local Plan with regard to planning to meet the needs for employment land is underpinned by Policy Ec2(2) which allows the ongoing flexibility and responsiveness required by the National Planning Policy Framework (NPPF) to meet employment needs (including on unallocated sites) where immediate need can be demonstrated. Therefore, despite its relative

ExQ1	Question to:	Question:	Applicants' Response
		The applicants are asked to clearly set out their position and explain their reasoning. NWLDC is also asked to give its views on this topic.	age, the Local Plan remains able to respond to changing economic needs and circumstances (and so remains 'in date'). The criteria of Policy Ec2(2) essentially require a 'balancing' exercise with regard to accessibility, traffic impact, and effects on amenity and the environment in order to assess whether proposals for employment land are supported by the policy. The Planning Statement includes clear references to the role and relevance of Policy Ec2(2) and the extent of accordance with adopted policies – for example, paragraph 6.8 of the Planning Statement confirms that the Applicants consider the proposals to accord with adopted Local Plan Policy Ec2(2), and paragraph 6.27 confirms that the Applicants' assessment is the proposals accord with the policies of the Local Plan overall, when read as a whole.
Q1.2.2	The applicants	**Planning Statement** The Planning Statement [AS-018] appears to be missing a detailed planning history of the site and surrounding area. Please can the applicants provide an updated statement accordingly. In doing so, please include the planning history in relation to the EMG1 DCO, the freeport designation and the joint planning application by Prologis and EMIA, and any other relevant planning history, in one coherent section.	A detailed planning history is at **Annexure 1A** of this document.

ExQ1	Question to:	Question:	Applicants' Response
Q1.2.3	The applicants	**Non-technical summary - MCO** In respect of the MCO application, the non-technical summary [APP-205] sets out the effects of the proposed development. However, it doesn't set out how this compares/ contrasts with those set out in the original ES, and should be done on a cumulative basis with the EMG1 development. While there may be new information or legal requirements, could the applicants please undertake this exercise.	The EMG1 DCO was supported by an environmental impact assessment (EIA) which was completed pursuant to The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 in force at the time. Those regulations have since been revoked and replaced by the EIA Regulations. Table 1.9 at Chapter 1 of the ES [**APP-066**] records the changes introduced by the EIA Regulations. A comparison of the environmental effects identified for the MCO Scheme within the Environmental Statement that accompanies the application with the effects identified in the Environmental Statement submitted for the EMG1 DCO has been carried out and was included within Chapter 22 [**APP-204**] at paragraphs 22.11.10 - 22.11.12 and Table 22.2. The Non-Technical Summary (NTS) can be updated to replicate this information if required.
Q1.2.4	The applicants	**Consenting regime for cables** The applicants are requested to provide information as to the consenting regime for the installation of the cables from the sub-station to the main EMG2 site. It is noted that there is no route within the EMG2 site to allow for this. A similar request is made in respect of the route from the Toton supply point to the substation.	The Applicants have secured a suitable connection offer from the District Network Operator (DNO). However, at this stage of the project the precise route of the cabling has not been determined and is subject to confirming further details such as the extent of reinforcement works that may be deemed necessary. required. Based in discussions held to date, the cabling routes will wither be within the Order Land or contained within adopted highway. Should consent be granted and the orders made, there will be a detailed design interface with the DNO and IDNO which will facilitate the additional capacity that has been secured in principle to serve EMG2. The DNO and IDNO are regulated bodies and on approval of design and payment of costs, they are legally bound to deliver the scope of works

ExQ1	Question to:	Question:	Applicants' Response
			required under their electricity distribution licenses. As is common with schemes of this nature, the DNO and IDNO will ordinarily deliver the connection and cabling routes utilising their own powers.
Q1.2.5	The applicants	**Approved EMG1 scheme** Could the applicants please provide a copy of the original parameters plan as considered in the EMG1 scheme and identify what the areas of Plot 16 and the proposed sub-station extension were to be used for under that consent. The ExP would like to understand what the effects the non-development of those areas in the consented scheme, whatever it was for, would be. The ExP is particularly concerned to understand whether either or both were to be used as mitigation for any part of the EMG1 scheme, and thus whether 'replacement mitigation' would need to be secured.	A copy of the Parameters Plan Key Layout relating to the EMG1 DCO is at **Annexure 1B** of this document. Plot 16 (comprising MCO Works Nos. 3A and 6A as described in dMCO [**APP-015M**]) was shown on the parameters plans for the EMG1 DCO as "landscape open space including landscape screen bunding". However, the land was only seeded, no bunding was provided. The works relating to Plot 16 will affect those parts of the EMG1 DCO works comprising the lower part of the southeast facing screen bunding but will not affect the overall height of the bunding or its function as mitigation to the village of Lockington and surrounding area. The proposed sub-station extension (comprising DCO Works No. 20 as described in dDCO [**APP-012D**]) is partly within the area shown on the original EMG1 DCO parameters plan as "landscape open space including landscape screen bunding" and partly within "Zone A development areas", specifically Zone 6. However, the land was only seeded, no bunding was provided. The EMG1 DCO, at Part 4 of Schedule 1 under "Further works" paragraph (2)(d) included for "primary … substations" within any of Works Nos. 1 to 6 and 9. The landscaping open space and Zone A development area are Work Nos. 3 and 6 respectively. In the event, however, no landscaping works were

ExQ1	Question to:	Question:	Applicants' Response
			undertaken to the land and consequently no replacement mitigation is required.
Q1.2.6	NWLDC	**Plot 16** Could NWLDC please confirm that any safeguarding direction for High Speed 2 has been withdrawn providing a copy of that withdrawal. If a direction remains in place, could NWLDC please provide a copy and set out any implications that may flow from it.	N/A
Q1.2.7	NWLDC	**Planning permission relating to heights of stacked containers** Could NWLDC please provide a copy of the planning permission which purportedly permits the raising of the height of the container stacks to 15m. This should include the decision notice and all associated documents to allow the ExP to understand it properly.	N/A
Q1.2.8	The applicants NWLDC LCC National Highways (NH)	**20% advanced manufacturing floorspace** Paragraph 3.2.7 of chapter 3 of the ES [AS-025] states that the development would primarily comprise logistics buildings with up to 20% of the floorspace capable of being used for 'advanced manufacturing'. Please can the applicants clarify how this 20% limitation is secured in the dDCO and explain the environmental effects in the event this 20% limitation is exceeded. For example, why is the limitation important, does advanced manufacturing generate different environmental effects in relation	The Applicants confirm that the dDCO does not require the delivery of advanced manufacturing uses up to 20% or at all. The principal implication of this use in assessment terms relates to the Transport Assessment (TA) [**APP-080 to APP-083**], with manufacturing (use class B2) generating typically more traffic overall than logistics/distribution uses (use class B8), and often having different patterns of traffic across a typical working day (with different effects during the traditional 'peaks'). Inclusion of use class B2 use

ExQ1	Question to:	Question:	Applicants' Response
		to traffic, noise and disturbance compared to storage and distribution?	results in more traffic than 100% class B8 use and so provides a 'worst-case' in terms of the TA (and air and noise assessments), in having considered 240,000sqm GFA of class B8 use (80%) and 60,000sqm GFA of class B2 use (20% advanced manufacturing) at the EMG2 Main Site.
Q1.2.9	The applicants	**Permitted development rights** Are there permitted development rights that would allow a change of use from logistics or advanced manufacturing to another use that might give rise to other environmental effects to those assessed that would not be compatible with existing neighbouring development? Consequently, should the dDCO include a provision limiting specific permitted development rights?	The DCO Application and MCO Application are for distribution and logistics uses with advanced manufacturing use also proposed on the EMG2 Main Site (up to 20% of the floorspace). In terms of use classes, these are class B8 and B2 respectively. Limited permitted development rights do exist for these uses in The Town and Country planning (General Permitted Development) (England) Order 2015 (as amended). The Applicants are agreeable however to disapplying those permitted development rights, and this will be included in the dDCO [**PDA-004D**] submitted at Deadline 2.
Q1.2.10	The applicants	**Construction working hours** Paragraph 3.2.54 of chapter 3 of the ES [AS-025] states that hours of work on Saturdays would be 07:00 to 16:00. Please justify these working hours with reference to any relevant guidance and clarify whether there is any deviation from established standards.	The Applicants note that there is no prescribed industry standard or guidance for construction working hours. The hours are often dictated by the relevant local planning authority and / or are dependent on the sensitivity of the location where construction works are to take place. The working hours for the MCO Scheme will be as per the EMG1 DCO. The working hours for the DCO Scheme reflect those approved in The Northampton Gateway Rail Freight Interchange Order 2019. The DCO Scheme is located within similar surroundings to that scheme and, as such,

ExQ1	Question to:	Question:	Applicants' Response
			the DCO Applicant considers that the same working hours are reasonable and justifiable.
Q1.2.11	The applicants	**Community Investment Plan and fund** Paragraph 3.4.16 of chapter 3 of the ES [AS-025] states SEGRO is committed to a community investment plan. However, this is not secured in the dDCO and there is no certainty about its delivery. Therefore, should the employment scheme provisions in the dDCO be amended to codify and secure the objectives of a community investment plan? Castle Donington Parish Council [RR-047M] refer to a community fund associated with EMG1. Please can the applicants clarify to what extent the community investment plan for EMG2 would include a community fund?	The EMG1 DCO provided for a community fund being a contribution made to NWLDC to administer to provide funds for improvements / measures within the local community. Castle Donington Parish Council, being close to EMG1, was able to apply to NWLDC for funds. The community fund was separate to the employment scheme secured by the EMG1 DCO or the proposed EMG2 employment scheme. The MCO Applicant is not proposing to add to the community fund as part of the MCO Scheme. The DCO Applicant is however proposing to provide a community fund in respect of the DCO Scheme in the sum of £200,000. It is proposed that NWLDC manage the fund again but will be made available only to Long Whatton and Diseworth Parish Council and Breedon on the Hill Parish Council, being the two parishes closest to the DCO Scheme. The proposed community fund is deliberately excluded from the dDCO – it is offered beyond and in addition to any required mitigation or other obligations and is voluntary on the part of the DCO Applicant. Again, it is separate to the Employment Scheme. If required, then the DCO Applicant is agreeable to securing the fund in the dDCO (in accordance with paragraph 35 of Schedule 5 of the Planning Act 2008).

ExQ1	Question to:	Question:	Applicants' Response
Q1.2.12	The applicants	**Hyperlinks** Please can the applicants check all hyperlinks submitted within the application documents and ensure they are working as intended.	The Applicants confirm that, where a hyperlink is used, steps have been taken to verify that it is working as intended.
1.3 Other planning applications in vicinity			
Q1.3.1	NWLDC Prologis EMIA (East Midlands International Airport Limited and/ or East Midlands Airport Property Investments (Industrial) Limited as appropriate)	**Planning application on northern part of EMG2 site** Could NWLDC provide a copy of the 24/00727/OUTM application. This should consist of the application form, drawings showing any land proposed for development and (indicative) layouts and/ or parameters plans, together with details of any off-site infrastructure which it is intended to secure as part of that development. In addition, could NWLDC provide information, so far as it has it, as to the timetable for consideration of the application and for any subsequent legal agreements, if necessary, to be completed. Could Prologis/ EMIA please set out its intentions for the consideration of the application. If the application is amended so that any of the above details change, can we please be provided with that information.	N/A

ExQ1	Question to:	Question:	Applicants' Response
Q1.3.2	The applicants Prologis/ EMIA	**Planning application on northern part of EMG2 site** Could the applicants and Prologis/ EMIA please provide details, including a plan, showing compatibility/ non-compatibility of the proposed development and that subject to application 24/00727/OUTM. They should set out why they hold this position. The ExP is particularly interested where any proposals would mean that the two developments would not physically be able to be provided.	The Applicants have prepared an overlay of the DCO Scheme [**APP-039D**] with the current version of the Prologis / EMIA parameters plan reference 1184481 superimposed over it which is at **Annexure 1C** of this document. The main incompatible features of the Prologis / EIMA application include the proposed development of the area identified for delivery of the Community Park and landscaping which are necessary to mitigate the impact of the DCO Scheme. Removal of these features would represent a material change to the DCO Scheme. The Prologis / EMIA primary access location would also represent a material change to the DCO Scheme and proposes that the main access is delivered over development zones which may otherwise include buildings. A section overlay is also provided at **Annexure 1D**, which superimposes the current Prologis / EMIA site section (coloured illustration) onto the Applicants' black and white technical section. The comparison highlights the difference in site boundary proximity and levels treatment between the two country park designs. It should be noted however that the Prologis / EMIA section appears to be quite 'illustrative' in terms of levels treatment, and, for the benefit of comparison, the Applicants have aligned the building floor level with the proposed F.F.L. of +82m as specified on the Prologis / EMIA parameters plan. Based on the information available to the Applicants, the material difference in levels between the two proposals would not permit access to land south of Hyams Lane without substantial re-engineering

ExQ1	Question to:	Question:	Applicants' Response
			which is incompatible with the parameters for the DCO Scheme. A comparison of the two schemes is at **Annexure 1E** of this document.
Q1.3.3	NWLDC	**Isley Woodhouse development** Could NWLDC advise as to the current situation on the planning application for Isley Woodhouse, and provide details of the proposal, a location plan and details of any off-site works, particularly highway works, which it is intended to secure as part of that development, or any triggers that would prevent implementation or occupation unless a particular piece of infrastructure had been provided? Does NWLDC have any date for its determination? Could NWLDC please ensure that the examination is kept updated in this regard.	N/A
1.4 Community matters			
Q1.4.1	The applicants	**Community Liaison Group** Paragraph 3.4.15 of chapter 3 of the ES [AS-025] refers to the existing community liaison group set up under a planning obligation under section 106 of the TCPA. Can the applicants provide a copy of the planning obligation?	A copy is enclosed at **Annexure 1F** of this document.

ExQ1	Question to:	Question:	Applicants' Response
Q1.4.2	The applicants	**Community Park** The ExP is seeking to understand how attractive the community park would be as an amenity. Therefore, can the applicants provide the following information: • isophones (sound levels) across the whole of the park with the proposed development in operation based on the worst-case analysis assessed in the ES • the areas of the site where gradients would be greater than 8% (1 in 12) – contours across the whole area should be shown (this may need to be on a separate drawing if it would result in the drawing being too cluttered) – or which could only be accessed by travelling through such areas • whether the surface water storage areas would be fenced • the months and proportion of the year the surface water storage areas are unlikely to be accessible due to wetness, including boggy ground conditions • those areas where it would not be desirable for the public to visit for ecological and biodiversity reasons (that is, buffer zones), giving any temporal or other restrictions • what assessment has been undertaken of increased human activity in the proximity of	An isophones plan showing sound levels across the Community Park is under preparation and will be submitted at Deadline 2. Drawing EMG2-BWB-GEN-XX-SK-CH-SK079 to show the contours of the Community Park and areas steeper than 8% are shaded. See **Annexure 1G** of this document. In order to maximise visual amenity value of the Community Park, it is envisaged that the SuDS basins will be unfenced, which is the same as at EMG1. The SuDS basins will be online of the development's drainage; therefore, all surface water runoff will pass through them. Their wetness will be directly linked to the frequency of rainfall events. However, to allow for effective drain down after a rainfall event, and to minimise the duration of boggy conditions, the SuDS basins will feature a low flow channel through the base. It should be noted that the design of attenuation basins has in large measure been controlled through the need to have regard for CAP772 and CAST Aerodrome Safeguarding Advice Note 3: Wildlife Hazards Around Aerodromes and has broadly followed the design parameters implemented on the consented EMG1 Project, which is in closer proximity to EMIA. In this regard attenuation features have been designed to avoid holding permanent or near-permanent standing water. The incorporation of a central low flow channel draining into the culvert system will prevent pooling water in low flow conditions and the regular shape and bank profile is to be

ExQ1	Question to:	Question:	Applicants' Response
		the badger setts during the operational phase, and how has this been quantified? This information should also be provided graphically on a plan of the community park. Where areas are identified, the area in square metres, should also be provided; a table setting out the different areas of the proposed park should be submitted. If the applicants wish to provide a commentary to this information they may do so. The applicants should prepare a separate confidential report for answers relating to badgers. The ExP would ask the applicants send a copy of the confidential report direct to NWLDC and NE for their consideration.	kept free of bankside or emergent vegetation in line with the management prescriptions set out in CAP772. The beds of the basins are to have a coarsely ridged profile to further prevent pooling of surface water in all but the most extreme flood events. By implementing this design the attractiveness to priority species/groups of bird in relation to bird strike set out in CAST Advice Note 3 is minimal. This "corrugated" ground profile will mean the SUDS features will likely be unsuitable for walking through. This is the same approach as used in EMG1 SuDS. The only formal buffer zones that are proposed at this stage are those around the deadwood monolith areas to ensure that people are not in areas at risk due to the potential of falling wood. Such fence protection is identified on the Community Park Plan. Human disturbance to badger setts during the operational phase of the development is acknowledged as a potential impact in the ES. Badgers are, however, a resilient species, well documented as successfully occupying urban and urban-edge environments throughout the UK. Established populations are recorded in close proximity to residential areas, parks and recreational greenspace, and the species readily habituates to routine human presence where suitable sett and foraging conditions are maintained and direct persecution is absent. The Community Park has been designed with these factors in mind, with access routes, lighting and vegetation management all configured to reduce disturbance risk to the retained sett locations. The creation of a diverse range of habitats within the Community Park, including grassland, scrub, woodland and

ExQ1	Question to:	Question:	Applicants' Response
			wetland features, is also likely to provide an enhanced and more varied year-round food resource for the local badger population relative to the current predominantly arable baseline. Consequently, the level of human activity associated with the operational Community Park is not considered to pose a significant risk of disturbance to the retained badger population, and the retained setts are likely to remain occupied and functional throughout the operational phase. A plan illustrating and quantifying the different areas of the proposed Community park is being prepared for submission in due course. Given the answer above relating to badgers, the Applicants consider there is no need to prepare a separate confidential report in relation to this matter.
Q1.4.3	The applicants NWLDC	**Community Park** Is the size of the community park sufficient to create a meaningful buffer between the EMG2 main site and neighbouring residential development, whilst delivering the multitude of proposed functions (recreation, landscape and ecological mitigation etc.)? To this end, could the community park be made bigger, at the expense of industrial and logistics floorspace, if it was determined that its current size would place unworkable constraints on its intended functions?	It is the Applicants' view that the Community Park, at approximately 14.3 hectares, is sufficient to create a meaningful buffer between the proposed development and the neighbouring residential development. As set out within the Design Approach Document [**APP-220**], the design of the Community Park evolved and was an iterative process which took on board early dialogue with NWLDC, Long Whatton and Diseworth Parish Council, Protect Diseworth and some specific individual neighbours. As a result of these discussions, and also following an on-site meeting with NWLDC's landscape advisors, it was agreed that the four fields immediately abutting the village of Diseworth would be maintained as open landscape, incorporating only community uses, ecological mitigation

ExQ1	Question to:	Question:	Applicants' Response
		The ExP also invites comments from NWLDC on this matter.	and drainage attenuation and that the additional bunding/landscape screening mitigation should in turn be situated beyond these fields within the EMG2 Main Site. This is what is proposed in the DCP Application and means that, overall, the total green infrastructure buffer between the built development and the village is over 30 hectares, amounting to almost one third of the EMG2 Works site. It also reflects closely the buffer zone proposed in the emerging NWLDC Local Plan. The design of the recreational aspects of the Community Park was a core aspect of the consultation process and has specifically taken on board the views of local residents. Based on the outcomes of the EIA process as set out within the Environmental Statement [**APP-066 to APP-207D**] and with regard to landscape and visual impacts, ecology and biodiversity and drainage, the Applicants consider that this area can successfully perform the multi-purpose functions of recreation, landscape, ecological mitigation and drainage attenuation. The Applicants do not consider that there is any scope for increasing the size of the Community Park than as currently envisaged. Not only it is unnecessary to do so in order to mitigate the impact of the proposed development, but it would also unacceptably compromise the scope and quality of the proposed development as well as rendering it unviable.

ExQ1	Question to:	Question:	Applicants' Response
Q1.4.4	The applicants	**Community Park** Could the applicants please explain how public access to the Community Park would be secured in perpetuity?	The Applicants confirm that requirement 28 in Schedule 2 of the dDCO [**APP-012D**] requires the undertaker to make the Community Park available for use by the general public for the purposes of recreation and play in perpetuity.
1.5 Affected road network/ biodiversity effects			
Q1.5.1	The applicants	**Affected road network** In their RR's both NH [RR-022] and NE [RR-023D and RR-050M] comment about potential changes to air quality on the affected road network, as so described. Could the applicants please identify the affected road network, which should also be shown on a plan, and undertake an assessment of the effects on biodiversity, human health and other potentially affected receptors. For the effect on ecological receptors the applicants should use the approach advocated by NE in appendix A to its RR. Should this assessment indicate that mitigation is required, could the applicants please set out a proposal ensuring that it is secured and shown in the commitments register.	A supplementary figure has been provided demonstrating the affected road network, and the relevant ecological sites assessed. See **Annexure 1H** of this document. The affected road network illustrated demonstrates roads which are anticipated to experience an increase in AADT of > 500 or HGVs of > 100, due to the EMG2 Project. This is deemed sufficient for human receptors and equates to half of the traffic screening thresholds set out in Natural England's Guidance, therefore is deemed sufficient to screen ecological receptors. Nonetheless, the ecological receptors across the wider study area were reviewed on a case by case basis. The review has been undertaken of the approach advocated by Appendix A of its RR. This sets out a standardised sequential six-step approach for assessing air quality impacts on protected sites for NSIPs. The ES and specifically Appendix 8H (APP-105) and Chapter 9 (APP-107) follows this sequential framework. Following this approach, six ecological receptors were scoped into the assessment; identifying those SSSIs and ecological receptors within 200m of highways predicted to experience increases in excess of 1,000 Annual Average Daily Traffic (AADT) and/or 200 Heavy Duty Vehicles (HDV). These

ExQ1	Question to:	Question:	Applicants' Response
			affected are indicated on the Supplementary Figure provided. Detailed dispersion modelling was undertaken covering all four pollutant pathways as recommended by Natural England (annual mean NOx, annual mean NH_3, total nitrogen deposition, and total acid deposition). The PC critical load/level 1% screening threshold was applied at each receptor, with exceedances advanced to qualitative ecological assessment. In-combination effects are addressed through a traffic model that explicitly incorporates cumulative/in-combination sites including Freeport and Local Plan development scenarios, consistent with JNCC guidance on road-based in-combination assessment. While modelling demonstrates PC values do exceed the basic 1% screening threshold, the exceedance of a threshold is not decisive in and of itself, nor does it suggest that damage is likely to occur or that the integrity of the site/feature would be significantly affected. Chapter 9 provides this qualitative ecological analysis receptor by receptor, assessing the spatial extent of any exceedance as a proportion of the identified receptor, considering existing pressures and condition, and drawing conclusions about likely ecological significance. As a result of the limited extent of effect, the lack of particularly sensitive features, such as lower plant assemblages, and, in most cases, their location adjacent to the strategic road network (the overwhelmingly dominant emission source in these locations in any event), any effect arising from site construction or operation is not considered to materially affect site integrity. Due to the nature of the traffic data provided being from a strategic model, it is not possible to split out the growth attributed to “neighbouring plans or projects”, rather than

ExQ1	Question to:	Question:	Applicants' Response
			growth attributed to “strategic factors or long range (external) trips” and therefore no assessment exclusively of local growth could be undertaken. It is however noted that all strategic, long range (external) trips have been considered in the relevant assessment, presenting a greater quantum of traffic on the M1 than that which is advocated by NE, which would exclude certain trips. Therefore, the overall concentrations of modelled pollutants at these sensitive sites could be exacerbated, presenting a worst-case scenario. Given the assessment indicates no mitigation is required, there is no specific mitigation required to be added to the commitments register.

APPENDIX 2

DESIGN, PARAMETERS AND OTHER DETAILS OF THE PROPOSED DEVELOPMENT

2. Design, parameters and other details of the proposed development			
Q2.0.1	The applicants	**Section 51 advice** The applicants responded to s51 advice [PD-003D] and provided a summary [AS-079]. The applicants' updated table 3.5 of chapter 3 of the ES [AS-025] includes an additional column identifying where each parameter associated with the DCO application is secured in the dDCO. Please can the applicants also update the table so that the details provided for the DCO application are also provided for the MCO application.	An additional table (Table 3.6) has been prepared to identify where each parameter associated with the MCO application is secured in the dMCO. This is enclosed at **Annexure 2A** of this document.
Q2.0.2	The applicants	**EMG1 handling capacity increases** Paragraph 3.3.8 of chapter 3 of the ES [AS-025] clarifies that the MCO application would not increase EMG1 capacity in terms of train movements. However, would the increase in gantry crane heights facilitate increased container throughput and therefore require greater handling capacity elsewhere in the operational chain? For example, additional HGV trips, worker trips, etc. to deal with a higher volume of containers coming through EMG1 than is currently the case? If yes, has this been reflected in the relevant ES chapters?	The Applicants confirm that this issue is considered in detail at Appendix 10 of the Transport Assessment [**APP-080 to APP-083**] and this informed the paragraph referred to in the ES. In short, the throughput is driven by the number of trains per day and not the height of the container stacks or gantry cranes. The MCO Application does not seek to amend the previously approved allowance for up to 16 trains per day. As such, the ultimate capacity of the terminal will not be altered. It is controlled by the number and length of trains that can be accommodated and processed in a 24-hour period. There will be no increase from the 16 trains a day anticipated and assessed as part of the EMG1 DCO scheme. The increase in gantry crane height will rather improve the operational efficiency of the terminal by ensuring that the crane size is linked to the height that containers are permitted to be stacked. The

			change will, in the event that cranes are installed, assist with the terminal reaching its maximum capacity.
Q2.0.3	The applicants	**MCO parameters plan** Article 2(10) in the dMCO states "In Schedule 1 (authorised development), Part 1, replace Works No. 2(a)(iii) with "gantry cranes and reach stackers up to a height of 24 metres as shown on the additional parameters plan". The Parameters Plan [AS-007M] only makes reference to gantry cranes. Does it also need to make reference to reach stackers? If yes, please update the plan accordingly.	The Applicants confirm that the parameter change sought is only for the gantry cranes as reach stackers do not need to reach this height. The wording of this will be clarified in the updated draft MCO [**PDA-006M**] submitted at Deadline 2.
Q2.0.4	The applicants NWLDC	**Design** In section 7 of the Design Approach Document [APP-220] dealing with the Design Code sets out the Key Design Objectives. One of these is "creating places with a strong sense of identity". Could the applicants please explain why this does not include an aspect relating to the external appearance of the buildings to provide signposting and place-making within the proposed development. NWLDC is also asked to comment.	The Applicants confirm that the objective of creating 'a strong sense of identity' inherently encompasses the external appearance of the proposed buildings, as well as design measures that contribute to legibility and place-making. Wayfinding and signposting are similarly addressed through a combination of building design, landscape structure, and movement hierarchy. The approach taken to establishing design objectives also sought to cover external appearance more fully under design objective 2, 'ensuring distinctive buildings, minimising wider visual impact'.
Q2.0.5	The applicants	**Good design** Could the applicants please explain how good aesthetic design will be secured. In other words, in the definition of architecture, 'firmness, commodity and delight', how 'delight' is to be delivered?	In answer to the first point, industrial and logistics buildings are primarily functional in nature however the Design Approach Document [**APP-220**] has been prepared on the basis that high-quality design can be achieved within this typology, and that 'delight' can be delivered in a manner that is appropriate to its scale and function whilst 'good aesthetic design' can be achieved through careful attention

		Could the applicants explain whether there would be Design Review as part of the implementation phase. The answer to this question should relate to all elements of the proposed development, including buildings and road structures. If appropriate, could the applicants please ensure that this is secured. The applicants explain in Table 3.2 and paragraph 3.2.10 in chapter 3 of the ES [AS-025] that the heights of the buildings may vary due to the potential for the finished floor level to vary by plus or minus (+/-) 1.5 metres. Could the applicants explain how these different heights have been considered in respect of short distance views and the visual effects of the proposed development?	to proportion and detail. The proposed Design Code sets out measures to break down the apparent massing of large buildings, including the use of façade treatment, variation in materials and colour and the incorporation of vertical and horizontal rhythms. These approaches create visual interest and legibility across extensive elevations. Key building elements, such as office components, entrance features, and ancillary structures are identified as opportunities for enhanced architectural treatment. These more human-scale elements, including the potential use of glazing and refined material palettes, provide focal points within the development and contribute positively to user experience and identity. The integration of structural landscaping, green infrastructure, and well-defined frontage treatments play a key role in softening built form, framing views, and creating a more attractive and cohesive environment. In answer to the second point, the approach will follow the EMG1 process, where there has not been a 'design review' element to the approval of building details outside of the process the local planning authority have employed to review, comment and control the quality of detailed design through the approval of details pursuant to the requirements. The proposed Design Code is intended to help frame and control the details, and approval is required from the local planning authority before implementation. The detailed design and approval process has worked well throughout the EMG1 process. It is also important that the process is as efficient as possible and any delays minimised, especially in the context of the Freeport window.

			In response to the final point, the maximum height of buildings is fixed in terms of an absolute AOD height and this 'worst case' has been assessed in the Environmental Statement [**APP-066 to APP-207D**]. The ultimate height of a building (from floor to ridge) will be determined both by the ultimate finished floor level and the requirement of occupiers. But it could not combine to exceed the maximum height in meters above ordnance datum fixed by the parameters.
Q2.0.6	The applicants	**Fence on northern edge of EMG2 site** Paragraph 7.5.52 and Tables 7.21 and 7.22 in chapter 7 of the ES [AS-035] undertake an analysis of the effect of a 3m high acoustic fence "along the northern boundary of the unit". Could the applicants confirm the minimum width of the landscape buffer along the northern edge of the EMG2 site adjacent to the A453 and where in this buffer the fence would be located. This should be secured. The ExP is concerned to ensure that were a fence to be utilised, that the landscape strip would be of sufficient effect to mitigate the effects of the fence. Please also see question ExQ1Q19.0.6. The response should also take into account the discussions at ISH1 relating to land along the northern part of the site which could be used for dualling of the A453.	It is important to clarify, that the fence referred to, is only identified as being required if the orientation of the service yard, serving a building adjacent to the A453 was orientated to face outwards towards the road rather than internally into the EMG2 Main Site. No fence is required where the service yard faces internally. Notwithstanding that position, should a fence be required it would be provided within the development plot on the edge of the service yard and not in the landscape strip. It is also important to clarify that there are currently no proposals for dualling of the A453 and land is only being safeguarded as a precautionary measure. The precise details of future dualling are not known nor confirmed and may equally utilise land to the north of the A453.
Q2.0.7	The applicants	**MCO Parameters Plan** On the MCO Parameters Plan [AS-007M] the key legend overlaps with the bottom of the text box	The Applicants confirm that the plan has been updated and resubmitted as part of the Deadline 1 submission.

		above. Could this be amended so the whole is legible?	
Q2.0.8	The applicants NWLDC LCC	**Parking space size** Paragraph 6.31 of the TA [APP-080] sets out parking sizes. The ExP is aware that many local planning authorities are seeking larger spaces (generally to the width) to accommodate the larger cars that are being produced compared to those when the standards were originally drawn up. Does the applicant, NWLDC or LCC have any comment as to whether larger spaces should be included within the parking areas?	The Applicants confirm that EMG2 has been designed in accordance with established guidance and standards, which currently specify a standard parking bay size of 2.5 metres by 5 metres. This standard size remains widely applied across the UK and is generally considered sufficient to accommodate the majority of private vehicles when combined with appropriate layout design, including adequate manoeuvring space and circulation aisles. In preparing the illustrative masterplans submitted with the DCO Application and the MCO Application [**APP-040D and APP-064M**], consideration has also been given to usability and accessibility. Parking areas are designed to incorporate appropriate levels of disabled parking, which are provided at larger dimensions in accordance with relevant standards.
Q2.0.9	The applicants	**Landscaping in parking areas** In the s 51 advice issued on 30 September 2025, in point 40 it was noted "Page 67 of the Design Statement shows how car park landscaping strips may look. However, the Illustrative Landscape Masterplan and other similar plans shows parking without such landscaping. The principle of car parking of being in a green area is also referred to on page 70". The Design Approach Document [APP-220] applies to both the DCO application and the MCO application. In the Illustrative Landscape Masterplan EMG2 Works [APP-040D] drawing landscaping is shown in the car parking areas for the units in the EMG2 site.	The Applicants confirm that the Design Approach Document [**APP-220**] will be amended to clarify the approach to landscaping within car parking areas. It will be resubmitted at Deadline 2. The Illustrative landscape masterplan for the EMG1 works [**APP-064M**] drawing includes appropriate space within the car park area for landscaping. However, the final rendered version of the plan, as submitted, did not show tree and other planting in the space provided, consistent with the approach shown for the EMG2 Main site. The plan has therefore been amended with the appropriate illustration of tree planting now shown and has been resubmitted as part of the Deadline 1 submission.

		However, landscaping is not shown in the Illustrative Landscape Masterplan EMG1 Works [APP-064M] drawing. Could the applicants please address this issue demonstrating that, as set out in the s51 advice, sufficient landscaping and parking can be made available.	

APPENDIX 3

AGRICULTURE AND SOILS

3. Agriculture and soils			
Q3.0.1	*The applicants Natural England (NE)*	***Best and Most Versatile (BMV) agricultural land methodology*** *In tables 15.3 and 15.4 of chapter 15 of the ES [AS-061], NE raises concerns regarding the methodology used to assess effects on BMV agricultural land. The applicants state that chapter 15 has been reviewed in response to these comments.* *Please explain:* • *what changes, if any, have been made to the assessment methodology as a result of NE's comments* • *where these changes are documented in the ES chapter 15* • *the current position of the applicants and NE on whether the revised methodology adequately addresses concerns raised by NE.*	The Applicants can confirm that the criteria for magnitude of impact and sensitivity were updated to utilise those recommended by Natural England (i.e. those in the IEMA 2022 Guide). These changes can be seen in the assessment criteria methodology and the updated effects at paragraph 15.5.14 and 15.5.19 (major adverse) of the updated chapter [AS-061 and 062]. The Statement of Common Ground (DCO 8.7) submitted at Deadline 1 confirms that the changes have been acknowledged by NE and the Applicants are continuing to work with NE to resolve any residual concerns.
Q3.0.2	The applicants	**BMV agricultural land permanent loss and temporary effects** ES chapter 15 [AS-061] identifies that the Order limits comprise BMV agricultural land, with areas of Grade 1, Grade 2, Subgrade 3a and 3b land	The Applicants confirm that there are no known temporary effects within the area assessed. The Applicants have assumed that all land is permanently lost to agricultural use but that the soils from that land may be protected for other uses (e.g. landscaping).

		reported in table 15.8, supported by the ALC survey in appendix 15A [APP-175]. Please provide a clear table which, for Grade 1, Grade 2, Subgrade 3a and Subgrade 3b land, distinguishes: (a) the area of BMV land that would be permanently lost as a result of the authorised development (b) the area of BMV land that would be temporarily affected during construction and is proposed to be restored to agricultural use, together with a brief explanation of the restoration approach and signposting to the Soil Resource Management Plan where relevant For each of (a) and (b), please identify where the relevant areas are shown on the certified plans and/or ALC mapping (including the relevant Works Plan sheet(s) and Land Plan plot(s)).	
Q3.0.3	The applicants NE	**BMV significance threshold** ES chapter 15 [AS-061] explains at paragraph 15.2.3 that a loss of 20 ha or more of BMV agricultural land is treated as the critical threshold for significance, with reference to schedule 4, paragraph (y) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and published guidance.	As indicated above, the Applicants confirm that there are no assumptions regarding temporary loss of agricultural land. All losses of agricultural land have been treated as permanent. The assessment of agricultural land loss is that it is major adverse and significant. This is in line with current Natural England advice.

		Please confirm: • whether the "20 ha" criterion in paragraph 15.2.3 has been applied to permanent loss only, or to permanent and temporary effects combined, and where this is evidenced in ES chapter 15 (by paragraph/ table reference) • whether the assessment has appropriately taken account of the grade composition of BMV land affected (Grades 1, 2 and Subgrade 3a, 3b) in reaching the overall significance conclusion • whether NE agrees with the applicant's application of the approach in this case and the resulting significance conclusions for effects on BMV agricultural land	
Q3.0.4	The applicants	**Soil Resource Management Plan (SRMP)** Paragraphs 15.5.15 and 15.7.2 of the ES chapter 15 [AS-061] states that a site-specific SRMP has been prepared and is provided as appendix 15C [APP-177], and that adherence to the SRMP is relied upon as mitigation to protect soil resources. The CEMP [AS-027D] paragraph 7.1 states that each relevant P-CEMP should incorporate a Soil Management Plan in accordance with requirement 12 and in accordance with the Construction Code of Practice for Sustainable Use of Soils on Construction Sites, the measures set out in appendix 15A [APP-175] and the SRMP [APP-177]. The dDCO [PDA-004D] requires each P-CEMP to include a soil management plan (requirement 11)	The Applicants are currently reviewing the position and are awaiting comments on the submitted Soil Management Plan [**APP-177**] from NE. This position is confirming in the Statement of Common Ground submitted at Deadline 1. In the circumstances the Applicants propose to liaise with NE and provide a substantive response as soon as possible and are targeting Deadline 2.

		and requires earthworks details (including an earthworks strategy including management and protection of soils) to be substantially in accordance with the soil management plan approved as part of the relevant P-CEMP (requirement 12). • please confirm whether the SRMP [APP-177] is intended to be the "soil management plan" to be submitted and approved as part of each relevant P-CEMP under requirement 11, or whether a separate soil management plan document will be produced • explain how the SRMP will be carried through into the earthworks strategy and other earthworks details required by requirement 12 (including how "substantially in accordance" will be interpreted in practice) • please confirm what mechanism will ensure that the SRMP measures relied upon in ES chapter 15 remain consistent with the approved P-CEMPs/ earthworks details (including how any updates to the SRMP would be controlled) • if the SRMP is not intended to be the approved soil management plan, identify any amendment(s) required to the CEMP and/ or dDCO to ensure the mitigation relied upon in ES chapter 15 is clearly secured and enforceable	
Q3.0.5	The applicants NE	**Cumulative effects on BMV land** ES chapter 15 [AS-061] states at paragraph 15.6.1 that an agreed methodology for cumulative effects of BMV land loss has not yet been established and	The Applicants are preparing a technical note that will be submitted at Deadline 2. The Applicants will endeavour to liaise with NE and provide them with a copy of the note in advance of submission.

		refers to IEMA guidance proposing comparison of BMV land loss against changes in national and regional average land loss over a set period. Paragraph 15.6.1 further explains that a 3-year change in land use (2019–2022) has been used in tables 15.9 and 15.10, and notes that the guidance proposes that contribution to more than 1% of the average five-year national land loss would be significant. Paragraph 15.6.2 concludes that the EMG2 Works would have a significant cumulative effect on regional BMV land loss (table 15.9, 37%), but would not have a significant cumulative effect on the national stock of BMV land (table 15.10, 0.32%). Please could the applicants: • explain the basis for using a 3-year average (2019–2022) for the cumulative comparison, and how this has been applied consistently with the five-year benchmark referred to in paragraph 15.6.1 • confirm the data sources and assumptions used to derive the regional and national BMV baseline figures in tables 15.9 and 15.10 and explain how uncertainty in those assumptions has been addressed • explain how the conclusion of a significant regional cumulative effect but not a significant national cumulative effect has been taken into account in the overall assessment of effects on BMV land (including the conclusions at section 15.7)	

		• confirm whether NE agrees with the applicant's cumulative assessment approach and conclusions for BMV land in section 15.6 of the ES chapter 15 NE is also given the opportunity to comment on the above.	
Q3.0.6	The applicants	**Effects on agricultural land users** ES chapter 15 [AS-061] describes effects on agricultural land users and land management arising from the proposed development at paragraphs 15.5.11 and 15.5.12. Please could the applicants: • identify the agricultural holdings/ land parcels to which paragraphs 15.5.11 and 15.5.12 relate, by reference to the certified plans and the Land Ownership Plan at appendix 15B [APP-176] • explain the likely nature and duration of effects on agricultural operations (including severance, disruption to field access, and any temporary loss of land use during construction), and how these have been considered in the assessment of effects in ES chapter 15 • describe the mitigation measures proposed to reduce effects on agricultural operations (including any measures to maintain/ replace access, manage construction routing across farmland, and reinstate land), and identify	The agricultural holdings/land parcels to which Chapter 15 of the ES, paragraphs 15.5.11 and 15.5.12 [**AS-061**] relate are marked on the Land Ownership Plan at Appendix 15B [**APP-176**] which identifies four different landowners (Landowners 1 to 4). The relationships of these landowners (and the tenant farmers) to the holdings is set out at paragraphs 15.5.3 through to 15.5.6 of the Chapter. These translate across to the Book of Reference (and Land Plan 1) as follows: • Landowner 1 - Book of Reference 1/4 – EMA/Prologis UK 121 (Tenanted to Jarrom) • Landowner 2 - Book of Reference 1/3 and 1/5 – Jarrom/Prologis UK 121 (Tenanted to Jarrom) • Landowner 3 - Book of Reference 1/1 – Aldridge • Landowner 4 - Book of Reference 1/7 – EMIA As set out in paragraphs 5.5.11 – 5.5.12, 15.5.17 and 15.5.20 of Chapter 15, the nature and duration of effects on agricultural operations of these land parcels is permanent and total, and given the financial returns from the sale of the land the conclusion is that the impacts will not be significant in EIA terms. It is also made clear at paragraph 15.5.11 that the landholdings will be sold or compulsorily acquired prior to construction commencing. Therefore, temporary severance and loss have not been considered in the assessment, as all the losses are total and permanent.

		precisely how and where these measures are secured	Paragraph 15.5.17 also makes clear that no mitigation is required or identified in this matter.

APPENDIX 4

AIR QUALITY AND EMISSIONS

4. Air quality and emissions			
Q4.0.1	The applicants	**Pollutants** Paragraph 8.1.3 of chapter 8 of the ES [AS-037] states the impact assessments of vehicular emissions focuses on air pollutants that are likely to arise from the construction and occupation of the EMG2 project. These pollutants are oxides of nitrogen (NOx), nitrogen dioxide (NO2), particulate matter in the 10 micrometre (µm) and 2.5µm size fractions (PM10 and PM2.5) and dust for human and ecological receptors and nitrogen and acid deposition for ecological receptors. However, the ExP notes this is slightly at odds with the pollutant impacts actually assessed in the relevant appendices. For example, appendix 8G [APP-144] does not contain NOx impacts. Furthermore, appendix 8H [APP-105] does not contain NO2 impacts or particulate matter impacts. For clarity, please can the applicants explain the approach to assessing pollutants, and how the pollutants assessed might vary depending on the receptor in question.	The Applicants confirm that the discrepancies can be briefly summarised as follows: • NO_2, PM_{10} and $PM_{2.5}$ are assessed for human receptors; and • NO_x and NH_3 (and acid and nitrogen deposition) are assessed for ecological receptors. The Applicants will update Chapter 8 of the ES [**AS-037**] to provide clarification on this point.
Q4.0.2	The applicants NWLDC	**Monitoring data** Paragraph 8.2.8 of chapter 8 of the ES [AS-037] states that as of June 2025, the 2024 monitoring data had not been verified by the Department for	The Applicants confirm that the 2024 data has now been verified by DEFRA and is available online. However, no update to the air quality assessment is deemed practical or necessary. As stated in Chapter 8 of the ES [**AS-037**], traffic data provided to support the air quality assessment

		Environment, Food and Rural Affairs (DEFRA). Please can the applicants and NWLDC confirm whether the latest verified monitoring data is now available and whether the air quality assessment needs to be updated accordingly?	was provided for a 2023 baseline year, and therefore this was used to inform the verification processes. Traffic data has not been provided for a 2024 baseline year. The Applicants do not consider that the modelling results would be notably different based on a 2024 verification rather than a 2023 verification.
Q4.0.3	The applicants NWLDC LCC NH	**Reasonable worst case scenario complexity** Paragraph 8.2.58 of chapter 8 of the ES [AS-037] establishes four scenarios considered as part of the traffic modelling that underpins the air quality assessment. These modelling scenarios were broken down into sub scenarios in paragraph 8.2.55. What is the rationale for conducting such a multitude of scenarios? Does it present an overly complex approach, and could it be streamlined by adopting one definitive reasonable worst case scenario for each of the following: 1) Baseline traffic 2) EMG2 project traffic (with DCO and MCO assessed discretely) 3) EMG2 project traffic (with DCO and MCO assessed discretely) + mitigation 4) EMG2 project traffic (with DCO and MCO assessed discretely) + mitigation + cumulative project traffic	The Applicants confirm that the traffic scenarios were agreed some time ago after lengthy consultation with various bodies. It is considered that the traffic scenarios modelled to inform the air quality assessment process represents a robust approach and use of the best available information. It is not considered that any changes are required, and the explanation of the various scenarios presented in Chapter 8 of the ES [**AS-037**] is sufficient to review the air quality assessment. Further detail on the traffic scenarios is presented in Chapter 6 of the ES [**AS-032**] relating to Traffic and Transport.

Q4.0.4	The applicants	**Consistently describing modelling stages/ scenarios and using plain English** Chapter 8 of the ES [AS-037] refers to stages/ scenarios 1a, 1b, 2a, 2b etc. It also uses technical terms like 'demand flow' and 'green package' etc. These naming conventions are not intuitive and it would be helpful if the applicants could consider updating them, both in the ES and associated appendices, to provide plain English descriptions that are more easily understood. In addition, chapter 8 of the ES [AS-037] refers to stages/ scenarios in an inconsistent and hard to understand manner. For instance, paragraph 8.2.55 identifies stage 1b modelling, which includes 4 sub-categories of modelling. Paragraph 8.7.22 then refers to the 2028 scenario 1b vs 1b with construction traffic but it is not clear which of the 4 sub-categories are being used because it does not use the naming conventions established under paragraph 8.2.55. Using the naming conventions set out in paragraph 8.2.55, please can the applicants clarify whether the 2028 scenario 1b in paragraph 8.7.22 is meant to refer to the 2028/2038 forecast year without the EMG2 project (without local plan sites), the 2028/2038 forecast year with the EMG2 project (without local plan sites), the 2028 forecast year (demand flow) (without local plan sites) or the 2028 forecast year (demand flow) with construction traffic?	The Applicants note that definitions are not provided in Chapter 8 of the ES [**AS-037**] for 'demand flow', 'actual flow' and 'green package'. The terms mean: • Demand flow refers to the traffic that wishes to travel through a highway network. • Actual flow refers to traffic which is realized on the highway network. This may differ from 'demand flow' for reasons such as capacity constraints. • Green package refers to the EMG2 Project Mitigation proposals (and new link from the M1 south to A50 in particular) when considered with the wider Growth Point mitigation aspirations. It should be noted that the reason for using 'demand flow' rather than 'actual flow' when considering construction traffic is since the construction traffic contribution to the highway network is relatively low, and hence model 'noise' can mask the construction traffic impacts. Chapter 8 of the ES can be updated to include these definitions if required. With regards to inconsistencies in references to stages / scenarios: • Paragraph 8.2.58 states which scenarios were modelled for the EMG2 Project Operational Phase; no further clarification has been requested of this, and, on review, it is considered that the Chapter is clear in what is set out. • Paragraph 8.2.60 states which scenarios were modelled for the Construction Phase. However, it should be noted that, on review, there is a typographical error which may be misleading the reader. The bullet points in Paragraph 8.2.60 should

		Please can the applicants review all stage/ scenario references of chapter 8 of the ES [AS-037] and associated appendices to ensure they are using consistent naming conventions that are easily understood.	read: • 2028 Stage 1a v **2028 Stage 1a + Construction Traffic** (i.e. with all Freeport and Local Plan sites) – Demand Flow • 2028 Stage 1b v **2028 Stage 1b + Construction Traffic** (i.e. without Local Plan Sites) – Demand Flow This may be causing the majority of confusion when reviewing the naming conventions. Notwithstanding the above, it is noted that the above does not match exactly with the naming conventions used in Paragraph 8.2.55. Therefore, for additional clarity, the following scenarios were compared: <u>Stage 1a Modelling</u> • 2028 forecast year (demand flow) (with all Freeport and Local Plan sites) • 2028 forecast year (demand flow) with construction traffic (with all Freeport and Local Plan sites) <u>Stage 1b Modelling:</u> • 2028 forecast year (demand flow) (without Local Plan sites) • 2028 forecast year (demand flow) with construction traffic Chapter 8 of the ES and relevant appendices are being reviewed and will be updated where necessary and will then be resubmitted.
Q4.0.5	The applicants	**Baseline pollutant concentrations** Please can the applicants ensure that each table in chapter 8 of the ES [AS-037] showing the baseline	Chapter 8 of the ES [**AS-037**] is being updated and will be resubmitted at Deadline 3.

		pollutant concentrations (table 8.8 to table 8.12) consistently indicates whether values are within relevant standards or targets. For example, table 8.8 is clear about exceedances due to associated notes and bold type. However, table 8.12 does not indicate how the values correspond to relevant standards or targets.	
Q4.0.6	The applicants	**Dust risk buffers** Please can the applicants produce an additional appendix mapping the dusk risk buffers in appendix 8B [APP-099] over the receptor locations in appendix 8C [APP-100] for clarity about the scope of potential impacts and quantum of human receptors affected.	For clarity, Appendix 8C [**APP-100**] details receptors impacted by increased road traffic as a result of EMG2, and the construction phase of EMG2. The buffers illustrated in Appendix 8B [**APP-099**] demonstrate relevant distances from the construction phase of EMG2 where receptors would potentially be impacted by dust during the construction phase. Given the two are not related, the Applicants consider that an overlay of the two is likely to cause further confusion rather than assist in understanding the issue.
Q4.0.7	NWLDC	**Mitigation** NWLDC in its RR [RR-003] states that mitigation measures identified within appendix 8I [APP-106] would need to be appropriately secured within the dDCO. Please can NWLDC confirm whether it thinks the identified mitigation measures have been appropriately secured or not. If not, please suggest a draft requirement for the ExP's consideration.	N/A
Q4.0.8	The applicants	**Non-Road mobile machinery** Paragraph 8.6.35 of chapter 8 of the ES [AS-037] relates to NRMM. Please can the applicants clarify where the NRMM limits are secured in the dDCO	The Applicants confirm that the CEMP, in respect of the DCO Scheme, the CEMP [**APP-206D**] will be updated to secure this. The CEMP relating to EMG1 DCO already includes appropriate controls and measures, and has been operating successfully during construction of EMG1.

		and dMCO, and whether they are specifically included within the CEMP?	
Q4.0.9	The applicants NWLDC	**Statutory targets** In relation to paragraph 8.7.106 of chapter 8 of the ES [AS-037], is the PM2.5 target to be achieved in 2028 statutory? Is the SoS under a statutory duty to ensure that is met? Furthermore, please can the applicants elaborate on the potential implications of exceeding this target at Castle Donington. If the PM2.5 target is exceeded without the EMG2 project, how much does the EMG2 project add to this exceedance in percentage terms? More generally, it would be helpful if the applicants could provide a summary note or table outlining the SoS's statutory obligations regarding air quality targets and whether these would be met in the event the SoS took the decision to make the DCO. The ExP also invites comments from NWLDC on this matter.	The Government's position on the application of $PM_{2.5}$ targets is rapidly evolving; however, the 2028 interim target for $PM_{2.5}$ is not statutory. Moreover, since the release of the latest Environmental Improvement Plan (EIP) in December 2025, this target is no longer the most relevant when considering short-term changes to $PM_{2.5}$ targets, and rather Commitment 21 of the EIP aims to deliver "*an annual mean concentration target of 10 micrograms per cubic metre to be achieved by December 2030*". This is 10 years prior to the statutory target set out in *The Environmental Targets (Fine Particulate Matter) (England) Regulations 2022*, which sets out the following statutory target: *"The annual mean concentration target is that by the end of 31st December 2040 the annual mean level of $PM_{2.5}$ in ambient air must be equal to or less than 10 µg/m³ ("the target level")"* Paragraph 8.7.106 of Chapter 8 of the ES [**AS-037**] refers to the 2028 $PM_{2.5}$ interim target. However, taking into account the text in paragraphs 8.2.112 to 8.2.122, it was not considered necessary to provide detailed direct comparison between the modelled results and the interim targets. Of particular relevance to this is paragraph 8.2.177 of the chapter, which states advice handed down to Chief Planning Officers in 2023, explaining that "*legal compliance with the targets will be monitored using the national monitoring network*". It remains the case therefore that compliance should be monitored, not modelled, and considered at a national level not at a local level.

			The Applicants consider that the methodology for assessing $PM_{2.5}$ impacts set out in Chapter 8 of the ES remains appropriate and the conclusion that the $PM_{2.5}$ impacts are not significant remains sound in its reasoning. And, further, the Secretary of State is not under a statutory obligation to consider any target beyond those already assessed.
Q4.0.10	The applicants NH NWLDC	**Modelling** NH [RR-022] raised concern about the large magnitude of some of the modelling adjustment factors. On the other hand, NWLDC [RR-003] confirm that a range of matters in relation to the modelling have been agreed. For clarity, and subject to any PRTM 2023 updates, please can NH and NWLDC, in conjunction with the applicants, work together and coordinate a response on whether the modelling and subsequent conclusions are acceptable.	The Applicants confirm that a meeting was held with representatives from NH on 27 February 2026, subject to the comments made by them in their relevant representation (**RR-022**). The relevant comment raised by NH, see paragraph 4.2.4, was discussed and the representative from NH was satisfied with the modelling approach taken. Moreover, the Applicants understand that NWLDC are satisfied with the modelling process undertaken.
Q4.0.11	The applicants Other IPs	**PRTM updates** The ExP acknowledges that the air quality modelling and assessment are reliant on the PRTM and that as per the applicants' submission [PDA-001], the PRTM assessment is currently in the process of being updated to the 2023 version. Whilst it would be helpful for the applicants and other IPs to answer questions relating to air quality modelling and assessment at this juncture (ExQ1), if more informative answers can only be given after the PRTM assessment has been updated, or answers would otherwise quickly become out of	The Applicants confirms that it will highlight any updates or changes to the ExP as appropriate.

		date, then please highlight this to the ExP accordingly.	
Q4.0.12	The applicants	**CEMP dust mitigation** Should the CEMP [AS-027D] cross refer to the relevant appendix [APP-106] of chapter 8 of the ES [AS-037] to ensure a comprehensive approach to dust mitigation? Does the dMCO also need to include provisions cross referring to the relevant appendix [APP-106] of chapter 8 of the ES [AS-037] in the same context?	It is the Applicants' view that a cross-reference is not required in the CEMP (for either the DCO Scheme or MCO Scheme) to the appendix relating to dust mitigation. The CEMP provides clear requirements regarding dust measures, with direct overlap with relevant parts of Chapter 8 of the ES [**AS-037**] and associated appendices. The CEMP will be supplemented by phase specific CEMPs (P-CEMPs) for relevant phases of works, and these will be required to be submitted for approval. Any dialogue about appropriate measures specific to each phase, and the likely risk of scale of dust impacts, will form part of the process of preparing and approving these P-CEMPs.
Q4.0.13	The applicants	**Model verification pollutants** Appendix 8A [APP-098] only addresses NO_x and NO_2. Please can the applicants clarify why particulate matter or other pollutants such as NH_3 etc. have not been modelled and verified in the same way as NO_x and NO_2?	Due to a lack of appropriate PM_{10} and $PM_{2.5}$ monitoring data within the study area, no verification of PM_{10} or $PM_{2.5}$ has been undertaken. Therefore, the NO_X adjustment factor has been applied to the Road-PM_{10} as advised in Paragraph 7.574 of TG22 (Local Air Quality Management – Technical Guidance (22)). For consistency, this adjustment factor has also been applied to Road-$PM_{2.5}$ concentrations. Verification of NH_3 is not usually possible due to a lack of national NH_3 modelling. This is reiterated by the CREAM V2 User Guide, produced by Logika Group, which states: *"Roadside NH_3 monitoring is much less common than roadside NO_2 monitoring, meaning that similar local comparisons will not usually be possible for modelling using CREAM. The intention of the calibration presented above is that local verification of CREAM, while*

			occasionally helpful, is unnecessary." Therefore, local model adjustment has not been carried out for NH_3, and the concentrations are unadjusted.
Q4.0.14	The applicants	**Model verification NO_x** Appendix 8A [APP-098] states that it is NO_x that is primarily modelled, not NO_2. In this context, please can the applicants clarify why table 8a.2 monitors and models NO_2 rather than NO_x? It is not clear why the approach does not start with comparing monitored NO_x with modelled NO_x concentrations to establish an adjustment factor, before applying the adjustment factor to the NO_x concentrations and then converting into NO_2 as a final step.	The Applicants confirm that, as per Box 7-17 of TG22 (Local Air Quality Management – Technical Guidance (22)), the first stage of comparing modelled and monitored concentrations involves comparing "Total Annual Average NO_2 Concentrations". Once this process has been undertaken, there is a three-point checklist to undertaken, which involves confirming that: • There is no systematic under or over prediction; • Predictions at sites where monitoring shows concentrations are close to the objective show good comparison; and • The majority of results are within 25% (as a minimum - preferably within 10%) of monitored concentrations. Hence, it is considered a reasonable first step to compare total NO_2, to understand whether model adjustment is required. In the case of the verification processes undertaken in Appendix 8A of the ES [**APP-098**], text was added under Table 8a.2 (and each similar table henceforth), to explain whether the model was under- or over-predicting and the % difference. For all verifications, aside from Verification 5 (South Derbyshire), the difference for at least monitoring location was greater than the ideal 10% and therefore model adjustment was required and undertaken as set out in the tables below. For Verification 5 (South Derbyshire), model adjustment was undertaken anyway since the verification was only undertaken at one monitoring location,

			which showed an underprediction, therefore a worst-case assessment was to adjust the models.
Q4.0.15	The applicants	**Model verification diffusion tube monitoring** With regard to table 8a.3 of appendix 8A [APP-098], where have the monitored road NO_x figures been derived from? For example, appendix 8E [APP-102] only deals with the monitoring of NO_2 and as such it is not clear what NO_x monitoring has been used to inform the model verification.	Monitored road-NO_X concentrations are derived from the DEFRA NO_X to NO_2 calculator (v9.1) available on the DEFRA LAQM air quality website. This is referenced at paragraph 8.2.47 of Chapter 8 of the ES [**AS-037**]. This method allows for 'monitored' NO_X concentrations to be derived from diffusion tube monitoring locations, which monitor NO_2. To note, the full methodology for converting monitored NO_2 concentrations to NO_X concentrations is set out in paragraphs 7.88 to 7.95 of TG22 (Local Air Quality Management – Technical Guidance (22)) and confirms the use of this technique. Box 7-18 of TG22 also confirms the validity of verifying NO_X concentrations.
Q4.0.16	The applicants	**Model verification preamble** Please can the applicants update the preamble text of appendix 8A [APP-098] to clarify what data has been input into the model as part of the verification process and whether it is the most up to date data available at this present time.	The Applicants confirm that four of the five local authorities where monitoring data was used for the verification processes have now released a 2025 Air Quality Annual Status Report, containing 2024 data. Erewash Borough Council have yet to release a report containing 2024 data. Appendix 8A [**APP-098**] will be updated to provide clarification and will be submitted at Deadline 3.
Q4.0.17	The applicants	**Air quality management areas** Can the applicants check that appendix 8G [APP-104] references and illustrates all of the AQMA's cited in chapter 8 of the ES [AS-037]. For example, Castle Donnington AQMA is illustrated on some but not all of the figures. Furthermore, it is not clear	The Applicants believe this question relates to Appendix 8C [**APP-100**] rather than Appendix 8G [**APP-104**]. The Applicants have reviewed Appendix 8C and confirm: • Derby AQMA is illustrated where necessary. • Copt Oak AQMA is not illustrated in Figure 8c.30 – to note, this AQMA has now been revoked. The Applicants can update references to the Copt Oak

		whether Copt Oak or Derby AQMAs have been appropriately referenced and illustrated at all.	AQMA to refer to the “former Copt Oak AQMA” where necessary. The former AQMA boundary can be illustrated, if required. • Castle Donington AQMA is not illustrated in Figure 8c.38, where it is within the figure extent. This can be added, however, to note, none of the receptors in this Figure are within the AQMA.
Q4.0.18	The applicants	**Appendices preamble and summary tables** Appendix 8H [APP-105] provides a very useful preamble explaining its content. It also identifies the worst case scenario and summarises the results in tables. Please can the applicants update appendix 8G [APP-104] to include similar preamble and summary tables of the worst case scenario for each receptor.	Appendix 8G [**APP-104**] will be updated to include preamble and tables demonstrating the worst-case scenario. Since the impacts outside of Castle Donington at all receptors, in all scenarios, are negligible, it is proposed that these additional tables only detail results in Castle Donington.
Q4.0.19	The applicants	**Typographic errors** Paragraph 8.2.55 of chapter 8 of the ES [AS-037] refers to the "Private Rapid Transit Model" when it should be "Pan Regional Traffic Model". This is repeated five times within this document.	The Applicants confirm that the references will be updated and the chapter resubmitted at Deadline 3.
Q4.0.20	The applicants	**Monitored Nitrogen Dioxide Levels** Table 8.8 of chapter 8 of the ES [AS-037] sets out monitored NWLDC annual mean NO_2 concentrations locations. Can the ExP please be provided with a plan showing these locations?	See **Annexure 4A** to this document.

Q4.0.21	NWLDC	**Air Quality in Castle Donington** Could NWLDC please comment on the air quality issues, and particularly whether it agrees with the applicants' assessment in relation to the Castle Donnington area. That is, whether conclusions need to be considered in relation to the localised dispersion/ previous monitored NO_2 concentrations at receptors within this location?	N/A

APPENDIX 5

BIODIVERSITY, ECOLOGY AND NATURAL ENVIRONMENT (INCLUDING HABITATS REGULATIONS ASSESSMENT)

5.	**Biodiversity, ecology and natural environment (including Habitats Regulations Assessment)**		
5.0	**Non-Habitats Regulations matters**		
Q5.0.1	The applicants	**Veteran tree mitigation** The LEMP [APP-117] sets out veteran tree mitigation involving deadwood monoliths. In light of the RR [RR-003] submitted by NWLDC, please can the applicants confirm that such mitigation would not create a material risk of furthering the spread of ash dieback disease and how the prevention of such spread would be secured?	The Applicants confirm that all deadwood monoliths, stumps and log piles will be installed within the green infrastructure network at designated locations. No material will be moved off-site or outside the DCO or MCO order limits. Given that ash dieback is already present across the wider landscape, retaining felled material in situ does not introduce any new vector for spread. All machinery used during felling and translocation operations will be decontaminated upon completion of works to prevent inadvertent spread of fungal spores or infected material. The proposed approach does not, therefore, create a material risk of further spreading ash dieback.
Q5.0.2	The applicants	**Biodiversity net gain on the SRN** NH [RR-022] set out that 10% BNG is required on the SRN. Can the applicants please clarify whether this has been achieved? If it has not been achieved, please can the applicants provide amended proposals to ensure it is achieved or justify why it is not necessary to achieve in this particular case.	The Applicants note that the DCO Application was submitted prior to the introduction of a mandatory requirement for 10% BNG for NSIPs. Notwithstanding this, the Applicants have designed the scheme to achieve 10% BNG when assessed across EMG2. See Biodiversity Net Gain Report [**APP-116**]. In the circumstances where the highway works to the SRN are not being publicly funded by the Road Investment Strategy, the Applicants are consequently voluntarily providing 10% BNG. But it would be disproportionate to require 10% BNG on the National Highways estate alone.

			The Applicants are however continuing to discuss this matter with NH. The Applicants confirm that it is proposed to submit an updated Biodiversity Net Gain Report [**APP-116**] in due course to reflect small changes made to the other application drawings.
Q5.0.3	The applicants NWLDC NE	**Skylarks** Prologis [RR-024D] raised concerns about the delivery of key mitigation, especially for skylarks displaced by the DCO scheme. Please can the applicants provide more details about any mitigation for skylark. The ExP are particularly interested how any such mitigation located on the community park would be effective in the context of the park's multifunctional use. For example, among other things, would recreational users of the community park have the potential to disturb skylarks and diminish the effectiveness of skylark mitigation (see ExQ1.4.2)? Please can NWLDC and NE provide an updated position in relation to protected species and in doing so comment on the issue of skylark mitigation, and farmland bird species more generally.	Outside the designation of protected sites, birds and their habitats are addressed through Regulation 10 of the Habitats Regulations and Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, whereby duties are placed on the Secretary of State, local authorities and other bodies, to have in place "*measures to maintain the population of bird species*" and to "*have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity….in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*". Skylarks are one of the most common farmland birds with an estimated 1.6 million territories nationally in 2016. However, it is acknowledged that skylarks have undergone significant population declines in the UK since the 1960s and for this reason are listed as a Species of Principal Importance under Section 41 of the NERC Act 2006 and are 'Red-listed' on the Birds of Conservation Concern 5 (BoCC5). It is widely agreed that the cause of this decline is largely derived from changes in farming practices, mainly the intensification of grassland management for livestock and a shift in arable farming from spring to winter cereals, and not from loss of habitat due to development. In England, the historic decline has somewhat stabilised and was estimated to be -1% in the 25 years from 1998 to 2023. Further,

			following a minimum in 2018-2019, the population of skylarks has rebounded both within England and cumulatively across the UK, with this rebound estimated to be approximately +14% at both 10-year and 5-year intervals. Skylark populations in arable environments occur at significantly lower densities than in natural habitats. The availability of sufficient foraging resources due to the early growth limited the invertebrate and seed availability for birds is considered the limiting factor, which necessitates larger territory sizes and thus lower population density within arable fields. Grasslands within the proposed Community Park have been designed to incorporate measures to provide and/or enhance the foraging resource for skylarks and the siting of this intrinsic mitigation adjacent to areas of arable land out with the DCO Order Limits provides an easily commutable foraging area for adults and young birds post-fledging from the adjacent suitable nesting habitat, which may facilitate an uplift in carrying capacity and reduce any adverse impact on this species. For the reasons set out above, the Applicants do not therefore consider it proportionate to seek to entirely mitigate any residual minor effect which is not considered significant in the context of paragraph 193a) of the NPPF. The requirement for direct off-site replacement skylark habitat in this case need not be required for decision makers to fulfil their legal duty under the Habitats Regulations or NERC Act 2006.

Q5.0.4	Forestry Commission NE NWLDC	**Veteran trees** Please can the Forestry Commission, NE and NWLDC clarify whether they are satisfied with the applicant's assessment of veteran trees, including their role as irreplaceable habitats, as set out in the LEMP [APP-117], and whether there is compliance with paragraph 5.63 of the NNNPS?	N/A
Q5.0.5	The applicants	**Important hedgerows** Table 9.10 of chapter 9 of the ES [AS-039] sets out that 12 hedgerows (H7, H11b-c, H12, H18a-c, H22, H26a, H35, H36 and H39) were considered to be of importance under The Hedgerow Regulations 1997. Please can the applicants clarify how these will be impacted as part of the proposed development, and explain any requirements or constraints derived from their importance under the regulations.	Twelve hedgerows within the boundary of the DCO Scheme have been assessed as important under the Wildlife and Landscape criteria of The Hedgerow Regulations 1997 (the Regulations), as set out in Chapter 9 of the ES [**AS-039**]. The majority of the important hedgerows are retained and enhanced as part of the proposed development, with only three lost in their entirety and one subject to partial loss. The dDCO [**PDA-004D**] includes article 38 permitting the removal of hedgerows for the purposes of carrying out the authorised development without the need to first secure consent under the Regulations, consistent with Planning Act 2008 guidance (Paragraph 015, Reference ID 04-015-20240430). No separate notification or consent under the Regulations is therefore required. However, the works must be undertaken in accordance with the requirements of article 38. The impacts on each of the twelve important hedgerows are set out below: **Hedgerows to be lost in their entirety:** **H12 – Lost.** Running across a field parcel in the southeast corner of the DCO Scheme, currently a native hedgerow - associated with a bank or ditch, lost in its entirety.

			H22 – Lost. Running along the central field parcel on the DCO Scheme, currently a native hedgerow - associated with bank or ditch, lost in its entirety. **H26a – Lost.** Running along a field parcel in north of the DCO Scheme, currently a native hedgerow - associated with bank or ditch, lost in its entirety. **Hedgerow subject to partial loss:** **H18c – Partial Loss.** Located south of Hyams Lane, currently native hedgerow - associated with bank or ditch, 78m of hedgerow lost, 118m retained section set to be enhanced to a species-rich native hedgerow with trees - associated with bank or ditch. **Hedgerows to be retained and enhanced:** **H7 – Enhanced.** Along southeast of Hyams Lane, currently Native Hedgerow associated with bank or ditch, set to be enhanced to species-rich native hedgerow with trees - associated with bank or ditch. **H11b – Enhanced.** Along southwestern DCO Scheme boundary currently native hedgerow - associated with bank or ditch, set to be enhanced to species-rich native hedgerow with trees - associated with bank or ditch. **H11c – Enhanced.** Along southern DCO Scheme boundary, currently native hedgerow - associated with bank or ditch, set to be enhanced to species-rich native hedgerow with trees - associated with bank or ditch. **H18a** – **Enhanced**. Located southwest of Hyams Lane,

			currently a native hedgerow - associated with bank or ditch, set to be enhanced to a species-rich native hedgerow with trees - associated with bank or ditch. **H18b – Enhanced.** Located south of Hyams Lane, currently a native hedgerow - associated with bank or ditch, set to be enhanced to a species-rich native hedgerow with trees - associated with bank or ditch. **H35 – Enhanced.** Located to northwest of Hyams Lane, currently a native hedgerow - associated with bank or ditch, set to be enhanced to a species-rich native hedgerow with trees - associated with bank or ditch. **H36 – Enhanced.** Located to north of Hyams Lane, currently native hedgerow - associated with bank or ditch, set to be enhanced to species-rich native hedgerow with trees - associated with bank or ditch. **H39 – Enhanced.** Located to south of Hyams Lane, currently native hedgerow - associated with bank or ditch, set to be enhanced to species-rich native hedgerow with trees - associated with bank or ditch.
Q5.0.6	The applicants	**Hall Brook** Please can the applicants clarify whether chapter 9 of the ES [AS-039] considers the baseline ecological value of Hall Brook and the effect of redirecting surface water flows away from it?	Chapter 9 of the ES [**AS-039**] does not explicitly assess the effect of this reduction in surface-water inputs on the Hall Brook. The Hall Brook has a topographical catchment of approximately 2.41km^2. It is heavily influenced by East Midlands Airport, which occupies approximately 63% of the catchment and significantly affects flows and water quality. The airport's discharge at the top of Hall Brook is restricted and can be diverted to other watercourses depending on season and pollutant load.

			The post-development drainage strategy diverts surface water from the EMG2 Works to the A42 culvert system, discharging downstream of Diseworth village rather than to the Hall Brook. The area redirected by the proposed development is approximately 0.30km^2, representing around 12% of the Hall Brook catchment. Due to the underlying ground conditions, infiltration from the site is not considered significant. The site's contribution to low flows in the Brook via throughflow and groundwater is likely minimal, as corroborated by the on-site ditches being seasonally dry. Consequently, low-flow conditions in the Hall Brook are not considered to be significantly affected by the development. The site predominantly contributes during storm events via rapid surface water runoff, carrying sediment and agrichemicals from arable land subject to seasonal ploughing and cultivation. The surface water body (Long Whatton Brook Catchment, tributary of the Soar) is classified by the EA as having poor ecological status, with phosphate pollution identified as a key pressure. The development will replace the current agricultural land use, removing a contributing source of suspended solids, nitrates and phosphates from the Hall Brook catchment. No physical works are proposed to the Hall Brook itself, and it is retained and buffered from the development by the proposed Community Park green infrastructure. The adjacent landscape proposals and the reduction in pollutant runoff from agricultural land are considered benefits to the ecological health of the Hall Brook.

Q5.0.7	NE NWLDC	**Badgers** Table 9.12 of chapter 9 of the ES [AS-039] states while badger welfare is protected under legislation they are common and widespread, and for planning purposes are not ascribed a particular conservation value and are considered to be of negligible importance. However, standing advice standing advice is clear that badgers should be protected for planning purposes. Are NE and NWLDC satisfied with the applicants' approach to badgers and that they are of 'negligible' importance?	N/A
Q5.0.8	The applicants	**Diseworth Brook tributary** Paragraph 9.5.47 of chapter 9 of the ES [AS-039] describes the Diseworth Brook tributary, but should it instead refer to the Hall Brook, which is directly adjacent to the western boundary of the EMG2 works as per the Surface Water Bodies Figure [APP-143]?	The Applicants confirm that the reference to Diseworth Brook Tributary is incorrect and it should refer to Hall Brook.
Q5.0.9	The applicants	**Biodiversity net gain** The Biodiversity Net Gain Report [APP-116] provides figures for baseline habitat and proposed habitat, among other things. Can additional figures be provided on a larger scale (a more detailed zoomed-in view) similar to the figures presented in the Preliminary Ecological Appraisal [APP-108]. This will make it easier to examine the detail of the proposed changes.	The Applicants confirm that the Biodiversity Net Gain Report [**APP-116**] is being updated to include additional habitat plans presented at a larger scale. Plans showing both baseline and proposed habitats are provided across five figures, each subdivided into the same nine zones used in the PEA figures (Appendix 9A Preliminary Ecological Appraisal [**APP-108**]), allowing direct cross-reference between the two documents. These larger-scale figures enable the detail of the baseline and proposed habitat changes across the site to be examined more readily. The updated report will be provided at Deadline 3.

Q5.0.10	NWLDC NE	**Hedgerow loss** Please can NWLDC and NE advise whether they are satisfied with the extent of hedgerow loss as part of the proposed development and that it is consistent with the mitigation hierarchy? For example, would the detailed design on the EMG2 main site provide opportunities to retain some of the hedgerows that are currently identified to be lost?	N/A
Q5.0.11	NE NWLDC The applicants	**Pre-Construction species surveys** Are pre-construction species surveys necessary as a general measure, or are they only necessary in relation to specific species? In either case, have they been suitably secured in the dDCO and dMCO?	The Applicants confirm that pre-construction surveys are necessary in relation to specific species rather than as a general blanket measure. The pre-construction survey requirements are set out in the CEMP for the DCO Scheme and will be detailed further within each P-CEMP. For the MCO Scheme, the construction management framework plan will inform the CEMP which will provide for pre-construction surveys. The following pre-commencement survey commitments are proposed / secured: • Badger - a pre-commencement survey will be conducted prior to any construction phase to confirm the current sett status and identify any potential newly excavated setts and support any badger license applications to Natural England. • Bats - pre-commencement bat surveys will be completed prior to the felling of any trees with bat potential, to confirm the presence or absence of roosts, and support any bat license applications to Natural England. • Otter and water vole - prior to the commencement of

			each construction phase, an updated check for otter and water vole will be undertaken where works occur within or adjacent to suitable riparian habitat, to confirm no new activity has become established since the previous survey. • Birds - where vegetation clearance during the bird nesting season (March to August inclusive) is unavoidable, pre-commencement nesting bird checks will be undertaken by a suitably qualified ecologist. • Reptiles - where deemed necessary by the project Ecological Clerk of Works, an up-to-date walkover survey will be undertaken prior to works in suitable reptile habitat.
Q5.0.12	NE NWLDC	**Securing ecological mitigation** Ecological mitigation is contained in a number of documents, including the ES, LEMP, CEMP, the BNG Report and individual protected species reports. Are NE and NWLDC satisfied that these documents and the mitigation within them are suitably secured in the dDCO and dMCO? For example, is it clear that the habitat creation identified in the BNG Report [APP-116] is secured by the dDCO for the EMG2 works and the highway works, and by the dMCO for the EMG1 works?	N/A
Q5.0.13	The applicants NE NWLDC	**Ecological traffic mitigation** Paragraph 9.5.171 of chapter 9 of the ES [AS-039] discusses general mitigation to address traffic related harm. Is there scope within the detailed design to provide wildlife underpasses or wildlife	The Applicants have considered the provision of wildlife underpasses and confirm that the majority of the main spine roads are set within a cut, making underpasses impractical and likely ineffective at those locations. There is however an opportunity to install an underpass in the south of the central roundabout, within the green space south of

		crossings within the site, particularly for any protected species? If yes, how might this best be secured so that it is proportionate?	Hyams Lane. This location is suitable for installing a combined mammal / badger and amphibian underpass, connecting the green infrastructure corridor along Hyams Lane and providing a passage beneath the road. This would enhance connectivity between green spaces on either side of the road and may reduce the risk of road mortality. The specification for this underpass feature will be secured through the detailed design process and will be referenced in an updated Landscape and Ecological Management Plan (LEMP) [**APP-117**] to ensure delivery of the underpass prior to the opening of the relevant road section. The updated LEMP and Chapter 9 of the ES [**AS-039**] will be submitted at Deadline 3.
Q5.0.14	The applicants	**Residual effects** Table 9.18 of chapter 9 of the ES [AS-039] provides a summary of residual impacts. Should the additional mitigation summaries include reference to the BNG Report [APP-116]?	The Applicants confirm that the table will be updated in an updated Chapter 9 of the ES [**AS-039**] to be submitted at Deadline 3.
Q5.0.15	The applicants	**Period of habitat management** Paragraph 9.5.52 of chapter 9 of the ES [AS-039] refers to habitat management over a period of 30 years. However, requirement 10(2) of the dDCO provisions for ongoing management and maintenance of green infrastructure for the life of the authorised development. Does the ES need to be updated accordingly, particularly because it provides the control document for the dMCO when securing ecological mitigation for the MCO scheme under article 2(22) of the dMCO?	The green infrastructure proposals will provide a network of multi-functional green space, incorporating the above retained habitats which is capable of delivering a wide range of environmental and biodiversity gains. This includes enhancements to existing areas, new habitat creation, and a sustainable drainage system (SuDS). Habitat creation has focused on locally appropriate habitats, prioritising a mixture of grassland, scrub and woodland. A variety of planting/seed mixes will be used within each habitat type to create additional species diversity and tailor species to local conditions. Targeted creation and management prescriptions based on the criteria required to achieve a net gain in biodiversity will ensure that the condition of habitats meets those defined within the Biodiversity Net Gain Report

			[**APP-116**], Appendix 9I of the ES, with monitoring and remediation mechanisms incorporated, ensuring that the biodiversity gains are achieved and maintained for the life of the authorised development. The 30-year management period referenced in the Biodiversity Net Gain Report reflects the minimum period required for Biodiversity Net Gain accounting purposes. Separate to but alongside this, ongoing management and maintenance of green infrastructure will be secured for the life of the authorised development. The Applicants confirm that Chapter 9 of the ES [**AS-039**] will be updated to clarify the position and will be submitted at Deadline 3.
Q5.0.16	The applicants	**Works no. 10 hedgerow loss** Figure 3 of the BNG Report [APP-116] shows what looks to be a significant length of hedgerow loss associated with Works No. 10 (A50 westbound merge). Can the applicants please explain the importance of this length of hedgerow for protected species, including as a foraging or commuting route for bats present in the area? If it is important, please can the applicants provide more detail on how its loss would be mitigated?	Hedgerow H63 and the line of trees LOT5 are located within DCO Works No. 10, associated with the A50 westbound merge. The design for Works No. 10 has now been agreed with National Highways, providing greater certainty over the extent of works required. The area of works is smaller than that potentially required, and their treatment as a loss in the Biodiversity Net Gain Report [**APP-116**], Appendix 9I of the ES, reflected a precautionary approach taken during the first iteration of the assessment, prior to agreement of the design. Some localised vegetation removal may be required within the verge to provide adequate visibility on the bend. Where any removal is necessary, opportunities for replacement planting will be identified and incorporated into the final planting design. Given that the impact to this hedge has now been minimised, the value for protected species,

			including as foraging and commuting habitat for bats, will be maintained, and no further mitigation is considered necessary. The Biodiversity Net Gain Report has been updated to reflect the retention of these features and will be resubmitted at Deadline 3.
Q5.0.17	The applicants	**East-west green corridor for MCO scheme** With regards paragraph 9.6.35 of chapter 9 of the ES [AS-039], please can the applicants explain more about the nature of the east-west green corridor and direct the ExP to the relevant figures in the wider application that illustrate it?	The Applicants confirm that the corridor will comprise interspersed blocks of native scrub and woodland planting with areas of grassland forming glades and rides, creating a structurally diverse habitat mosaic. This arrangement will support habitat connectivity for a range of mobile species, including invertebrates, birds and bats. The corridor is shown on the Illustrative Landscape Masterplan [**APP-040D**].
Q5.0.18	The applicants	**Retained hedgerows** Should paragraph 9.6.70 of chapter 9 of the ES [AS-039] also include retained hedgerows?	The Applicants confirm that Chapter 9 of the ES [**AS-039**] will be updated and will be submitted at Deadline 3.
Q5.0.19	The applicants	**Consistency between species effects and mitigation** Paragraphs 9.6.74 to 9.6.87 of chapter 9 of the ES [AS-039] include mitigation for species where there have been no reported effects as part of the MCO scheme assessment, summarised in tables 9.23 and 9.25. In this context, is such mitigation necessary?	The MCO Scheme has been assessed as part of the wider EMG2 Project. The mitigation measures in paragraphs 9.6.74 to 9.6.87 reflect this wider project context and are provided on the following grounds: • Several measures are project-wide commitments that apply across both the DCO Scheme and MCO Scheme, most notably the District Level Licensing agreement for GCN (paragraph 9.6.74). Their inclusion in the MCO Scheme mitigation section ensures consistency across the EMG2 Project as a whole. • Where species are present or have the potential to

			occur within or adjacent to the MCO Scheme, a precautionary approach is applied as good ecological practice. The absence of an identified adverse effect does not reduce the value of proportionate safeguards to inform construction activities. • A number of the measures are also embedded within the operational management and green infrastructure of the MCO Scheme, forming part of the wider biodiversity enhancement strategy rather than being solely reactive to identified impacts. For these reasons, the Applicants consider the mitigation necessary.
Q5.0.20	NE NWLDC	**Age of surveys** Are NE and NWLDC satisfied with the age of habitat and species surveys? If updates would be required prior to commencing development, have such updates been secured in the dMCO and dDCO?	N/A
Q5.0.21	The applicants NE NWLDC EMIA	**Farmland bird habitat** Please can the applicants calculate the percentage of existing farmland bird habitat that would be lost as a result of the cumulative projects within the region and indicate what proportion of that loss would be generated by the EMG2 project itself. Does NE or NWLDC have any concerns about the cumulative effects on farmland bird habitat? For example, would farmland birds displaced by the	A high-level assessment of the area of farmland bird habitat within the region and the proportion that would be lost as a result of the EMG2 Project and cumulative sites has been undertaken, as set out below. For the purposes of calculating existing farmland bird habitat within the region, the region has been defined as any ceremonial counties which contain at least one of the cumulative sites considered i.e. Leicestershire and Nottinghamshire. The area of suitable habitat has been derived from the UKCEH Land Cover Map (LCM) as the sum of all habitats included on this map as arable, improved grassland, neutral grassland, or heather

		EMG2 project have sufficient habitat elsewhere in the region? Does EMIA have any concerns about the displacement of farmland birds in the immediate area surrounding the airport in regards bird strike risk?	grassland, which are all suitable habitats for at least one of the species that typically make up farmland bird assemblages. Hedgerows, which can also be an important feature used by farmland birds, being linear in nature, are omitted for obvious reasons. The total area of such habitats across the region is 308,450.8ha (Leicestershire: ~16,0364.8ha, Nottinghamshire: ~148,085.9ha). The area of suitable farmland bird habitat within the EMG2 Project has been derived from the Biodiversity Net Gain calculation and includes all habitats classified as cereal crops, temporary grass and clover leys, modified grassland, or other neutral grassland. The total area of these habitats lost as a result of the EMG2 Project is 111.3616ha. The area of suitable farmland bird habitat within the Cumulative Sites has again been derived from the UKCEH LCM. The highly precautionary approach described here has assumed all cumulative projects result in total loss of farmland bird habitat, despite in some cases they may include habitats of value to farmland birds within their development design. The total area of suitable habitat within the cumulative sites is 998.3190ha. The sum of suitable habitat lost as a result of the EMG2 Project and Cumulative Sites is 1,109.6806ha, which represents approximately 0.36% of suitable habitat at regional scale. The 111.3616ha loss attributable to the EMG2 Project represents approximately 0.04% of the suitable habitat at regional scale (approximately 10.04% of the total cumulative loss). The cumulative loss of farmland bird habitat represents only a very small proportion of the total area of habitat

			available at regional scale and there is ample area of such habitat remaining into which farmland birds could be displaced at local, county, and regional scale. The majority of farmland bird species that occur in the region are not considered to be 'priority groups' for consideration of bird strike risk within CAP772 as they largely relate to small birds that are typically solitary or form only small flocks close to ground level. Farmland bird species that are considered within CAP772 as priority species/groups for bird strike risk management are gamebirds and flocking winter finches. The aerodrome short-grass policy implemented at EMIA renders any habitats within the aerodrome itself unsuitable for gamebirds or flocking winter finches and therefore no elevation of risk from displacement onto the aerodrome would be anticipated across the EMG2 Project nor any of the cumulative sites considered. Adjacent farmland surrounding the EMG2 Project and cumulative sites is likely to already be regularly used by these priority group species, and the marginal increase in population resulting from displacement (as also proposed as part of the planning application proposals reference 24/00727/OUTM submitted by EMIA and Prologis) is unlikely to materially alter bird strike risk.
Q5.0.22	NE NWLDC	**Ecological zone of influence** Are NE and NWLDC satisfied that Isley Woodhouse, and other such significant projects within the region, are outside the ecological zone of influence and would not have any impact pathways that would need to be considered cumulatively with	N/A

		the EMG2 project? Are the distances cited for the respective projects (2km - 5km) in table 9.34 of chapter 9 of the ES [AS-039] sufficient to draw such a conclusion in the context of the ecological receptors present within the region?	
Q5.0.23	The applicants	**Red line site boundaries of cumulative projects** Please can the applicants submit a figure illustrating the order limits of the EMG2 project and the red line site boundaries for each project identified in table 9.34 of chapter 9 of the ES [AS-039].	A new figure is at **Annexure 5A** of this document.
Q5.0.24	The applicants NE NWLDC	**Badger setts** Please can the applicants clarify whether the mitigation hierarchy has been followed in relation to the loss of any badger setts, in accordance with paragraph 5.48 of the NNNPS? For example, have opportunities been taken to minimise the footprint of the development to avoid any badger setts currently identified for closure, and could the illustrative layout be reduced in extent during detailed design. Is there sufficient evidence demonstrating that such avoidance is not possible, and is NE and NWLDC satisfied with the applicants' approach in this regard? The applicants should submit their answer to this question in a confidential report. The ExP would ask that the applicants send a copy of the confidential	We note that the ExP has requested that this response be submitted as a confidential report. However, the Applicants have prepared this response to not reveal the location of any badger setts or other sensitive information. Should additional details be required or requested, the Applicants will arrange for a subsequent confidential submission to be provided. Six setts were recorded, one main sett and five outliers. Of these, four setts are capable of being retained. Two setts cannot be retained. The loss of both is considered unavoidable given the operational and physical constraints of the scheme layout. Natural England has been consulted through the DAS process and SoCG, and has confirmed, by a Letter of No Impediment (LoNI), that it sees no impediment to a licence

		report direct to NE and NWLDC for their consideration.	being issued should the DCO be granted, subject to the requisite detailed application being made.
Q5.0.25	The applicants	**Securing compliance with protected species reports** The applications include protected species reports, which among other things, relate to mitigation for badgers and otters. Please can the applicants clarify where the dDCO and dMCO secure compliance with the mitigation set out in the relevant protected species reports. For example, requirement 7(2) and requirement 9(1) of the dDCO secure the submission of details for ecological mitigation but it is not clear that the details to be submitted for approval must comply with the mitigation set out in the relevant protected species reports.	The Applicants confirm that the dDCO [**PDA-004D**] and dMCO [**PDA-006M**] will be updated to secure compliance with the reports.
Q5.0.26	NWLDC	**Approval of final LEMP** Is NWLDC satisfied with the drafting of requirement 10 in the dDCO? Should requirement 10 make provision for the submission and approval of a final LEMP to ensure the measures within it are commensurate with the detailed design of the DCO scheme that would be approved under requirements 5, 7, 8 and 9? Indeed, paragraph 3.3 of the LEMP [APP-117] states it should be treated as a draft, and consequently does this further support the need for the submission and approval of a final LEMP?	N/A

Q5.0.27	The applicants	**Detailed design and delivery of ecological mitigation outside of the EMG2 main site** Detailed design and the delivery of ecological mitigation are secured by requirements 7(2) and 9(1) in the dDCO but these requirements only relate to components on the main site. Please can the applicants explain where ecological mitigation outside of the main site would be secured in the dDCO? For example, should "detailed design information" within paragraph 2(2) of part 1 of schedule 13 include ecological mitigation and biodiversity net gain, to ensure such details are submitted to and approved by NH under paragraph 7(1)(c)? Should similar inclusions be made under paragraph 2(2) of part 2 of schedule 13 so that such details are submitted to and approved by the local highway authority under paragraph 3(1)? Furthermore, it is the ExP's understanding that the main site as defined in the dDCO does not include the community park. Consequently, please can the applicants clarify how the dDCO would secure the detailed design and delivery of ecological mitigation on the site of the community park?	The Applicants confirm that the dDCO [**PDA-004D**] will be updated to ensure that ecological mitigation outside the main site is secured as appropriate. As regards the Community Park, article 7(2) and 9(2) of the dDCO will be updated to include reference to it.
Q5.0.28	The applicants	**LEMP and BNG Report consistency** Please can the applicants review the LEMP [APP-117] and ensure it is comprehensive and consistent with the habitat creation proposed in the BNG Report [APP-116]. For example, table 3 in the LEMP [APP-117] lists habitats to be created within the	The Applicants confirm that the LEMP [**APP-117**] has been reviewed and updated to ensure alignment with the Biodiversity Net Gain Report [**APP-116**]. This includes clearer references to the highways works where relevant. The updated LEMP will be submitted at Deadline 3.

		EMG2 main site and community park. However, it does not list habitats that would seemingly be created in and around the highway works as illustrated on figure 2 of the BNG Report [APP-116].	
Q5.0.29	The applicants	**Potential typographic error** In table 9.11 of chapter 9 of the ES [APP-107] in relation to 'individual trees' there is a reference to the A53. Is this correct?	The Applicants confirm that this is a typographical error and it should read "A453". This will be corrected when an updated Chapter 9 of the ES [**APP-107**] is submitted at Deadline 3.
Q5.0.30	The applicants LCC as Local Lead Flood Authority (LLFA) Environment Agency (EA)	**Potential contamination** Paragraph 9.5.65 in chapter 9 of the ES [AS-039] indicates that pollution would be "limited to potential flood events large enough to extend back upstream into the SSSI from the river Soar". However, the River Soar is downstream of Lockington Marsh SSSI and therefore any pollution from the proposed development would reach Lockington Marsh SSSI before it reaches the River Soar. Could the effects of pollution from the application site on the Lockington Marsh SSSI and River Soar please be confirmed.	The Applicants confirm that paragraph 9.5.65 of Chapter 9 of the ES [**APP-039**] will be updated as follows: *The confluence of the above-mentioned waterbodies is approximately 30m downstream of Lockington Marshes SSSI, where they feed into the River Soar. The EMG1 MCO works outfall to Lockington Brook via the EMG1 drainage network, and the EMG2 M1 SB & A50 EB link, A50 WB link, M1 NB to A50 WB link, and L57 Footpath also discharge towards Lockington Brook. Once in the Brook, surface water passes through the Marshes before outfalling to the River Soar. It should be noted that all of the works described represent enhancement to an existing development site and improvements to existing highway infrastructure, rather than entirely new development. The Scheme includes surface water drainage infrastructure as embedded mitigation that will manage the quality and quantity of runoff from the built development, with individual drainage strategies tailored to provide appropriate stages of treatment based upon the pollution hazard indices set out in the SuDS Manual (C753), or, in the case of the Highway Works, a Highways Agency Water Risk Assessment Tool (HAWRAT) analysis. Due to the embedded drainage strategies, SuDS design, significant*

			distance, and dilution effects from the upstream catchment area of 1,370km², any effects on the SSSI are considered negligible.
Q5.0.31	The applicants	**Baseline** In paragraphs 9.5.103 and 9.5.57 of chapter 9 of the ES [AS-039] there is reference to fly-tipping. In each case this is followed up by an assertion that the proposed development would make this fly-tipping less likely due to the presence of people in the vicinity. Given that the fly-tipping should not occur, it should not be part of the baseline. Could this be reconsidered using an appropriate baseline.	The Applicants confirm that the references to fly-tipping in paragraphs 9.5.103 and 9.5.57 of Chapter 9 of the ES [**AS-039**] were included as contextual observations relating to the existing condition of the surrounding habitats, rather than as a formal component of the ecological baseline. References to fly-tipping in paragraphs 9.5.103 and 9.5.57 will be removed from the updated Chapter 9 submitted at Deadline 3. For the avoidance of doubt, the Applicants confirm that this will not change the conclusions reached in the chapter.
Q5.0.32	NE	**Ancient woodland and ancient/ veteran trees** In its RR [RR-023D] at paragraph 1.2.21, NE states that there would be no loss of ancient woodland or ancient/ veteran trees. However, table 9.13 of chapter 9 of the ES [AS-039] notes "Nine veteran trees defined under the Biodiversity Gain regulations are to be lost" and table 9.15 notes one retained on-site and 7 off-site veteran trees are "modelled to be exposed to increased levels of airborne pollutants exceeding 1% PC of critical levels" in respect of the DCO works. Appendix B of the Arboricultural Assessment (appendix 10C of the main ES chapter [APP-123]) sets out the rationale for designation, and the main	N/A

		ES chapter sets out the reasoning for removal where this is proposed. NE is asked to review these documents and update the ExP with its position.	
5.1 Habitats Regulations Assessment			
Q5.1.1	NE	**Whether Appropriate Assessment Required** In paragraph 1.2.4 of NE's RR [RR-023D] it is indicated that the proposed development is "unlikely to result in adverse effects on the integrity of the River Mease Special Area of Conservation , subject always to any appropriate mitigation/ compensation outlined in the application documents being secured adequately". However, the applicants' Shadow Habitats Regulations Assessment [APP-115] concludes (paragraph 5.1) that "there are no viable pathways by which the project could give rise to Likely Significant Effects (LSE) on the SAC or its qualifying features". Considering regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, could NE please confirm: (a) whether NE considers there is potential for likely significant effects (LSE) to occur on a European site; or (b) if NE therefore agrees with the applicant that there are no pathways by which an LSE could	N/A

		occur, meaning there is no requirement for an Appropriate Assessment? In giving its response, NE is requested to explain its reasoning.	

APPENDIX 6

CLIMATE CHANGE AND ENERGY

6. Climate change and energy			
Q6.0.1	The applicants	**Sustainable energy systems** Table 10 of appendix 19D [APP-195] indicates that ground source heat pumps, while initially considered, were not taken forward due to ground works costs. However, given the extent of the ground works that would need to be undertaken to deliver the plateaux for the buildings (see figures 5 and 8 of appendix 14M [APP-173]), could the applicants explain why this was not considered further?	Appendix 19D [**APP-195**] states in Table 10 with regards to ground source heat pumps (GSHP): "*Due to the ground works, it is typically amongst the most expensive options to heat a building. Not considered for further analysis at this stage*" There are a number of practical considerations for rejecting GSHPs. GSHP (horizontal loop type) take up large amounts of space so are difficult/impossible to accommodate at scale. Vertical bore GSHP also require large amounts of space with limited generation capacity from a single borehole – many boreholes would be required per unit, which may not be feasible when considering commercial viability, this also potentially increases the amount of environmental disruption as a larger area of ground will need to be moved and assessed / treated. Furthermore, there is some uncertainty within the industry regarding the practicalities of GSHP regarding testing, co-ordination, commissioning, failure and attrition when located beneath solid structures (e.g. car parking). For example, if a fault occurs within the underground pipe network it would require destroying the overlying concrete slab to resolve the issue, resulting in large costs, disruption to operations, and additional carbon cost associated with the new materials required for re-surfacing.

			There are additional complexities surrounding ownership and operation of the underground pipe network, for example a new tenant moving into a building may have different heating demands to the previous tenant. This may deter tenants where they could be responsible for the cost of replacing the ground slab when retrofitting the GSHP to suit their demand. The extent of work and associated carbon and costs in restructuring a GSHP system if changes are ever needed are prohibitive. Air source heat pumps (ASHP) prove to be a more favourable alternative; they are easier to upgrade and retrofit alongside building upgrades resulting in improved efficiencies, whereas upgrades to GSHP may result in significant disruption. Offices and other zones in warehouses often have different heating/cooling and occupancy patterns meaning multiple small heat pumps is a more optimal solution. ASHP integrate easier with air handling units (AHUs) giving potential tenants greater flexibility to condition spaces to their needs.
Q6.0.2	The applicants	**Sustainable energy systems** Paragraph 3.6.8 of appendix 19D [APP-195] states "sustainable power even when the panels don't produce energy due to the lack of solar energy (overcast periods etc)". Given that photovoltaic panels will produce energy in any level of daylight, please could this analysis be reconsidered.	The availability of electricity generated by the on-site solar photovoltaics (PVs) at any one time will be affected by weather conditions. As stated at paragraph 3.6.8 of Appendix 19D [**APP-195**], "*the solar battery extends the use of a PV-system's generated energy*", i.e. during periods of reduced generation the battery storage system will be able to deliver stored energy from a time of high generation efficiency and low consumption. For example, in winter when the sun sets at 16:00-16:30 and there is no electricity production by the PVs, there will still be electricity demand from building's end usage. This thereby extends the use of on-site generated renewable electricity and reduces the potential for its curtailment. The inclusion of battery storage has been considered qualitatively within Appendix 19D.

			The inclusion of BESS system will be further considered at detailed stages of building design, as detailed end use of the building needs to be known to correctly analyse loads and size the battery units. Analysis and inclusion of BESS in this stage is not required, as any National regulations (PART L) and local level policies do not include the use of BESS in their calculation methodologies – namely Simplified Building Energy Model (SBEM) / Dynamic Simulation Modelling (DSM).
Q6.0.3	The applicants	**Benefits of using EMG1 SRFI to reduce greenhouse gas emissions** Please can the applicants clarify the extent to which the DCO scheme would use the EMG1 SRFI as the principal means of moving goods and the effects this would have on reducing greenhouse gas emissions. Furthermore, if market forces dictated it, could the end users of the DCO scheme decide to move goods via HGVs instead? If yes, to what extent would this undermine the decarbonisation benefits that might otherwise occur if the DCO scheme used the EMG1 SRFI as the principal means of moving goods? To this end, given the difficulty in predicting market forces, would it be justified to include a requirement in the dDCO requiring that the movement of goods should principally be achieved via the SRFI rather than via HGVs?	As stated in Chapter 19 of the ES [**AS-069**] at paragraphs 19.2.50 to 52: "*The existing EMG1 Rail Freight Terminal will serve both existing occupiers and new occupiers on the EMG2 Works and MCO Scheme (Plot 16). By utilising the Rail Freight Terminal, tenants could reduce the number of long-haul heavy goods vehicle (HGV) movements required, hence reducing operational emissions associated with transport movements. It is not possible for the Applicant to determine the extent to which future tenants will utilise the Rail Freight Terminal. The impact of emissions reductions from the use of the Rail Freight Terminal by EMG2 Works and MCO Scheme occupiers therefore cannot be quantified within the main assessment presented in Sections 19.5, 19.6 and 19.7. Instead, the impacts have been considered qualitatively within Sections 19.5, 19.6 and 19.7 as relevant. Emissions associated with the transport of goods by HGV exceeds those associated with rail (0.10163 $kgCO_2e$ per tonne per km for average laden HGVs, compared to 0.02779 $kgCO_2e$ per tonne per km for rail, offering a 73% reduction (DESNZ and Defra, 2025)). As such, any use of the rail freight interchange during the operation of the EMG2 Project will likely result in a reduced*

		If such a requirement would not be justified, perhaps for reasons associated with the complexities of enforcement, and given the market uncertainties about the use of the SRFI, should the ExP give the potential decarbonisation benefits less weight in the planning balance?	*magnitude of emissions compared to those assessed. The assessment presented therefore represents a conservative scenario with regards to emissions arising from operational HGV movements."* See also the response to Q15.0.8 with regard to rail freight usage. If dictated by market forces (as suggested in the ExP's question), it is conceivable that users of the DCO Scheme could use HGVs only in their operations. This scenario would result in greater emissions in comparison to the use of the SRFI given, as set out above, rail freight offers a 73% reduction in emissions (DESNZ and Defra, 2025). For the reasons set out above regarding the uncertainty of the extent of use of the SRFI, the quantification of emissions presented within Chapter 19 assumes a conservative case where all freight is transported by HGV, and as such would be reduced (improved) through any use of the SRFI. Therefore, to reduce the weight given to decarbonisation benefits would not be appropriate or necessary in the Applicant's view (also see below). However, it is considered highly unlikely that occupiers / users of the DCO Scheme would not use the SRFI. The Planning Statement [**AS-018**] clearly sets out the need for the development and the co-location benefits arising from proximity to the EMG1 SRFI (see paragraphs 5.1.25 to 5.1.30). The Planning Statement states that the interrelationship between the EMG2 Works and the rail freight terminal at EMG1 is both a significant market advantage and a necessary response to market needs. This is exemplified by the support of Maersk which intends to establish a UK headquarters and carbon-neutral inland logistics operation, fully integrating rail connections,

			displaying market demand for the co-location of infrastructure and logistics development with rail freight infrastructure. The co-location of the development is supported through the NPSNN, which explains that the Government has set a target of growing rail freight by at least 75% by 2050 and recognises that this can only be achieved through the provision of rail freight terminals and enabling warehousing which can be served by those rail freight terminals. The Industrial and Logistics Need Assessment [**APP-223**] further expands on the co-location benefits and market demand, identifying appropriate catchments within which companies would use the rail freight interchange to either collect or drop off materials and goods (paragraph 2.3.4) (within which the EMG2 Works and MCO Scheme would fall). The assessment also highlights that the clustering of SRFIs within the East Midlands region is purely down to market forces. While the development of SRFIs is of national strategic importance, they need to be commercially viable. The fact that there are 3 active SRFIs in the East Midlands, as well as one further proposed in the planning pipeline, demonstrates the attractiveness of NWL and the East Midlands more generally as a logistics location (paragraph 2.3.9), and is also confirmation of the market interest in, and appetite for, increased access to rail freight. For the reasons set out above, the Applicants do not consider it appropriate or justifiable to include a requirement in the dDCO [**PDA-004D**] requiring that the movement of goods should principally be achieved via the SRFI rather than via HGVs. To introduce such a requirement would diverge from the approach taken in the DCOs granted for all other SRFIs brought forward over recent years, including - in addition to the EMG1 DCO -

			DIRFT, Northampton Gateway, and West Midlands Interchange where the DCO recognises the commercial, open access nature of SRFIs which operate on the basis of market demand and operational requirements to ensure cost-effective, resource efficient and reliable supply chains and transport operations. Indeed, the NPS recognises the market interest and demand for improved rail freight in identifying the need to deliver additional capacity through new or expanded rail freight terminals. The success of the operational SRFIs, including EMG1, in attracting use of the terminals underlines the suitability and effectiveness of this approach, and supports the Applicants' view that no such requirement is necessary or appropriate. Once operational, each SRFI is removing millions of HGV miles from the road network nationally by removing 'long-haul' road movements (i.e. to or from Ports) and replacing them with rail journeys. Notwithstanding the difficulties in predicting precisely the level of use of the EMG1 SRFI, the co-location benefits of EMG2 being adjacent to the terminal should not be overlooked in assessing the likelihood of notable use of the terminal by future occupiers. The assessment of likely carbon emissions savings takes a conservative approach (as referred to above), and so is considered a robust basis on which to consider that aspect of the likely effects of the proposed development. The "substantial weight" (paragraph 96 of Secretary of State's decision later, 10 March 2025) given by the Secretary of State to the potential for carbon emissions savings from the (refused) Hinckley SRFI proposals in March 2025 was noted by the Applicants.

Q6.0.4	The applicants	**Mitigating greenhouse gas emissions** Please can the applicants clarify where the mitigation measures in chapter 19 of the ES [AS-069], Carbon Management Plan [APP-196], Greenhouse Gas Assessment [APP-193] and Energy Report [APP-195] are secured in the dDCO and dMCO?	Whilst the measures are secured in the Commitments Register relating to the DCO and MCO [**APP-226D and App-227M**], the Applicants are content to update the dDCO [**PDA-004D**] and the dMCO [**PDA-006M**] to secure these items and to be resubmitted at Deadline 2.
Q6.0.5	The applicants	**Operational life** Please can the applicants explain how many years have been assumed for the proposed development's operational life when calculating the operational greenhouse gas emissions in chapter 19 of the ES [AS-069] and associated appendices? For example, table 19.14 of chapter 19 of the ES [AS-069] only includes dates up to 2033 - 2037, and the ExP would expect the operational life of the proposed development to far exceed such dates. In answering, please justify why the assumptions represent the reasonable worst case scenario for the proposed development's operation life, in the context of greenhouse gas emissions.	Table 19.14 in Chapter 19 of the ES [**AS-069**] presents lifetime emissions within the context of the UK Carbon Budgets available at the time of writing, i.e. up to and including 2037. ISEP (formerly IEMA) guidance on assessing greenhouse gas (GHG) emissions (IEMA, 2022) recommends the contextualisation of development emissions against pre-determined carbon budgets to aid in considering the significance of effects and whether the development will support or undermine a science-based 1.5°C compatible trajectory to net zero (see paragraph 19.2.30 and 19.2.31 of chapter 19 of the ES). The assessment has accounted for emissions beyond 2037; however, no Carbon Budget was available at the time of writing to contextualise beyond 2037. Emissions have been calculated on an annual basis, using current emissions factors, and scaled across the carbon budget periods (see Appendix B Greenhouse Gas Assessment [**APP-193**] for full methodologies, assumptions and limitations). As such, emissions projected across such periods do not account for decarbonisation in line with national policy goals which will result in reduced operational emissions over the life of the EMG2 Works and MCO Scheme (see paragraphs 19.5.12, 19.6.57 and

			19.7.37 of Chapter 19 of the ES). As such, the quantification of emissions within the context of the UK carbon budgets presents a conservative assessment. RICS (2023) and National Highways (2021) guidance documents propose the use of a 60-year lifetime for non-domestic projects within the context of whole life carbon assessment (see Appendix B Greenhouse Gas Assessment, paragraph 1.4.60). As such, annual emissions presented in Chapter 19 and Appendix B Greenhouse Gas Assessment of the ES could be scaled across this period to present approximate lifetime operational emissions. As stated above, this would present a conservative overestimate given such emissions would not account for the decarbonisation of electricity and transport in line with national policy goals. It should be noted that IEMA guidance (2022) states that *"the crux of significance… is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050"*. The assessment of significance has therefore quantitatively considered the contextualisation of emissions arising from the Proposed Development against the UK Carbon Budgets, all mitigation measures (either qualitatively or quantitatively) committed by the Applicant to support the decarbonisation of operations at the EMG2 Works and MCO Scheme and qualitatively considered emissions arising from the whole lifetime of the project. This is what has informed the assessments of significance presented in Chapter 19 of the ES.

Q6.0.6	NWLDC	**Net zero carbon building standards** In relation to paragraph 19.5.65 of chapter 19 of the ES [AS-069] is NWLDC satisfied with the applicants' reasoning about compliance with the Net Zero Carbon Building Standard? Does NWLDC have any views on whether additional requirements within the dDCO and dMCO could be used to create more certainty about building operational intensity and reduce operational emissions as far as possible?	N/A
Q6.0.7	The applicants	**Mezzanine floorspace** Tables 1.2 and 1.8 of the Greenhouse Gas Assessment [APP-193] do not include the mezzanine floorspace in the total floorspace when calculating embodied carbon. Please can the applicants clarify why this is the case?	For the purposes of the assessment of potential impacts the maximum floorspace of 300,000 m^2 (GIA sq.m) provided within Table 3.2 of Chapter 3 of the ES [**AS-026**] were scaled by conservative embodied carbon benchmarks to reach an indicative quantification of emissions. Prior to the consideration of further mitigation measures, such impacts (i.e. regarding the DCO Application and MCO Application) were considered to result in a significant moderate adverse construction-stage effect. The assessment of residual construction phase effects accounted for the committed mitigation measures re. embodied carbon reductions, representing the as-built scenario. Whole life carbon assessments from a number of the Applicants' recently completed developments (considered to appropriately represent the Applicants' current design standards for buildings comparable to the DCO Scheme and MCO Scheme) were used to reach an estimated bill of materials for the EMG2 Works and MCO Scheme warehouse buildings. This was reached by using material intensities based on whole development net lettable area (NLA). This intensity included mezzanine materials but not the associated floor area (i.e. kg [material] per m^2 net lettable area). This was then scaled by the

			maximum floorspace (300,000 m^2) also excluding mezzanine space (thereby scaling like with like). This therefore accounts for emissions associated with mezzanine space, given associated materials are included when calculating the above-mentioned intensities. See Appendix B to Chapter 19 for further detail [**APP-193**].

APPENDIX 7

COMPULSORY ACQUISITION, TEMPORARY POSSESSION AND OTHER LAND RIGHTS CONSIDERATIONS

7.	**Compulsory acquisition, temporary possession and other land rights considerations**		
Q7.0.1	The applicants	**Funding** If further accounts of SEGRO Properties Limited or SEGRO plc later than those submitted to date [APP-020D] have been to date or are published during the examination, these should be submitted at the next deadline. Should the company structure change or there be some other material change in ownership, then details should be submitted, along with an appropriate new funding statement, at the next deadline.	The Applicants confirm that new accounts for both SEGRO Properties Limited and SEGRO Plc will be published before the end of the Examination. Copies will be submitted at the next deadline once they become available. The Applicants confirm that if the company structure changes or there is another material change in ownership, then details will be submitted, along with a new funding statement, at the next deadline.
Q7.0.2	The applicants	**Plots 2/17, 2/18, 2/20, 2/23 and 2/35** Could the applicants explain why they would need to CA the land on the L57 Footpath upgrade (Work No. 19, Plots 2/17, 2/18, 2/20, 2/23 and 2/25) rather than just seeking rights to permit the delivery of the route?	The Applicants confirm that, whilst the works to upgrade Footpath L57 could be undertaken pursuant to the acquisition of rights, it is not possible to acquire a private right to create a cycle track over the land. By permanently acquiring the land, the Applicants, as landowner, will have the capacity to dedicate the land in perpetuity for use by cyclists.
Q7.0.3	The applicants	**Plot 2/6** Could the applicants explain why they would need to CA the land on the Active Travel Link (Work No.	The Applicants confirm that, whilst the works to create the Active Travel Link could be undertaken pursuant to the acquisition of rights, it is not possible to acquire a private right to create public rights of way over the land. By permanently acquiring the land, the Applicants, as

		14, Plot 2/6) rather than just seeking rights to permit the delivery of the route?	landowner, will have the capacity to dedicate the land in perpetuity for use by cyclists. The Applicants are in discussions with the landowner, EMIA, regarding the proposed acquisition.
Q7.0.4	NH	**Plots in which NH has an interest** In its RR [RR-022] NH indicates that it had not completed its review of the Book of Reference. NH is requested to fully review the Book of Reference and submit a table setting out by plot the plots in which it has an interest and then indicating: • whether the land is held as operational land, as defined the TPCA, or for some other purpose, and if so, what is that purpose • where land is held as operational land, NH should explain why it holds that view, and how the proposed development, if permitted, would specifically cause serious detriment to the carrying out of the undertaking. This should be done on an individual plot basis but could be on a cumulative basis of individual plots. In this scenario it should fully explained why each plot is required as part of the cumulative effect.	N/A
Q7.0.5	The applicants	**Delivery of highway works** In its RR [RR-028D] Prologis UK 121 Limited indicate off-site highway works could be delivered through agreements under either the TCPA or Highways Act 1980. Could the applicants set out a schedule of those plots on the Lands Plans which currently do not constitute highways land which	Whilst highway works can usually be delivered via an agreement under either TCPA or Highways Act 1980, that would not be appropriate in this case because Works Nos. 8 to 12 are an NSIP in their own right and must be consented via DCO. The DCO regime was further put in place to avoid delays in delivery caused by land ownership issues and different consenting routes, avoiding the need for further agreements/orders (such as agreements under

		would require, absent compulsory acquisition/ purchase powers, third party land owner/ interest consent to deliver the Work Nos. 8 to 12 (together with any associated development to those works).	either TCPA or Highways Act 1980) which cause delays to delivery. The Applicants confirm that the following plots are required to deliver Work Nos. 8 to 12: 2/16, 3/1, 3/2, 3/4, 3/5, 3/6 and 3/7. SEGRO controls plots 3/2, 3/4, 3/5 and 3/7, and consent would not be required to deliver the works. Plots 2/16 and 3/1 are in third party ownership and the consent / cooperation of that third party landowner would be required to deliver the works. The freehold interest in plot 3/6 is controlled by SEGRO but the land is subject to a lease in third party ownership. The consent / cooperation of that third party leaseholder would be required to deliver the works.
Q7.0.6	The applicants	**Book of Reference** The Book of Reference contains entries describing "no acquisition of" and it is not clear what powers are actually being sought for the plots of land in question or why they are included in the Book of Reference. If no powers are being sought the ExP's understanding is that regulation 7(1)(a) and (c) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 would not be engaged and therefore the aforementioned entries should not be in the Book of Reference. Please can the applicants justify their approach accordingly.	The Applicants confirm that all land within the DCO Order Limits has been identified on the Land Plans [**APP-026D to APP-030D**] and in the Book of Reference [**APP-021D**]. However, land shown shaded green on the Land Plans is public highway and no compulsory acquisition powers are sought over this land. This has been made clear in the Book of Reference. This approach was adopted to provide clarity as to the full extent of compulsory acquisition powers sought over all the land within the DCO Order Limits i.e. to ensure that each land parcel had its own plot number and clear statement of the extent of the acquisition sought. The same approach was adopted by the applicants for the Hinckley National Rail Freight Interchange application. If required, however, the Applicants have no objection to removing the land over

			which no compulsory acquisition is sought from both the Land Plans and the Book of Reference.
Q7.0.7	The applicants Prologis EMIA	**Land north of Hyams Lane** Could the applicants, Prologis and EMIA set out their understanding as to how the land north of Hyams Lane was sold by the previous owners. That is, was it offered for private sale, by tender, by 'best and final offers' or any other process such as the parties direct approach to the owner? The ExP would appreciate information as to whether the marketing, if any, related to potential options agreements or only for outright sale. The ExP would also appreciate the parties understandings of the timeframes for any such sale. The parties should also submit any documents they may have to support their positions.	A full response to this issue is set out in the DCO Applicant's Response to Relevant Representations [**Document DCO 7.2**]. See paragraphs 1.16 – 1.24 of Appendix 5 of that document in response to the relevant representation made by East Midlands Airport. The Applicants confirm that that response details the Applicants' understanding of the position.

APPENDIX 8

THE DRAFT DEVELOPMENT CONSENT ORDER (DDCO)

8. The draft Development Consent Order (dDCO) [PDA-004D]			
Q8.0.1	All IPs	**Updated DCO at Procedural Deadline A** At Procedural Deadline A, the applicant updated the dDCO [PDA-004D] with an explanation for those changes in the Schedule of Changes document [PDA-008]. All IPs are asked to review these changes and the justifications for them and submit any comments that they may have into the examination.	N/A
Q8.0.2	Highway authorities EA LCC as LLFA	**Deemed approvals** All bodies which would approve approvals are asked to review the time periods set out and to comment as to whether they consider these periods appropriate. If a different period were to be sought, then the body should justify this revised period. Individual periods should be set out by provision. The ExP understands that the provisions are: • Articles 9, 11, 13, 17, 19, 20. • Schedule 13, part 1, paragraph 2 • Schedule 13, part 2, paragraphs 4, 13 However, this should not be considered comprehensive, and parties are requested to consider the whole dDCO.	N/A

8.1 Articles			
Q8.1.1	NH	**Article 9 – Power to alter layout, etc., of streets** In its RR [RR-022] NH indicates refers to paragraph 7.27 of the EM [AS-015D]. This reference does not exist nor does the quote cited. Could the NH review this comment.	N/A
Q8.1.2	Highway authorities	**Article 13 – Accesses** The ExP's reading of this provision would allow new accesses to the SRN. In its RR [RR-022] NH states that it understands that these are not being proposed. However, in its Schedule of Changes to the Draft DCO submitted at Procedural Deadline A [PDA-008D] the applicants indicate that temporary access will be required to facilitate highway works on the SRN. Could NH please further comment on this matter and whether there should be a specific restriction included within the requirement. Could LCC confirm that it is content with this provision for the local road network.	N/A
Q8.1.3	EA LCC as LLFA Severn Trent Water (STW)	**Article 19 – Discharge of water** Could the EA, LCC as local lead flood authority and STW comment as to whether article 19 should prevent the discharging of surface water into any foul or combined drain or sewer?	Whilst this question is not directed at the Applicants, the Applicants can confirm that the DCO Scheme does not propose to discharge surface water into a foul or combined public sewer.

Q8.1.4	NWLDC Highway authorities NE Affected persons Interested parties with land ownerships within 25m of the application site	**Article 38 – Felling or lopping of trees and removal of hedgerows** Could the identified parties please comment on the distance from the Order limits of 25 metres set out to allow works to trees and hedgerows. The ExP notes that general advice from NE is that 15m is sufficient buffer to ensure ancient woodland is not affected. Given there is no such resource here, any distance will need to be fully justified both in response to this question and in the EM. Could NWLDC confirm whether presently there are any trees protected by tree preservation orders within 25m of the Order limits? Should this situation change, could NWLDC ensure this information is submitted into the examination. Is any party aware of any hedgerow within 25m of the Order limits which would be defined as "important" for the purposes of The Hedgerows Regulations 1997 or an "important hedgerow" for the purposes of The Management of Hedgerows (England) Regulations 2024? If so, could this please be identified on a plan, along with the reasoning behind why the party holds that view.	N/A
8.2 Schedule 1 – Authorised development			
Q8.2.1	The applicants NWLDC	**Prior notification and approval of further works** The dDCO would grant development consent for further works under part 3 of schedule 1 provided that such works were not likely to give rise to any materially new or materially different significant effects on the environment that have not been	The Applicants confirm that, whilst they would undertake analysis to determine whether further works will give rise to any materially new or materially different significant effects on the environment, delivery of those further works would still be regulated by the DCO and would need to be in

		assessed in the environmental statement or in any updated environmental information supplied under the 2017 EIA Regulations. Please can the applicants explain how this would work in practice. Would the undertaker self-determine what constitutes materially new or materially different significant effects on the environment? Consequently, would it be self-enforcing, and would such an approach be reasonable? To ensure the objective assessment of materially new or materially different significant effects, should the dDCO include provisions requiring the undertaker to notify the local planning authority prior to undertaking further works so that they can consider this question and whether prior approval should be granted?	accordance with the other terms set out in the DCO. For example: • Any further works must be within the parameters approved and any deviation outside those parameters which might give rise to any materials new or materially different significant effects on the environment must be approved by the local planning authority pursuant to article 4 of the DCO; and • The detailed design of any further works would still need to be approved by the local planning authority pursuant to requirement 7 of Schedule 2 of the DCO. The local planning authority is entitled to request further information pursuant to Part 2 of Schedule 2 of the DCO if it does not agree with the undertaker that the further works do not give rise to any materially new or materially different significant effects on the environment. It would be incorrect to say therefore that the provision would be self-enforcing. The wording adopted in the dDCO [**PDA-004D**] is consistent with other made DCOs and tried and tested. It is not considered necessary therefore for further provisions to be included in the dDCO which would deviate from this standard approach.
8.3 Schedule 2 – Requirements			
Q8.3.1	NE NH EA Highway authorities	**Consultee in requirements** In various requirements there is a requirement for consultation with a statutory body prior to the	N/A

	LLC as LLFA Any person who is an approving body under schedule 3 of the Flood and Water Management Act	decision maker deciding whether to approve details pursuant to requirements. Could all statutory parties review the requirements and confirm whether consider that the current arrangements are appropriate. Should they wish to amend this, could they please set out where such a change should be made, and if requesting additional consultation explain why it is considered necessary.	
Q8.3.2	The applicants NE NWLDC	**Requirement 1** The parties are asked for their comments as to whether the definition of "ecological mitigation works" is sufficiently and precisely defined?	The Applicants note that the definition is used in requirements 7, 9, 11, 12, 17 and 18 only. The Applicants consider that the definition is sufficiently defined for these purposes.
Q8.3.3	The applicants NWLDC NH LCC	**Requirement 4** Could the applicants explain why the sustainable transport working group should only continue its duties for five years rather than in perpetuity, given the traffic generation figures for the life-time of the development are based on an effective travel plan? Furthermore, what arrangements should there be in place for a second and subsequent occupier of the buildings to ensure sustainable transport arrangements are continued? NWLDC, NH and LCC are all asked for their views on this.	The Applicants confirm that the arrangements for the Sustainable Transport Working Group (STWG) mirror the arrangements secured by the EMG1 DCO, which also provided that the STWG would operate until the expiry of five years from full occupation of the development or earlier if agreed by all members of the STWG. The period of five years is considered sufficient and appropriate to achieve the objectives of the group, particularly given that the STWG will build on the work already done by the EMG1 STWG. As regards second and subsequent occupiers, the Applicants note that it is anticipated that there will be limited, if any, change of tenants during the proposed occupier travel plan monitoring period, as units are typically built to occupier specification and let on long-term leases. Notwithstanding this, as set out within the Framework Travel Plan [**APP-085**], responsibility for the overall implementation, management and monitoring of the travel plan will sit with the Site-Wide Travel Plan Coordinator

			(SWTPC). In the event that an occupier does change before the end of the monitoring period (for example, three years after first occupation of the unit), the SWTPC will work with the new tenant to make them aware of their responsibilities to prepare an occupier specific travel plan and deliver, manage and monitor it for the remainder of the monitoring period applicable from the date the unit was first occupied.
Q8.3.4	EA LCC as LLFA Any person who is an approving body under schedule 3 of the Flood and Water Management Act	**Requirement 17** Could the EA, LCC as local lead flood authority, and any person who is an approving body under schedule 3 of the Flood and Water Management Act confirm whether they are satisfied with the climate change allowance within this requirement. If not, could they set out what allowance each would seek and justify the quantum.	N/A
Q8.3.5	EA	**Requirement 18** The EA is asked to comment as to whether the term "foul water strategy" should be defined as regards its purpose.	N/A
Q8.3.6	NWLDC Highway authorities The applicants	**Schedule 2 – Part 2** • Are NWLDC and the highway authorities content with the eight-week period for determination of all matters as set out in paragraph 1(2)(a)? If not, what period would they consider appropriate? Should different periods apply to different works? Any answer should be justified. • Could the parties please give their views as to whether the phrase "before the end of the period	In respect of the second bullet point, the Applicants consider the wording in paragraph 1(2)(c) to be reasonable to provide flexibility where required. In respect of the fourth bullet point, the Applicants consider that "must" is required within the overall context of the provision to ensure that the appointed person has a clear mandate. In respect of the fifth bullet point, the Applicants do not consider it appropriate for the appointed person to be able

		in paragraph (a) or (b)" in paragraph 1(2)(c) is justified? • Are NWLDC and the highway authorities content with the fee arrangement set out in paragraph 3? If not, what arrangements should be put in place? • In paragraphs 4(8) and 4(9) should "must" be replaced with "may" in case of an outside event so as to ensure natural justice? • In paragraph 4(13) should the appointed person be able to award costs under their volition? • In the definition of "discharging authority" should this be referred to as a "body" as any party can be a discharging authority; they do not need to be created by statute?	to impose an order of costs where neither the discharging authority nor the undertaker are seeking such an award. In respect of the final bullet point, the Applicants have no objection to changing the word to "body" although the expectation is that the discharging authority will be an "authority".
8.4	**Schedule 13 – Protective provisions**		
Q8.4.1	NH	**Part 1** NH has referred in its RR [RR-022] on numerous occasions to 'precedented' provisions. NH is requested to provide these precedents, setting out the precise reference to paragraph number level.	N/A
Q8.4.2	All those with a benefit of protective provisions	**All parts** All those who would benefit from the protective provision in the dDCO are requested to fully review them. Should the protective provisions not be agreed, then the party is to provide their own set of protective provisions both in 'clean' and 'tracked change' from that submitted by the applicant. Furthermore, the party needs to explain on a provision-by-provision basis why the drafting	N/A

		provided by the applicants is unacceptable and why its drafting is to be preferred.	
8.5 Schedule 14 – Miscellaneous controls			
Q8.5.1	Highway authorities NWLDC	**Miscellaneous controls** In the EM submitted as an additional submission [AS-015D] in response to the s51 advice issued at acceptance, the applicants have set out the reasoning for various disapplications of legislation. Would those who would otherwise be responsible for the issuing of appropriate approvals under the would be disapplied provisions comment as to whether they are content? If not, could they explain why they hold that view. If an 'alternative' position, for example one which may apply in certain areas but not others were to be acceptable, the party is asked to set that out, explaining their position.	N/A

APPENDIX 9

THE DRAFT MATERIAL CONSENT ORDER (DMCO)

9. The draft Material Consent Order (dMCO) [PDA-006M]			
Q9.0.1	All IPs	**Updated MCO at Procedural Deadline A** At Procedural Deadline A, the applicant updated the dMCO [PDA-006M] with an explanation for those changes in the Schedule of Changes document [PDA-008]. All IPs are asked to review these changes and the justifications for them and submit any comments that they may have into the examination.	N/A
Q9.0.2	The applicants NWLDC NH	**Article 2(18), (19) and (20)** In order to avoid ambiguity, could the applicant. NWLDC and NH consider whether their agreements should be in writing, and if so, could the drafting be amended to provide for this.	If required by NWLDC and NH to be in writing, then the MCO Applicant is content to update the dMCO [**PDA-006M**] accordingly.
Q9.0.3	The applicants NWLDC NH LCC	**Article 2(26)** Could the applicants explain why any occupier should only comply with the travel plan for five years rather than in perpetuity, given the traffic generation figures are based on an effective travel plan for the lifetime of the development? Furthermore, what arrangements should there be in place for a second and subsequent occupier of the buildings to ensure sustainable transport arrangements are continued?	See the Applicants' response to ISH1 Action Point 24 (**Document DCO 7.4 / MCO 7.4**) and to Q8.3.3 above.

		NWLDC, NH and LCC are all asked for their views on this.	
Q9.0.4	NWLDC	**Container heights** NWLDC is asked to provide a copy of the planning permission relating to the increase in height of the containers at the rail freight terminal along with all documents necessary for its interpretation into the examination.	N/A
Q9.0.5	The applicants	**Potential bird strike** Could the applicants please explain what specific analysis has been undertaken in relation to the risk of bird strike from the creation of "basins for surface water attenuation" in Work 6A.	The design of attenuation basins has had regard to CAP772 and CAST Aerodrome Safeguarding Advice Note 3: Wildlife Hazards Around Aerodromes, and has broadly followed the design parameters implemented on the consented EMG1, which is in closer proximity to EMIA. Attenuation features have been designed to avoid holding permanent or near-permanent standing water. The incorporation of a central low flow channel draining into the culvert system will prevent pooling water in low flow conditions and the regular shape and bank profile, which is to be kept free of bankside or emergent vegetation in line with the management prescriptions set out in Chapter 5 of CAP772. The beds of the basins are to have a coarsely ridged profile to further prevent pooling of surface water in all but the most extreme flood events. Any vegetation in and around the basins is to be managed to prevent the establishment of any dense vegetation attractive to waterfowl. By implementing this design, the attractiveness to priority species/groups of bird in relation to bird strike set out in CAST Advice Note 3 is minimal and therefore the potential for a bird strike risk to develop is negligible and further

			specific analysis is not considered necessary in this case. The Bird Strike Hazard Management Plan (Appendix 9K of the ES [**APP-118**]) details a monitoring regime to be implemented across the attenuation features and remedial actions to be taken should any unforeseen aggregations of waterbirds occur which follow the recommendations made in both pieces of standing advice referenced above.
Q9.0.6	The applicants NH	**Reasonable endeavours** Article 2(18) inserts a new requirement stating, "The undertaker must use reasonable endeavours to complete the highway works identified as Works No. 8A in schedule 1 (authorised development) prior to occupation of plot 16 or such alternative trigger as may be agreed by Highways England." Please can the applicants clarify whether the use of the phrase reasonable endeavours is sufficiently precise and enforceable. For example, if the undertaker uses reasonable endeavours but fails to complete the highway works prior to occupation, what would be the environmental effects? Would the environmental effects be such that it would be reasonable to require that highway works must be delivered prior to occupation? Given that reasonable endeavours could be open to interpretation, is it too ambiguous for the purposes of enforcement? In terms of drafting, should ‘Highways England’ be ‘National Highways’?	The Applicants confirm that the language used including the term "reasonable endeavours" is the same as in the EMG1 DCO (see requirement 5 relating to the deliver of highway works). The term has an established meaning and is often used within legal documentation. The Applicants accordingly consider the term to be sufficiently precise and enforceable. The Applicants further consider that Works No. 8A are relatively minor and do not consider that any failure to complete them prior to occupation of Plot 16 would have any adverse environmental effects. The Applicants have used the term "Highways England" rather than "National Highways" for consistency with the EMG1 DCO. It should be noted that "Highways England" is defined in the EMG1 DCO as company number 9346363 being the same entity as National Highways Limited.

		Comment from NH is also invited in respect of the above.	
Q9.0.7	The applicants	**Rail served warehousing** The phrase rail served warehousing is used in article 2(11) and (12). What is the definition of rail served warehousing, and does such a phrase exclude the servicing of the warehousing by HGVs? If yes, has the environmental effects of such an exclusion been assessed in the ES and otherwise secured in the dMCO?	The term "rail served warehousing" is defined in the EMG1 DCO as "warehousing to which goods can be delivered by rail either directly or by means of another form of transport" (see the tracked change version of the EMG1 DCO [**AS-017M**]. The Applicants confirm that the phrase does not exclude servicing of the warehousing by HGVs.

APPENDIX 10

GROUND CONDITIONS

10. Ground Conditions			
Q10.0.1	The applicants	**Foundation Works Risk Assessment (FWRA)** Paragraphs 14.5.83 and 14.5.97 of chapter 14 of the ES [AS-059] states that a FWRA will be produced at a later stage in relation to piled foundations for the Junction 24 Improvements. Please explain: • how and at what stage the FWRA will be secured through the dDCO • whether it is intended to be approved prior to commencement of the relevant works • who the intended approving/ discharging authority would be for the FWRA (and on what basis) and how any required consultation would be undertaken	The Applicants confirm that the FWRA will be secured by a requirement in the dDCO [**PDA-004D**] to be submitted at Deadline 2. The requirement will inhibit the commencement of the relevant piling works until a FWRA has been prepared in accordance with CL:AIRE 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention' (March 2025). The FWRA will be submitted to, and approved in writing, by the local planning authority, with the Environment Agency as a statutory consultee. The requirement will ensure that the FWRA is completed prior to the commencement of the piling works, but after consent and during detailed design stage, thus the site specific risks associated with this area of the highways works will be appropriately mitigated.
Q10.0.2	The applicants EA	**Reference to Environment Agency** Paragraph 14.5.104 of chapter 14 of the ES [AS-059] refers to remediation measures being "agreed with the Environment Agency". However, requirements 22 and 23 of the dDCO provide for submission to and approval in writing by the local planning authority. Could the applicants:	In response to the first bullet point, the Applicants confirm that the references made within section 14.5.104 of Chapter 14 of the ES [**AS-059**] are intended to describe consultation with the Environment Agency (EA), as opposed to formal agreement / approval by the EA. Formal approval (and thus discharge) of requirements 22 and 23, will be granted by the local planning authority. The Applicants confirm that requirements 22 and 23 state that the required documents are to be submitted to and

		• clarify whether these references are intended to describe consultation or formal agreement/ approval
		• set out the intended discharge process for requirement 22 and 23, identifying:
		  ○ the approving body
		  ○ any consultees (including the EA)
		  ○ how consultation would be secured
		  ○ any other drafting relied upon (e.g. protective provisions)
		• if formal approval by the EA is intended, provide the precise drafting change(s) required to secure that role and explain why this is necessary
			approved in writing, by the local planning authority. The reference to the EA within requirement 22(2) is in relation to the EA's Land Contamination Risk Management (LCRM) guidance, which is adhered to throughout Chapter 14 of the ES. The EA will therefore act as a statutory consultee (where applicable), providing technical input to assist with the local planning authority's formal decision, where required.
			
			In terms of the second bullet point and the discharge of the requirements, requirement 22 is to be discharged through the submission of the existing Ground Investigation Report (Appendix 6.14B [**APP-155**]) and Chapter 14 of the ES to the local planning authority for approval. Requirement 23 is to be discharged upon the completion of the DCO Scheme, through the preparation and submission of a Remediation Verification Report (where remediation has been undertaken in construction) or (where remediation has not been undertaken, due to not being required) the submission of a statement from the undertaker or their approved agent, confirming that no previously unidentified contamination was encountered during construction. The relevant document will be submitted to the local planning authority for review and written approval, with the EA as a statutory consultee where required.
			
			The Applicants confirm that the wording in section 14.5.104 of Chapter 14 of the ES can be updated to provide clarification and ensure that the Chapter is consistent with requirements 22 and 23 of the dDCO [**PDA-004D**] i.e. the existing wording "agreed with the Environment Agency" can be replaced with "local planning authority". Such changes to the Chapter will not result in any changes to the assessment methodology or conclusions.

Q10.0.3	The applicants	**Requirement numbering and DCO/ MCO distinction** ES chapter 14 [AS-059] refers to both requirement 22 of the dDCO and requirement 24 of the EMG1 DCO in relation to the investigation and remediation of unexpected contamination (for example paragraphs 14.5.97 and 14.6.36). Please could the applicants clarify which requirement applies to each component of the proposed development and confirm that the ES correctly reflects the consent regime under which each set of mitigation measures would be secured. In doing so, please provide a short schedule/ table which, for each of the following: • the EMG2 Works and Highway Works (DCO application) • the EMG1 works (MCO application), identifies: • the relevant requirement/ provision relied upon to secure investigation, remediation and verification in the event of unexpected contamination • the relevant ES paragraph references where that mechanism is relied upon (and, where necessary, any proposed corrections to ES cross-references)	Chapter 14 of the ES [**AS-059**] refers to both the dDCO (requirement 22, paragraph 14.5.98) and the EMG1 DCO (requirement 24, paragraph 14.6.36) with regard to the investigation and remediation of unexpected contamination. The separate references reflect the two consent regimes of the proposed development: • The EMG2 Works and Highway Works (DCO Application); and • The EMG1 Works (secured by the existing EMG1 DCO, as proposed to be amended by the MCO Application). The table at **Annexure 10A** of this document outlines the relevant requirements for each of the consent regimes which have been relied upon to secure investigation, remediation and verification in the event of unexpected contamination. The Applicants confirm that paragraph 14.6.36 of Chapter 14 of the ES can be updated to reflect the above.

Q10.0.4	The applicants	**Specifically identified localised areas** Requirement 22(1) of the dDCO [PDA-004D] refers to "specifically identified localised areas of land within the Order limits potentially affected by contamination as identified within the desk study contained within chapter 14 of the environment statement...". Please could the applicants provide: • a plan clearly identifying these "specifically identified localised areas", cross-referenced to the ES chapter 14 • confirmation whether any highway works parcels (including J24 improvements) fall within these areas and, if so, which parts	The Applicants confirm that the "specifically identified localised areas of land within the Order Limits potentially affected by contamination as identified within the desk study contained within Chapter 14 of the Environmental Statement" referred to within requirement 22(1) are those which are shown on Figure 14M.1 "EMG2 Works Potential Sources of Contamination Plan", an extract of which is provided in **Annexure 10B** of this document. The figure presents the potential sources of contamination identified by the Preliminary Risk Assessment (PRA) for the EMG2 Works [**APP-153 and APP-154**], as listed within paragraph 14.5.5 of Chapter 14 of the ES [**AS-059**]. Since completion of the PRA, a ground investigation has been completed at the site to quantitatively assess the risk to receptors posed by the sources of contamination identified through the PRA. The findings of such ground investigation at the EMG2 Works are discussed within the corresponding Ground Investigation Report [**APP-155**] and summarised within paragraphs 14.5.10 to 14.5.28 of Chapter 14. The assessment concludes that the overall risk to human health and controlled waters receptors from these identified potential sources of contamination as low. The highways work parcels (including Junction 24 improvements) do not fall within these areas (see Illustration 1 at **Annexure 10B** / Figure 14M.1).
Q10.0.5	The applicants	**PFAS (Per- and Polyfluoroalkyl Substances)** Paragraph 14.5.7 of ES chapter 14 [AS-059] identifies PFAS as a potential off-site source associated with East Midlands Airport and states that PFAS has not been taken further than desk study stage, relying on testing and monitoring being	In terms of the first bullet point: Since completion of Chapter 14 of the ES [**AS-059**], the Environment Agency (EA) has raised concerns in their relevant representation that, if PFAS is present in the groundwater beneath the site, there is a potential risk to future site users. The EA have accordingly requested that

		undertaken at the Airport (and referring to a "Regulation 61 Notice"). Appendix 14A [APP-153] also identifies PFAS as a potential contaminant from "Historical firefighting at East Midlands Airport (approximately 160m north)" (table 6) and states that PFAS testing is not required for a proportional assessment of the site's suitability, on the basis of Airport testing/ monitoring (section 5.1). Can the applicants: • explain and justify the basis on which PFAS has been scoped out beyond desk study stage for the EMG2 Works, including the evidence relied upon (and any assumptions regarding likely source locations and groundwater/ surface water flow directions) • clarify what is meant by the "Regulation 61 Notice" referenced in the ES and appendix 14A, and explain how the applicants have relied upon that process in reaching its conclusions (including whether any information from that process has been reviewed) • confirm what mitigation/ remediation and verification approach would apply if PFAS is encountered unexpectedly during earthworks or piling, and explain how this would be secured through the dDCO requirements and/ or the CEMP	any groundwater encountered during the construction phase is sampled for the presence of PFAS and such requirements are to be detailed within the CEMP. The potential source of PFAS is the off-site East Midlands Airport, as outlined within Chapter 14. The planning requirements are to confirm that the site is 'suitable for use' with respect to contamination using the source-pathway-receptor pollutant linkage model. The potential pathway for migration of PFAS on the planning application site would be via surface water or groundwater. There are no surface water features connecting the site and Airport and therefore migration would be limited to groundwater pathways. In the completed development, there is no exposure pathway of groundwater to site end users. As stated within Chapter 14, the EMG2 Works site is underlain from surface by Topsoil and isolated Made Ground, and by superficial deposits of the Oadby Member and Glaciofluvial Deposits, and bedrock deposits of the Gunthorpe Member and Diseworth Sandstone. The presence of cohesive horizons within the superficial deposits is anticipated to limit hydraulic connectivity, as demonstrated by the perched and discontinuous nature of groundwater monitored and observed on site during the ground investigation, and reduce the potential for laterally continuous groundwater flow directly from the Airport towards the site. The ground investigation therefore indicates that the main groundwater table is within the bedrock aquifer at depth. As such, there is not considered to be a geo-environmental risk to on-site receptors from PFAS/PFOS associated with the intended use / final development of the site and so this has been scoped out. In respect of the second bullet point, a Regulation 61

			Notice is a formal request issued by the EA under the Environmental Permitting (England and Wales) Regulations 2016, which forces operators to provide information to prove that their site complies with environmental standards. In the context of East Midlands Airport, the reference to the Regulation 61 Notice in Chapter 14 relates to the EA's notice requiring the Airport operator to complete a comprehensive PFAS investigation, including source identification, pathway and receptor assessment, surface water and groundwater monitoring and an interpretative report with recommendations. The contents of Chapter 14 have not relied upon the confidential data obtained from the notice itself but has instead mentioned the Regulation 61 Notice with reference that PFAS has been recognised as an off-site contaminant source associated with the Airport, and that this source is subjected to current monitoring under EA regulation. In response to the final bullet point and the aforementioned EA relevant representation, and on the basis of the above, it has now been suggested in the draft Statement of Common Ground that the CEMP will include provision for laboratory PFAS testing in the event that groundwater is encountered during the construction phase. For clarity, in the event that PFAS is identified within the groundwater within the site, such contamination will not be of the responsibility of the Applicants to remediate with respect to rendering the site 'suitable for use'. The testing would be undertaken to inform appropriate environmental permitting and disposal routes, where perched water or groundwater is encountered and requires dewatering and disposal or discharge from excavations.

Q10.0.6	The applicants	**Pollution prevention guidance** ES chapter 14 [AS-059] states that the EA's Pollution Prevention Guidance series has informed the assessment, while noting the guidance series was withdrawn in 2015. Please could the applicants confirm: • the current guidance and standards that will be applied for pollution prevention and incident response during construction and operation • how that guidance will be secured through the DCO controls (including the CEMP/ P-CEMP and relevant requirements), confirming whether any update is needed to ES chapter 14 (and/ or the CEMP) to reflect the current guidance basis and whether any such update would change the assessment conclusions	The Environment Agency's (EA) Pollution Prevention Guidance (PPG), referenced within Chapter 14 of the ES [**AS-059**], was withdrawn in 2015. Existing good practice informing pollution prevention and incident response during construction and operation includes CIRIA publications and the EA's Guidance for Pollution Prevention (GPP) series, which was jointly published by the Northern Ireland Environment Agency (NIEA), Scottish Environment Protection Agency (SEPA) and National Resources Wales (NRW), replacing the PPG series. Although the GPPs have been withdrawn by the EA, these remain current across the UK. Paragraphs 14.3.20, 14.3.21 and 14.3.23 of Chapter 14 provide the current guidance and standards that will be applied for pollution prevention and incident response during construction and operation. Such guidance which is referenced includes: • CIRIA C762: Environmental good practice on site pocket book. • CIRIA C552:2001: Contaminated Land Risk Assessment: A Guide to Good Practice. It is acknowledged that Chapter 14 and the CEMP currently reference the EA's PPG series which was withdrawn in 2015. As such, the Chapter (and CEMP) will be updated to replace this with the current GPPs for best practice. The following guidance will also be added to the ES, applied for pollution prevention / response in the construction and operational phases: CIRIA C532: Control of Water Pollution from Construction Sites. These updates will not change the assessment methodology or conclusions of Chapter 14.

			The Applicants anticipates submitting the updated chapter at Deadline 3. The above guidance will be secured through requirement 11 (CEMP / P-CEMP) of the dDCO [**PDA-004D**].
Q10.0.7	The applicants	**Re-use of Made Ground – consistency between ES chapter 14, chapter 18 and the CEMP** ES chapter 14 [AS-059] table 14.3 states that "Made Ground may be re-used as part of the earthworks, subject to appropriate sorting, segregation and classification testing and controlled placement in accordance with an earthworks specification and associated Materials Management Plan or environmental permit as appropriate (subject to chapter 18: Materials and Waste)". However, the mitigation text currently set out in ES chapter 14 at paragraphs 14.5.108 to 14.5.110 refers to re-use of Made Ground in accordance with an earthworks specification but does not include the referenced Materials Management Plan or environmental permit wording. The Summary of Effects and Conclusions (paragraph 14.9.3) signposts ES chapter 18. Further, paragraph 10.4 of the CEMP [AS-027D] states that, if unknown Made Ground deposits are encountered, a Materials Management Plan (MMP) will be prepared in accordance with the Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste: Development Industry Code of Practice (DoWCoP)	The approach outlined within Chapter 14 of the ES [**AS-059**] regarding the re-use of Made Ground is such that the materials may be reused as part of the earthworks, subject to appropriate sorting, segregation and classification testing in accordance with the earthworks specification, Materials Management Plan (MMP) or environmental permit, as appropriate. This provides a sustainable approach to be development while controlling the suitability of material for reuse and prevention of environmental harm. **1. Materials Management Plan (MMP) Prepared Under CL:AIRE DoWCoP:** The 'Definition of Waste – Development Industry Code of Practice' is not a legislative requirement. However, by adopting the use of a Materials Management Plan prepared in accordance with the DoWCOP, it enables an auditable system to demonstrate that the code of practice has been adhered to and that the material intended for reuse (or import) is not 'waste'. If the material was classified as waste, an Environmental Permit may be required to lawfully deposit or reuse the material. The reuse of Made Ground (although only localized) should be adopted to provide a sustainable approach to development, reduce carbon footprint on transfer offsite, and reduce waste.

		and reviewed/ agreed by an independent CL:AIRE registered Qualified Person. Could the applicants: • please confirm the applicant's intended mitigation approach for re-use of Made Ground (including whether re-use is contingent upon an MMP and/ or an environmental permit, as appropriate) and explain how ES chapter 14 will be made consistent (table 14.3, paragraphs 14.5.108 – 14.5.110, and paragraph 14.9.3) • explain the relationship between: (i) any MMP prepared under CL:AIRE DoWCoP, (ii) the Site Waste Management and Materials Plan, and (iii) any earthworks specification/ Earthworks Strategy, including which document would take precedence where requirements overlap • identify precisely how the intended approach to re-use of Made Ground (including any requirement for an MMP and/ or an environmental permit, as applicable) would be secured through the dDCO requirements and/ or the CEMP/ P-CEMP	Compliance with the Waste Framework Directive and Environmental Permitting Regulations is a legislative requirement and thus is not typically controlled via planning permission conditions. **2. Site Waste and Materials Management Plan** This document is prepared by the contractor and details how all wastes generated from construction are to be managed, stored and disposed of. Therefore, unlike the MMP, it is not a tool for material re-use classification but instead is more of a waste logistics / compliance record. **3. Earthworks Specification** This is a technical document which outlines the engineering requirements for site preparation, excavation, filing and compaction. The document defines material classification, performance criteria and testing procedures (performance standards that are required for formation). As such, the Earthworks Specification determines whether the material is geotechnically suitable for reuse and is therefore a 'line of evidence' within the MMP. **4. Earthworks Strategy** This is a contractor's method statement which explains how the requirements detailed within the Earthworks Specification will be achieved. The Applicants confirm that Chapter 14 of the ES will be updated to ensure consistency with that stated in Table 14.3, where re-use of Made Ground is referenced. This will

			involve the addition of the reference to a MMP or environmental permit, as appropriate. The approach to re-use site Made Ground is primarily the responsibility of the contractor, as opposed to being secured through any requirement. Requirement 11, CEMP/P-CEMP, of the dDCO [**PDA-004D**] secures the overall approach in line with best practice, however the decision and implementation of an approach (i.e. the requirement for an MMP or environmental permit) is the responsibility of the contractor and is a decision which is typically made at construction stage. Either way, compliance with waste legislation is required.
Q10.0.8	The applicants EA	**Waste transfer station record** ES chapter 14 [AS-059] table 14.3 states that the EA accepted data supporting the position that the recorded Waste Transfer Station on the EMG2 Works is a geo-referencing error, and records an acceptance date of 21 April 2025. Appendix 14A [APP-153] similarly states that correspondence between Fairhurst and the EA confirms that the EA regard the Waste Transfer Station as a geo-referencing error, but records that the data supporting this was accepted by the EA on 22 April 2025. Can the applicants and the EA: • provide the correspondence/ evidence relied upon to support the conclusion that the Waste Transfer Station record is a geo-referencing	Please see **Annexure 10C** of this document for the Environment Agency's (EA) confirmation that the Waste Transfer Station is a geo-referencing error. As stated within section 14.5.6 of Chapter 14 of the ES [**AS-059**], the Waste Transfer Station has been discounted as a potential source of contamination and thus is not considered further in the Chapter. The Applicants confirm, for the avoidance of any confusion, that there is slight discrepancy in the date to which the EA accepted the evidence – Table 14.3 states that the EA accepted such evidence on the 21 April 2025, and section 14.5.6 states the 22 April 2025. The date in the Table will be updated to 22 April 2025.

		error, and confirm the correct date on which the EA accepted the supporting data • confirm that the Waste Transfer Station record has been treated consistently across ES chapter 14 and appendix 14A (including that it has been discounted as a potential source of contamination) and identify any required correction(s) to ensure consistency	

APPENDIX 11

HISTORIC ENVIRONMENT

11. Historic environment			
Q11.0.1	Historic England (HE) NWLDC	**Heritage assessment - intervisibility** The assessment of significance in section 4 of appendix 12A [AS-053]excludes effects on the settings of various designated and non-designated heritage assets on that basis that there is no current intervisibility between the site and the various assets. Considering the history of the area, as demonstrated in the various maps submitted, and historic and contextual connections, could HE and NWLDC • confirm whether they agree with the applicants' assessment in this regard • whether any different conclusion arises in respect of the MCO application, having regard to the increase in permitted crane height • if either HE or NWLDC does not agree, identify the heritage asset(s) (or categories of assets) for which setting effects should be reconsidered, including where setting contribution is derived from historic/ contextual connections beyond intervisibility	N/A

Q11.0.2	The applicants	**Ecclesiastical heritage** ES chapter 12 [AS-051]and appendix 12A [AS-053] consider a range of designated heritage assets including, ecclesiastical heritage assets with the proposed development. ES chapter 12 at paragraph 12.5.36 states that there is no evidence of any direct historical association between the Church and the EMG2 Works. Could the applicants: • please confirm whether there are any records indicating that any part of the DCO application land and/ or the MCO application land historically comprised Glebe land (or otherwise formed part of ecclesiastical landholdings) associated with relevant parish churches • if so, whether that would alter the statement at ES chapter 12 paragraph 12.5.36 and whether any change is required to the heritage assessment of significance/ setting effects for the relevant ecclesiastical listed building(s)	The Applicants consulted the Diseworth Enclosure Map and 1848 Tithe Map, which did not show any shared relationship. The Applicants could find no evidence that the DCO Application land and/ or the MCO Application land historically comprised Glebe land (or otherwise formed part of ecclesiastical landholdings) associated with relevant parish churches.
Q11.0.3	HE NWLDC	**Heritage assessment** Does either HE or NWLDC consider that any of the archaeological features identified within the EMG2 site are of equivalent significance to scheduled monuments so that they should be treated as if they were designated heritage assets. If so, could you please identify the feature(s)/ area(s) and explain your reasoning.	N/A

Q11.0.4	The applicants	**Preservation by record** ES chapter 12 [AS-051] paragraphs 12.5.84 and 12.6.36 state that "the physical loss of buried archaeological remains would be offset through their preservation by record". The PPG, reference ID 18a-002-20190723, states that the ability to record evidence of the past should not be a factor in deciding whether such loss should be permitted. The SoS's decision letter for the Five Estuaries Offshore Wind Farm, at paragraph 4.126, is also cited as relevant in this context. Please could the applicants reconcile the statements in ES chapter 12 [AS-051] with the PPG and the Five Estuaries decision letter, including confirming whether any clarification/ updated wording is proposed in the ES to ensure the assessment narrative aligns with the PPG, or explain why you hold a different view, and confirming that any clarification does not change the assessment conclusions. If a different assessment conclusion results, then this should be set out.	It is acknowledged that paragraphs 12.5.84 and 12.6.36 of Chapter 12 of the ES [**AS-051**] are not reconcilable against PPG reference ID 18a-002-20190723 and the Secretary of State's Five Estuaries Offshore Wind Farm decision letter paragraph 4.126. To reconcile these statements, the Applicants propose to alter the wording in paragraphs 12.5.73, 12.5.83-12.5.85 and 12.3.32, 12.6.35-12.6.36 of Chapter 12 including Tables 12.8 and 12.10. These amendments would alter the assessment conclusions by confirming that the residual effect associated with the non-designated archaeological receptors will be the same as the assessed significance of effect during the construction phase. The changes will read as follows: *12.5.73 In order to offset the recognised impacts to receptors AR1 and AR2, a programme of archaeological mitigation will be required. These investigations will not reduce the overall impacts or effects but will serve to offset such impacts and effects by allowing their potential to be released through recording and publication. The archaeological investigation will be undertaken in advance of construction works commencing. This will comprise a targeted programme of archaeological excavation focusing on receptors AR1 and AR2.* *12.5.83 Preparation of an archaeological WSI and implementation of the associated archaeological investigation measures as discussed in association with AR1, AR2, and AR5, above would give rise to a Moderate to Minor Adverse residual effect on the archaeological resource during construction where effective archaeological investigation strategies are undertaken.* *12.5.84 The implementation of the archaeological investigation strategies would serve to further enhance the*

			understanding of the region's archaeological record. The physical loss of buried archaeological remains would be offset through their analysis, publication and archiving of data. These further investigations will not reduce the overall impacts or effects but will serve to offset such impacts and effects. The residual effect will therefore remain unchanged. *12.5.85 There will be a negligible residual effect on the remaining non-designated archaeological assets.* *12.6.32 The archaeological monitoring measures will be secured through the discharge of requirements process under the EMG1 DCO which will require a Written Scheme of Investigation (WSI) to be approved (see Requirement 13 of the EMG1 DCO).* *12.6.35 Preparation of an archaeological WSI and implementation of the associated archaeological monitoring measures as discussed in association with AR7. These investigations will not reduce the overall impacts or effects but will serve to offset such impacts and effects.* *12.6.36 The implementation of the archaeological investigation strategies would serve to further enhance the understanding of the region's archaeological record. The physical loss of buried archaeological remains would be offset through their analysis, publication and archiving of data. These further investigations will not reduce the overall impacts or effects but will serve to offset such impacts and effects. The residual effect will therefore remain unchanged.*
Q11.0.5	The applicant	**St Andrew's Church, Kegworth** Plate 11 of appendix 12A of the ES [AS-053] gives a view of the tower and spire of St Andrew's Church, Kegworth from the EMG1 site, with the M1	The Applicants' position is that the EMG1 highway works would not have an effect on the setting or the significance of the Church of St Andrew because the view illustrated in Plate 11 of Appendix 12A [**AS-053**] is already experienced

		in the foreground. Appendix 12A at paragraph 4.67 indicates that the applicants hold the view that the proposed highway works forming part of the DCO application would not have any effect on the setting of this designated heritage asset. A similar position is set out at paragraph 12.6.30 of ES chapter 12 [AS-051] in respect of the operational effects of the MCO application. Could the applicants please explain why they hold this position. Any analysis in respect of the DCO application should include both construction and operational effects, including effects from vehicles on the motorway network and the proposed link between the M1 and A50, and any analysis in respect of the MCO application should have regard to the increased height of the gantry cranes. That analysis should also consider the Church spire as a designed landmark element within the wider landscape (including its vertical prominence/ skyline role), and the extent to which proposed structures (including cranes) would compete with or diminish that landmark function. The in-combination and cumulative assessments should also be reconsidered.	with the M1 intervening between the site and the church and the existing EMG1 works including large areas of hard standing. The M1 and EMG1 and their associated infrastructure are an established component of the view and baseline setting. The church's immediate designed setting (the church and cemetery) contributes most strongly to its significance. Consequently, the EMG1 Works do not materially change the ability to appreciate the church's architectural or historic interest, nor do they compete with or diminish the spire's role as a vertical landmark in the wider landscape. This position is consistent with Historic England's Good Practice Advice: tall church spires are unlikely to be affected by small-scale development unless that development competes with them; the EMG1 Works do not do so. Notwithstanding the above conclusion, and having regard to the ExP's request, the Applicants can provide if required an updated assessment that (i) addresses construction and operational effects (including traffic and the proposed M1–A50 link), (ii) considers the MCO scenario with increased gantry crane heights, and (iii) undertakes an in-combination and cumulative reassessment.
Q11.0.6	HE NWLDC	**Langley Priory** Appendix 12A paragraph 4.4 [AS-053] states that the Site does not form any part of the setting of Langley Priory, whilst acknowledging that parts of the Site had an ownership association with the former Priory up to the early twentieth century. HE's	N/A

		guidance, referred to in paragraph 2.30 [AS-053], notes that "historical and cultural associations may also form part of the asset's setting, which can inform or enhance the significance of a heritage asset". In its RR Prologis UK 121 [RR-028D] states that the Heritage Statement confirms the application site comprises part of the setting of the Grade II* listed Langley Priory and attached railings. Do HE and NWLDC agree with the applicants' assessment that the proposed development would not affect the significance of Langley Priory as a designated heritage asset (Grade II*)? If either party disagrees with this assessment, could it please explain why it holds that view and how and to what extent would the significance of the asset be affected.	
Q11.0.7	LCC	**Effects on setting Diseworth Conservation Area** In its RR [RR-002] LCC indicates that it considers the ES "underestimates the construction and operational impact of the proposed development upon the setting and character of the Diseworth conservation area". Could LCC please explain why it holds the view set out in [RR-002], identifying the aspects of the applicants' approach and/ or conclusions with which it disagrees (including in respect of construction and operational effects). Any differences between the	N/A

		approach followed by the applicants and LCC should be fully explained.	
Q11.0.8	NWLDC	**Non-designated heritage assets** In paragraph 12.5.41 of chapter 12 of the ES [AS-051] it is reported that the Diseworth conservation area appraisal noted as indicating that there are nearly 50 'Unlisted Buildings of Interest'. Could NWLDC please confirm whether any of these "Unlisted Buildings of Interest" have any additional designation status (for example, whether any are locally listed), and if so, identify which. Does NWLDC consider that the proposed development would have any effect on the significance of any of these heritage assets (using 'significance' as set out in the Glossary of the Framework in relation to heritage policy), and if so, please explain in brief which assets and why.	N/A
Q11.0.9	The applicants	**Conservation areas** ES chapter 12 [AS-051] states at paragraph 12.3.6 that section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged because no part of the proposed development is on land within a conservation area. ES chapter 12 [AS-051] nevertheless assesses effects on Diseworth conservation area. The Infrastructure Planning (Decisions) Regulations 2010 include the statutory duty applicable to development consent decisions in relation to conservation areas at regulation 3.	The Applicants confirm that this is an error as Diseworth conservation area is assessed. The Applicants confirm that Chapter 12 will be amended and resubmitted at Deadline 3. The amendment will not change the assessment.

		Please could the applicants explain whether paragraph 12.3.6 of ES chapter 12 [AS-051] requires updating/ clarification to reflect the statutory duty applicable to PA2008 applications, and confirm that any clarification does not change the assessment conclusions for Diseworth Conservation Area in ES. If a different assessment conclusion results, then this should be set out.	
Q11.0.10	The applicants	**Scheduled Monuments** In paragraph 12.3.3 of the ES chapter 12 [AS-051] states that "There are no Scheduled Monuments within or close to the EMG2 Project (a number of distant scheduled monuments were initially considered…)". ES chapter 12 nevertheless includes assessment of the Bulwarks Scheduled Monument (AR10), and RR [RR-003] from NWLDC highlights the way designated assets at Breedon-on-the-Hill are treated within ES chapter 12. Could the applicants explain: • what is meant by "within or close to" in ES chapter 12 [AS-051] paragraph 12.3.3 • how scheduled monuments were screened into/ out of detailed assessment in ES chapter 12, including confirming whether any clarification to paragraph 12.3.3 is proposed so that the role of scheduled monuments assessed in ES chapter 12 (including AR10) is clear, and confirming that any clarification does not change the assessment conclusions. If a different	Paragraph 12.3.3 of Chapter 12 [**AS-051**], '*There are no Scheduled Monuments within or close to the EMG2 Project*', means that there are no Scheduled Monuments within the EMG2 Project order limits, nor any Scheduled Monuments within 500m of the EMG2 Project. Scheduled Monuments were screened into/out of detailed assessment of Chapter 12 based on the results of the detailed assessment contained in the Archaeological Desk Based Assessment (Appendix 12B to Chapter 12) [**APP-135**] which concluded that the only Scheduled Monument which could be potentially be impacted by the proposed development would be The Bulwarks Scheduled Monument due to development occurring within the setting of this asset. As the remaining assets were assessed as not being impacted by the proposals, they were scoped out of detailed assessment within Chapter 12. On this basis, it is proposed that no changes to the assessment conclusions will be required, although to facilitate greater clarity the Applicants would propose the following amendments to the text in Chapter 12: *12.3.3 There are no Scheduled Monuments within the EMG2 Project order limits, or located within 500m of the*

		assessment conclusion results, then this should be set out	*EMG2 Project order limits (a number of distant scheduled monuments were initially considered as part of the Archaeological Desk-Based Assessment (Appendix 12B (Document DCO 6.12B/MCO 6.12B)).* And insertion of a new paragraph - *The Archaeological Desk-Based Assessment (Appendix 12B (Document DCO 6.12B/MCO 6.12B)) has reviewed and considered Scheduled Monuments located within a 2km study area of the EMG1 Works and EMG2 Main Site proposals. Three Scheduled Monuments lie within the study area, comprising The Moated Site with Fish Ponds and Flood Banks at Long Whatton Scheduled Monuments, and the Hemington Chapel Scheduled Monument. Four Scheduled Monuments consisting of the Enclosure Castle at Castle Donnington, Site Revealed by Aerial Photography Southeast of Dunster Barn, Roman Villa and Enclosures North of Ratcliffe Lane, and Medieval Settlement Remains Immediately East of The Wymeshead are all located on the boundary of the 2km study area and have been incorporated into the assessment due to their proximity. The Bulwarks (Earthworks) Scheduled Monument is located outside of the 2km study area and has been included within this assessment due to its prominent position within the wider landscape. On the basis that the Archaeological Desk-Based Assessment (Appendix 12B (Document DCO 6.12B/MCO 6.12B)) has robustly assessed the potential impacts and has identified that, with the exception of The Bulwarks (Earthworks) Scheduled Monument, there will be no harm generated towards such assets, such Scheduled Monuments have been scoped out of further assessment within this ES Chapter with the exception of The Bulwarks (Earthworks) Scheduled Monument. An assessment of*

			harm to The Bulwarks (Earthworks) Scheduled Monument has been included within this ES Chapter.
Q11.0.11	The applicants	**Preservation in situ** Appendix 12B paragraphs 5.35–5.37 [AS-054] states that archaeological remains were preserved in situ at EMG1 (Sites A and B), that a very small part of Site A beneath the north-west landscape bund would be encroached and should be archaeologically monitored/ recorded, and that Site B is not expected to be impacted and should be protected by fencing/ signage. Appendix 12B paragraph 6.10 [AS-054] also states that a concentration of archaeological features has been identified adjacent to Junction 24 where the highway works extend into an area previously investigated and subsequently preserved in situ. ES chapter 12 table 12.6 [AS-051] records the PIN's scoping request that the ES demonstrate how existing areas of preservation in situ will be retained or how their ongoing preservation would be secured. Appendix 12B paragraph 6.11 [AS-054] states that the archaeological interest associated with EMG2 Project can be secured through targeted mitigation via discharge of DCO requirement 13, including approval of a Written Scheme of Investigation (WSI), and that existing areas of preservation in situ unaffected by the proposals will need to be fenced off from wider groundworks. The CEMP [APP-206D] includes on-site protection measures for archaeological interests (for example, fencing and signage for archaeological receptor	In relationship to the original EMG1 DCO, three locations containing archaeological deposits were selected for preservation in-situ. These areas consisted of Site A and Site B (Appendix 12B – Figure 6) [**APP-135**] and the area adjacent to Junction 24 (Field 40) (Appendix 12B – Figure 5) [**APP-135**]. In relation to the proposed development, the majority of Site A will be retained. Only a small part of the southern corner of Site A which falls within the EMG1 MCO Order Limits is proposed to be removed and subject to preservation by record. Site B will be protected where it extends into the EMG1 MCO Order Limits and thus be protected. The area adjacent to Junction 24 (Field 40) will be removed in its entirety and subject to preservation by record. Figure 5 and 6 of Appendix 12B can be modified to better located these areas in questions. In terms of how protection/management measures are secured through requirement 13 (written scheme of investigation) of the dDCO [**PDA-004D**], the encroached part of Site A will be subject to a programme of archaeological monitoring and recording (watching brief) while construction groundworks take place in this area, in order to identify and record any archaeological remains present. Within the Site B EMG1 MCO Order Limits, the archaeological protection measures will comprise: • Instillation of a Heras fenced perimeter around Site B within the order limits for the duration of construction groundworks;

		AR8), and the applicants are asked to confirm how comparable measures will apply to preserved-in-situ areas identified through the requirement 13 process. Can the applicants: • please explain which preserved-in-situ areas are proposed to remain unaffected and protected, and which (if any) are proposed to be encroached/removed (with preservation by record) in connection with the proposed development • where the preserved-in-situ areas and any areas proposed to be encroached/ removed are shown on plans/ figures within the application documents, and whether any additional plan/ schedule is proposed to present this clearly for examination • how the protection/ management measures (including exclusion zones, fencing/ signage, monitoring and supervision) will be secured through requirement 13 (WSI) and CEMP/ P-CEMP secured through requirement 11, confirming how compliance will be demonstrated	• Provision of appropriate signage attached to the Heras fencing to inform groundworkers of the function of the archaeological protection works; • Inclusion within the site induction material information relating to the presence and function of the archaeological protection area, and that no intrusive works or plant movements should be undertaken in this area. The area adjacent to Junction 24 (Field 40) will be subject to a detailed programme of archaeological excavation and recording. These details are set out in the draft written scheme of investigation currently under review by the Leicestershire County Council Archaeological Officer. In relation to the Site A, archaeological monitoring and area adjacent to Junction 24 (Field 40) programme of archaeological excavation and recording, compliance will be demonstrated by approval of the written scheme of investigation, and subsequent site inspections by the Leicestershire County Council Archaeological Officer. In relation to the installation of Site B protection works, compliance will be demonstrated by inspections at intervals by the Applicants.
Q11.0.12	The applicants LCC	**Archaeological evaluation** Appendix 12F [APP-139] states that the evaluation was originally designed to comprise 391 trial trenches but, following agreed changes, 388 trial trenches were excavated, with decisions regarding trenches made with the approval of LCC. Further	The Applicants confirm that they consider the archaeological evidence base within the appendices to Chapter 12 of the ES to be sufficient to define the mitigation approach. The Leicestershire County Council Archaeological Officer has concurred with this view within recent correspondence received 30 January 2026, confirming that any further trial trenching required can be

		paragraph 1.2.2 states that the results facilitate an informed decision regarding the requirement for, and methods of, any further archaeological mitigation. ES chapter 12 table 12.6 [AS-051] records LCC's scoping position that the assessment should consider the results of the previous archaeological evaluation at EMG1 and the EMG2 main site and that the need for any further archaeological evaluation should be identified. Could the applicants please explain/ confirm: • whether the applicants consider the archaeological evidence base in the ES chapter 12 appendices is sufficient at this stage to define the mitigation approach • whether any further pre-determination evaluation is required for any part of the authorised development (including Highway Works), and if not, why not If LCC considers further evaluation is required, please identify where and why.	secured within the requirement 13 (written scheme of investigation) of the dDCO [**PDA-004D**]. No further pre-determination evaluation is considered necessary within the authorised development, with the assessment within Chapter 12 of the ES considered robust enough in order to establish the significance of effect to any non-designated below-ground heritage assets present. The additional trial trenching requested by the Leicestershire County Council Archaeological Officer will be on a limited scale, the anticipated results of which are not expected to change the assessment set out in Chapter 12. Within the Archaeological Officer's correspondence of the 30 January 2026, it has been confirmed that the additional trial trenching requested would be focused into the same field parcel as the area adjacent to Junction 24 (Field 40) and can be included within requirement 13. It is considered that the purpose of the additional trenching would be to refine the extent of the agreed area of archaeological excavation required in Field 40, rather than establish the need for additional areas of archaeological investigation.
Q11.0.13	The applicants	**Diseworth Conservation Area – Community Park** Having regard to the Diseworth Conservation Area assessment in appendix 12A [AS-053] and the points recorded in ES chapter 12 table 12.6 [AS-051] and [RR-003] regarding the Community Park acting as a buffer,	The Applicants confirm that the assessment of effects does not rely upon the delivery of the Community Park. Appendix 12A [**APP-134**] sets out at paragraphs 5.30 – 5.34, an assessment of impacts that does not mention the buffer / Community Park. The Applicants are satisfied that the heritage conclusions for Diseworth conservation area remain robust. Significant is used in EIA terms in paragraph 12.2.18 of

		• please explain whether, and to what extent, the "no significant effect" conclusions for Diseworth Conservation Area in ES chapter 12/ appendix 12A rely upon delivery of the Community Park/ buffer measures • whether 'significant' is used in the terms defined in the Glossary to the Framework for heritage policy or in EIA terms, explaining the relationship in terms of the other as well • where within the submitted heritage assessment the role of the Community Park/ buffer is clearly set out as part of the basis for the Diseworth Conservation Area conclusions (including which specific measures are relied upon) • noting that the securing/ deliverability of the Community Park is addressed under ExQ1.4.2. ExQ1.4.3 and ExQ17.0.1, confirm that the heritage conclusions for Diseworth Conservation Area remain robust	Chapter 12 which states: "*Based on professional judgement, a "significant" effect in terms of the EIA Regulations is considered to be one of moderate significance or above. Such effects require mitigation. All effects that are considered to be significant with regard to the EIA Regulations are highlighted with an asterisk in Table 12.4.*".
Q11.0.14	The applicants	**Isley Woodhouse** Please confirm the evidence basis for the assumption in ES chapter 12 paragraph 12.8.4 [AS-051] that Isley Woodhouse construction is anticipated to be concurrent with EMG2, and whether any sensitivity check has been undertaken (for example, if construction periods do not overlap).	The evidence basis is set out in Appendix 21A to the ES [**APP-201**]. Paragraph 3.25 of the Isley Woodhouse Planning Statement states that, if the scheme is granted planning consent in 2026, then development is anticipated to commence in 2027 with the first dwellings being occupied in 2029. It assumes a build out period of circa 25 years. The planning application was validated in July 2025, and a decision is anticipated in late 2026. If the assumption that the construction programme for Isley Woodhouse will be concurrent with that of the EMG2 project is incorrect, then there would be no cumulative

			environmental effects generated by the Isley Woodhouse project.
Q11.0.15	The applicants	**Heritage impact assessment schedule** ES chapter 12 [AS-051] reports construction and operational effects for cultural heritage receptors, including residual effects tables and summaries. Please provide a single heritage impact assessment schedule (with Excel version) for the designated heritage assets assessed in ES chapter 12 and its associated appendices. The schedule should, for each asset: • identify the asset, relevant list entry number (where applicable) and the category of designation (Grade I/ II*/ II, conservation area, etc.) and for construction and operation as applicable: • identify the relevant scheme component (DCO Scheme / MCO Scheme / EMG2 Project / in-combination / cumulative) • set out the magnitude, significance and residual effect reported in the ES (with paragraph/ table cross-references) • state the policy (that is the NNNPS/ Framework) effect relied upon in the assessment narrative • identify the mitigation relied upon and the specific draft DCO/ MCO securing mechanism(s) (requirements/ certified plans/ management plans) This should be a consolidation/ signposting exercise and should not introduce new assessment conclusions. The applicants are invited to provide	See the schedule at **Annexure 11A** of this document.

		updated version at subsequent deadlines as necessary and submit a final version at deadline 7, with a short change log identifying what has changed since the previous version and why.	

APPENDIX 12

LANDSCAPE AND VISUAL

12. Landscape and visual			
Q12.0.1	The applicants	**Landscape Character Areas** Paragraphs 10.5.10 onwards and 10.6.8 onwards of ES chapter 10 [AS-041] set out details of the Landscape Character Types in the East Midlands Landscape Character Assessment. However, these are not shown on figure 4 in appendix 10B [AS-044], which is titled "Landscape Character (National and County)". Could the applicants please set out the geographic extent of the relevant East Midlands Landscape Character Assessment Landscape Character Types on figure 4 (or provide an additional figure showing their extent within the LVIA study area).	See the Landscape Character (Regional) figure referenced as Figure 16 at **Annexure 12A** of this document.
Q12.0.2	The applicants	**Landscape and visual effects of traffic** Could the applicants please confirm, and signpost where if appropriate, whether the consideration of the visual effects of the highway works during the operational phase include the presence of vehicles including HGVs upon the highway, or the assessment is limited to the physical highway works alone. If the latter, could the applicants please undertake a sensitivity analysis based on the effects on landscape and visual receptors of traffic	The Applicants confirm that the visual effects of the operational phase, including the presence of vehicles (including HGVs) has been considered as part of the landscape and visual impacts assessment (LVIA). Explicit references to the visual effects of the additional vehicles using the existing or new roads are not included within Chapter 10 of the ES [**AS-042**] as it is considered that the overall resultant visual effects of the vehicles will be limited, relative to the contributory visual effects of the proposed 'physical' development and highway works. It also reflects the nature of the existing visual baseline position for those roads (e.g. A453) serving the proposed development and likely to be subject to any increased or decreased presence

		travelling on the highway. This analysis should also take into account night-time effects.	of vehicles. In visual terms, these roads presently include notable numbers of vehicles. The nature of the likely visual change arising from changes in the vehicle numbers, due to the proposed development, on these roads will thus be moderated and less noticeable, than if the visual change was to arise on less trafficked roads, where the visual change in the presence of vehicles may be more apparent. In relative terms, the most noticeable visual change and effect arising from the presence of vehicles will arise from the new M1 northbound to A50 westbound link and this has been considered as part of the visual impact assessment of the Highway Works.
Q12.0.3	The applicants NWLDC	**Landscape and Ecological Management Plan (LEMP)** [APP-117] NWLDC is asked to critically evaluate the LEMP and provide specific comments in relation to its drafting. Given the long-term nature of the LEMP could both the applicants and NWLDC comment as to whether should this include replanting regimes in relation to failed landscaping, and if so, what changes are proposed. In its RR NWLDC [RR-003] states that the draft requirements provide for replacement planting for 5 years (requirement 10(4)) and requests this be increased (stating a minimum of 15 years), noting the importance of landscaping for screening and NWLDC's experience of establishing planting at EMG1.	The Applicants note that it is usual for there to be a replanting requirement for failed planting. The Applicants agree that it should be extended to 15 years, albeit that this should be reviewed and evaluated on site on an annual basis. It can be the case that after 5 years there may be no benefit to be gained from replanting some individual plants in the same locations, as part of broader planting areas. In these instances, alternative locations for the replacement planting or different sized / types / planting species may be preferable for the longer terms benefit of the planting and habitats. This requirement to review and evaluate the planting and habitats over the longer term should form part of the LEMP and inform the annual replacement planting and any adjustments to the maintenance operations, over time. Requirement 10 of the dDCO [**PDA-004D**] will be updated also.

		Please reconcile the heritage assessment's reference to effect reduction following landscape establishment over a 15-year period, including the use of "with 15 years growth" in the residual effects table in ES chapter 12 [AS-051], Could the applicants and NWLDC please explain whether the LEMP (and/ or the relevant dDCO requirement(s)) should secure replacement planting and maintenance over a period consistent with the mitigation relied upon in the ES, and if so what change is proposed."	
Q12.0.4	The applicants Protect Diseworth Long Whatton and Diseworth Parish Council	**Landscape report associated with neighbourhood plan** ES chapter 10 [AS-041] refers at paragraphs 10.5.44 - 10.5.46 to a document titled "Landscape Sensitivity Report: Diseworth and Long Whatton (Diseworth and Long Whatton Neighbourhood Plan Steering Group) (January 2024)". In its RR Protect Diseworth [RR-025D] refers to a "Landscape and Sensitivity Report" authored by Influence Design, dated 30 January 2024 and NWLDC [RR-010D] refers to its own study commissioned in 2023. Could IPs and the applicant please confirm whether these references relate to the same report or different reports and liaise between themselves and submit one copy of the relevant document(s) into the examination.	The Applicants believe it is the same report.
Q12.0.5	The applicants	**Photomontages/ viewpoint survey control** ES chapter 10 [AS-041] presents representative viewpoints and visualisations in appendix 10B and	The Photo Viewpoint / Visualisation locations in Appendix 10B of the ES [**AS-044 to AS-047**] that are indicated as 'Type 4' photomontages have been surveyed by a topographic survey company (Greenhatch) to provide

		signposts the visualisation methodology to appendix 10A. Appendix 10B includes notes for certain viewpoints (for example EMG1 e) stating that the viewpoint location has not been surveyed. Please explain which appendix 10B viewpoint locations (daytime and night-time) were not surveyed; and how positional accuracy has been assured for those viewpoints (having regard to appendix 10A), and whether any clarification is proposed so the evidential basis is clear on the face of the submitted documents.	centimetre accuracy. These apply to all of the Visualisation viewpoints (Appendix 10B; Figure 12) relating to the EMG2 Main Site works and for Photo Viewpoint EMG1b (Figure 13.1 – 13.3) for the MCO Works. All reference points / markers for these viewpoints were also surveyed to assist in the alignment of the model and photography. For Photo Viewpoint / Visualisation locations at EMG1 e, d, f, and g (Appendix 10B; Figures 13.4 – 13.14), mobile phone GPS was used to record the viewpoint locations, and this was subsequently verified using geo-referenced aerial photography and LIDAR DTM data. The aerial photography used was Google Imagery, accessed within GIS. As these Photo Viewpoint/ Visualisations were not survey verified, they are indicated as 'Type 3' photomontages. For viewpoint EMG1e (Appendix 10B; Figures 13.4-13.6), levels were taken from LIDAR DTM data. All individual LIDAR surveys going into the production of the composite have a vertical accuracy of +/-15cm RMSE (ref: https://environment.data.gov.uk/). For viewpoint locations EMG1d, f and g (Figures 13.7 – 13.14), levels were taken from 'as-built survey' (ref: EMG-BWB-IMT-SM5-M3-C-0600-S1-P1 carried out after construction of the Main Site at EMG1). The 3D model has been positioned within the viewpoint photographs using previously surveyed reference markers and LIDAR (DSM and DTM) data. This enabled both the horizontal and vertical alignment of the 3D models and photographs to be cross-checked and verified.

			All of the night-time Photo Viewpoints were taken from the equivalent day time locations, using the original photographs as references to align on site. The night-time viewpoint locations were not topographically surveyed, although the original reference/marker points remained relevant for these views. The night-time Visualisations are thus identified as 'Type 3' photomontages in Appendix 10B; Figures 14 and 15. For these viewpoints, mobile phone GPS was also used to record the viewpoint location, and this was further verified using the previously surveyed daytime viewpoint locations, surveyed reference points (to check alignment within the 3D model), geo-referenced aerial photography and LIDAR DTM. The 3D model has been positioned within the photographs using the previously surveyed reference markers and LIDAR (DSM and DTM) data. This enabled both the horizontal and vertical alignment of the 3D models and photographs to be cross-checked and verified. It is considered that all of the Visualisations, comprising Type 4 and Type 3 versions have been appropriately prepared and presented and provide a suitably accurate and fair representation of how the proposed development would be seen from the agreed viewpoint locations, in both the daytime and night-time.
Q12.0.6	The applicants	**Sequential views** ES chapter 10 table 10.2 [AS-041] records that a consultation response on behalf of Protect Diseworth sought further viewpoints including sequential views, and records the applicant response that additional viewpoints sought have not	The Applicants have assessed the visual effects of the proposed development on users of the public rights of way (PROW) and roads, taking into account the sequential experience of these users when travelling along these routes, where there will be any views towards the proposed development. This accords with the approach detailed in the relevant guidelines (Guidelines for Landscape and

		been added and that a representative set of viewpoints agreed with the local planning authority are included in appendix 10B Figures 8–10. In its RR Protect Diseworth [RR-025D] continues to seek sequential views for Hyams Lane and an additional approach route from the A42/ Gelscoe Lane direction. Please explain where the LVIA provides assessment of sequential views for users travelling along Hyams Lane and other approach routes to Diseworth, and if sequential views have not been provided, why the applicant considers the representative viewpoints/ visualisations submitted are sufficient to address the concern recorded in table 10.2 and [RR-025D].	Visual Impact Assessment (GLVIA3)). The assessed visual effects for PROW and road users are not based upon a single representative viewpoint; albeit that a proportionate number of representative viewpoints are included within the landscape and visual impact assessment (LVIA) to assist in the description and understanding of the nature of the likely visual effects. With reference to the relevant representation received from Protect Diseworth [**RR-025D**] (PDF page 38 of 79), the assessment does not rely on 'isolated viewpoints', as alleged. As noted above, the visual impact assessment is based upon the view(s) towards the proposed development along the route of the PROW / road. In some instances, this is split into sections, where appropriate, to assist with changes in the nature of the available views (e.g. views from the Cross Britain Way (Appendix 10F of the ES [**APP-126**], reference F3 and F4)). In total, there are thirty Representative Viewpoints included within the LVIA at Chapter 10 of the ES (Appendix 10B; Figures 9 and 10). Of these, ten have also been progressed as Visualisations (Figure 12). This number and range of viewpoints were agreed with NWLDC as part of the scoping process and are considered to be sufficient and proportionate to the nature of the proposed development and the likely views towards the proposals. For reference, there are three viewpoints from Hyams Lane (Appendix 10B; Figure 9; Viewpoints B, C and D) and the visual effect of the proposed development upon users of this route is detailed at Appendix 10F of the ES [**APP-126**],

			ref. F1). With regard to the un-named road extending towards Diseworth from the A42 / Gelscoe Lane direction, the visual effect of the proposed development upon users of this road are detailed at Appendix 10F of the ES, ref V7. The relevant Photo Viewpoint and Visualisation for users of this road is VP I. In the context of this matter, it is important to note that the number and location of the viewpoints is not determinative of the visual effects of the proposed development.
Q12.0.7	The applicants	**Night-time visual effects** ES chapter 10 [AS-041] includes "Night-time Visual Impacts" for the DCO Scheme and MCO Scheme and states that night-time photomontages are provided at appendix 10B figures 14 and 15. In its RR NWLDC [RR-003] seeks clarification that night-time effects should be set out in more detail in the Visual Effects Table and seeks confirmation whether there is a commitment not to light building façades facing Diseworth to full height. Please explain whether appendix 10F is intended to present night-time visual effects (and if so, where), and if not; and where the applicant has set out the position on lighting of building façades facing Diseworth (including whether there is a commitment not to light such façades to full height), and how this is secured.	Appendix 10F of the ES [**APP-126**] has considered and taken into account the night time visual effects of the proposed development to provide an overall assessment of the Visual Effects and not separate daytime and night-time Visual Effects assessments. Inevitably, the daytime visual effects are typically of most note, although that is not always the case and largely depends on the nature of the development and the surrounding landscape and night time environment. The Applicants note that explicit references / narrative to the night-time change and effects arising from the proposed development are not included within the table in the Appendix. It is therefore proposed to provide an updated Appendix 10F, including references to the night-time visual effects where relevant, at Deadline 3. In terms of lighting of building façades facing Diseworth, the Applicants confirm that there will be no lighting of the facades of the buildings other than low level lighting required for safety. The provision of lighting will be regulated by requirement 14 of the dDCO [**PDA-004D**].

Q12.0.8	The applicants	**Cross sections (Hyams Lane/ Long Holden/ Cross Britain Way)** ES chapter 10 table 10.2 [AS-041] records a request for cross sections for receptors along Hyams Lane and Cross Britain Way, and the applicant response states that additional cross sections have been included at appendix 10D [AS-048]. Could the applicants please identify which specific drawings/ pages within appendix 10D relate to Hyams Lane and Cross Britain Way/ Long Holden, and explain how those cross sections have been used to inform the LVIA judgements for receptors along those routes (including whether they confirm or change any of the reported significance conclusions).	The additional cross sections previously sought are included at Appendix 10D of the ES [**AS-048**]. These comprise Illustrative Landscape Cross Sections A to O. These relate to the following areas/ features: **Page 1** Section A: Hyams Lane B: Edge of Diseworth C: Edge of Diseworth **Page 2** D: EMG1(Plot 16) and Edge of Kegworth **Page 3** E: EMG1 (Plot 16) and Edge of Lockington **Page 4** F: Long Holden G: Hyams Lane H: Hyams Lane **Page 5** I: Long Holden/ Cross Britain Way J: A453 K: A453 **Page 6** L: A453 M: Proposed Community Park and Bleak House (Diseworth) N: Proposed Community Park **Page 7** O: From A453 to Long Holden The Illustrative Landscape Cross Sections support an understanding of how the proposed development will relate

			to its more immediate surroundings and features. The nature of this relationship between the proposed development and its context is important in appraising the likely landscape and visual effects of the proposals. Rather than being instrumental in informing the landscape and visual impact assessment (LVIA) judgements, they are valuable in considering and reviewing the likely landscape and visual effects and in conveying the nature of the change and effects that will arise from the proposed development. They do not change any of the reported levels of landscape and visual effects.
Q12.0.9	The applicants	**Year 15 planting height** ES chapter 10 table 10.2 [AS-041] records a scoping request to present assumptions for heights of mitigation planting as depicted in the visualisations, and the applicant response states that at Year 15 the maximum height of proposed tree and woodland planting is depicted at 7–9m. Please explain the basis for the Year 15 planting height assumption of 7–9m used in the photomontages/ visualisations; and whether the applicant considers the Year 15 visualisations to represent a realistic screening scenario for the "15 years post completion" residual LVIA conclusions.	The Applicants confirm that the maximum tree / woodland heights of 7-9m at year 15 are based upon a combination of published information and actual recorded and reviewed planting schemes, of a similar nature, over a comparable time period. Native tree growth rates can vary markedly due to many factors, including principally, soil type and quality; species selection; climate and seasonal weather; ground preparation; and maintenance and management. Typical growth rates of 300mm – 600mm+ per annum; subject to all of these factors is considered reasonable, as a guide. Some species (e.g. willows/ poplars/ alders) can grow in excess of this general range. For newly planted stock, the annual growth rate is typically lower for the first five years in comparison to the following ten years. It is anticipated that the proposed tree / woodland planting will comprise largely stock that is 60-80cm high at the time of planting; although some larger stock of 1.75 – 2.25m and 2.5m – 3.0m plants will also be included within the

			woodland and structural planting mixes, to provide some initial and early higher stock. On this basis and with the known soils on site, the application of a soils management strategy during the works; appropriate ground/ soils preparation; suitable mixed planting species and sizes; and subsequent comprehensive management and maintenance of the planting; the assumed maximum tree/ woodland heights (of 7 – 9m) are considered to be realistic and have been used for the purposes of the Year 15 Visualisations.
Q12.0.10	The applicants	**Securing LVIA mitigation** ES chapter 10 paragraph 10.5.221 [AS-041] describes landscape and green infrastructure mitigation as an integral ("embedded") part of the DCO Scheme and states that the Parameters Plan fixes and defines the landscaping buffers and their relationship with the proposed built development and also states at paragraphs 10.5.109 and 10.5.226 that the residual operational effects assessment considers the proposed development 15 years after completion and takes into account the growth and management of proposed and conserved planting and habitats over this time. Could the applicants please identify the specific dDCO requirements and/ or certified documents relied upon to secure the delivery, implementation and long-term management of the key LVIA mitigation measures described in ES chapter 10 [AS-041] (including perimeter mitigation mounding, woodland/structural planting and the Community Park landscape), and confirm whether any changes	The relevant articles / provisions within the dDCO [**PDA-004D**] are as follows: • Article 4 requires the authorised development to be carried out in accordance with the parameters shown on the parameters plan [**AS-005D**]. This would include the landscape and green infrastructure shown on that plan. • Requirement 7(1) of Schedule 2 requires each component of the authorised development on the main site, the community park and substation to be in accordance with the parameters plan [**AS-005D**] and design approach document [**APP-220**]. • Requirement 7(2) of Schedule 2 requires details of each component of the authorised development on the main site, the community park and substation to be approved by the local planning authority. This includes embankments and bunds and hard landscaping. • Requirement 9 of Schedule 2 requires a landscaping scheme to be approved by the local planning authority

		are proposed to ensure these measures are fully secured on the face of the dDCO.	and for the authorised development to be provided in accordance with the approved scheme. The scheme must be in accordance with the parameters plan [**AS-005D**], the landscape and ecological management plan [**APP-117**] and the principles established in the illustrative landscape masterplan [**AS-048**]. • Requirement 10 of Schedule 2 requires the authorised development to be carried out in accordance with the landscape and ecological management plan [**APP-117**], and for the ongoing management and maintenance of the green infrastructure to be undertaken in accordance with the landscape and ecological management plan for the life of the authorised development. The Applicants are continuing to engage with relevant stakeholders about the draft articles / requirements in the dDCO and, whilst no changes are currently proposed, there may be some further updates in due course.
Q12.0.11	The applicants	**Lighting assessment** The ExP is seeking to understand why the assessment of some receptors in ES chapter 11 [AS-049] reports the results that it does for the DCO Scheme only, compared with the MCO Scheme and the in-combination EMG2 Project. For example, table 11.23, which relates to the DCO only, reports an operational maximum calculated vertical illuminance of 0.79 lux for receptor PSER 004. Could the applicants please explain why this effect occurs from the DCO proposals alone, including identifying the DCO light sources contributing to the result and why the DCO-only outcome differs from	The Applicants confirm that there is an error in Chapter 11 of the ES [**AS-049**]. The chapter will be updated and resubmitted although the Applicants can confirm that those changes do not impact on the outcome of the assessment. The 0.79 Lux maximum noted onto PSER 004 is resulting exclusively from lighting associated with the MCO Application. This can be seen within Appendix 11D of the ES [**APP-131**] within the calculations under the Section 3.3 for PSER 004. Mitigation is proposed within the Lighting Strategy (Appendix 11A [**APP-128**]) to reduce these illuminance levels (including the installation of back light shields), and it must also be noted that this level of illuminance is only reached in small areas on the norther boundary of this location and ≤1m from ground, thus this

		the MCO and in-combination assessment (this request applies to all receptors in the DCO-only results); and how the DCO-only conclusion is reached where table 11.23 reports values above the stated GN08:2023 recommendation for a receptor (including PSER 004), including signposting the relevant appendix 11D outputs and any embedded design/ mitigation relied upon. If the inclusion of any receptors within the DCO-only assessment is considered to be in error, could the assessment be revisited as a whole.	vast majority of this receptor will remain unchanged compared to baseline.
Q12.0.12	The applicants	**Lighting of highways** Could the applicants please set out where consideration of the effects of necessary lighting associated with the highway works has been assessed, for example lighting associated with crossing facilities such as a toucan crossing, and signpost to the relevant parts of ES chapter 11 and appendices. Confirm whether any permanent highway lighting is likely to be required in addition to what is shown in appendix 11E as a result of detailed design/ safety requirements, and if so, explain how the applicant will ensure any such lighting remains within the assessed worst-case scenario; If the effects of such highway lighting (including any additional lighting) have not been assessed to date, undertake an assessment of those effects, including the cumulative effects of other proposed lighting, and explain how those effects have been	The Highway Lighting Strategy [**APP-132**] covers all areas of the highway works where it is envisaged that changes to or new lighting will be required as part of the highway works, this is based on the physical extent of changes to the existing road layout including the A453 toucan crossing. If at detailed design, in the unlikely event that changes to existing lighting are needed beyond the extent of these works, then it would be on a like for like basis in terms of lighting class and column height. Document DCO 7.8 / MCO 7.8 – PRTM 2023 Sensitivity Test Technical Note and Local Road Network Impact Assessment Note – submitted at Deadline 1 further provides a review of the assessed lighting classes using PRTM 2023 data (the original assessment used 2019 PRTM data). The assessment of the proposed lighting within these locations is undertaken within the Magnitude of Change assessment for the DCO works within Chapter 11 of the ES [**AS-049**] within Table 11.19 and Table 11.24. This has

		considered both in the context of Lighting and in relation to landscape and visual receptors (including any relevant night-time LVIA outputs).	been done on a receptor by receptor basis, and the assessment of the highways works is detailed within the above reference tables. All lighting proposed as part of the Highway Works for the DCO Scheme are subject to approval by NH and LCC as appropriate and is subject to their lighting specification. As part of the design approval process with NH and LCC, detailed lighting calculations are required to ensure compliance with British Standards and the Design Manual of Roads and Bridges – this approval process will ensure that the proposed lighting does not exceed the assessed worst-case scenario as the work to date is also based on these standards and guidance.
Q12.0.13	The applicants	**Visualisation type terminology** Please reconcile the "Type 3/ Type 4" terminology used across the ES chapter 10 appendices 10A and 10B (including confirming which visualisations are Type 4 and whether EMG1 e is the only Type 3), and whether any clarification to the submitted documents is necessary.	See response to Q12.0.5 above.
Q12.0.14	The applicants	**Appendix 10B photomontage metadata** Appendix 10B includes photomontage plate metadata which states "Distance to proposed building: 380km". Please confirm whether this is a typographical/ formatting error and provide the correct distance (and units), and whether any correction to appendix 10B is proposed to avoid confusion during examination.	The Applicants confirm that there is a typo and it should read ‘380m’. The appendix will be corrected and resubmitted at Deadline 3.

APPENDIX 13

MAJOR ACCIDENTS AND DISASTERS AND OTHER SAFETY RISKS

13. Major accidents and disasters and other safety risks			
Q13.0.1	The applicants	**As low as reasonably practicable** For clarity and understanding, please can the applicants expand on the use of ALARP, including where it is derived from in planning policy, and how it is used in chapter 20 of the ES [AS-071] and relationship with significant effects?	The Applicants confirm that the concept of ALARP is derived from established UK health and safety legislation and guidance, including the Health and Safety at Work etc. Act 1974 and associated case law. It is widely referenced within ISEP (formerly IEMA) guidance on the assessment of Major Accidents and Disasters (MAD). In planning and EIA terms, ALARP is not used as a substitute for significance assessment, but as a test of whether risks have been reduced to a level where further mitigation would be grossly disproportionate to the risk reduction achieved. Within Chapter 20 of the ES [**AS-071**], ALARP is used to demonstrate that embedded design measures, regulatory controls and operational management arrangements collectively reduce the likelihood and/or consequences of identified risks to a level where no likely significant environmental effects arise. The ALARP principle therefore informs, but does not replace, the conclusion that no significant effects are predicted.
Q13.0.2	The applicants	**Methodology** Paragraph 20.2.5 of chapter 20 of the ES [AS-071] explains the methodology for determining significant environmental adverse effects derived from MAD. Can the applicants please explain why they have deviated from the methodology and format of	Chapter 20 of the ES [**AS-071**] applies a risk-based approach to assessment which is a departure from the assessment format noted in section 1.9 of Chapter 1 [**AS-020**]. Paragraphs 1.9.3 and 1.9.7 of Chapter 1 acknowledge that methodologies in specific chapters may not apply the same assessment methods as the general methodology set out in section 1.9.

		assessment established in section 1.9 of chapter 1 of the ES [AS-020]? For example, why has the assessment of significant environmental effects associated with MAD not been determined based on the sensitivity of receptor and the magnitude of impact? Paragraph 20.2.22 of chapter 20 of the ES [AS-071] states for those risk events which are not screened out during the three-step process, the following assessment methodology has been used. However, it is not clear what methodology is being referred to. Please can the applicants clarify the risk assessment methodology being used for those risks screened into chapter 20 of the ES [AS-071]?	Chapter 20 assesses the risk of a significant adverse environmental effect occurring; the conclusion is therefore focused on whether risks are managed and are As Low As Reasonably Practicable. In the event of a risk materialising, these environmental effects would be reported within the appropriate technical topics as detailed in Chapters 5 to 19 of this ES (**AS-030 to AS-069**). However, if risks are assessed as being ALARP, there are no significant effects to be reported. Reference is made to paragraph 20.2.32 which reads: "*By definition, a major accident and/or disaster would [be likely to] have a major significant effect on the environment. Accordingly, any risks that could result in a MAD without suitable mitigation, management or regulatory controls in place will be assessed as significant. The determination of significance is based on professional judgement in accordance with the general methodology provided in Chapter 1: Introduction of this ES (Document DCO 6.1/MCO 6.1) and the baseline receptors reported in Chapters 5 to 19 of this ES (Documents DCO 6.5 – 6.19/MCO 6.5 – 6.19)*". The Applicants propose to amend that paragraph to include: "*Where MAD risks are assessed as being As Low As Reasonably Practicable, there are no significant effects to be reported*". Given that the risk of significant adverse environmental effects is ALARP, there is no need for cross-referencing across to other topic chapters. In relation to paragraph 20.2.22, it is proposed to update that paragraph as follows: "*For those Risk Events which are not screened out during the three-step process, the following assessment methodology has been used to screen MA&D Events. See Appendix 20A: Major Accidents and Disasters*

			Long List (Document DCO 6.20A/MCO 6.20A) and Appendix 20B: ES Risk Record (Document DCO 6.20B/MCO 6.20B). The assessment in Appendix 20B forms the basis for recommending additional mitigation measures, as appropriate. *Screening MA&D Events involves identifying the event type, describing the potential hazard, noting the applicable phases of the project, describing the potential risk, and identifying whether the MA&D event is from an external or internal influencing factor.* *Hazard sources and/or pathways are logged and the documentation in which the event is or will be addressed is reported, before the reasonable worst consequence if the event did occur and receptor(s) affected are identified. This enables the identification of mitigation before it is considered whether the risk constitutes a major accident or disaster and whether it can be considered ALARP with existing mitigation*".
Q13.0.3	NWLDC LCC Civil Aviation Authority (CAA) EMIA	**Scoping and assessment of risks** Are you satisfied with the scoping and assessment of MAD in chapter 20 of the ES [AS-071] and appendix 20A [APP-198]?	N/A
Q13.0.4	The applicants	**Scoping and screening of risks** Please can the applicants review chapter 20 the ES [AS-071] and ensure the terms scoping and screening of risks are being used appropriately. Furthermore, the sections ‘identifying risks’ and ‘screening risks’ seem repetitive in terms of	The Applicants acknowledge the ExP's observations that the terms 'scoping' and 'screening' have been used inconsistently in Chapter 20 of the ES [**AS-071**]. By way of clarification: 'scoping' in this context refers to the initial identification and long-listing of potential risk events considered relevant to the EMG2 Project, as documented in Appendix 20A [**APP-198**]. 'Screening' refers to the subsequent three-step process applied to determine

		considering the screening criteria. Please can the applicants review and consider streamlining as appropriate, to improve readability and understanding.	whether those risk events, based on their consequence and likelihood, could constitute a MAD and therefore warrant detailed assessment in Appendix 20B [**APP-199**]. The Applicants accept that the 'identifying risks' and 'screening risks' sections in Chapter 20 contain some repetition in describing the screening criteria. The Applicants propose to update Chapter 20 to (i) use 'scoping' and 'screening' consistently and in accordance with the above definitions and (ii) to streamline the 'identifying risks' and 'screening risks' sections to remove duplication and improve readability, without altering the substance of the assessment. The updated chapter will be submitted at Deadline 3.
Q13.0.5	The applicants	**Safety risks and regulatory frameworks** Paragraph 20.2.25 of chapter 20 of the ES [AS-071] refers to safety risk control via regulatory frameworks. Please can the applicants clarify what these regulatory frameworks are and how compliance with them would be secured?	The regulatory frameworks referenced include, but are not limited to: • Health and Safety at Work etc. Act 1974; • Construction (Design and Management) Regulations 2015; • COMAH Regulations (where applicable); • Civil Aviation Authority safeguarding requirements; and • Environmental permitting and pollution control regimes. Compliance with these frameworks is secured by the relevant legislation, and through engagement with East Midlands Airport [**RR-013D** and **RR-049M**] with regard to aerodrome safeguarding standards.
Q13.0.6	The applicants	**Impact assessment** Paragraphs 20.2.23 to 20.2.32 of chapter 20 of the ES [AS-071] seem to conflate mitigation methodology and impact assessment methodology. Please can the applicants reformat using separate	The Applicants confirm that this change will be made to Chapter 20 of the ES [**AS-071**] proposed to be submitted at Deadline 3. In particular, the Applicants will introduce the following sub-headings to distinguish the two elements: • The heading 'Mitigation Methodology' will be inserted

		headings for assessment methodology and impact assessment methodology to improve clarity.	prior to paragraph 20.2.23 (which addresses the identification and embedding of mitigation measures within design and regulatory controls); and • The heading 'Impact Assessment Methodology' will be inserted prior to paragraph 20.2.24 (which addresses the basis on which significance is determined). No substantive changes to the content of those paragraphs are proposed. The reformatting is solely intended to improve the clarity and readability of the chapter.
Q13.0.7	The applicants	**Risk record** With reference to paragraphs 20.2.28 to 20.2.32 of chapter 20 of the ES [AS-071] please can the applicants clarify how likelihood has been incorporated into the risk assessment in the ES Risk Record [APP-199].	The Applicants confirm that the following text will be added after paragraph 20.2.30: "*Appendix 20B: ES Risk Record (Document DCO 6.20B/MCO 6.20B) includes a professional judgement of likelihood across the four following sub-titled columns which assess:* • *Risk Description; which identifies whether the MA&D event is from an external or internal influencing factor.* • *Hazard sources and/or pathways.* • *Documentation in which the event is/will be addressed.* • *Reasonable worst consequence if event did occur and receptor(s).*" This change will be made to the updated Chapter 20 to be submitted at Deadline 3.

Q13.0.8	The applicants	**MAD guidance** Paragraph 20.2.12 of chapter 20 of the ES [AS-071] states low consequence events, whatever their likelihood, do not meet the definition of MAD as defined in the IEMA (now Institute of Sustainability and Environmental Professionals, ISEP) guidance. Can this guidance be provided by the applicants?	A copy is at **Annexure 13A** of this document.
Q13.0.9	The applicants	**High likelihood and high consequence events** Paragraph 20.2.13 of chapter 20 of the ES [AS-071] states high likelihood and high consequence events also do not meet the definition of MAD as the risk assessment and design process will identify and avoid or design out such risks. Please can the applicants provide some examples?	The Applicants confirm that well known / industrial hazards are dealt with through existing legislation as set out in the response to Q13.0.5 above. In the context of EMG2, examples of high-likelihood and high-consequence events that are designed out through standard engineering practice and regulatory compliance, and therefore fall outside the scope of the MAD assessment, include: • Electrical hazards during construction: The diversion of existing overhead and underground 11kV and low voltage cables creates the potential for contact with live electrical infrastructure. This is designed out through mandatory compliance with National Grid guidance, safe clearance requirements, and the CDM Regulations 2015, as recorded in Appendix 20A [**APP-198**]. • Gas main strikes during highway works: The diversion of medium and low pressure gas mains within the Highway Works or elsewhere creates the potential for uncontrolled strikes during excavation. This is designed out through compliance with Cadent Gas Networks guidance and CDM requirements to eliminate foreseeable hazards at the design stage, as recorded in Appendix 20A.

			• Inadequate highway design leading to road traffic collisions: This is precisely the example cited in the IEMA Primer. It is addressed through the requirement that Highway Works are carried out in accordance with designs approved by NH and LCC as secured by requirements in the dDCO and dMCO, and the protective provisions in favour of NH and LCC. • Structural instability of earthworks or buildings: The scale of earthworks associated with the EMG2 Project creates the potential for structural failures during construction. These risks are designed out through the CDM Regulations, the Soil Management Plan [**APP-177**], geotechnical assessments [**AS-059**] and the approved CEMP for the dDCO and dMCO. In each case the risk is managed through mandatory regulatory compliance and good engineering practice embedded in the design, such that it does not constitute a MAD-level risk requiring assessment under Chapter 20 of the ES [**AS-071**].
Q13.0.10	The applicants	**Commensurate mitigation** Paragraph 20.2.32 of chapter 20 of the ES [AS-071] states that where likely significant adverse effects are identified, mitigation measures must be in place, commensurate with the likelihood of the event occurring. Please can the applicants explain why mitigation must be commensurate with likelihood, and not the consequence of the event to ensure ALARP and that effects are not significant in EIA terms?	The Applicants confirm that the wording "*commensurate with the likelihood of the event occurring*" was not intended to suggest that consequence is disregarded when determining the appropriate level of mitigation. This was an imprecision in drafting rather than a reflection of the methodology applied. The chapter's own definitions table (Table 20.2) defines Risk as "*the likelihood of an impact occurring combined with effect or consequence(s) of the impact on a receptor if it does occur*". Mitigation assessed against the ALARP standard therefore inherently accounts for both likelihood

			and consequence simultaneously. Furthermore, paragraph 20.2.17 confirms that the assessment "*considered the environmental consequences of a MAD, the likelihood of these consequences occurring… and the acceptability of the subsequent risk to the relevant receptor*", explicitly addressing both dimensions throughout. The Applicants propose to amend paragraph 20.2.31 to reflect this clarification in the updated chapter submitted at Deadline 3: "*Where likely significant adverse effects are identified, mitigation measures must be in place, commensurate with the overall level of risk, having regard to both the likelihood of the event occurring and the consequence to environmental receptors. The assessment considers, in consultation with relevant environmental topics, whether the risk to the environmental receptor is managed to be ALARP with the embedded mitigation measures. If gaps are identified, where the embedded mitigation measures do not represent management of risks to an environmental receptor to be ALARP, then additional measures will be required.*"
Q13.0.11	The applicants	**MAD definition** Please can the applicants clarify the definition of a MAD. For example, why would a road accident constitute a MAD in this particular case? Please identify supporting guidance as necessary and confirm that all risks screened into the assessment meet the relevant definition.	The Applicants note that, by definition, MAD are events that are beyond their control. They are, however, a combination of internal and external events that may require a response from the Applicants or their agents during construction and operation of the proposed development. The definitions of '(Major) Accident' and 'Disaster' are set out in Table 20.2 of Chapter 20 [**AS-071**], drawn from the IEMA Primer (2020). The key threshold that distinguishes a MAD from an ordinary incident is the severity of consequence. This includes loss of life, permanent injury,

			or permanent or long-lasting damage to an environmental receptor. The damage cannot be restored through minor clean-up. Another factor is the scale of response required. It must be beyond the resources of the Applicant and its contractors alone. Not every road accident would constitute a MAD. However, a road accident would meet the definition where the reasonable worst-case consequence involves loss of life or serious permanent injury requiring emergency response beyond the Applicants' resources. This is consistent with the IEMA Primer, which explicitly identifies major road traffic accidents as an example of a MAD event (page 17) and Figure 2 of which places them within the category of low-likelihood but high-consequence events that are the focus of a MAD assessment. In the context of EMG2, the road accident Risk Events (entries 6 and 7 in Appendix 20B [**APP-199**]) relate to the significant increase in construction and operational HGV movements on the local highway network. The reasonable worst-case consequence recorded for both entries is "*road traffic accidents resulting in loss of life,*" which meets the MAD definition in Table 20.2. Both entries are confirmed as capable of constituting a major accident in the final column of Appendix 20B. The Applicants confirm that all seven Risk Events carried forward into Appendix 20B have a reasonable worst-case consequence that includes loss of life or serious damage, consistent with the MAD definition. The final column of Appendix 20B confirms in each case that the Risk Event could constitute a major accident or disaster and that with mitigation in place the risk is ALARP. The full basis for screening decisions is set out in Appendix 20A [**APP-198**].

			The screened-in risks and their recorded worst-case consequences are: extreme temperatures (loss of life); accidents at East Midlands Airport (loss of life); accidents at the EMG1 rail freight terminal (loss of life); accidents at Major Hazard Site H4798 - Gasrec Ltd (loss of life); accidents at other East Midlands Freeport developments (loss of life); and road accidents during construction and operation (loss of life).
Q13.0.12	The applicants	**Securing mitigation** Table 20.6 of chapter 20 of the ES [AS-071] states that operational design standards would be included within the management of the EMG2 works. Can the applicants please clarify where these would be secured in the dDCO?	The dDCO [**PDA-004D**] submitted at Deadline 2 will be updated to secure this.
Q13.0.13	The applicants	**Commitment register** Table 20.6 and table 20.7 of chapter 20 of the ES [AS-071] include mitigation measures. Please can the applicants update these tables so that they include the reference numbers from the commitment registers [APP-226D] and [APP-227M]. Furthermore, please can the applicants check and confirm that table 20.6 and table 20.7 of chapter 20 of the ES [AS-071], the ES Risk Record [APP-199] and the commitment registers [APP-226D] and [APP-227M] are all consistent in terms of the mitigation identified, providing updates as necessary.	Tables 20.6 and 20.7 of Chapter 20 of the ES [**AS-071**] will be updated and resubmitted at Deadline 3 with the following references: Table 20.6 CDM Health & Safety Plan - Env1 Construction Environmental Management Plan (CEMP) - Env1, T4 Sustainable Drainage System (SuDS) - D2 Construction Traffic Management Plan (CTMP) - T4 Highways Works - T1 Sustainable Transport Strategy - Gateway Shuttle Bus - T7, T8 HGV parking area - T3 Security infrastructure and emergency access - MAD6 Operational design standards - N2 UK Health and Safety legislation - Env1 Lighting Strategy - Li1

			Aerodrome safeguarding - MAD1, MAD2, MAD3, MAD4, MAD5 Table 20.7 CDM Health & Safety Plan - Env1 Sustainable Drainage System (SuDS) - D2 Operational design standards - N2 UK Health and Safety legislation - Env1 Aerodrome safeguarding - MAD1, MAD2, MAD3, MAD4, MAD5
Q13.0.14	The applicants	**Internal versus external factor** Please can the applicants review the ES Risk Record [APP-199] and the risk description column, and improve the clarity of what is an external factor and what is an internal factor. For example, risk record entry number two of the ES Risk Record [APP-199] describes the risk without actually confirming one way or another what kind of factor it is. Furthermore, please can the applicants review external factor risks ensuring they are comprehensive. For example, risk record entry number two of the ES Risk Record [APP-199] states that the EMG2 project would be vulnerable to accidents at the East Midlands Airport. However, plainly the EMG2 project could also impact the operations of East Midlands Airport, increasing the risk of an accident, which could make other environmental receptors outside of the EMG2 project more vulnerable.	The Applicants will update Table 20.2 of Chapter 20 of the ES [**AS-071**] and resubmit it at Deadline 3. The proposed clarifications are: Entries 1–5 (extreme temperatures, East Midlands Airport, EMG1 rail freight, Gasrec Ltd, East Midlands Freeport developments): External influencing factors - the EMG2 Project is vulnerable to events originating at facilities or conditions beyond the Applicant's control. Entries 6 and 7 (road accidents during construction and operation): Internal influencing factors - the risk arises directly from HGV movements generated by the EMG2 Project itself. The Applicants acknowledge that Entry 2, as drafted, only considers one direction of risk (the vulnerability of EMG2 to accidents at East Midlands Airport) without explicitly addressing the converse, namely whether EMG2 could itself affect airport operations, increasing the risk of an accident and creating significant adverse effects on receptors outside the EMG2 boundary. The Applicants note that this bidirectional risk has in fact

			been assessed through Appendix 20C (Aerodrome Safeguarding Statement) [**APP-207D**], which considers the potential for EMG2 to affect airport operations through lighting, glint and glare, obstacle limitation surfaces and electromagnetic interference, the purpose of which is to manage this type of risk, to determine whether it is acceptable. This is further secured through commitments MAD1–MAD5 in the Commitment Register [**APP-226D**] and the Protective Provisions in Part 6 of Schedule 13 of the dDCO [**PDA-004D**]. However, the Applicants accept that entry 2 of Appendix 20B [**APP-199**] should be updated to make this bidirectional consideration explicit, treating EMG2 also as an internal influencing factor in relation to airport safety and cross-referencing Appendix 20C [**APP-207D**] and the Protective Provisions accordingly. The Applicants will also review all other external factor entries to confirm whether a similar bidirectional consideration applies. On initial review, entry 4 (Gasrec Ltd) is the most likely candidate for a corresponding update, and the Applicants will confirm this following that review.
Q13.0.15	The applicants	**Aerodrome safeguarding standards** EMIA [RR-013D] and [RR-049M] sets out that aerodrome safeguarding standards have been updated since the EMG1 DCO was made. Please can the applicants explain how they intend to address these updates in the dDCO and dMCO?	The Applicants have met with EMIA and are awaiting further details of their requirements, including draft protective provisions, from them.
Q13.0.16	NWLDC EMIA CAA	**East Midlands Airport public safety zone** Paragraph 4.4.18 of chapter 4 of the ES [AS-028] refers to the East Midlands Airport Public Safety	N/A

		Zone. Can the ExP please be provided with a copy of this by NWLDC, including any associated maps. NWLDC, EMIA and the CAA are all asked to comment on the relationship between this and the proposed development in the context of policy Ec6 of the NWLLP, setting out whether the presumption against new development should apply in this particular case, and any limitations or restrictions that would need to be secured to make the proposed development acceptable.	
Q13.0.17	The applicants EMIA CAA	**Glint and glare** Page 60 of the Design Approach Document [APP-220] states that there would be significant glazing as part of a design requirement for distinctive buildings. Is this consistent with aerodrome safeguarding standards in relation to glint and glare? If not, please can the applicants amend the design requirement accordingly or come to an agreement with EMIA regarding appropriate protective provisions.	The reference to 'significant glazing' relates to the potential use of floor-to-ceiling curtain wall glazing in limited and specific locations; in particular, the reception cores to the office elements of the warehouse buildings. These features are intended to contribute to high-quality, distinctive architecture and enhance legibility. The approach to glazing has been developed having regard to design precedents within EMG1, where similar façade treatments have been delivered. This approach is therefore not considered to introduce a feature that would be unusual in the context of the Airport, given the warehousing designs at EMG1 and also the other warehousing, offices and hotels in the vicinity, many of which necessarily contain significant glazing. Page 61 of the Design Approach Document [**APP-220**] confirms that a key design principle is that warehouse buildings will be visually recessive, and page 62 confirms that the approach to roof mounted photovoltaics will ensure that they are 'non-glare'. The approach would therefore be consistent with aerodrome safeguarding standards in relation to glint and

			glare. A Management Strategy for Safeguarding East Midlands Airport [**APP-207D**] has been prepared on the basis of the information available to date for the EMG2 Project. Whilst it is known that buildings will be constructed as part of the scheme, the design detail and specifics are not yet fixed in relation to their design and subsequent construction. In particular, the inclusion and configuration of photovoltaics, and therefore any potential for glint and glare effects, cannot be meaningfully assessed at this stage. The document does cover glint and glare as a wider consideration, and once the building designs are finalised, an addendum to the safeguarding document would be produced to incorporate these details, including a targeted glint and glare assessment as required.
Q13.0.18	The applicants EMIA CAA	**Electromagnetic interference** The proposed development would include advanced manufacturing floorspace. Could some advanced manufacturing operations generate electromagnetic fields? Consequently, would there be safeguarding implications for East Midlands Airport relating to electromagnetic interference? If yes, how could such interference be mitigated by provisions in the dDCO?	Electromagnetic interference is anticipated to be negligible and therefore safeguarding implications for EMIA by way of provisions in the dDCO are considered unnecessary.
Q13.0.19	The applicants NWLDC LCC	**Major Hazard Site H4798** In relation to the Major Hazard Site H4798 does the EMG2 project require evacuation procedures to be secured in the dDCO and dMCO in the event of an impending MAD?	The Applicants consider that evacuation procedures would be appropriately controlled through on-site management arrangements rather than through the dDCO and dMCO.

Q13.0.20	The applicants NWLDC LCC EMIA	**Cumulative assessment of MAD risk** Has chapter 20 of the ES [AS-071] assessed the cumulative risk associated with the East Midlands Freeport projects and other large scale projects in the locality? For example, could there be cumulative effects on aerodrome safeguarding through lighting or glint and glare from building materials etc.? Furthermore, has the cumulative displacement of farmland bird species and surface water drainage attenuation been considered in the context of bird strike risk? Does NWLDC, LCC or EMIA have any comments to make in this regard?	An assessment of the cumulative impacts of EMG2 with other existing and, or approved developments, has been completed using the list of projects identified in Appendix 21B to Chapter 21 of the ES [**AS-073**]. See section 20.8 of Chapter 20 of the ES [**AS-071**].

APPENDIX 14

MATERIALS AND WASTE

14. Materials and waste			
Q14.0.1	The applicants LCC	**Waste Data Interrogator** ES chapter 18 paragraph 18.2.52 [AS-067] states within Limitations and Assumptions that the assessment is based on "the most recent publicly available information which is up to and including 2023" and cites the 2023 Waste Data Interrogator in the references. In its RR LCC [RR-002] requests that the ES chapter be updated to use the latest Waste Data Interrogator (noting that 2024 data is available). Could the applicants and LCC: • please confirm whether more recent Waste Data Interrogator data (2024 or post-2023) is available and, if so, whether it has been considered • explain whether use of post-2023 data would materially change the waste capacity/ void capacity baseline, the significance conclusions and/ or the mitigation set out in ES chapter 18 • if an update is required, provide an updated schedule/ table identifying which paragraphs/ tables would change and confirm whether any	The Applicants and LCC have engaged on this matter through ongoing consultation, including the issue of a Technical Note dated 26 February 2026, subsequent clarification responses (13 March 2026), and discussions held during meetings with LCC. This engagement will be set out in the draft Statement of Common Ground under discussion between the parties. **Availability and use of updated Waste Data Interrogator (WDI) data** - The most recent Environment Agency Waste Data Interrogator dataset is the 2025 publication, which contains data for the 2024 reporting year. This dataset was not available at the time of submission of the Environmental Statement (ES) and therefore could not have been incorporated within the original Chapter 18 baseline. Notwithstanding this, the Applicants have subsequently reviewed and applied the 2024 dataset within the Technical Note and supporting clarification material provided to LCC. This has been undertaken in a collaborative manner to respond to LCC's relevant representation [**RR-002**] and to ensure that the assessment has been tested against the most up-to-date available data. **Effect of updated data on baseline and conclusions** - The application of the 2024 WDI dataset does not materially change the baseline understanding of waste management capacity within the Refined Study Area. The updated data confirms that:

		updated assessment would alter the conclusions in sections 18.5 to 18.9	• Landfill capacity remains substantial (approximately 30.53 million m³ remaining in 2024, following a 1.73% year-on-year reduction); • Diversion of construction and demolition waste remains high (approximately 72% diverted from landfill); and • Recycling, recovery and treatment infrastructure capacity remains stable. Recalculation of the assessment using this updated dataset confirms that the proportional impact of EMG2 on landfill void capacity remains below 1%, and therefore within the "negligible" magnitude category under the ISEP methodology. As such, the updated data does not materially alter the waste capacity baseline, nor does it change the significance conclusions or the mitigation measures set out in Chapter 18. All effects remain not significant in EIA terms. **Updates to Chapter 18 and assessment outputs** - As discussed with LCC, an updated analysis has been presented through a Technical Note and tracked review to transparently demonstrate how the assessment responds to the most recent datasets. It is the Applicants' understanding that this approach is consistent with Planning Inspectorate Advice Note 9, which recognises that the examination process should not be delayed in pursuit of updated or more recent datasets where sufficient information already exists to assess likely significant effects, and that professional judgement can be applied where data becomes available after submission.

			The review identifies that updates would primarily relate to: • Data sources and references (e.g. paragraph 18.2.52); • Baseline tables (e.g. Tables 18.13 to 18.20); and • Associated narrative describing waste arisings, management routes and landfill capacity. These updates represent refinements to baseline data and intermediate assessment inputs (e.g. sensitivity and magnitude), rather than changes to the assessment methodology or outcomes. The Applicants can confirm that, even if Chapter 18 were formally updated to incorporate the 2024 WDI dataset, the conclusions reported in sections 18.5 to 18.9 would remain unchanged, with no effects becoming significant. This position has been shared with LCC through the Technical Note and subsequent discussions, with the intention of progressing agreement on the robustness of the assessment and its conclusions.
Q14.0.2	The applicants LCC	**Expansive Study Area** ES chapter 18 paragraphs 18.2.15 and 18.2.16 [AS-067]defines the Expansive Study Area as a "radius of 30 miles" and also states that "an isochrone 30-mile radius from the EMG2 Project has been proposed with justification in appendix 18C [APP-188]. Appendix 18D [APP-189] presents the Expansive Study Area as a set of 10/20/30 mile buffers. The LCC Contact Log [APP-186] records that LCC requested clarity on whether the agreed	The Applicants have addressed this matter through previous consultation with LCC, including a Technical Note issued in March 2025, and subsequent discussions, and the position has since been clarified and agreed with LCC. **Definition of the Expansive Study Area** - The Expansive Study Area applied within Chapter 18 is based on a 30-mile radial buffer (isopleth/circular radius) from the EMG2 Project site. This is illustrated in Appendix 18D as a series of 10, 20 and 30-mile buffers, with the 30-mile buffer representing the maximum extent of the Expansive Study Area.

		boundary is based on vehicle miles or an isochrone approach. • confirm precisely what boundary was applied in ES when identifying and assessing waste and materials infrastructure capacity (whether circular 30-mile buffer, travel-time isochrone, or other), and confirm how this aligns with appendix 18D • explain how the subsequent "Refined Study Area" approach (paragraphs 18.2.18–18.2.19) ensures that relevant facilities/ void capacity is not omitted from the assessment, particularly in authorities that fall within the 30-mile buffer but are excluded from the refined assessment	This approach was clarified in response to LCC's earlier comments and reflects the outcome of consultation, where it was confirmed that a circular radius approach (rather than a travel-time isochrone) provides a clear, consistent and proportionate basis for defining the study area. The 30-mile radius is not arbitrary but was explicitly justified in the Technical Note by reference to: • IEMA/ISEP guidance on defining study areas based on likely waste management catchments; • DMRB LA110 principles requiring inclusion of all facilities capable of receiving project waste; • National policy (NPPW) which emphasises functional catchments rather than fixed distances; and • Established practice and case studies indicating that 20–30 miles represents a typical catchment for regional waste infrastructure in the Midlands. This justification is set out in detail within a Technical Note, which concludes that a circa 30-mile radius is a reasonable and commonly accepted proxy for a regional waste catchment, capturing the relevant infrastructure network without extending into areas unlikely to be materially affected. **Alignment with Appendix 18D** - Appendix 18D presents the study area as 10, 20 and 30-mile buffers, which are illustrative of increasing spatial extents. The 30-mile buffer is the boundary used for identifying waste and materials infrastructure within the Expansive Study Area and therefore aligns directly with the approach described in Chapter 18. **Refined Study Area Approach** - The subsequent "Refined

			Study Area" (paragraphs 18.2.18–18.2.19) was introduced to ensure that the assessment focuses on the facilities and authorities most relevant to the management of waste arising from the EMG2 Project, rather than all facilities within the full 30-mile radius. As set out in the Technical Note and agreed through consultation: • The Expansive Study Area provides a comprehensive initial search area to identify all potentially relevant facilities; • The Refined Study Area then focuses on those areas where waste is realistically expected to be managed, based on: o existing waste movement patterns; o facility types and capacities; o operational suitability; and o consultation with relevant waste planning authorities. This approach is consistent with national guidance, which emphasises that study areas should reflect functional catchments and realistic waste flows, rather than purely geometric boundaries. Importantly, the use of a Refined Study Area does not exclude relevant capacity. Instead: • It removes facilities that are not realistically available to receive the project's waste; • It ensures that the assessment is based on actual, accessible capacity, rather than theoretical capacity; and • It provides a more robust and proportionate assessment of likely effects.

			This methodology, including the distinction between Expansive and Refined Study Areas, was set out in a Technical Note and subsequently discussed and agreed with LCC as an appropriate and proportionate approach for the assessment.
Q14.0.3	The applicants LCC EA	**Site Waste and Materials Management Plan (SWMMP)** ES chapter 18 paragraph 18.5.84 [AS-067] states that the principal mitigation measure is implementation of the CEMP and phase-specific P-CEMPs submitted pursuant to dDCO requirement 11, and further in paragraph 18.5.85 states that, although not required by regulations, a Site Waste and Materials Management Plan (SWMMP) will be regularly updated during the lifetime of the DCO Scheme and is provided as appendix 18E [APP-190]. The CEMP paragraph 10.1 [AS-027D] states that each P-CEMP shall set out details of construction waste management in accordance with the SWMMP. Appendix 18E [APP-190] refers to the SWMMP "submitted with the DCO application" being "approved" and then reviewed/ updated (including refinement "in consultation with the local planning authority") and also contains reliance/ disclaimer wording limiting third-party reliance.	The Applicants have discussed the role and status of a Site Waste and Materials Management Plan (SWMMP) with LCC through Technical Notes issued (February and March 2026) and subsequent meetings. The Applicants are reviewing and, where necessary, will update the dDCO [**PDA-004D**] to clearly reflect the role, approval mechanism and enforceability of the SWMMP within the wider construction environmental management framework. This will ensure that the relationship between the SWMMP, CEMP/P-CEMPs and requirement 24 is explicit, and that the SWMMP is appropriately secured and capable of being relied upon. **Role of the SWMMP in securing mitigation** - The SWMMP (Appendix 18E [**APP-190**]) is not relied upon as a standalone securing mechanism, but rather forms part of the suite of management plans that together deliver the mitigation identified in Chapter 18. The SWMMP is embedded within this framework, with the CEMP (paragraph 10.1) requiring that each P-CEMP includes construction waste management measures in accordance with the SWMMP. In this way, the SWMMP provides the framework and principles, while the detailed, enforceable measures are secured through the approved CEMP and P-CEMPs. The SWMMP submitted with the DCO Application / MCO Application is therefore an outline document. It is intended to be finalised and approved at the discharge of

		The Commitment Register [APP-226D] links the SWMMP to a waste management commitment (MW1) secured via dDCO requirement 24. Could the applicants, LCC and the EA: • confirm whether the SWMMP (appendix 18E) is relied upon to secure the mitigation identified in ES chapter 18 and, if so, at what stage it is intended to be "approved" and by whom • explain how updates to the SWMMP will be controlled and enforced through the DCO (including the relationship between the CEMP/ P-CEMPs, requirement 24, and any operational waste management arrangements) • confirm whether any amendment is required to the dDCO and/ or the CEMP/ SWMMP wording to ensure the SWMMP is clearly secured, enforceable and capable of being relied upon for the purposes of the Examination • confirm whether, and if so how, the EA and relevant waste planning authorities will be engaged during discharge/ implementation where the SWMMP relies on regulatory compliance processes (including Duty of Care and any permitting/ exemption requirements)	requirement 11, as part of the approval of the relevant P-CEMP(s), by the relevant planning authority in consultation with the waste planning authority. **Control and enforcement through the DCO** - The SWMMP is secured and controlled through a tiered framework, comprising: • Requirement 11 (CEMP and P-CEMPs) – securing construction environmental management, including waste; • Requirement 24 (Commitment Register / MW1) – securing delivery of the mitigation commitments identified in Chapter 18; and • The CEMP/P-CEMP approval process – which provides the enforceable mechanism for detailed waste management measures. Under this framework: • The SWMMP establishes overarching principles and targets; • The P-CEMPs translate these into site-specific, enforceable measures; and • Compliance is secured through the approved P-CEMPs, which must be adhered to during construction. Updates to the SWMMP will be undertaken within the control of the approved CEMP/P-CEMPs and will be subject to agreement with the relevant planning authority where material changes arise. This ensures that the document remains a live management tool, while maintaining regulatory oversight. **Need for amendments to the dDCO or supporting documents** - The Applicants consider that:

			• The SWMMP is appropriately secured through the existing framework; and • The linkage between the SWMMP, CEMP/P-CEMPs and requirement 24 provide a clear and enforceable mechanism. However, the Applicants will refine the wording within the dDCO and/or CEMP, where necessary, to: • Clarify that the SWMMP is to be implemented through the approved P-CEMPs; and • Make explicit the approval and review process. This can be addressed through minor drafting clarification, rather than a substantive change to the assessment or mitigation. **Engagement with the Environment Agency and Waste Planning Authorities** - The SWMMP and associated waste management measures will operate alongside existing regulatory controls, including: • Duty of Care requirements under the Environmental Protection Act 1990; • Environmental Permitting Regulations (for waste facilities and operations); and • relevant waste exemptions where applicable. During discharge and implementation: • The relevant planning authority will approve the CEMP and P-CEMPs (in consultation with the Waste Planning Authority as appropriate); • The Environment Agency will regulate waste operations through its existing permitting and compliance regime; and • Waste movements will be controlled through licensed carriers and permitted facilities.

			The SWMMP does not replace these regulatory regimes but sits alongside them, ensuring that waste is managed in accordance with both planning and environmental controls.
Q14.0.4	The applicants EA	**Re-use of excavated materials** ES chapter 18 appendix 18E [APP-190] states that excavated materials may be managed through the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoWCoP), including preparation of a Materials Management Plan and review by a Qualified Person. ES chapter 18 paragraph 18.5.103 [AS-067] refers to certain material movements (including surplus soils/ topsoil) being managed "without classifying the material as waste". In its RR [RR-016D] the EA highlights the need for correct waste classification (including potentially hazardous streams) and appropriate regulatory controls depending on circumstances. Could the applicants and the EA clarify: • what is meant by "without classifying the material as waste", including how any proposed donor site movements would be managed and evidenced • what process/ controls will apply if excavated materials are classified as hazardous or otherwise unsuitable for reuse, and signpost where this is set out in the SWMMP and how it	**Clarification of "without classifying the material as waste"** - The reference in paragraph 18.5.103 to materials being managed "without classifying the material as waste" relates specifically to the application of the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoWCoP). Under the DoWCoP, excavated materials can be managed as non-waste where it can be demonstrated that: • The material is suitable for use; • There is a defined and certain use (for example, reuse on-site or at a defined receiving site); • The material will be used without further processing beyond that permitted under the Code; and • The use of the material is lawful and does not result in harm to human health or the environment. Where these criteria are met, and the DoWCoP is correctly applied, the material is not considered waste in regulatory terms. This would be demonstrated through the preparation and implementation of a Materials Management Plan (MMP), which would be: • Prepared in accordance with the DoWCoP; • Supported by appropriate site investigation and materials characterisation data; and • Reviewed and signed off by a Qualified Person (QP). Any off-site movements (e.g. to a defined "donor" or receiving site) would be undertaken in accordance with the DoWCoP requirements, with full audit trails and verification through the MMP and QP declaration.

		is secured through the CEMP/ P-CEMP and/ or any relevant requirement	**Management of materials that are classified as waste** - Where excavated materials do not meet the DoWCoP criteria, they will be classified and managed as waste in accordance with the relevant regulatory framework. This includes: • Classification of waste in accordance with the Waste Classification Technical Guidance (WM3), including identification of any hazardous waste streams; • Handling, storage and transport in accordance with the Environmental Protection Act 1990 (Duty of Care); • Use of licensed waste carriers and transfer to appropriately permitted or exempt facilities; and • Completion of all relevant waste transfer notes or hazardous waste consignment notes. Where materials are identified as hazardous or unsuitable for reuse, they will be segregated and managed through appropriate specialist facilities, in accordance with Environment Agency requirements.
Q14.0.5	The applicants LCC EA	**Hazardous waste** The paragraphs 18.9.5 and 18.9.12 of the ES chapter 18 [AS-067] states for both the DCO Scheme and the MCO Scheme that potential arising of hazardous waste has not yet been quantified, but that the worst-case scenario does not anticipate hazardous waste arisings greater than 0.35% of the regional hazardous landfill void capacity.	**Application and purpose of the 0.35% figure** - The 0.35% figure is used as a proportional indicator to demonstrate the scale of potential hazardous waste arisings relative to available hazardous landfill void capacity. This approach is consistent with the methodology set out in the ISEP (formerly IEMA) Guidance on Materials and Waste in Environmental Impact Assessment, which assesses effects based on the proportion of available landfill capacity affected. The figure represents a precautionary, order-of-magnitude estimate, rather than a precise calculated value. It was informed by: • Available geotechnical and ground investigation information at the time of assessment, which did not

		Please could the applicants provide: • a worst-case quantified estimate of hazardous waste arisings for the DCO application and the MCO application, separately for construction and operation, identifying the hazardous waste streams assumed for operation with reference to the ES chapter 18 paragraph 18.6.32 • the calculation and inputs showing how the 0.35% figure has been derived • the assumed management route(s) for hazardous waste, including how the absence of hazardous landfill capacity within the Refined Study Area has been addressed in the assessment assumptions LCC and the EA are also asked to comment on this matter.	indicate widespread contamination across the site (including land used for the disposal of animal waste); • Site walkover and satellite reporting; • Assumptions on agricultural practices; • The potential for localised contaminated soils or made ground to be encountered during construction; and • A conservative assumption that all such materials, where identified as hazardous, would require disposal to landfill. In the absence of detailed contamination quantification, this information was used to define a reasonable worst-case scenario, consistent with standard EIA practice. This indicative volume was then compared against the total available hazardous landfill capacity at the national level, recognising that there is no hazardous landfill capacity within the Refined Study Area and that such infrastructure operates on a national catchment basis. Using the ES baseline hazardous landfill capacity for the East Midlands region (2.0 Mt, Table 18.21), 0.35% equates to a maximum hazardous waste mass of 7,000 tonnes: From ES Chapter 18 (Table 18.21), the regional (East Midlands) hazardous landfill void capacity used in the assessment is 2.0 Mt (tonnes) (capacity in 2023, converted to tonnes) - derivation of the 0.35% screening comparator is therefore: • Hazardous landfill capacity (regional) = 2,000,000 tonnes • Screening proportion = 0.35% = 0.0035 • Implied “worst-case” hazardous waste = 2,000,000 × 0.0035 = 7,000 tonnes

			This 7,000-tonne bound is consistent with the geo-environmental evidence that hazardous soils are expected to be localised, driven by a limited number of Made Ground occurrences and a single identified hydrocarbon hotspot (‘CP27’) where localised excavation/removal is recommended. The geotechnical reporting does not define a surveyed plan area for CP27, so an exact tonnage cannot be derived yet. What it does say is that CP27 is a localised hotspot with hydrocarbon contamination observed between 0.30 m and 3.00 m bgl, and that localised excavation/removal is the recommended response. The assumed upper-bound hazardous waste mass of 7,000 tonnes was converted into an equivalent excavation footprint using standard engineering relationships and reasonable geotechnical assumptions. Applying typical soil bulk densities of 1.6–2.0 t/m³ (in line with established guidance from British Standards Institution, CIRIA and the Environment Agency): • Volume = Mass ÷ Density → 7,000 ÷ 1.6 = 4,375 m³ → 7,000 ÷ 2.0 = 3,500 m³ Assuming a representative excavation depth of 2.7 m (based on the geotechnical baseline): • Area = Volume ÷ Depth → 4,375 ÷ 2.7 = 1,620 m² → 3,500 ÷ 2.7 = 1,296 m² Converting to hectares: • 1,620 m² = 0.162 ha

			• 1,296 m² = 0.130 ha This demonstrates that the assumed hazardous waste quantity equates to a localised excavation footprint of approximately 0.13–0.16 ha. The Ground Conditions chapter identifies isolated Made Ground and a single hotspot at CP27, where remediation by localised excavation/removal is recommended, with the impacted vertical interval recorded from 0.30 m to 3.00 m bgl (i.e. 2.7 m depth). If the worst-case 7,000 t were assumed to comprise excavated soils, then—using a defensible soil bulk density range —the 0.35% bound corresponds to a hotspot plan area of the order of 0.13–0.16 ha at 2.7 m depth (roughly a 36–40 m square). This is consistent with the GI description of a “hotspot” requiring localised excavation, and therefore provides a defensible narrative for the *scale* implied by the 0.35% screening statement. In summary: The available geotechnical evidence indicates that the CP27 hotspot is likely to fall below the 7,000 tonne (0.35%) upper-bound assumption. This is because, for CP27 to exceed this threshold, it would need to extend over an area of approximately 1,300–1,600 m² / 0.13–0.16 ha at a depth of around 2.7 m, representing a relatively substantial excavation footprint. In contrast, the ground investigation describes CP27 as a localised hotspot, with remediation expected to comprise targeted excavation rather than large-scale removal. On this basis, the 0.35% figure represents a conservative worst-case assumption, and actual hazardous waste arisings associated with CP27 are likely to be lower.

			The resulting proportion (0.35%) demonstrates that, even under a conservative worst-case assumption, the contribution of the Proposed Development to hazardous landfill capacity would be very small. **Construction vs operational hazardous waste** - The 0.35% comparison relates primarily to the construction phase, where uncertainty exists regarding ground conditions and the potential presence of contaminated materials. This approach is informed by the geotechnical baseline and reflects the need to apply precautionary assumptions prior to detailed intrusive investigation. During operation, the proposed development comprises primarily logistics and distribution use. Hazardous waste arisings would therefore be limited and comprise waste which is well understood, controlled, and would not materially influence landfill capacity. Operational hazardous waste is therefore not a key driver of the assessment. **Management routes and regulatory controls** - The assessment assumes that hazardous waste would be managed at appropriately permitted facilities outside the Refined Study Area, reflecting the national distribution of hazardous waste infrastructure. All hazardous materials would be: • Classified in accordance with WM3 guidance; • Managed under the Environmental Permitting Regulations; and • Transported via licensed carriers in accordance with Duty of Care requirements.

Q14.0.6	The applicants	**Development Sequencing Plan** ES chapter 18 appendix 18A [APP-186] records LCC's query regarding the "Development Sequencing Plan" and the applicants' response that the Development Sequencing Plan is intended to be a standalone document. In particular, could the applicants please clarify: • whether a standalone Development Sequencing Plan exists as part of the submitted application/ examination library and, if so, provide the correct title and document reference • if no standalone plan exists, confirm whether appendix 18E is intended to be the sole sequencing/ programme document and whether any wording elsewhere requires correction to avoid reliance on a non-existent document • explain how sequencing/ programme assumptions that are relied upon for materials and waste mitigation will be secured through the dDCO	**Existence of a Development Sequencing Plan** – The Applicants confirm that there is no standalone document entitled "Development Sequencing Plan". The reference to a Development Sequencing Plan within Appendix 18A [**APP-186**] was intended to describe the sequencing and phasing assumptions underpinning the assessment, rather than to refer to a discrete, separately secured document. The Applicants will review the wording within Appendix 18A to ensure this is clearly reflected and to avoid any ambiguity. **Clarification of sequencing documentation** - Appendix 18E (SWMMP) [**APP-190**] is not intended to act as a sequencing or programme document. Instead, sequencing and programme assumptions are set out across the Environmental Statement and supporting application documents, including: • The description of development and construction programme assumptions within the ES; and • The construction management framework established through the CEMP and P-CEMPs. The reference to a standalone Development Sequencing Plan will therefore be reviewed and clarified to avoid any implication that such a document exists or is relied upon. **Securing sequencing assumptions through the DCO** - The sequencing and programme assumptions relevant to materials and waste mitigation are secured through the DCO framework, rather than through a standalone plan. In particular: • Requirement 11 (CEMP and P-CEMPs) will secure the construction programme, phasing and management measures, including waste management and materials handling;

			• The SWMMP (Appendix 18E) provides the overarching framework for materials and waste management, which is implemented through the approved P-CEMPs; and • The Commitment Register (Requirement 24) secures the delivery of mitigation measures identified within Chapter 18. This approach ensures that: • construction activities are undertaken in accordance with an approved and controlled programme; • materials and waste mitigation measures are implemented in line with that programme; and • any refinements to sequencing are subject to approval through the CEMP/P-CEMP discharge process.

APPENDIX 15

NEED AND ALTERNATIVES

15. Need and alternatives			
Q15.0.1	NWLDC	**Local need** Could NWLDC please comment on the need for the proposed development. Specifically, whether it agrees with the applicants' analysis of need in the NWLDC area, in terms of the quantum of I&L floorspace that is required.	N/A
Q15.0.2	The applicants	**Market area** Given the location of the application site in the north of the northwest part of the Functional Economic Market Area, could the applicants please explain why the areas to the north in the immediate areas of Derbyshire and Nottinghamshire were not considered to be part of this area, and set out what analysis has been undertaken of the effect of the proposed development in these areas?	As set out in Section 5 of the Industrial and Logistics Need Assessment [**APP-078**], the Functional Economic Market Area (FEMA) applied in the assessment aligns with the established North West Leicestershire (NWL) evidence base. In particular, the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA, 2017) identified a FEMA comprising the local authorities of Blaby, Charnwood, Harborough, Hinckley & Bosworth, Leicester, North West Leicestershire, Melton, and Oadby & Wigston. This geography was defined following detailed analysis of key indicators, including functional labour market relationships, sectoral composition, population dynamics, transport infrastructure, and commuting patterns. More recent evidence, including the draft North West Leicestershire Local Plan 2020–2040 (Regulation 18, 2024), continues to adopt this same FEMA geography. This demonstrates that no substantive new evidence has

			emerged to justify departing from the established market area. It is recognised that NWL has economic linkages with surrounding areas, including parts of Derbyshire and Nottinghamshire. However, for the purposes of robustly assessing demand and supply, it is necessary to adopt a clearly defined and policy-supported geography. The FEMA cannot account for all relationships in the economy, rather it is a representation of the key economic, workforce and consumer flows for the local economy. The FEMA provides the most appropriate and defensible basis for quantitative assessment in this regard. The Industrial and Logistics Need Assessment therefore quantifies demand and supply at both FEMA (sub-regional) and North West Leicestershire (local) levels. In reality, the proposed development is a nationally significant scheme and is expected to respond to a proportion of national demand (as discussed in Section 8.3 of the Industrial and Logistics Need Assessment). However, there is no consistent or reliable methodology for assessing supply (and therefore need) at a national level. The FEMA approach is accordingly the most appropriate framework for assessment. Notwithstanding this, the Applicants have also considered a broader market geography extending beyond the FEMA. Section 5 of the Industrial and Logistics Need Assessment examines market signals across a wider area relevant to the proposed development, including the “Golden Triangle”, the M1 corridor, and the “Three Cities” area of Leicester, Nottingham, and Derby. This reflects the established market area used in the earlier EMG1 DCO.

			Analysis of this wider geography, which extends north into parts of Derbyshire and Nottinghamshire, demonstrates that the industrial and logistics market is similarly constrained, with low availability rates and strong demand. These findings are consistent with those identified within the Leicester and Leicestershire FEMA. Accordingly, while Derbyshire and Nottinghamshire authorities do not fall within the defined FEMA used for the quantitative assessment for need (i.e. demand and supply), the Applicants have nevertheless considered the operation of the market in these areas. This analysis confirms that the need for the proposed development is supported not only within the FEMA but also across the wider regional area in Nottingham and Derby.
Q15.0.3	The applicants	**Needs assessment** Could the applicants please confirm whether the floorspace within the EMG1 development has been included within the figures of assessment as I&L development or under a different category given its designation as strategic rail freight interchange. This should be confirmed in relation to each of the studies and strategies/ plans identified in section 5.3 of chapter 5 of the ES [AS-030].	The Applicants confirm that the floorspace within EMG1 (including the proposed additional floorspace at Plot 16) has been considered as industrial and logistics development within the Industrial and Logistics Need Assessment [**APP-078**]. It has also been considered as industrial and logistics development within the Chapter 5 of the ES [**AS-030**].
Q15.0.4	The applicants	**Calculation errors** Could the calculation in paragraph 5.5.80 of chapter 5 of the ES [AS-030] and footnote 13 please be checked as they do not appear to be consistent.	The calculation in the footnote should be amended to: (2.21-1)*(1-0.18)+1

Q15.0.5	East Midlands Freeport	**East Midlands Freeport Designation** Could East Midlands Freeport please provide the ExP with any documentation about the geographic designation of the East Midlands Freeport. This is not a question about the policy of freeports, rather is to how the extent of the Freeport was arrived at, what, if any, assessment of any environmental factors was undertaken, and whether any other extents were considered and rejected. If so, why were they rejected. Can we please be provided with all documents setting out the decision-making processes (please also see separate Rule 17 letter to HM Treasury and the Ministry of Housing, Communities and Local Government).	N/A
Q15.0.6	East Midlands Freeport	**East Midlands Freeport Advanced Manufacturing Floorspace** Could East Midlands Freeport please explain the importance of delivering advanced manufacturing floorspace as part of the proposed development in meeting the freeport's objectives and whether the dDCO should include requirements to secure its delivery, rather than rely on market forces alone. If it does need to be secured, how should advanced manufacturing be defined in the dDCO?	N/A
Q15.0.7	NWLDC	**East Midlands Freeport Rates Relief** Could NWLDC confirm whether it has set up a local business rates relief scheme under section 47 of the Local Government Finance Act 1988 for the application sites, or whether it would intend to do so	N/A

		in the event that consent was granted and implemented. Could NWLDC also confirm whether it has, is or would be seeking reimbursement from central government under section 31 of the Local Government Act 2003.	
Q15.0.8	The applicants	**Use of strategic rail freight interchange** Could the applicants please set out a table showing the use of the SRFI over time (quarterly figures since it opened). This should include the number of trains per day, number of containers both received and exported, the non-port destination/ origin of the containers travelling through the SRFI based on geography, such as by county or if available specific site, specifically including the number associated with the EMG1 site and other land in the freeport. The table should also set out the floorspace in the EMG1 site which has been occupied by date.	Please see the table at Annexure 15A of this document which shows the use of the strategic rail freight terminal over time (including quarterly figures since it opened in early 2020) This includes the number of trains per day. It also sets out the year each building was completed. The rail terminal is operated by Maritime Transport Limited (MTL) on an open access basis. This means that MTL currently undertake around 60% of the road haulage to/from the terminal and do not have information about nature and number of container movements by third parties. Similarly, MTL cannot readily obtain origin information for containers travelling through the SRFI based on geography. MTL has confirmed that there is a correlation between the increase in floorspace at EMG1 and the increase in rail services. Also, all occupiers on site at EMG1 use/have used the rail freight terminal to an extent.

APPENDIX 16

NOISE AND VIBRATION

16. Noise and vibration			
Q16.0.1	The applicants	**Consultation response** The Consultation Report [APP-208] mentions that Protect Diseworth's consultation response considered draft ES chapter 7. Table 7.3 in chapter 7 of the ES [AS-035] does not refer to this stating that this deals with representations from statutory bodies. In its RR [RR-025D] Protect Diseworth indicates that two independent technical reviews were prepared (one submitted during statutory consultation, and one prepared in response to the submitted application). • Could the applicants please confirm whether they received this representation as this is not clear in the Consultation Report [APP-208] or its appendices [APP-209 to APP-218] • If it was received, could the applicants please either signpost where the response has been made or set out a response to that submission highlighting any changes or other responses that were made in light of those comments Please note the response to this question does not mean that the applicants should not respond to the RR as set out in the examination timetable.	The Applicants confirm that it received Protect Diseworth's statutory consultation comments relating to noise in March 2025, which included an independent technical review by Phillip Dunbavin Acoustics Ltd (PDA) dated 10th March 2025. The Applicants' response to Protect Diseworth's statutory consultation comments relating to noise (including the technical review) are set out as follows: <u>Response to comments on the potential use of BREEAM Pol 05:</u> • BREEAM is a scheme used to assess and certify the sustainability performance of <u>buildings</u>. A building is awarded a certain rating based on achieving specified credits relating to different aspects of the building. • The credit relating to "Pol 05 Reduction of noise pollution" is not a requirement in order for a building to achieve a BREEAM rating (i.e., it is not a mandatory part of the scheme). • Pol 05 relates to noise from "fixed installations", which typically relates to plant associated with maintaining the building environment, such as heating, ventilation or air-conditioning systems. It does not apply to other sources of noise associated with the operational use of a building, such as emergency systems or vehicles serving the building.

			• With respect to EMG2, operational noise has been assessed (and target noise levels for fixed plant have been defined) with reference to relevant planning policy objectives, i.e., the National Planning Policy Framework (NPPF), Planning Practice Guidance for Noise (PPG:N), and Noise Policy Statement for England (NPSE), and the guidance from the British Standard BS 4142:2014+A1:2019. This is considered to be the most appropriate approach. <u>Response to the CEMP not being included as part of the statutory consultation materials:</u> • A Construction Environmental Management Plan (CEMP) will be provided as part of the full development consent order (DCO) application. This will provide a framework for phase specific CEMPs (P-CEMPs), to be produced for each works package prior to them being undertaken, which will include details of the specific noise and vibration controls to be used, including any monitoring regimes identified as being required, following the principles of best practicable means (BPM). The DCO includes a requirement that P-CEMPs will be submitted to and approved by the relevant planning authority. <u>Response to comments on the use of white noise reversing alarms for HGVs:</u> • The following text will be included in DCO requirement relating to operational noise: *"Save where prevented by health and safety requirements, broadband or white noise reversing alarms must be employed on mobile plant."* • The source sound data used for the prediction of noise from HGVs reversing in service yard areas, which is a

			component of the assessment of operational noise, included a reversing alarm. <u>Response relating to the scoping out of operational vibration:</u> • Operational vibration has been scoped out of the assessment on the basis that the development is primarily associated with logistics facilities and advanced manufacturing uses that are not expected to generate significant levels of vibration at the relevant receptors. Use of this assumption is considered to reflect a reasonable worst-case in terms of considering the likely noise impacts for the purpose of the Environmental Impact Assessment (EIA). • While it is considered that significant levels of operational vibration are unlikely, at this stage, the end-users of the units are not known. It is proposed to modify Requirement 21 of the DCO to include the need to consider operational vibration, in addition to operational noise, as part of the assessment to be submitted to and approved by the local planning authority. <u>Response to comments on the consideration of construction vibration:</u> • It is incorrect to state that construction vibration has been scoped out of the assessment; it has not. The PDA review provides a quote of a line from paragraph 7.2.2 of the draft ES chapter, but this has been cut off half-way through. The full line is as follows (with the words omitted by PBA in bold): *"Regarding the potential generation of groundborne vibration, it is possible that there may be some*

			*associated effects during construction from certain vibration generating activities**, which are considered as part of the assessment scope.**"* • With further reference to the draft chapter, paragraphs 7.2.13 to 7.2.16 provide details of the construction vibration assessment methodology, with paragraphs 7.5.8 to 7.5.12, 7.5.17 and 7.5.24 providing details of the assessment results. No significant effects have been predicted. <u>Response to comments on the assessment of construction noise:</u> • The PBA letter incorrectly states that the terms lowest observed adverse effect level (LOAEL), and significant observed effect level (SOAEL) are not applicable to construction noise. These terms were defined in the Noise Policy Statement for England (NPSE) in 2010, which clearly states that it applies to all forms of noise (except occupational noise). • The construction noise assessment methodology as detailed in paragraphs 7.2.6 to 7.2.10 of the draft ES chapter has been based of a review of all the example methods from the informative Annex E of BS 5228-1, as well as benchmark schemes such as HS2 and the Northampton Gateway Rail Freight Interchange. Both the noise level and duration of noise have been considered. In accordance with relevant policy requirements, where construction noise levels are identified as resulting in adverse effects, they will be mitigated and minimised, and where they are identified as significant effects, they will be avoided. Further details will be set out in the relevant P-CEMPs, following the principles of best practicable means (BPM). The assessment methodology as stated in the

			draft ES chapter is considered to be appropriate. • Notwithstanding the previous points, the PBA letter incorrectly relates the example thresholds for noise insulation (NI) and temporary rehousing (TRH) described in section E.4 of BS 5228-1 with the example method of assessment described in section E.1 (the "ABC" method). The example NI/TRH noise thresholds as described in BS 5228-1 are fixed; they should not be modified by any use of the example ABC method as suggested in the PBA letter. • As stated in the PBA letter, it has been assumed that both the bulk earthworks and structural landscaping activities will be undertaken over periods of 18 months, although these activities are planned to overlap so this does not equate to a 3-year period as has been assumed by PBA (see Chapter 3 of the ES for further details). • Notwithstanding the previous point, it is not agreed that these specific activities are akin to surface mineral extraction; rather, they relate to the formation of flat plateau areas required for the employment units as well as moundings and will vary in location over the stated periods. Therefore, the criteria referred to in the PBA letter (referencing section E.5 of BS 5228-1) are not considered to be appropriate. • It should be noted that the predictions of construction noise presented in the draft ES chapter represent a realistic worst-case (see paragraph 7.2.6 of the chapter for further details) and therefore, construction noise levels are typically expected to be lower than those predicted. <u>Response to comments on use of WHO L_{Amax} criterion:</u> • The assessment of operational noise includes

			consideration of individual noise events during the night, defining a LOAEL for indoor noise levels of 45 dB L_{AFmax} (equivalent to an external façade level of 60 dB L_{AFmax} assuming a partially open window) based on the WHO Guidelines for Community Noise, and a SOAEL external façade level of 70 dB L_{AFmax}. • The LOAEL as defined externally is based on a bedroom having a partially open window and therefore is considered to be relevant to an "*unmitigated dwelling*", i.e., the sound insulation performance of any glazing or ventilation provision is irrelevant where a window is open. • Both the WHO Guidelines and subsequent guidance, such as the ANC/IOA/CIEH produced Professional Practice Guidance on Planning & Noise, state that the indoor level of 45 dB L_{AFmax} relates to the potential onset of adverse effects, i.e., the LOAEL, but not the point where those effects are considered to be potentially significant. • Notwithstanding the previous points, none of the predicted individual event noise levels from operational noise exceed the LOAEL at the receptors considered in and around Diseworth (see Table 7.27 of the draft ES chapter). <u>Response to comments on ES chapter appendices not included as part of statutory consultation materials:</u> • The ES chapter appendices will be provided as part of the full development consent order (DCO) application. It is confirmed that a separate response to the Protect Diseworth RR [RR-025D] has been provided at Deadline 1 (see **Document DCO 7.2**).

<table>
<tr>
<td>Q16.0.2</td>
<td>The applicants</td>
<td>Operational noise assessment

Tables 7.27 to 7.30 of chapter 7 of the ES [AS-035] set out various predications of operational noise for the MCO application.

Could the applicants please:

• provide those MCO operational noise results on a comparative basis to the corresponding operational noise assessment undertaken for the original EMG1 DCO
• confirm whether any differences affect the ES chapter 7 conclusions for the MCO Scheme and the EMG2 Project as a whole</td>
<td>The predicted operational noise levels from the ES noise chapter submitted as part of the EMG1 DCO application (from the second columns of Tables 9.25 and 9.26 of the EMG1 DCO ES Chapter) and the predicted operational noise levels from the MCO Application Chapter 7 [AS-035] are provided for the three common receptors in the following table (as the MCO Application focuses on the eastern side of EMG1, the assessment and receptors were focused in that area):

<table>
<tr><th colspan="2" rowspan="2">Receptor ID</th><th colspan="4">Predicted operational noise level (dB $L_{Aeq,T}$)</th></tr>
<tr><th colspan="2">Day</th><th colspan="2">Night</th></tr>
<tr><th>EMG1</th><th>MCO</th><th>EMG 1</th><th>MCO</th><th>EMG 1</th><th>MCO</th></tr>
<tr><td>L4</td><td>R16</td><td>51</td><td>36</td><td>51</td><td>37</td></tr>
<tr><td>L5</td><td>R12</td><td>37</td><td>28</td><td>34</td><td>30</td></tr>
<tr><td>L9</td><td>R14</td><td>43</td><td>38</td><td>42</td><td>39</td></tr>
</table>

From the table above, it can be seen that the MCO Scheme's operational noise predictions are at least 3 dB below the EMG1 DCO operational noise predictions. It should be noted that the EMG1 DCO ES noise assessment, dated July 2014, was based on the scheme being fully operational using assumptions made prior to the construction of EMG1. The MCO ES noise assessment is based on operational noise from the additional warehousing on Plot 16 as well as consideration of an increase in permitted height with respect to gantry cranes at the rail terminal and incorporates consideration of existing noise levels including EMG1 in operation.

Furthermore, the MCO ES operational noise assessment is based on the methodology described in BS</td>
</tr>
</table>

			4142:2014+A1:2019; the EMG1 DCO operational noise assessment references the previous version of the standard, BS 4142:1997, which does not reflect current policy requirements with respect to noise. On this basis, the results as presented in the EMG1 DCO ES operational noise assessment are not considered to affect the conclusions of the MCO ES operational noise assessment or the EMG2 Project as a whole.
Q16.0.3	The applicants	**Noise assessment** Paragraph 7.5.35 of chapter 7 of the ES [AS-035] assumes that the Radisson Blu hotel is "highly likely to be mechanically ventilated to achieve acceptable indoor ambient noise levels without opening the façade window". Could the applicants please: • confirm the evidential basis for these assumptions (e.g. site survey/ confirmation with operator, or other evidence), and whether the assumptions are valid for day and night • explain whether the conclusions at paragraph 7.5.35 (and related conclusions in the EMG2 Project assessment) would change if those assumptions were not correct, and if so what mitigation/ controls would be relied upon	Any hotel in such close proximity to an airport will need to be mechanically ventilated or have acoustically treated ventilation in order to achieve the requisite internal ambient noise levels to promote sleep (i.e. they would not rely on ventilation through an open window). This does not mean that the hotels do not have any openable windows, just that appropriate internal ambient noise levels and ventilation rates are achieved with windows closed. Although not indicated on the hotel's own website, the Radison Blu is listed on booking.com as having air conditioning and 'soundproof windows'. The Applicants' noise consultant spoke to the hotel on 23 March 2026 and confirmed this. The Leonardo Hotel's website indicates that their East Midlands Airport Hotel is "*equipped with essentials for a comfortable visit including triple-glazed windows, air conditioning*"[1]. As mechanical ventilation and glazing is a feature of

[1] *https://www.leonardohotels.co.uk/east-midlands/leonardo-hotel-east-midlands-airport?utm_source=google&utm_medium=cpc&utm_campaign=Brand_East%20Midlands%20Airport_TEM&utm_term=leonardo%20hotel%20east%20midlands%20airport&gclsrc=aw.ds&gad_source=1&gad_campaignid=21955166325&gbraid=0AAAAA-kckzSgQtInRNUpPiApaYr60c2nB&gclid=CjwKCAjwyYPOBhBxEiwAqpT8P1qpCAhfizFUHXS_d7IcWvWR4lDNX0flKzmx0KzaT1jm2My2afjoGRoCiOIQAvD_BwE*

		Similarly, could the applicants check the assumption set out in paragraphs 7.5.40 and 7.7.28 in relation to the Leonardo Hotel.	the building fabric, it is a valid assumption for both the daytime and nighttime assessments. As the assumptions have been confirmed, it is not considered necessary to address the second part of the question. Regarding the Radison Blu (R04), as indicated in paragraph 7.5.35 of Chapter 7 of the ES, if this assumption regarding mechanical ventilation was not correct, a significant adverse effect would be expected from road traffic noise at this location. Regarding the Leonardo Hotel (R02), paragraph 7.5.40 of Chapter 7 considers the effects assuming natural ventilation through a partially open window as a worst case, therefore as reported in the ES, no adverse effect would be expected.
Q16.0.4	The applicants	**Noise effects at 14 Grimes Gate** ES chapter 7 paragraph 7.5.35 [AS-035] refers to effects at receptor R11 (14 Grimes Gate) in the scenario with local plan allocations included, and indicates effects would not be significant. Could the applicants: • please explain clearly the reasoning for why inclusion of local plan allocations results in effects at R11 (14 Grimes Gate) being not significant (including the assumptions about how those allocations change traffic flows/ noise levels at the receptor)	The road traffic noise assessment compares the do minimum and do something scenarios i.e. the difference in road traffic noise that would arise as a result of the proposed development. As discussed in paragraph 7.2.22 of Chapter 7, the main scenarios used for the assessment of road traffic noise includes: • The traffic associated with committed developments, • The adopted local plan allocations and • The Regulation 18 draft local plan. This means that they include all of the changes in road traffic that would be expected on the network in the absence of the proposed development.

		• confirm whether the conclusion depends on assumptions that mitigation for those allocations would be secured through separate consents, and if so whether this is an appropriate assumption for the purposes of this assessment	However, by including the Regulation 18 draft allocations, a greater volume of traffic is on the modelled network compared to if they were excluded, so the Do Minimum flows and corresponding noise levels at the receptor are higher with these draft allocations included. As the road traffic noise assessment is a comparison, if the Do Minimum noise level is higher due to the inclusion of these draft allocations, the difference between the Do Minimum and Do Something scenarios will be less. Hence a significant adverse effect only occurs at Grimes Gate when these draft local plan allocations are not included in the Do Minimum scenario (which are lower). The transport modelling which forms the basis of the noise assessment does not include any highways mitigation related to the Regulation 18 draft local plan allocations. Highways mitigation for those allocations will be secured through separate consents. This is considered to be an appropriate reasonable worst-case approach to the assessment. Similarly, no noise mitigation for these allocations has been considered within the assessment.
Q16.0.5	The applicants	**Operational noise** ES chapter 7 [AS-035] states that the operational activity noise assessment is based on HGV activities within service yards/ internal roads, including an assumption that 10% of HGV sources have chiller units, as set out at paragraph 7.2.27, 7.2.28 and appendix 7C. ES chapter 7 further states at paragraphs 7.2.40–7.2.42 that fixed plant noise cannot be assessed at this stage and is intended to be controlled through discharge of requirement 21, including assessment using BS 4142. Protect	The operational noise assessment considers the dominant sources of noise associated with this type of development, i.e. HGVs travelling to/from the warehouses and then, once within the service yards, the HGV manoeuvres and loading/unloading. The reversing source sound data used in the assessment includes a reversing alarm. Other of sources of noise may occur on occasion, but these would not be expected to result in any adverse effects at the nearest receptors or be dominant over the noise arising from HGV activities.

		Diseworth's RR [RR-025D] raises concern that other potential operational noise sources associated with logistics sites are not explicitly described or assessed within ES chapter 7. Could the applicants please: • explain whether the operational assessment scenario assumes that external operational activities are limited to those assessed (HGV movements/ yard activity as described and the assessed chiller-unit assumption), and if not, what additional external operational sources are anticipated • how any such additional external operational sources would be controlled through the DCO, including whether they fall within the scope of requirement 21, and if not, what additional control (if any) is proposed to ensure operational noise remains within the envelope assessed	Requirement 21 specifically relates to operational noise from fixed mechanical and ventilation plant (including substations) and any other noisemaking machinery, as well as all mobile plant (including HGV chiller units), and therefore relates to any types of noise associated with these sources.
Q16.0.6	The applicants	**Refrigerated HGVs** RR [RR-003] from NWLDC raises concern that refrigerated HGV chillers are referenced in the noise assessment, but it is not clear whether electric hook-ups have been assumed or embedded as mitigation, and NWLDC reserves its position. ES chapter 7 [AS-035] states at paragraph 7.2.27 that the operational activity noise assessment includes refrigerated HGVs, and the detailed assumption is set out in appendix 7C. RR [RR-025D] from Protect Diseworth challenges the chiller	Appendix 7C [**APP-092**] states that 10% of HGV sources are assumed to be fitted with chiller units. This assumption is made for both the day and night-time assessment period. When an HGV reversing, the chiller is assumed to run using a diesel engine. Once docked, the chillers run using an electrical hook up which generates lower levels of noise than using the diesel engine. The refrigerated HGV sources are distributed proportionately across the different warehouses, based on the number of HGV sources assumed during the peak day and night-time as stated in Appendix 7C. Noise from chillers associated with mobile plant would be

		assumptions and related operational noise implications. Could the applicants: • explain whether the operational activity noise assessment described in ES chapter 7 assumes provision and use of electric hook-ups for refrigerated HGVs (including where, when, and whether day and night) • if electric hook-ups are assumed, how that assumption is secured through the DCO; and if hook-ups are not assumed, whether conclusions would change if chillers ran on diesel for longer than assumed • how this point would be revisited if transport modelling changes require updates to traffic inputs, noting the reserved position in RR [RR-003]	addressed as part of the assessment to be approved by the local planning authority as part of the submission to discharge requirement 21 for each plot based on the relevant occupier's requirements. NWLDC's reserved position relates to the consideration of Leicestershire County Council's 2023 Pan Regional Transport Model (PRTM) model and changes in baseline traffic post COVID. This would only impact the assessment of road traffic noise on the surrounding network. Therefore, these changes will not affect the quantum of HGV traffic associated with the proposed development, which is determined based on the agreed trip rates associated with the proposed use classes and the corresponding floor areas is element.
Q16.0.7	The applicants	**Construction noise** RR [RR-025D] from Protect Diseworth asserts that ES chapter 7 [AS-035] misapplies BS 5228 annex E duration/ frequency tests, including where earthworks extend beyond six months, and that this may suppress significance findings given the duration of the proposed development. ES chapter 7 [AS-035] relies on construction input assumptions set out in appendix 7B. Could the applicants explain: • how BS 5228 annex E duration/ frequency criteria have been applied in ES chapter 7 [AS-	Annex E of BS 5528-1:2009+A1:2014 is specifically identified as an informative element of the standard and provides example methods for the assessment of potential significance from construction noise. Table 7.5 of Chapter 7 of the ES [**AS-035**] provides details of the primary approach to the assessment of significant effects with respect to construction noise. Regarding consideration of the duration of construction noise, note 4 of that tables states that "*A significant effect is predicted if the programme of works indicates that the SOAEL threshold is likely to be exceeded over a period of at least one month.*" This duration is referenced in one of the example methods in BS 5228 (see paragraph E.3.3 of that standard). As described in paragraph 7.2.10 of Chapter 7,

		035] to the construction programme assumed, using the construction inputs in appendix 7B [APP-091] • whether the long-duration earthworks approach referred to in RR [RR-025D] has been considered, and if not, why not • whether construction significance conclusions would change if the annex E duration/ frequency criteria were applied as stated in RR [RR-025D]	the assessment of construction noise is based on a set of the worst-case combinations of overlapping works using programme provided in Appendix 7B [**APP-091**]. The results of the construction noise assessment (see Table 7.31) indicate that none of the predicted noise levels exceed the SOAEL, and therefore no significant effects are predicted (the duration would only be considered if the SOAEL was exceeded). Regarding the potential use of the methodology described in section E.5 of BS 5228-1, it is not considered that the bulk earthworks construction activity is akin to the activities involved in surface mineral extraction. Rather, bulk earthworks relate to the formation of flat plateau areas required for the employment units as well as moundings and will vary in location over the stated periods. Therefore, the methodology described in section E.5 of BS 5228 is not considered to be appropriate. Regarding the potential use of the duration criteria stated in paragraph 2.2.2.2 of the Protect Diseworth RR [RR-025D], while this is not considered to be appropriate, as stated above, the SOAEL is not predicted to be exceeded and therefore consideration of the duration criteria is not required. Consequently, there would be no changes with respect to conclusions regarding likely significant effects from construction noise.
Q16.0.8	The applicants	**LOAEL/ SOAEL terminology and thresholds** Protect Diseworth's RR [RR-025D] states that ES chapter 7 [AS-035] applies LOAEL/ SOAEL terminology and additional margins above BS 5228 thresholds for construction noise, and argues this	The terms lowest observed adverse effect level (LOAEL), and significant observed effect level (SOAEL) were first defined in the Noise Policy Statement for England (NPSE) in 2010, which clearly states that it applies to all forms of noise (except occupational noise).

		has no basis in BS 5228 and suppresses significance. Could the applicants: • explain how LOAEL/ SOAEL concepts have been derived and applied in ES chapter 7 for construction noise significance in the BS 5228 context • whether any additional margin above BS 5228 criteria has been applied in determining significant effects and, if so, the justification • whether this affects the conclusions in ES on likely significant effects	The construction noise assessment methodology as detailed in paragraphs 7.2.9 to 7.2.13 of Chapter 7, including identification of appropriate LOAELs and SOAELs, has been based of a review of all the example methods from the informative Annex E of BS 5228-1, as well as benchmark schemes such as HS2 and the Northampton Gateway Rail Freight Interchange (operated by SEGRO). Both the noise level and duration of noise have been considered. In accordance with relevant policy requirements, where construction noise levels are identified as resulting in adverse effects, they will be mitigated and minimised, and where they are identified as significant effects, they will be avoided. The SOAEL and criteria relating to duration to identify significance are considered to be appropriate and robust in the context of this overall approach, and the method is not based on increasing the example criteria from the informative Annex E of BS 5228-1. Use of a different methodology may result in different results, but the selected methodology is considered to be appropriate and robust in the context of identifying significant effects for a scheme of this type.
Q16.0.9	The applicants	**Construction noise consequences** RR [RR-025D] from Protect Diseworth mentions that where BS 5228 annex E criteria are exceeded for specified durations, response measures such as offers of insulation and, in some circumstances, temporary rehousing/ costs should apply, and that ES chapter 7 [AS-035] does not clearly address whether any such measures are proposed or secured. ES chapter 7 [AS-035] describes construction mitigation and refers to construction	As stated above, the approach used for the assessment of construction noise is considered to be appropriate and robust in the context of identifying significant effects for a scheme of this type. Notwithstanding this point, the example fixed thresholds for the potential offer of noise insulation or temporary rehousing due to construction noise as described in the informative Annex E of BS 5228-1 are not exceeded by the predicted realistic worst-case construction noise levels as presented in Table 7.31 of Chapter 7.

		noise monitoring/ trigger levels as something that may be implemented. Could the applicants explain what response measures (if any) the applicant proposes where construction noise levels meet the BS 5228 annex E significant-effect criteria for the relevant durations, and how affected properties would be identified and managed; and where any such response measures are secured through the CEMP/ P-CEMP framework (or other DCO controls), or if no such measures are proposed, why not.	Specific response measures to any exceedances of the thresholds defined in Table 7.5 will be defined within the relevant P-CEMP relating to those works, use of which is secured via requirement 11 of the DCO. The P-CEMPs will also include detailed predictions of construction noise based on the finalised methodologies for each activity which, alongside noise monitoring, will be used to identify any properties where exceedances of the thresholds are predicted (see paragraphs 6.1 to 6.8 of the CEMP).
Q16.0.10	The applicants	**Piling** Protect Diseworth's RR [RR-025D] raises concern regarding the potential for piling and requests clarity on piling activities beyond those explicitly described. ES chapter 7 [AS-035]already refers to piling in the context of the bridge works as part of the J24 improvements, including in paragraph 7.2.10 and paragraph 7.5.27, and appendix 7B provides construction assumptions. Could the applicants: • confirm whether piling is proposed only for the bridge works as part of the J24 improvements (as described in ES chapter 7 [AS-035] paragraphs 7.2.10 and 7.5.27 and ES chapter 3 paragraph 3.2.32), or whether any other piling methods/ activities could occur within this proposed development, and • if any piling could occur beyond the J24 bridge works, explain how this remains within the assessment envelope presented in ES chapter 7 [AS-035], including what further controls/	The Applicants confirm that no piling works are proposed within the boundary of the EMG2 Main Site. Piling is proposed and was assessed for the highway bridge works at J24 M1, continuous flight auger piling (CFA) is proposed which, which generally associated with low levels of noise and vibration. It is anticipated that CFA piling may also be required for 3 new gantries over the M1, two located near J24 and one located on the M1 near Finger Farm roundabout as shown on the Highway Plans General Arrangement [**APP-009D to APP-012D**]. Given the limited extent of these works, the piling would take place over a short duration. Regarding potential vibration effects, the piling works associated with the new gantries would be over 100m from any sensitive receptor and therefore in accordance with paragraph 7.2.16 of Chapter 7 would not be expected to generate any adverse vibration effects. Regarding potential noise effects, the piling works associated with the new gantries would be over 300m from

		commitments (if any) are relied upon to ensure significant effects would not arise.	any existing noise sensitive receptor and therefore in accordance with paragraph 7.2.9 of Chapter 7 have not been assessed, as beyond that distance no adverse effect would be expected. In terms of controls and commitments, as stated in paragraph 7.5.46 of Chapter 7, the CEMP will define good working practices to manage construction noise and vibration and a detailed P-CEMP will be developed for each package of works serving as an additional mitigation measure where required.
Q16.0.11	The applicants	**Baseline monitoring locations and receptors** NWLDC in its RR [RR-003] indicated agreement in principle with the baseline monitoring locations/ coverage, while RR from Protect Diseworth [RR-025D] raises concern about the representativeness/ coverage of the baseline monitoring and receptor set relied upon in ES chapter 7 [AS-035]. ES chapter 7 sets out receptor selection at paragraphs 7.2.45–7.2.50 and refers to receptor plans (appendix 7D [APP-093]) and monitoring plans and results (appendices 7E–7G). Could the applicants provide: • a short table mapping each baseline monitoring location in appendix 7E to the receptor(s) in appendix 7D/ ES chapter 7 table 7.12 that it is intended to represent • the applicant's response to the representativeness/ coverage concern raised in RR [RR-025D], including whether any additional	Measured baseline noise levels are primarily used in the assessment of operational noise. Table 7.16 of Chapter 7 of the ES provides details of the measured background sound levels that are representative of each of the relevant receptors, together with the long-term noise monitoring locations that these have been derived from for each receptor and any corrections have been applied to account for differences where additional short-term monitoring was undertaken. Paragraph 2.11 of RR [RR-025D] suggests that the Applicants' baseline noise survey does not adequately represent existing conditions because it is based on "*short-duration attended measurements (typically 15 minutes) and limited night-time sampling*". This is incorrect. Details of the noise survey undertaken in the areas around the EMG2 Works are provided in paragraphs 7.5.4 to 7.5.10 of Chapter 7 but, in summary, comprised continuous unattended noise monitoring at five locations for a period of at least one week, with additional attended monitoring undertaken at two locations for a total duration of 1.5 hours at each location. All monitoring locations followed the

		monitoring locations or sensitivity checks are proposed • confirmation that the monitoring equipment/ calibration information in appendix 7F and the results/ weather dataset in appendix 7G are those relied upon for the baseline used in ES chapter 7 [AS-035]	guidance given in paragraph 6.2 of BS 4142:2014+A1:2019. Note that separate monitoring was also undertaken in the areas around the MCO Scheme, which is detailed in paragraphs 7.6.2 to 7.6.8 of Chapter 7.
Q16.0.12	The applicants	**Sound propagation methodology** RR from Protect Diseworth [RR-025D] states that appendix 7C [APP-092] does not clearly identify the sound propagation methodology used for the operational acoustic model. ES chapter 7 [AS-035] states at paragraph 7.2.53 that construction and on-site operational activity noise predictions are undertaken using ISO 9613-2:2024, and refers to the same standard at paragraphs 7.2.9 and 7.2.27. Could the applicants: • please confirm that ISO 9613-2:2024 is the sound propagation methodology used within the IMMI model for the construction noise and on-site operational activity noise predictions described in ES chapter 7 [AS-035] paragraphs 7.2.9, 7.2.27 and 7.2.53 • if a different sound propagation methodology has been used for either construction or operational activity noise predictions, explain why ES chapter 7 [AS-035] cites ISO 9613-2:2024 and confirm whether appendix 7B and/ or appendix 7C should be updated/ clarified so the modelling basis and evidence relied upon is clear on the face of the application documents	As stated in paragraphs 7.2.9, 7.2.27 and 7.2.53 of Chapter 7 and, as recognised by the ExP, the Applicants confirm that the methodology described in ISO 9613-2:2024 has been used when predicting the propagation of construction noise and on-site operational activity noise. As stated in paragraphs 7.2.14 and 7.2.20, the methodology described in CRTN has been used when predicting the propagation of road traffic noise. The content of Appendices 7B and 7C [**APP-091 and APP-092**] relate primarily to modelling input assumptions (e.g., number of vehicles etc), and therefore, as the modelling methodologies are clearly stated in Chapter 7, it is not proposed to modify the appendices.

Q16.0.13	The applicants	**Operational reversing alarms** RR from Protect Diseworth [RR-025D] raises concern that ES chapter 7 [AS-035] proposes use of "white noise" reversing warnings "unless there are specific health and safety implications", and argues that tonal reversing beepers should be prohibited and reversing alarms should be explicitly addressed in the operational noise assessment. ES chapter 7 [AS-035] states at paragraph 7.2.27 that operational HGV activity modelling includes "reversing (inc. use of a reversing alarm)" and proposes at paragraphs 7.5.51 and 7.7.26 that occupiers will be required to use "white noise" reversing warnings unless there are health and safety implications. The dDCO [PDA-004D] requirement 21(4) states that, where prevented by health and safety requirements, broadband or white noise reversing alarms must be employed on mobile plant. • explain whether the operational activity noise predictions described in ES chapter 7 [AS-035] paragraph 7.2.27 assumed broadband ("white noise") reversing alarms, tonal reversing alarms, or did not differentiate between alarm types; and whether the assessment conclusions would change if tonal alarms were used instead • how the "where prevented by health and safety requirements" caveat in dDCO [PDA-004D] requirement 21(4), and the equivalent caveat in ES chapter 7 [AS-035] paragraphs 7.5.51 and	The source term used for HGV reversing included narrowband (tonal) reversing alarms and therefore there would be no change in the conclusions of the assessment. It is expected that the "where prevented by health and safety requirements" caveat would only apply in very limited circumstances.

		7.7.26, will operate in practice and how that would be evidenced and controlled, and • whether any further clarification is required in ES chapter 7 [AS-035] and/ or the dDCO to ensure the reversing alarm assumption relied upon for the operational noise envelope is clear and enforceable.	
Q16.0.14	The applicants	**Acoustic fencing** RR from Protect Diseworth [RR-025D] states that a request was made for acoustic fencing along the western boundary of the site and argues that ES chapter 7 [AS-035] only references acoustic fencing in relation to the northern boundary of Zone 5. ES chapter 7 paragraph 7.5.20 states that embedded mitigation includes buffers and landscape bunds around the perimeter, "particularly on the western side", providing attenuation through distance and screening. ES chapter 7 [AS-035] paragraph 7.5.52 models a 3m acoustic fence along the northern boundary of the unit in a Zone 5 worst-case scenario, and paragraph 7.9.6 describes this as mitigation that will need to be allowed for in final detailed design. • explain whether acoustic fencing/ barriers along the western boundary were considered as mitigation within the assessment in ES chapter 7 [AS-035], and if so what the outcome was; and if not considered, why not • whether the Zone 5 barrier scenario described in ES chapter 7 [AS-035] paragraphs 7.5.52 and 7.9.6 is the only acoustic fencing/ barrier mitigation relied upon, and if so how the	As described in paragraph 7.5.20 of Chapter 7, embedded mitigation was included in the design of the DCO Scheme through the implementation of buffers and landscape bunds created around the perimeter, particularly on the western side. The results of the operational noise assessment (see paragraphs 7.7.11 to 7.7.15 of the Chapter) indicated that no adverse effects were predicted at receptors to the west of the EMG2 Main Site, and therefore no additional mitigation (i.e., in addition the embedded mitigation that had already been implemented) was considered as it was not required to comply with the relevant policy on noise (see Section 7.3 of Chapter 7), including the National Networks National Policy Statement. The only area where additional mitigation was identified as being required to comply with relevant policy on noise was along the northern boundary of Zone 5, based on the reasonable worst-case assumptions as discussed in paragraph 7.7.28 of the Chapter. Requirement 21 of the dDCO [**PDA-004D**] requiring an assessment to be submitted to the local planning authority with details of operational noise impacts and how, if required, they will be mitigated, will ensure that noise

		applicant considers the western boundary receptors are protected without additional barrier mitigation, and • how the final detailed design will ensure that any mitigation relied upon (including bunding/ buffers and any acoustic fencing/ barriers) is deliverable and consistent with the "no significant effects" conclusion in ES chapter 7 [AS-035] paragraph 7.9.7	during the operational phase demonstrates compliance with the relevant policy on noise.
Q16.0.15	The applicants	**Cumulative noise** RR from Protect Diseworth [RR-025D] argues that ES chapter 7 [AS-035] section 7.8 dismisses cumulative effects without proper justification, including for (i) construction of the adjacent consented solar farm and (ii) airport-related growth. ES chapter 7 [AS-035] paragraph 7.8.4 states that the solar farm application noise assessment contains no reference to construction noise/ vibration and concludes it is "unlikely" solar farm construction would result in significant noise/ vibration; further paragraph 7.8.8 also considers the East Midlands Airport and Gateway (EMAGIC) and concludes no cumulative operational activity noise effects. Could the applicants: • explain the evidence basis for the conclusion in ES chapter 7 [AS-035] paragraph 7.8.4 that solar farm construction is unlikely to result in significant noise/ vibration, given that no construction noise/ vibration data is cited, and	**Solar farm** The construction and decommissioning management plan submitted with the application indicates that the construction of the solar farm would occur over a 12-week period and involve a maximum of 41 vehicles per day. The noise impact assessment for the development does not provide any assessment of construction noise and vibration. Regarding construction vibration, the nearest receptor not associated with the service station, is over 100m from the solar farm boundary, therefore, as indicated in paragraph 7.2.16 of Chapter 7 of the ES, would be outside of the distance within which vibration could adversely affect receptors, receptors in Diseworth are over a kilometre away. Regarding construction noise, given the short length of the construction programme (12 weeks) and the relatively large separation distances between the solar farm and all noise sensitive receptors not associated with the service station there would not be any cumulative effects which are worse than those identified from the EMG2 development alone. In the unlikely event that any cumulative effects occurred,

		whether any sensitivity check has been undertaken • whether the airport-related cumulative consideration in ES chapter 7 [AS-035] paragraph 7.8.8 is intended to capture any airport growth scenario, and if so what assumptions have been used • whether any change to the cumulative conclusions in ES chapter 7 [AS-035] section 7.8 would arise if either (i) solar farm construction noise/ vibration was higher than assumed, or (ii) airport-related activity assumptions differ from those used.	the CEMP for the proposed development would ensure that this was mitigated and managed through Best Practicable Means. As a sensitivity check, the noise chapters for East Stour Solar Farm[2] and Green Hill Solar Farm[3] indicates that the source construction noise levels could range from a sound power level of 101 – 108 dB respectively. Taking the highest value, this equates to a sound pressure level at 10m of 80 dB. Considering the distance to Diseworth (1km) there would be at least 50 dB of distance attenuation assuming propagation over soft ground, this would equate to a sound pressure level from construction activities of no higher than 30 dB which is considerably below the LOAEL. Therefore, when considered in the context of the potential for cumulative construction noise effects with EMG2, there would be no adverse effects beyond those identified from the proposed development in isolation. **Growth at East Midlands Airport** With regard to growth at East Midlands Airport (EMA), any growth in airport operations would be offset by the long-standing established trend for the proportion of the fleet using the airport classed in the quieter 'Chapter 14' standard increasing over time, with an associated reduction in the proportion of aircraft in the noisier 'Chapter 4' class. Figure 8 of the 2024-2028 EMA Noise Action Plan shows the strategic trend for less noisy aircraft to be used overtime. (Please note that references to Chapter 4 and Chapter 14 refer to the noise standard of the aircraft in

[2] https://www.edf-powersolutions.ie/wp-content/uploads/2022/07/East-Stour-ES-Volume-2a-Chapter-13-Noise.pdf
[3] https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010170-000211-GH6.2.14_ES%20Chapter%2014_Noise%20and%20Vibration.pdf

			accordance with Annex 16 to the Convention on International Civil Aviation Volume 1 – Aircraft Noise.) Figure 8 from the EMA 2024-2028 NAP Showing Downward Trend in Aircraft Noise Certification Levels (EPN dB) is reproduced below. Therefore, it is not considered necessary to give any further consideration to the cumulative effects of the scheme with regards to future airport growth.
Q16.0.16	The applicants	**Operational vibration** RR from Protect Diseworth [RR-025D] raises concerns regarding the scoping out of operational vibration, noting that advanced manufacturing processes are not defined and that traffic-induced vibration may still occur despite road maintenance. ExQ1.2.8 asks how the "up to 20% advanced manufacturing floorspace" parameter described in ES chapter 3 paragraph 3.2.7 [AS-025] is secured in	In terms of how the scoping out of operational vibration took account of potential advanced manufacturing use, it was considered unlikely that an associated process would result in significant levels of groundborne vibration at the relevant receptors, and this would remain the case if the stated proportion of advanced manufacturing was not secured, hence is considered to remain a robust approach. Notwithstanding this, it is considered to be impracticable to reliably predict or assess any vibration associated with

		the dDCO [PDA-004D] and what the environmental implications would be if it were exceeded. ES chapter 7 [AS-035] scopes out operational groundborne vibration at paragraphs 7.2.4 and 7.2.5, noting at paragraph 7.2.4 that up to 20% of floorspace may be advanced manufacturing and relying on receptor separation distances, and noting at paragraph 7.2.5 that vehicle-induced vibration is linked to road irregularities and therefore is not expected given new surfacing and maintenance. Could the applicants explain: • how the scoping out of operational groundborne vibration at ES chapter 7 [AS-035] takes account of the "up to 20% advanced manufacturing" parameter described in ES chapter 3 • how the position at ES chapter 7 [AS-035] paragraph 7.2.5 addresses the possibility of traffic-induced vibration raised in RR [RR-025D] • if the "up to 20% advanced manufacturing" is not secured (as addressed under ExError! Reference source not found.), whether the applicant considers the operational vibration scoping position at ES chapter 7 [AS-035] paragraphs 7.2.4–7.2.5 remains robust, and • if reliance is placed on dDCO article 4(2) [PDA-004D] for materially new or materially different significant effects, explain how that would operate in practice for any change in the proportion or nature of advanced manufacturing uses which could affect operational groundborne vibration	such uses as it relies on specific information about the proposed use which is not available until an occupier is known. Therefore, to provide additional controls, the Applicants propose that requirement 21(1)b of the dDCO [**PDA-004D**] be modified so that consideration of operational phase groundborne vibration is included in the assessment to be submitted to and approved by the local planning authority, which will include details of any source mitigation to be used. Paragraph 2.2.5 of the relevant representation from Protect Diseworth [RR-025D] adds no further explanation of why traffic induced vibration cannot be eliminated by routine maintenance therefore the applicants position is unchanged from that stated in Chapter 7 paragraph 7.5.2. Furthermore the note to paragraph 1.4 of the scope of LA111 Noise and Vibration (Highways England, 2020) states that operational vibration is scoped out of the assessment methodology as a maintained road surface will be free of irregularities as part of project design and under general maintenance, so operational vibration will not have the potential to lead to significant adverse effects.

Q16.0.17	The applicants	**Road traffic noise** RR from Protect Diseworth [RR-025D] raises concern about potential night-time disturbance from through traffic on sensitive village streets, naming Grimes Gate, Lady Gate and Hall Gate. • explain whether the road traffic noise assessment in ES chapter 7 [AS-035] explicitly considers night-time road traffic noise effects for the sensitive routes identified in [RR-025D], and if so where those effects are reported in ES chapter 7 • if night-time road traffic noise effects on these routes are not explicitly reported, explain why the applicant considers the selected ES chapter 7 [AS-035] road traffic noise receptor set and results to be sufficient to address the RR concern • whether any assumptions about routing or management of night-time traffic are relied upon in the ES chapter 7 [AS-035] road traffic noise conclusions for Diseworth, and if so where those assumptions are evidenced and secured	The modelling of night-time road traffic noise associated with the assessment presented in Chapter 7 included several receptors representative of the sensitive routes within Diseworth as stated, i.e. Grimes Gate, Lady Gate and Hall Gate, although it should be noted that Hall Gate was not a road which was included in the wider transport modelling from which the data used for noise modelling was derived so there is no modelled traffic on that road. However, the results from those receptors were not directly reported. It is acknowledged that details of the assessment at these receptors would further address the concerns detailed in the relevant representation from Protect Diseworth [RR-025D]. It can be confirmed that the night-time road traffic noise assessment results are very similar to those reported for the receptor R11 on Grimes Gate as reported in Chapter 7, i.e. using the same methodology as described in Chapter 7, all receptors considered on Grimes Gate, Lady Gate and Hall Gate are predicted to experience no change or negligible changes in night-time road traffic noise using the primary assessment scenarios listed in Table 7.8 of the ES chapter with no significant effects predicted. As was the case for R11, and as discussed in paragraph 7.5.35 of the ES and the response to Q16.0.4 above, when considering the scenarios that do not include draft allocation related traffic, the results for the receptors considered on Grimes Gate and Lady Gate indicate minor adverse increases in road traffic noise during the night-time which may indicate a significant effect, but as this result only occurs in those scenarios (i.e., not the main scenarios), only in 2028, and are marginally a minor adverse impact, they are not considered to be significant overall. The Applicants confirm that Chapter 7 and any relevant

			appendices will be updated to include further details of the results and assessment at these receptors. The Applicants' project transport consultant has confirmed that no assumptions about routing or management of night-time traffic have been relied up on with respect to the road traffic data that informs the road traffic noise assessment conclusions for Diseworth.
Q16.0.18	The applicants	**Placeholder on road traffic noise receptor selection** ES chapter 7 [AS-035] table 7.12 includes the note: "Selection of receptors for the assessment of changes in road traffic noise to be completed on receipt of traffic data". Further paragraph 7.2.49 states that the receptors selected for the assessments are listed in table 7.12. Could the applicants please: • confirm whether the note in table 7.12 is a residual placeholder, and whether the road traffic noise receptor selection has now been finalised for the ES chapter 7 road traffic noise assessment, and • if the road traffic noise receptor selection has been finalised, confirm what the final receptor selection is for road traffic noise (and whether it differs from table 7.12), and whether any such clarification affects the road traffic noise assessment conclusions reported in ES chapter 7 [AS-035] and appendix 7C	While the note at the bottom of Table 7.12 of Chapter 7 is a residual placeholder as the road traffic data had not been received and assessed at the time of the submission, the receptor table as presented does omit some receptors where road traffic noise has been considered, although these are included in the results tables for operational road traffic noise as presented in Appendix 7C [**APP-092**] (Tables 1 to 8). Furthermore, as set out in the response to Q16.0.17 above, further receptors within Diseworth were modelled with respect to operational road traffic noise, but were not directly reported. The Applicants confirm that Chapter 7 and any relevant appendices will be updated to include further details of the above. The Applicants can confirm that the final receptor selection for the assessment of road traffic noise does not affect the conclusions of the assessment as reported in Chapter 7: while not listed in Table 7.12, the additional receptors listed in Tables 1 to 8 of Appendix 7C were considered as part of the assessment and no significant effects were predicted at any of them, and, as discussed in the answer to Q16.0.17,

			the effects predicted to occur at the additional receptors within Diseworth were not considered to significant overall.
Q16.0.19	The applicants NH	**Design Manual for Roads and Bridges (DMRB) LA111** ES chapter 7 [AS-035] table 7.3 records NH's request to identify where the "few places" with increases up to 1.6dB occur and the duration of those increases. In the same table, the applicant response states that the receptors with the highest magnitude of change are R04 (Radisson Blu, +2.1dB) and R11 (Grimes Gate, +3.4dB), that only R04 is on the SRN, and that the "up to 1.6dB" point relates to construction traffic noise assessed using DMRB LA111. Prologis's RR [RR-028D] reproduces NH's consultation response raising the same request. Could the identified parties please: • explain which locations/ receptors are referred to as the "few places" where increases up to 1.6 dB occur • whether any of these locations/ receptors are alongside the SRN • the duration/ time period(s) over which those increases are expected to occur	The NH response to the non-statutory additional consultation, as reproduced in the Prologis RR [RR-028D], refers to paragraph 7.5.8 of the draft ES, and states that it would be useful to know where the increases of up to 1.6 dB due to construction road traffic noise referred to in that paragraph were predicted, whether they were receptors alongside the SRN, and the duration of the increases. The response to this comment as presented in Table 7.3 of Chapter 7 refers to predicted increases at R04 and R11: to clarify, these are increases are in terms of *operational* road traffic noise, and so are long-term increases based on the primary assessment scenarios listed in Table 7.8 of the Chapter. In terms of construction road traffic noise, which the NH responses to the non-statutory additional consultation referred to, following a review of the predicted increases in road traffic noise due to additional construction traffic on the roads alongside the relevant receptors, it can be clarified that the maximum predicted increase is +0.2 dB, i.e., a negligible magnitude of impact, and the potential increase as stated in paragraph 7.5.8 of the draft ES is not predicted at any receptor location. The Applicants confirm that Chapter 7 and any relevant appendices will be updated to reflect these clarifications.

APPENDIX 17

POPULATION AND HUMAN HEALTH

17. Population and Human Health			
Q17.0.1	The applicants	**Community Park** Paragraphs 17.5.96 to 17.5.100 of the ES chapter 17 [AS-065] concludes that provision of the Community Park and associated PRoW improvements will deliver long-term beneficial health effects through improved access to open space and opportunities for physical activity, leisure/ play and recreation. Paragraphs 3.2.16 and 3.2.17 of ES chapter 3 [AS-025] states that the Community Park will be available and open for use by the public before occupation of any authorised buildings and will be available in perpetuity. Please confirm that the deliverability and securing of the Community Park (including the meaning of "substantially" in requirement 28(1), any completion timescale, and how compliance will be demonstrated when requirement 28 is discharged) are addressed in the applicant's response to the cross-cutting Community Park ExQ1.4.2 and ExQ1.4.3 and that the response to these should be taken as the applicant's response for these matters for the purposes of ES chapter 17 [AS-065] paragraphs 17.5.96 to 17.5.100.	The Applicants confirm that requirement 28(1) in Schedule 2 of the dDCO [**PDA-004D**] requires the undertaker to provide the Community Park substantially in accordance with the community park plan [**APP-058D**] which is a certified drawing. The term "substantially" is required because the detailed design for the Community Park is further regulated by requirement 7(1). In particular, requirement 7(1) requires the Community Park to be provided in accordance with the Design Approach Document [**APP-220**], which provides more detail than that set out in the Community Park Plan. The earthworks strategy to deliver the Community Park is also subject to requirement 12. The Community Park must be provided before occupation of any of the authorised buildings pursuant to requirement 7(1). Consequently, if the Community Park has not been completed in accordance with the terms of the dDCO then the authorised development cannot be occupied. If occupation occurs before the Community Park has been substantially completed, then the Applicants will be breach of the dDCO. This ensures compliance with the timescale set out in requirement 28(1). Requirement 28(2) goes on to require the Applicants to

			make the Community Park available for use by the general public for the purposes of recreation and play in perpetuity.
Q17.0.2	The applicants	**Complaints monitoring** The RR from NWLDC [RR-003] notes that the EMG1 DCO included a requirement relating to monitoring complaints and requests justification for why a similar requirement is not included for EMG2 DCO application. ES chapter 17 paragraphs 17.5.106 – 17.5.108 and 17.7.81–17.7.83 [AS-065] states that inherent mitigation measures relevant to population and human health are described within the chapter and that, on the basis that no significant adverse population and human health effects are reported, no additional health-specific mitigation measures are proposed. Could the applicants please: • explain whether the applicants propose a formal complaint recording, monitoring and response mechanism for EMG2 DCO application (construction and, where relevant, operation), and if so, describe the mechanism (including how complaints are logged, investigated, responded to, and how trends are reviewed) • where this mechanism is secured in the EMG2 consent regime (for example within the CEMP and the phase P-CEMPs approved under dDCO requirement 11), and whether any additional drafting/ controls are required to ensure it is enforceable, and	The Applicants confirm that the dDCO [**PDA-004D**] will be updated to provide a mechanism to deal with complaints which is consistent with the EMG1 DCO. That is to say, if a noise complaint is received by the local planning authority during the construction or operational phases then the undertaker must at its own expense employ a consultant to carry out an assessment. The assessment must be carried out in accordance with a methodology agreed with the local planning authority and the results must be reported to the local planning authority within 28 days of its completion. If it is found that noise is greater than anticipated, then recommendations for appropriate remedial measures must be made.

		• if no complaints monitoring mechanism is proposed, provide the justification, including how community concerns arising during construction would be captured and addressed to avoid materially worse human health outcomes than those assessed in ES chapter 17	
Q17.0.3	The applicants	**Cumulative effects** The section 17.8 of the ES chapter 17 [AS-065] states that cumulative effects are assessed using the shortlisted cumulative developments identified in ES chapter 21 and refers to the list of projects identified in appendix 21B [APP-202] In paragraphs 17.8.2 and 17.8.3, the ES scopes out some developments on the basis that the distance from the Order limits is too far for interaction between environmental health determinants, scopes in remaining developments largely on the basis of contribution to socio-economic determinants of health as detailed in paragraph 17.8.4 and table 17.18, and concludes an overall moderate beneficial (significant) cumulative effect in paragraph 17.8.6 driven by socio-economic determinants. Could the applicants please: • explain how table 17.18 has been derived from the shortlisted cumulative developments identified in chapter 21/ appendix 21B, including confirmation that the scope-in/ out decisions in paragraphs 17.8.2–17.8.4 are consistent with the chapter 21 shortlist	As outlined in paragraph 21.4.3 of Chapter 17 of the ES [**AS-065**], a total of 24 sites were initially identified, and following a review of whether the identified projects would overlap in temporal scope, and/or in light of the location and scale of development proposed would be likely to have significant cumulative effects with EMG2, this list was reduced to 12 sites (where the temporal, geographic or specific health determinant did not overlap). The full list of 24 sites and confirmation of which 12 have been shortlisted are detailed in Appendix 21A and Appendix 21B [**APP-201 and APP-202**]. All 12 shortlisted developments were included in Chapter 17. Therefore, it is confirmed that the list included in Chapter 17 is consistent with the list of projects identified in Appendix 21B. The scoping in/out decisions in paragraphs 17.8.2-17.8.4 are summarised below, including comments on consistency: • ID 7 – fully scoped out in Chapter 17, which is consistent with the Appendix 21B summary matrix. • ID 10 – fully scoped out in Chapter 17, which is consistent with the Appendix 21B summary matrix. • ID 12 – partially scoped out in Chapter 17 (as a mixed-use development), which is consistent with the Appendix 21B summary matrix. • ID 20 – partially scoped out in Chapter 17 (as a mixed-

		• whether any cumulative effects on environmental health determinants (e.g. noise, air quality, transport/ access and severance) have been considered within the cumulative health assessment, and if so signpost where those pathways are addressed within section 17.8, and • if the cumulative health conclusion is driven primarily by socio-economic determinants, explain how uncertainty (e.g. labour availability, distribution of benefits, and reliance on other topic chapters for adverse cumulative determinants) has been reflected in the final cumulative health judgement at paragraph 17.8.6	use development), and should be included in the Appendix 21B summary matrix which is an identified inconsistency. Regarding the cumulative effects on health from environmental health determinants such as air quality, noise and transport/access and severance, it should be noted that the traffic modelling (along with associated air quality and noise modelling relating to changes in traffic movements) integrates potential impacts from cumulative developments in the main assessment. Therefore, such cumulative effects on population and health are also integrated within the main assessment. As outlined in paragraph 17.8.2, the distance of cumulative developments from the EMG2 Order Limits (i.e. >500 m away) is considered too far for there to be any interaction between environmental health determinants from both sites – on this basis, no further cumulative effects from environmental determinants of health have been assessed (e.g. from on-site construction/operational activities or dust generation where construction phases may overlap). As environmental determinants of health are scoped out of the cumulative effects assessment, the cumulative health conclusion is driven solely by socio-economic determinants of health. While it is acknowledged that there are uncertainties on labour availability locally, as stated in paragraph 5.8.14, there will be opportunities to offer up-skilling, re-skilling and training opportunities to meet the skills needs. The final cumulative health judgement at paragraph 17.8.6 is based on this assumption.

Q17.0.4	The applicants	**Gypsy/ Traveller sites** ES chapter 17 table 17.2 [AS-065] records LCC's request that nearby Gypsy/ Traveller sites be scoped into the population and human health assessment, and the applicants response states this is addressed through the Equality Statement (appendix 17C) with the sites identified as receptors LCC1–LCC3. Appendix 17C [APP-183] identifies receptors LCC1–LCC3 in table 5 and presents project-specific evidence of effects, including the assumption that some receptors experience "background levels" for local air quality due to distance from the nearest affected road. Could the applicants please: • explain what assumption is being relied upon in appendix 17C when stating that some Gypsy/ Traveller receptors experience "background levels" for local air quality, and how that assumption has been carried through consistently into the Population and Human Health assessment conclusions in ES chapter 17 • whether any in-combination effects for receptors LCC1–LCC3 (for example noise together with access/ severance and amenity) have been considered within the ES chapter 17 assessment approach, and where this is set out	The statement that some Gypsy/Traveller receptors (amongst other equality receptors scoped in for assessment) experience "background levels" for local air quality comes directly from the air quality technical team and is based on AEA Energy & Environment guidance, which states that: *"at distances of more than 50 m from a busy road, it is anticipated that NO_2 concentrations will have been diluted to the local urban background concentration". This distance reduces as the emission source becomes less significant. In relation to LCC1-LCC3:* • *LCC1 is > 50 m from the nearest road (~300 m from Station Road)* • *LCC2 is > 20 m from the nearest road (Ryecroft Road), which has an AADT < 10,000, but perhaps more importantly our development is not seeing an increase in vehicle trips along this road during any scenario aside from Stage 1b modelling for the construction phase, where an increase of 23 AADT is predicted. This increase is likely down to 'model noise' and nonetheless would be imperceptible, and insignificant at nearby receptors in air quality terms. The next nearest impacted road is Hemington Lane, ~560m away* • *LCC3 was modelled and included in the assessment"* Regarding in-combination effects for LCC1-LCC3, these have been considered in Appendix 17C (Table 6) [**APP-183**] for relevant health determinants. However, as outlined in the final column of the assessment matrix, the magnitude of impact from noise and air quality at these receptors are considered to either be non-material, neutral, or beneficial. Furthermore, as outlined in Chapter 17, potential effects

			across the transport and access themes assessed would not be significant on all road links analysed. As a result, there would be no in-combination effects at these receptors.
Q17.0.5	The applicants	**Diet/ nutrition and community safety** ES chapter 17 [AS-065] mentions that LCC advised that potential impacts on diet and nutrition, and on community safety, should be assessed for both construction and operation and that this approach was agreed. ES chapter 17 then explains that the diet/ nutrition assessment relates to severance impacts on accessing food banks in paragraph 17.5.24, with the operational phase assessment set out at paragraphs 17.5.82 – 17.5.84 and sets out construction-phase community safety measures at paragraphs 17.5.25 – 17.5.31 and operational community safety measures at paragraphs 17.5.85 – 17.5.88. Could the applicants please set out: • how the diet/ nutrition conclusions in paragraphs 17.5.82 – 17.5.84 have been derived from the severance/ access assessment (including how access to food banks has been considered for construction and operation) • how the community safety measures described in paragraphs 17.5.25 – 17.5.31 (construction) and 17.5.85 – 17.5.88 (operation) are secured through the DCO controls, including the	In response to the first bullet point, the assessment of potential impacts on diet/nutrition is phased in nature. Specifically: • Phase 1: identify the potential for road links that may experience significant severance effects; and • Phase 2: where significant severance effects are identified, undertake analysis to identify whether any food banks would be affected by the impact on that specific road link (using the OS AddressBase Premium dataset, which would identify food bank locations). On the basis that no significant adverse severance effects were identified in Phase 1, there is no potential for adverse impacts on access to food banks. In response to the second bullet point, the safety measures relating to the construction phase will be secured through the CEMP and P-CEMPs. These would then be managed as part of the construction site which would be a secure compound operating under health and safety requirements, and the usual considerate contractors' requirements. This would provision for the making of complaints. See also response to Q17.0.2 above. As regards the operation phase, the Applicants will manage EMG2 as a fully integrated part of EMG1 with shared operational management and private ownership. SEGRO will own both sites and will manage them as a single entity, building on the success of EMG1. This will include twenty-four-hour security, including security guards, CCTV,

		mechanism for "details on how to register a complaint" referenced in paragraph 17.5.29, and • whether any clarification is required in ES chapter 17 to make the link between these determinants and the final significance conclusions explicit for decision-making, confirming whether any update would affect the reported conclusions The applicants are also referred to ExQ19.0.7.	security vehicles and a site manager will operate from a purpose-built management suite / security gatehouse. In terms of the final bullet point, the Applicants do not consider that an update to Chapter 17 is required.
Q17.0.6	The applicants LCC	**Reliance on transport modelling** ES chapter 17 table 17.3 [AS-065] states LCC's concern that the Population and Human Health assessment and Equality Statement rely on transport modelling that was not complete/ agreed at the time of consultation, and the applicants response states that the assessment has been reviewed using the latest modelling assumptions. Could the applicants please explain: • what transport evidence base has been relied upon to inform the Population and Human Health assessment conclusions in ES chapter 17, including whether the assessment relies on modelling outputs for severance/ access, active travel, road safety or community safety pathways • whether any subsequent changes to transport modelling assumptions or outputs during Examination would require a re-check of ES chapter 17 conclusions (including equality appraisal conclusions), and if so, what process	The Applicants confirm that the transport modelling outputs and evidence base associated with Chapter 6 affect several health determinants assessed in Chapter 17. These can be summarised as follows: • Traffic-related impacts on air quality: the process contributions (i.e. changes in annual mean NO^2 and PM concentrations) defined by air quality modelling outputs at all air quality sensitive human receptors analysed has been directly used in a quantitative exposure response assessment undertaken to quantify the potential impacts on morbidity and mortality population health outcomes and informs the significance conclusions in Chapter 17. • Traffic-related impacts on noise: the change in noise exposure during the day and night time periods are summarised in the context of the Lowest Observed Adverse Effect Level and Significant Observed Adverse Effect Level, both of which are directly linked to health and wellbeing outcomes and have informed the significance conclusions in Chapter 17. • Detailed road link assessment provided in Chapter 6: Chapter 17 draws from the narrative provided in Chapter 6 on severance, non-motorised user

		the applicants propose for that re-check and reporting and • whether the applicants consider that any such re-check could result in materially different health conclusions, and if not, explain why not LCC is also invited to comment on this matter.	delay/amenity, fear and intimidation, and road user/pedestrian amenity themes, taking into consideration local context before concluding from a population and health perspective. Limited pedestrian/cycling infrastructure and desire lines are important factors to consider (alongside the magnitude of change) as this influences the use of these road links (and associated potential for exposure to changes) by non-motorised users. • Diet and nutrition: as outlined in Chapter 17 and agreed with LCC, potential impacts on diet and nutrition are assessed in the context of potential severance impacts. The Applicants are in discussions with LCC about the outcome of transport modelling work. Where changes to transport modelling assumptions determine that the original traffic model is conservative, no update to the affected health determinants in Chapter 17 is proposed. Should this not be the case, the assessment for all health determinants which rely of transport modelling outputs will be updated. An update will be provided when all updates to modelling have been agreed and a detailed road link assessment is provided.
Q17.0.7	The applicants LCC	**Health Impact Assessment (HIA)** ES chapter 17 table 17.3 [AS-065] records that, following engagement with LCC, HIA principles are fully embedded within ES chapter 17 and the standalone HIA appendix is no longer required. Could the applicants please explain: • where, within ES chapter 17, the key HIA components are now presented (including	The health assessment was conducted by recognised experts with 26 years of Health Impact Assessment (HIA) and health in EIA and are classed as Advanced Experts under the ISEP Health in Impact Assessment Competency guidance. The same health determinants were included for assessment within the initial HIA Appendix and Chapter 17. Therefore, the removal of the HIA Appendix did not lead to any changes to the scope or content compared to the position discussed with LCC, which is summarised in

		determinants/ pathways, baseline vulnerability, assessment of effects, and mitigation), and how appendix 17C [APP-183] is relied upon for equality considerations • whether removal of the standalone HIA appendix resulted in any changes to the scope or content of the assessment compared to the position discussed with LCC, and if so, what those changes are, and • whether any additional signposting or clarification is required in ES chapter 17 to ensure the embedded HIA approach is transparent for examination, confirming whether any update would affect the reported conclusions LCC is also invited to comment on this matter.	Appendix 17A (informal scoping exercise with LCC) [**APP-181**]. It was considered that the inclusion of a HIA Appendix led to unnecessary duplication of assessment and additional demand on stakeholder resources to review and respond to what is effectively the same scope in a different reporting structure. Furthermore, it was considered that the EIA statutory requirements (e.g. the assessment of likely significant effects or cumulative effects) are met through the ES chapter alone, without the need for additional reporting which effectively repeats the same conclusions without consideration of significance or cumulative effects. Equally, by fully embedding the non-regulatory HIA within the regulatory EIA and planning process, health is awarded the same level of scrutiny as other technical disciplines during the decision-making process, and appropriate weight for health can be considered in the planning balance. While the Equality Statement is complementary to the HIA, these are separate assessments where the consideration of equality is required for a separate regulatory requirement (i.e. to discharge the Public Sector Equality Duty). Equality impacts are not required to be assessed as part of the EIA Regulations (i.e. considering the significance of effects or cumulative effects) – as such, equality-related conclusions have been singularly dealt with in Appendix 17C [**APP-183**] to aid in consideration of the Public Sector Duty.
Q17.0.8	The applicants LCC	**Study area and baseline health data** ES chapter 17 explains at paragraph 17.2.3 [AS-065] that baseline health data relevant to environmental health determinants is focussed on	The purpose of the population and health baseline data is twofold: 1. To understand local health circumstance and feed into the sensitivity classification of the general population; and

		administrative wards within 500m of the EMG2 Project, and at paragraph 17.2.4 that ward-level trend data is not readily available and therefore baseline data presented primarily relates to NWLDC, which is considered representative of the wards; it further states that data at the lowest geographic level possible is used for quantitative assessment. ES chapter 17 paragraph 17.2.23 repeats this as a limitation/ uncertainty. Appendix 17B [APP-182] presents the population and health baseline, explaining that the district study area comprises North West Leicestershire district and that the ward study area is used where possible. Could the applicant please how: • they have satisfied themselves that the district-level baseline health outcome data referenced at paragraph 17.2.4 is sufficiently representative for the populations most likely to experience effects within the ward study area defined at paragraph 17.2.3, • how the assessment has addressed the possibility that health inequalities or pockets of vulnerability within/ adjacent to the 500m ward study area could be masked by use of broader-area baseline indicators, noting the approach described at paragraphs 17.2.4 and 17.2.23, and • where, in ES chapter 17 and/ or appendix 17B, explicitly linked the baseline geography used for health outcomes (district level) to the localised determinants assessment (ward/ receptor	2. For use in the quantitative exposure response assessment relating to air quality. The ward level analysis provided on pages 4 and 6 of Appendix 17B (population and human health baseline) [**APP-182**] provides a robust indication of relative sensitivity of the population living in the ward study area in comparison to North West Leicestershire district and other relevant comparators. Mortality rate analysis shows that standardised mortality ratio (SMR) for all causes in the ward study area is lower than all relevant comparators. This is also the case for respiratory disease, coronary heart disease and cancer. The only exception to this is mortality from coronary heart disease, which is marginally higher than the Leicestershire average but remains lower than all other comparators. Similarly, hospital admission rate analysis shows that the standardised admission ratio (SAR) for all causes in the ward study area is lower than all relevant comparators. This is also the case for stroke, heart attack and cancer. The only exception to this is hospital admissions from coronary heart disease, which is higher than the North West Leicestershire and Leicestershire averages, but remains lower than all other comparators. On the basis that the majority of morbidity and mortality data at the ward level shows better health circumstance than North West Leicestershire district and Leicestershire county, the use of North West Leicestershire district data (with a higher burden of poor health) to inform the sensitivity classification and quantitative exposure response assessment is considered to be conservative and precautionary. On this basis, pockets of vulnerability would

		outputs), so that the reasoning chain from paragraphs 17.2.3–17.2.4 into the effect conclusions is clear. LCC is also invited to comment on this matter.	not be masked by the use of these broader-area baseline indicators.

APPENDIX 18

SOCIO-ECONOMIC EFFECTS

18. Socio-economic effects			
Q18.0.1	The applicants	**Regional connectivity** Charnwood Borough Council [RR-006D] and South Derbyshire District Council [RR-005] comment on the importance of facilitating regional connectivity to improve employment opportunities. Please can the applicants explain what regional connectivity enhancements would be implemented as part of the proposed development to maximise regional employment opportunities?	The Applicants are proposing a EMG2 Bus Fund which will provide the opportunity to maintain and enhance existing bus services, and where appropriate introduce new services, to improve connectivity to the EMG2 Main Site. Appendix A of the EMG2 Sustainable Transport Strategy [**APP-084**] sets out criteria of funding allocation from the EMG2 Bus Fund to ensure that investment decisions consider not only service performance and financial viability, but also wider economic, social and environmental outcomes. This includes the role that improved public transport connectivity can play in supporting access to key labour markets. Decision-making will also be informed by labour market evidence (such as anonymised employment data, Census and DWP data, intelligence from end occupiers on recruitment and target labour pools) to ensure that funding is directed to interventions where the greatest overall impact can be achieved. Additionally, as part of the off-site cycling proposals associated with EMG2, improvements are proposed to deliver a safe and continuous cycle connection between EMG1 and EMG2, improving site accessibility for those choosing to cycle. There are therefore potential for regional connectivity enhancements to be implemented as part of EMG2 to maximise regional employment opportunities.

Q18.0.2	The applicants	**Duration of impacts** Table 5.6 of chapter 5 of the ES [AS-030] sets out the duration of impact. Long term is defined as 15 years or more. Please can the applicants explain how these durations were arrived at. For example, if the proposed development would operate indefinitely it could operate for 80 years or more. Would an impact lasting 80 years be more significant than an impact lasting 15 years? Consequently, does the duration of long term impacts need to be more granular and/ or be mapped so that it is consistent with the temporal scope of the proposed development?	The duration of impacts set out in Table 5.6 of Chapter 5 of the ES [**AS-030**] follow standard assumptions of effect duration in environmental impact assessment. Socio-economics considerations are generally given to the: • Construction phase (with reversible temporary effects) where the delivery period of schemes can vary subject to their scale or phasing, stretching over the short to medium term; and • Operational phase, once the scheme is fully delivered and operational (with permanent annually-recurring effects while the scheme remains in operation, over the medium to long term). At the operational phase, impacts are reported on an annual basis upon full completion and operation, rather than over a period of time. The duration of an impact (i.e. over 15 years or 80 years) during the operational phase is not considered within the assessment. However, it is acknowledged that over time the scale of operational impacts measured (jobs by skills levels, Gross Value Added, Business Rates Income) may change, with for instance shifts in technology, increase in labour productivity, in quality of the premises, which could result in changes in assessed effects over the longer term. Given uncertainties with potential future changes, differences in long term impacts at different points in time is not considered. It is therefore not considered that the duration of long-term impacts would need to be more granular to precisely align with the broad timescales set out in Table 5.6.

Q18.0.3	The applicants	**Cumulative assessment** Paragraph 5.2.27 of chapter 5 of the ES [AS-030] states that the assessment of cumulative effects should be proportionate in accordance with PINS Advice Note 17. Please can the applicants expand on why they feel a 5km search area is proportionate (why not 2km or 10km)? Furthermore, the non-cumulative assessments within the chapter are based on the study area and functional economic market area identified in figures 5.1 and 5.2 respectively. Why have these areas not been used for the cumulative assessment search area? Similarly, regarding paragraph 5.2.28, what is the justification for the chosen thresholds, are they derived from established guidance?	The Applicants confirm that the study area has not been selected as the search area for the cumulative assessment, since it is project specific rather than 'project-blind'. In other words, it is be-spoke for the assessment of effects of the proposed development at EMG2. Another cumulative development may be situated within EMG2's study area but located further away from EMG2 such that it could have its own separate study area with potentially different baseline conditions. Cumulative developments located further away from EMG2 could therefore impact a set of sensitive receptors different from EMG2 (for instance a different set of workers), which could overestimate beneficial impacts generated for the identified sensitive receptors. A 5km search area ensures that cumulative schemes considered in the assessment remain aligned with EMG2's potential to positive impact sensitive receptors in the study area. As the socio-economic benefits of EMG2 are positive, it was also considered that a larger catchment area would contribute to further inflating already positive impacts. Further details on the selection of the Functional Economic Market Area (FEMA) are set out in the response to Question 15.0.2 of this document. The FEMA was not selected as a search area for the cumulative assessment, as the Industrial and Logistics Need Assessment [**APP-078**] submitted with the DCO Application and the MCO Application inherently considered total potential supply (including cumulative sites) when determining future supply of industrial and logistics land and the resulting shortfall relative to demand estimates. The selection of a 5km catchment was deemed proportionate to demonstrate the positive contribution of cumulative schemes in addressing the demand estimates in the FEMA. The thresholds have been selected based on the nature

			and scale of development likely to give rise to significant effects (in environmental impact assessment terms) relative to the baseline conditions observed in the impact area and to the receptors' sensitivity. The level of change in baseline conditions required to result in significant effects was translated into the development quantum (either in employment floorspace or housing units delivered) that would allow this level of change.
Q18.0.4	The applicants NWLDC	**Sectoral reliance and socio-economic resilience of North West Leicestershire** With reference to figure 5.7 of chapter 5 of the ES [AS-030], is there a risk of North West Leicestershire becoming over reliant on the transport and storage sector? Consequently, is there a socio-economic resilience issue that needs to be explored? For example, nearly a quarter of employment in North West Leicestershire is in the transport and storage sector. If there was a downturn in this sector, would socio-economic receptors in North West Leicestershire be disproportionately affected compared to other areas of the UK?	Whilst it is true that there is a significant proportion of jobs contained within the transport and storage sector within North West Leicestershire, the industrial and logistics sector has demonstrated itself to be resilient in the face of shocks. Its nature is structural rather than cyclical, with it acting as a facilitator of goods and services in the economy. It is the fastest growing commercial sector and has shown consistent growth over the past decade. Unlike other sectors it has not experienced downturns following events such as the Global Financial Crisis in 2008, Brexit in 2016, and Covid-19 in 2020. Analysis demonstrates that since 2020, 74% of office delivery has been in 10 city centre locations, primarily in London. Additionally, logistics is the only sub-sector that has seen greater jobs growth outside of London, with 31% jobs growth in the regions vs 19% in London. Median industrial and logistics wages are higher than the all sector median. At the national level, median industrial and logistics wages stand at £35,520 (+£3,900 vs the all-sector median) per annum and £35,870 (+£4,300 vs the all-sector median) per annum, respectively. North West Leicestershire also benefits from a strategic locational competitive economic advantage within the UK

			as a result of its location within the Logistics Golden Triangle. As such it is particularly shielded from any shocks which might occur as it is the last location where distributors would 'pull out' from in the country, due to its central and critical location for maintaining logistics operations.
Q18.0.5	The applicants	**UK competitiveness index** Paragraph 5.5.17 of chapter 5 of the ES [AS-030] indicates a disparity in economic competitiveness in the study area. Please can the applicants highlight any evidence demonstrating that the proposed development would have an impact beyond North West Leicestershire and benefit the wider study area as a whole and would not deepen disparities in economic competitiveness.	Analysis of ONS employment multipliers demonstrates that for every 10 jobs in the industrial and logistics sector, a further 10 are supported throughout the national supply-chain. This is unlike other sectors, such as the office sector which supports a further six supply-chain jobs, and retail which supports a further five supply-chain jobs. Beyond this, industrial and logistics has indirect GVA generation equivalent to around 2.5 times its direct GVA generation, as a result of its economic facilitating nature. By contrast, office-based sectors have indirect GVA generation of around 0.6 times their direct GVA generation, whilst retail-based sectors have indirect GVA generation of around 0.5 times their direct GVA generation. Effectively, the economic contribution of industrial and logistics is that it facilitates the movement of goods throughout the supply-chain, thus enabling the functioning of the modern economy. As such, it acts as a magnet for businesses and locational investment as, businesses seek to locate themselves in proximity to distributional operations. The 2026 BPF report 'Industrial & Logistics: The Infrastructure of Everything' reinforces this and demonstrates the significant role I&L has in the UK economy. The sector contributes 13% to national GDP and generates £84 billion in public tax revenue annually. Furthermore, the Government's IS-8 growth sectors are 22% reliant on I&L outputs, with sectors such as advanced

			manufacturing, life sciences, and defense particularly reliant on industrial and logistics supply-chain support. This demonstrates that the industrial and logistics sector is critical in ensuring economic competitiveness. This, in addition to the estimates of off-site employment creation in Chapter 5 of the ES [**AS-030**], demonstrates that EMG2 has the potential to generate jobs, create GVA and boost economic competitiveness beyond North West Leicestershire and throughout the study area.
Q18.0.6	The applicants	**Employment containment** With reference to Paragraphs 5.5.38 and 5.5.39 of chapter 5 of the ES [AS-030], commuting patterns suggest there is a high level of employment containment. Consequently, outside of Derby and Leicester, is there an argument that proposed development's impact on the economic activity of the wide study area, particularly as a source of employment, would be relatively limited? If yes, could the employment scheme secured in the dDCO have specific terms of reference to mitigate this and improve the geographical spread of employment opportunities within the study area?	Chapter 5 of the ES [**AS-030**] has considered indirect off-site employment benefits that may be generated as a result of supply linkages (multiplier effects) with EMG2, as outlined in paragraph 5.5.102 of that chapter. This has accounted for assumptions for multiplier effects at the regional level. The employment quantum reported in the chapter therefore do not refer solely to on-site jobs but also to off-site jobs across a wider area (2,185 jobs as set out in Table 5.33), which may be accessible to workers outside of Derby and Leicester. This would contribute to generating economic activity across the wider study area. Additionally, as outlined in the Applicants' response to Question 18.0.1, an EMG2 Bus Fund will be set up as part of the EMG2 Sustainable Transport Strategy, which offers potential for regional connectivity enhancement to the site and for maximising regional employment opportunities for on-site jobs. The Employment Scheme secured in the dDCO [**PDA-004D**] outlines that liaison will take place with local planning authorities and Leicestershire County Council to share information about employment opportunities. Where appropriate the Employment Scheme may also comprise

			measures targeted in locations where employment deprivation has been identified. As evidenced in Table 5.14 of Chapter 5, the study area experiences a wide range of employment deprivation levels, and not just in Leicester and Derby, which may also provide opportunities for wider regional employment.
Q18.0.7	The applicants	**Net absorption and supply** Paragraph 5.5.61 of chapter 5 of the ES [AS-030] states when using the 2014 - 2023 trend for net absorption, NWL and its FEMA have just 1.1 years and 3.1 years of supply available respectively. How many years additional supply would be created by the proposed development?	The Functional Economic Market Area (FEMA) and North West Leicestershire (NWL) have been supply-constrained over the past decade, with availability well below the 8% equilibrium (5.1% average availability in NWL and 4.5% average availability in the FEMA over 2014-2024) and significant rental growth almost triple the rate of inflation. Whilst the delivery of EMG2 could increase the years of available supply to a maximum of 3.4 years in NWL and 4.4 years in the FEMA, this is based on historic net absorption trends which have been constrained by historic supply constraints and consequently the actual increase in years of supply is likely to be much lower.
Q18.0.8	The applicants	**Study area skills** Paragraph 5.5.63 of chapter 5 of the ES [AS-030] states overall, across the study area, there is a pool of highly qualified and skilled residents who could staff the DCO scheme once it is operational. However, is this actually the case given that commuting patterns are highly contained to Derby and Leicester? If it is not the case how would the proposed development mitigate the highly contained commuting patterns in order to access the skills pool?	The Employment Scheme secured by requirement 25 of the dDCO [**PDA-004D**] will contribute to addressing skills requirement and ensuring the right access to the skills pool across the study area. ONS data from the Annual Population Survey shows that the skills profile at the local authority level throughout the study area is generally varied, with some local authorities demonstrating higher proportions of higher-skills residents and other local authorities' higher proportions of lower-skills residents. This may help ensure that future workers of EMG2 would commute from throughout the study area subject to the specific skills requirements of EMG2. Further data on skills and occupation distribution in the study area can be incorporated within Chapter 5 to demonstrate the wide variety of profiles if required.

Q18.0.9	The applicants	**Reasonable worst case scenario** Paragraph 5.5.88 of chapter 5 of the ES [AS-030] uses a worst case scenario that the totality of the proposed floorspace would be delivered for B8 use, which in turn influences the mid-point reasonable worst case scenario. However, is this realistic given that the s35 Direction was based on a component of manufacturing floorspace and that the freeport was designated with the delivery of advanced manufacturing floorspace as a component?	Paragraphs 5.5.89 to 5.5.91 and Table 5.22 of Chapter 5 of the ES [**AS-030**] set out potential employment scenarios. For the purpose of the ES, the worst-case scenario is considered to assess the lowest possible impacts on employment creation and economic output, resulting in the lowest possible effects. Any consideration of manufacturing space (B2) use would result in an increase in the number of jobs at the site since B2 has a greater employment density (36 sq.m GIA per FTE worker) than B8 (95 sq.m GEA per FTE worker), resulting in greater beneficial effects. In line with the approach to EIA, the chapter is concerned with the worst-case scenario rather than a realistic scenario. There are additional market considerations that would point to a limited take up of B2 space at EMG2, rendering the worst-case scenario assessed in Chapter 5 more 'realistic'. It is acknowledged that, within the industrial and logistics sector, 70-75% of the demand is for B8 use and 25-30% of the demand is in B2 use. Within larger units, such as those delivered at EMG2, this split would be expected to move more towards an 80-20 split. Finally, the rail access and strategic location of EMG2 to logistics occupier would likely remove any interest in B2 space. These considerations would indicate that realistically, the market would be expected to be interested in B8 space at the site primarily, given its location, size of the proposed units, and rail access. This further provides justification for the use of the 'worst-case' scenario within Chapter 5.
Q18.0.10	The applicants	**JSA claimants as part of the labour pool** Paragraph 5.5.110 of chapter 5 of the ES [AS-030] assumes that all JSA claimants would be willing and able to work within industrial and logistics activities	Whilst it is acknowledged that not all JSA claimants would be willing and able to work within industrial and logistics activities, the total number of unemployed residents in the study area identified in Table 5.24 of Chapter 5 (63,500 in total) remains significant relative to the net needs of EMG2

		but concedes this is unlikely to be the case. Consequently, does the worst case scenario for impacts on skilling and training the local labour force need to be reconsidered? For instance, should a lack of JSA labour pool be assumed, as this would be the reasonable worst case scenario for the proposed development in terms of the supply of potential employees to meet its operational demands?	(2,775 workers). While this may put pressure on skills availability with regards to some other occupations (such as SOC 2 Professional Occupations with only 179 identified claimants), the overall scale of the labour pool remains significant to allow upskilling and retraining, in line with the Employment Scheme proposed to be secured by requirement 25 of the dDCO [**PDA-004D**]. Additionally, using ONS Census 2021 data on unemployment by occupation would demonstrate a labour availability more balanced across SOC, and would not result in shortfalls. JSA data had been used as a worst-case scenario given it is relatively more recent than the 2021 Census, but the 2021 Census would be expected to be more robust. Further analysis could be provided within Chapter 5 of the ES to demonstrate the impact when considering Census 2021 data. Finally, this analysis relies solely on the number of unemployed residents and does not take into account economically inactive residents that could be brought back into work, as identified in paragraph 5.5.11 of Chapter 5. This could further meet the labour needs of the scheme through the implementation of the Employment Scheme. Overall, it is considered that the use of the JSA data for this analysis already constitutes a worst-case scenario.
Q18.0.11	The applicants	**Labour pool shortages** Table 5.24 of chapter 5 of the ES [AS-030] illustrates that there would be a substantial shortfall in the labour pool for process, plant and machine operatives, with only around 25% labour availability.	As identified in the response to Question 18.0.10 above, labour pool shortages would represent a worst case scenario, underpinned by the use of JSA data and the exclusion of economically inactive residents within the available labour pool. The alternative use of Census 2021 data to describe the available labour pool by occupation would not demonstrate any shortages. Further analysis could be provided within Chapter 5 of the ES to

		What impact would this have on operations and how would it be mitigated?	demonstrate the impact when considering Census 2021 data. The implementation of an Employment Scheme (requirement 25 of the dDCO [**PDA-004D**]) would also identify upskilling or re-skilling opportunities to mitigate any impact on operation and ensure that the right labour force is available.
Q18.0.12	The applicants	**Reasonable worst case scenario** Paragraph 5.5.123 of chapter 5 of the ES [AS-030] talks about GVA in the context of transport and storage. However, referring back to paragraph 5.5.96, the mid-point scenario (the reasonable worst case) could include B2 uses. Consequently, does the GVA analysis need to factor in B2 uses? There are a number of questions about the reasonable worst case scenario. Therefore, as a general point of clarity and robustness, please can the applicants sense check the whole chapter to ensure the mid-point scenario (the reasonable worst case) is suitably described in terms of floorspace, mezzanine space and use class combinations, and that this is consistently and accurately reflected in each of the chapter's impact assessments.	Based on Oxford Economics, and as quoted in Chapter 5 of the ES [**AS-030**], Gross Value Added (GVA) per job in the transport sector in the study area amounts to circa £41,400 per job. In contrast, GVA per job in the manufacturing sector in the study area amounts to £82,400 per job. This demonstrate than under a 'reasonable worst case' scenario incorporating B2 uses, the economic output assessed would be even greater than those reported currently in Chapter 5. No B2 uses has therefore been assumed into the assessment such that the chapter considers the actual 'worst-case' scenario.
Q18.0.13	The applicants	**Cumulative labour pool availability** Please can the applicants add columns to table 5.37 of chapter 5 of the ES [AS-030] to show the differences in demand and supply of labour as percentages and also populate the total for the final	An updated Table 5.37 is provided at **Annexure 18A** of this document.

		two columns, which appear to be missing from the final row of the table.	
Q18.0.14	The applicants	**Cumulative skills shortage** Please can the applicants provide more detail on how the employment scheme would mitigate the substantial cumulative skills shortage identified in table 5.37 of chapter 5 of the [AS-030]. For example, the applicants should submit further evidence demonstrating that the scale and scope of the employment scheme is capable of upskilling and reskilling the local labour force to the extent required. Furthermore, that there would not be an unacceptable risk of employment leakage outside of the study area that would call into question the local and regional employment benefits of the proposed development.	As identified in the response to Question 18.0.10 above, labour pool shortages would represent a worst-case scenario, underpinned by the use of JSA data and the exclusion of economically inactive residents within the available labour pool. The alternative use of Census 2021 data to describe the available labour pool by occupation would not demonstrate any shortages. Further analysis can be provided within Chapter 5 of the ES if required to demonstrate the impact when considering Census 2021 data. Measures identified in the response to Question 18.0.1 and 18.0.6 demonstrate the Applicants' commitment to maximising employment opportunities at EMG2 for residents of the study area.

APPENDIX 19

TRAFFIC AND TRANSPORT

19. Traffic and Transport			
Q19.0.1	The applicants NH LCC	**AECOM** It is noted the AECOM has been commissioned by the applicants, NH and LCC in relation to the proposed development to support their individual positions. Could the parties set out their individual relationships (non-financial) with the company, along with what arrangements are in place to ensure that there has been no conflict of interests within AECOM?	AECOM are LCC's approved transport modelling consultant who manage and undertake all the PRTM modelling work. As is the case for all persons who are required to use the PRTM, in order to obtain outputs from the model the Applicants have to commission, and pay for, these from AECOM. LCC and NH then review AECOM's model data. As such, the Applicants do not consider there to be a conflict of interest.
Q19.0.2	The applicants	**Potential Typographic error** Could the applicants confirm which links are referred to in paragraph 6.6.44 of chapter 6 of the ES [AS-032], and amend the ES if necessary?	This refers to links on the A42/M1 on and off slips at M1 Junction 23A (Finger Farm), as referenced in bullet point 1 of paragraph 6.6.33 of Chapter 6 [**AS-032**]. It includes Links 5, 23, 24, 25, 26 and 27, and hence not all links 5 to 27.
Q19.0.3	The applicants	**Trip generation rates** Could the applicants please check the calculations in Table 15 of the TA [APP-080] for the both the totals and percentages of 'Difference versus Agreed Traffic Generation – Vehicle Trips' for HGVs in the AM Peak arrivals. Does this have any consequence for the following analysis?	The Applicants confirm that the total EMG2 HGV arrivals of 66 is correct and calculated using the EMG1 surveyed trip rates. However, the difference of -215 HGV arrivals (equating to -256.4%) is incorrect and instead should read as -15 HGVs (equating to -18.5%). The purpose of the calculations in Table 15 of the TA [**APP-080**] was to compare the development traffic generation using the agreed trip rates against surveyed trip rates from EMG1, to demonstrate that the agreed trip rates are robust. Therefore, this incorrect value has no impact on the

			transport modelling work nor any other technical aspects of the TA.
Q19.0.4	The applicants	**Directional Sign Strategy** The drawings in appendix 28 of the TA [APP-082] are not displaying properly. Could they please be reformatted and resubmitted.	The Applicants have provided new versions of these plans as changes have been made following the Stage 1 Road Safety Audit. The plans take a short while to render properly so to assist with this we have provided them in their own PDF document as Appendix 28 to the TA in isolation.
Q19.0.5	LCC The applicants	**Signage in Castle Donington area** In paragraph 8.37 of the TA [APP-080], in discussing traffic around Castle Donington, it is noted that LCC might seek additional signage to route traffic around the bypass rather than along High Street. Could LCC confirm whether it would seek such signage? If so, could the applicants please indicate how such signage would be secured?	As the PRTM 2023 modelling work has now been completed, the Applicants do not believe that this additional signage is required as the residual impacts on the local road network within Castle Donington is negligible. However, if ultimately there is a need for this signage, then it can be secured using the further agreement provisions at article 18 of the dDCO [**PDA-004D**] which now include for signage.
Q19.0.6	The applicants LCC Prologis EMIA	**Dualling of A453 west of Finger Farm Roundabout** At ISH1 there was discussion about the potential dualling of the A453 west of Finger Farm roundabout.	The Applicants' response to this question is dependent on receiving the response from LCC and the Applicants will therefore provide this at Deadline 2.

		Could LCC please set out: • what, if any, proposals have been drawn up for this section of road, providing drawings if necessary • any timetable for potential works or triggers for a requirement, and how land would be secured and funding for the works themselves provided The applicants are asked: • does the response have any implications in relation to your response to ExQ1Q2.0.6? Prologis and EMIA are asked to set out their understandings of this matter, along with any matters within the joint application which would impinge on that.	
Q19.0.7	The applicants	**Cumulative effects** In paragraph 2.7 traffic and transport section of the Protect Diseworth RR [RR-025D], Protect Diseworth have set out a list of projects which it considers should be considered on a cumulative basis. Could the applicants please set out a response to each of these, whether they have been included as part of the baseline, a potential project which has been assessed or not considered. In each case, the applicants should reference where this information can be found in either the ES or its appendices using precise references, or if a project has not been considered explain why that is the case.	All committed developments and draft Local Plan allocations were included in the baseline traffic within the PRTM 2019 and 2023 modelling. Full details of all schemes included in the modelling are presented in the Uncertainty Log at Appendix 8 of the TA [**APP-080 to APP-083**]. The schemes mentioned by Protect Diseworth are: • **EMG1 –** 500,000sqm of employment land use has been assessed, shown at line 5 of the employment data. • **4,000 homes at Isley Walton –** 4,500 homes have been assessed, shown at lines 1,036 and 1,037 of the housing data. • **3,000 homes at Fairham, Clifton –** 3,000 homes have been assessed, shown at line 174 of the housing data. • **Phase 2 Castle Donington –** It is assumed that Protect Diseworth are referring to housing scheme at Land

			North and South of Park Lane, Castle Donington (CD10), which is a draft allocation in the emerging NWLDC Local Plan. 1,076 homes have been assessed, as shown at line 1,035 of the housing data. • **Sawley Junction on A50** –92,500sqm of employment development has been assessed, shown at lines 131 and 132 of the employment data. • **EMA cargo –** 1,000 jobs have been assessed, as shown at line 166 of the employment data. • **Storage and distribution at Castle Donington and Kegworth –** It is assumed that Protect Diseworth are referring to employment schemes at Land West of Hilltop Farm, Castle Donington (EMP89) and Land North of Derby Road (A6), Kegworth (EMP73), which are both draft allocations in the emerging NWLDC Local Plan. 17,850sqm of employment development has been assessed at Castle Donington (lines 632, 633 and 634 of the employment data) and 70,000sqm of employment development at Kegworth (lines 638, 639, 640 and 641 of the employment data). • **Storage and distribution at Fairham, Clifton –** 100,000sqm of employment development has been assessed, as shown at lines 416, 417, 418 and 419 of the employment data. • **Aldi and Amazon facilities at Bardon near M1 Junction 22 –** a 1,000sqm retail store has been assessed, as shown at Line 56 of the employment data and reflects the Aldi development. The Amazon development has been open a number of years and traffic has been captured in the surveys. • **M1XL and VGO East sites 2km from M1 Junction 24. –** 60,000sqm of employment development has been

			assessed for the M1XL development, shown at line 30 of the employment data. 65,726sqm of employment development has been assessed for the VGP development, shown at line 126 of the employment data.
Q19.0.8	The applicants	**Proposed bridleway** Could the applicants explain why the proposed public right of way between points 8 and 12 on Access and Rights of Way Sheet 1 of 2 [APP-037D] would be a bridleway given that other public rights of way in the vicinity are footpaths and the proposed right of way is therefore unlikely to be used by equestrians?	At statutory consultation stage for the DCO Scheme, the path was put forward as a public footpath. However, feedback from members of the public at the Diseworth consultation event was that there are a number of horse riders in and around the village who would benefit from the creation of a loop connecting Hyams Lane to Long Holden. This resulted in this section of the proposed right of way being changed to a bridleway. This is documented in more detail on the consultation report [**APP-208**], reference LB3.
Q19.0.9	NH LCC	**Departures from highway standards** The applicants have set out various departures from standards for the highways to be provided (see appendices 26 and 27 of the TA [APP-082]). Could NH and LCC please formally consider whether there are likely to be any issues in approving details post-consent? The ExP notes that once in principle consent has been granted the Courts have indicated that it would not be possible to refuse consent at the detailed design stage.	N/A Whilst this question is addressed to NH and LCC, the Applicants can confirm that revised versions of both appendices have been provided for Deadline 1. The SRN design strategy record sets out the latest position in respect of geometric departures on the SRN. The LRN design strategy record confirms that no departures from geometric standards are now proposed for works on the LRN, with the previously proposed departures having been designed out in consultation with LCC and the revised drawings submitted at Deadline 1 are reflective of this position.
Q19.0.10	The applicants	**Junctions in vicinity of Diseworth** Paragraph 10.22 of the TA [APP-080] sets out "feedback was received from local residents who	The feedback was provided verbally at the Public Consultation events for EMG2. Reference to this was made in the Public Consultation summary note under "Traffic impact in Breedon on the Hill, Diseworth and Long

		asked that capacity improvements not be proposed at junctions leading towards Diseworth so as not to encourage higher traffic flows in the vicinity of the village". Could the applicants please either signpost within the examination library or provide this evidence.	Whatton" with lots of attendees mentioning drivers using the Long Whatton / Diseworth route to access East Midlands Airport and it reported "*there was a real split in people for and against traffic calming measures in Diseworth*". See the appendix to the Consultation Report [**APP-218 at page 25 of the PDF**].
Q19.0.11	The applicants LCC NH NWLDC	**Isley Woodhouse development** LCC is concerned to ensure that none of the proposed development would prejudice the delivery of any of the proposed allocations in the emerging local plan. Could the applicants please explain: • what measures it has undertaken to ensure that this does not occur; and • provide us with evidence to support any response? LCC, NH and NWLDC are all asked for comments in relation to the proposed Isley Woodhouse development.	The highway authorities required that the core scenario in the TA should include for the traffic forecast to be generated by the proposed allocations in the emerging Local Plan and the Ratcliffe Power Station development, albeit their associated mitigation had not been identified and hence could not be included for. The wider East Midlands Growth Point project is also considering the traffic generated by such sites and associated mitigation so that a holistic mitigation solution can be arrived at. Based on the work undertaken to date, nothing proposed at EMG2 will prejudice the delivery of any of the proposed allocations in the emerging Local Plan. This is evidenced by way of including for the safeguarded land along the site frontage between the EMG2 access roundabout and Finger Farm for any future widening associated with the Isley Woodhouse scheme, for example. Far from prejudicing the delivery of additional development, the Highway Works will be a key first element of a strategic solution which will help facilitate that development (see Joint Position Statement between SEGRO and National Highways (**Document DCO 8.1**) and the note at **Annexure 19A** of this document**.**

Q19.0.12	The applicants	**Traffic modelling** Paragraph 6.8.3 of Chapter 6 of the ES [AS-032] states "proposed Highway Works would have a number of beneficial impacts in terms of reducing traffic flows on the A453 corridor between the Hunter Road roundabout (EMG2 Main Site access) and M1 Junction 24". Could the applicants explain why they believes this would occur. The response to this needs to be more than "the model says so", rather it needs to set out the reasoning behind the modelled results. What changes to traffic signage would be made to encourage such behaviour, and, if any, how would this be secured?	Drivers currently travelling northbound on the M1 towards the A50 westbound are currently signposted to exit at Junction 23A (Finger Farm) and route via the A453 (rather than M1 Junction 24).The provision of the M1 northbound to A50 westbound interchange link will mean that traffic from the M1 (and A42) to the A50 will not need to pass through any intermediate junctions where it may need to stop. As such this will become the most attractive route and unless live conditions show otherwise, this will become the quickest route displayed on navigational aids that inform drivers of live traffic. This logic-based rationale is backed up by the route choice modelled both within the PRTM and VISSIM. The PRTM 2023 modelling shows that peak hour flows on the A453 northbound would reduce by 662 vehicles in the morning peak hour and 527 vehicles in the evening peak hour. This would have a number of benefits along the A453, particularly when considered alongside the active travel improvements also being proposed on the A453. To encourage vehicles to stay on the M1 northbound and not use Finger Farm the DCO Scheme proposes changes to the traffic signs on the M1 northbound as shown on the signage strategy (Appendix 28 of the TA) and these are identified as Works No. 16 in the dDCO [**PDA-004D**].
Q19.0.13	The applicants	**Traffic modelling** Paragraph 6.8.4 of Chapter 6 of the ES [AS-032] states "The proposed active travel works along the A453 between EMG2 Main Site and EMG1, including the introduction of a new Toucan crossing at the A453 and uncontrolled crossing at East Midlands Airport, will have permanent beneficial	At present, there is a poor-quality footway/cycleway along the east side of the A453 between EMG1 and EMG2 and no crossing facility on the A453 opposite the EMG2 Main Site. There is an uncontrolled crossing on the A453 to the north of Finger Farm. EMG2 is proposing a high quality footway/cycleway of compliant width and gradient, and improved controlled crossing points on the A453 between the EMG2 access roundabout and Finger Farm that gives

		impacts on severance, non-motorised user delay, non-motorised user amenity, fear and intimidation and road user/ pedestrian safety along a number of links" and 6.8.5 "The improvements to existing Public Rights of Way, including Hyam's Lane and Long Holden, will result in permanent beneficial impacts to non-motorised user delay, non-motorised user amenity, fear and intimidation and road user and pedestrian safety for people travelling on these links". Could the applicants explain why they believes this would occur. What changes to traffic signage would be made to encourage such behaviour, and, if any, how would this be secured?	priority to pedestrians and cyclists. Users of the route north of this will not need to cross the A453 north of Finger Farm and back again to reach EMG1 (or places beyond EMG1). These improvements would be built and maintained in perpetuity and therefore have a permanent beneficial impact to existing users and future occupiers of EMG2. Similarly, the existing PROW routes along Hyams Lane and Long Holden are currently unsurfaced and unsuitable for all weather types, overgrown in places and generally of a poor quality. EMG2 is proposing improvements to the surfacing of these PROW and increasing the widths to make them suitable for pedestrians and cyclists. This will increase activity and provide better surveillance which together will have permanent beneficial effects on the environmental matters specified. The Active Travel Route will have clear directional signage at junctions along its length, these will be agreed as part of the detailed design but will include destinations such as Diseworth, EMA, EMG1, EMG2, Kegworth and Castle Donington. It is also intended to be signed as National Cycle Network route no. 15. These signs will form part of the highway works.
Q19.0.14	The applicants	**Traffic modelling** The applicants' analysis has been undertaken based on AADT figures. Could a sensitivity analysis be undertaken on a AAWT base, with comparison between the two, so that the effects at the weekend can be understood. The ExP is seeking to understand this on the basis that there may be	The adopted IEMA Guidelines require an assessment of environmental effects of a development on Traffic and Transport matters to be undertaken using AADT data, which comprises average daily traffic flows across all 7 days of the week. The assessment in Chapter 6 of the ES [**AS-032**] is therefore compliant. An assessment using AAWT data, which comprises average daily traffic flows across the 5 weekdays only, would not be possible because AAWT data is not available from PRTM. Nevertheless, AAWT would result in a higher baseline

		greater amenity effects at the weekend from changes in traffic flow?	because it excludes traffic during the weekend which is typically lower and therefore the percentage increase from tEMG2 would be less compared to AADT. This means the assessment undertaken using AADT data is robust. A weekend only assessment cannot be undertaken using PRTM. The benefits of EMG2, in terms of removing traffic from the A453 northbound and providing physical improvements to crossings and active travel infrastructure would have permanent beneficial impacts throughout the week regardless of AADT or AAWT being used, including severance, driver delay and non-motorised user amenity.
Q19.0.15	NH LCC	**Traffic modelling** Paragraph 14.27 of the TA [APP-080] indicates that there would be an increase of queuing on the Bostocks Lane arm of Junction 79 (M1 J25) of some 11.2%, that is from 133.8 PCUs to 148.8 PCUs. The applicants have described this increase as 'negligible' and would not affect the operation of the arm. NH and LCC are asked for their views as to the analysis and whether they consider any mitigation works are required at this junction from the effects of the proposed development taking into account paragraphs 5.281 and 5.282 of the NPSNN.	N/A
Q19.0.16	The applicants NH LCC	**Road Safety Audits** There was discussion at ISH1 as to road safety audits. Could the applicants please ensure that any further road safety audits or iterations of those	The Applicants confirm that the Stage 1 Road Safety Audit for all highway works relating to the DCO Scheme and the MCO Scheme has been completed. The audit and the response report, which has been signed by BWB on behalf of the Applicants, NH and LCC, has been submitted at

		completed to date are submitted as they become available.	Deadline 1. See **Document DCO 7.7 / MCO 7.7 and DCO 7.8 / MCO 7.8**.
Q19.0.17	The applicants NH LCC	**Traffic signals** What analysis has been undertaken of ensuring the phasing between the various traffic lights in the vicinity of the EMG1 and EMG2 sites are co-ordinated to ensure the maximum free-flowing of traffic? If none has been done to date, what analysis could be undertaken, and should this recommend particular solutions, how would these be secured?	EMG2 includes signalisation only within the internal site layout to provide priority for buses. This has been coded as vehicle actuation, enabling buses to receive priority when required while otherwise maximising general traffic flow. The A6 / A453 / EMG1 junction and M1 J24 both operate under MOVA control, which optimises traffic movements by adjusting signal timings based on detection on the approach arms to maximise free-flow conditions. Although the junctions are not specifically coordinated due to the distance between them, the MOVA detectors on each approach arm will optimise signal operation to facilitate the most efficient traffic flow possible.
Q19.0.18	The applicants	**Relationship to national cycle route** There are various references to extensions to the national cycle route through the delivery of the proposed development. Could the applicants please explain how these would be secured? This question does not relate to the physical infrastructure, rather to the incorporation within the national cycle network.	The Applicants understand that there have been long held ambitions to close the gap in National Cycle Network Route 15 that currently exists between Diseworth and Nottingham. The Applicants have liaised with the Walk Wheel Cycle Trust (WWCT), formerly known as Sustrans, to understand how the designation as part of the NCN takes place. The WWCT have confirmed that "*Based on your proposals for the scheme delivery, maintenance liabilities and route alignment, we would be pleased to support the Kegworth and Diseworth active travel extension incorporating the infrastructure you have outlined. Once the scheme is completed, we can offer our approval for the route to be adopted, mapped and signed as part of National Cycle Network 15"*. This is subject to the WWCT being satisfied at the detailed design stage of the detailed proposals in relation to matters such as barriers at signage,

			but the Applicants see no reason why they cannot be satisfied.
Q19.0.19	LCC	**Relationship of the Pan Regional Traffic Model and the East Midlands Freight Model** Paragraph 6.4.10 of chapter 6 of the ES [AS-032] refers to both the PRTM, and the EMFM. While it is appreciated that the EMFM is a part of the PRTM, could LCC confirm whether it is content with the use of the EMFM, and its view as to the base date of the model to be used.	N/A Whilst this question is addressed to LCC, the Applicants note that EMFM stands for the East Midlands Freeport Model, not Freight Model.
Q19.0.20	The applicants LCC NWLDC	**Work No 19** In paragraph 6.7.1 of chapter 6 of the ES [AS-032], fifth bullet, tenth sub-bullet, reference is made up upgrading footpath L57 between Diseworth Lane and Castle Donnington. This indicates that payment was made to LCC until the Planning Obligation for EMG1, but the works have never been carried out and the ExP was • Could LCC explain its understanding on this matter. • Could the applicants please provide us with a copy of the s106 Planning Obligation. • Could the applicants please explain why this link is justified in relation to the current application of which it forms part?	Castle Donington is located within 5km of the EMG2 Main Site as the crow flies, and a significant portion is within the 5km isochrone. As such, it is clearly desirable to provide an active travel link from Castle Donington to EMG2. From EMG2 to EMG1 the route would follow the A453 (Works No. 14) and would then use the existing facility within the EMG1 estate to Diseworth Lane. To get from Diseworth Lane to Castle Donington, the upgrade of L57 is required (Works No. 19). An alternative route would be to head west along the A453 to the junction with the road leading to Castle Donington west of EMA. However, this would require a new facility, some 2.5km in length, along the A453 and hence the L57 upgrade is preferred (and this would of course enable EMG1 to be connected to Castle Donington with an active travel route as originally envisaged at the time of the EMG1 DCO).

Q19.0.21	The applicants LCC NH	**TA Appendices 45 and 46 [APP-082]** Appendix 46 to the TA VISSIM Local Model Validation Report indicates in paragraph 2.10 that surveys have identified the network peak hours as 0730 to 0830 and 1700 to 1800. However, other documents, such as Appendix 45 EMFM Stage 1B Modelling Forecasting Report Addendum have identified the peak hours as 0800 to 0900 and 1700 to 1800. Could the applicants, NH and LCC comment as to whether the difference in the morning peak have any implications for the modelling and the analysis thereafter?	Traffic count surveys undertaken for the VISSIM modelling identified the peak hours as 07:30–08:30 in the morning and 17:00–18:00 in the evening. The VISSIM model was therefore calibrated and validated against these observed peak periods. However, strategic models such as PRTM and EMFM typically use standard peak periods of 08:00–09:00 and 17:00–18:00. These flows were confirmed to be higher than the shoulder peaks within the strategic model. As part of the furnessing exercise, the peak-hour growth from the strategic models was applied to the VISSIM peak hours. This approach ensures a robust assessment of the forecast modelling scenarios.
Q19.0.22	The applicants	**TA Appendix 50 – VISSIM Forecast Modelling Report [APP-082]** • Remembrance Way has been mis-spelt throughout the document. Could it please be amended. • Could the applicants please confirm the descriptor of Route 13, which is stated to be M1 South to M1 North, which would indicate that someone travelling on it would go back from whence they came, or clarify the extent of the route in some other way. Figure 4 is not clear. • Tables 1 and would appear to have an error in the headings for the AM period, and that the fourth column is 'WD – WD". Could the applicants please confirm whether this is an error and, if so, please correct this.	• Remembrance Way spelling has been updated in the Forecast Model Report reissued at Deadline 1. • Route 13 refers to vehicles travelling northbound from the M1 South of M1 J23A to M1 North of M1 J24A. • All tables and analysis have been updated in revised technical note which has been reissued at Deadline 1.

		• Tables 1 and 2 – The data for Route 10 in the PM peak would appear to be incorrect, as it gives a nil return. Could this please be checked, given it is unlikely that this would not be used in the PM when used in the AM. The same also applies in Tables 17 and 18 for the WD+Mit figure for Route 15 in the PM peak. • The analysis that flows from these figures, when corrected, should also be reviewed.	
Q19.0.23	The applicants	**Appendices 57, 58, 59, 66, 67 and 68 to the TA [APP-082]** In appendices 57, 58, 59, 66, 67 and 68 to the TA – M1 J23. A50 J1, M1 J25 and some of the diagrams have not displayed correctly (effectively not including the bottom part of the junction on the drawing). Could this please be rectified.	The LinSig outputs within the appendices to the TA have been updated as requested and provided at Deadline 1.
Q19.0.24	The applicants	**Sustainable Transport Strategy [APP-084]** The applicants are asked: • to confirm that the data is not invalid due to the 'self-selecting' nature of the respondents, could the applicants ascertain how many employees were based at the EMG1 site when the 2024 data was collected. In other words, what proportion of employees responded to the survey, noting the 1,203 employees who completed the survey. The applicants should also explain why the survey can be considered statistically robust. • In paragraph 9.10 a calculation for bus usage by employees at the site. This is based on "253	In response to the first bullet point: The methodology for implementing the annual employee travel survey at EMG1 adheres to the approach set out in the EMG1 Site Wide Travel Plan and was reviewed through the EMG1 examination process and is monitored by the EMG1 Sustainable Travel Working Group. The methodology for the annual travel survey at EMG1 includes the Site Wide Travel Plan Coordinator being responsible for agreeing travel survey questions with LCC, setting up the digital survey collector (and paper based forms), providing tailored communications and promotional assets to each Occupier Travel Plan Coordinator to assist them in promoting the survey and coordinating a prize draw to encourage survey completion. The Site Wide Travel Plan Coordinator also liaises with each Occupier Travel Plan

		working days per year". However, it is anticipated that the site will operate on a 24/7 basis (see paragraph 2.5). Could either the number of working days be justified, or the calculation revisited. • In the East Midlands Freeport RR[RR-014] it is noted that "the DCO Applicant has proposed providing for the shuttle bus to stop close to Diseworth which would allow the general public to use the shuttle bus free of charge to get to the interchange to use local services". Could the applicants please confirm their latest position on this, and if it is in agreement indicating how this would be secured in perpetuity.	Coordinators to agree how the survey will be rolled out via digital and in-person communications channels and provides weekly updates on survey response so that each occupier has visibility of how they are performing with regards to the survey response rate. The table below sets out the key information requested by the ExP. **Travel Plan Year** / **Calendar Year** / **Workforce Employee Headcount** / **Annual Employee Survey Response** (Number / %) *Year 3** / *2021* / *4,797* / *1,036* / *22%* Year 4 / 2022 / 4,728 / 864 / 18% Year 5 / 2023 / 5,185 / 778 / 15% Year 6 / 2024 / 5,077 / 1,203 / 24% Year 7 / 2025 / 6,444 / 1,358 / 21% **Covid-19 pandemic, travel patterns non-typical* The Applicants would highlight that the annual travel survey is not the only measure by which the travel plan is monitored. Notably, survey findings are interpreted alongside independent operational datasets collected at the same time, including annual camera-based traffic counts at each unit, shuttle bus patronage records, public transport satisfaction surveys, and insights from employee focus groups. These datasets collectively corroborate the reported mode shares, particularly for single-occupancy vehicle trips, and provide a broader understanding of travel behaviour across the site. All evidence is then combined within the annual EMG1 Site Wide Travel Plan Monitoring Report to LCC. In response to the second bullet:

			The Applicants would initially note that the purpose of Table 9-1 in the Sustainable Transport Strategy [**APP-084**] is to contextualise the scale of additional bus patronage that may be expected across various services to inform a judgement upon which services may need to be prioritised for capacity improvements. However, as outlined within the Framework Travel Plan [**APP-085**], final decisions upon investments in bus capacity improvements will be made by the EMG2 Sustainable Transport Working Group based upon a review of annual monitoring data, e.g. once final employee origins are known. The Applicants would note that the '*253 working days per year'* was used as this represents the standard, average, full-time working schedule and aligns with the busiest periods for bus use (i.e. excluding weekends and bank holidays). It is however, acknowledged that most end-occupiers are likely to be operating at a weekend and some bank holidays. The bus forecasts have therefore been adjusted and are presented in the table below to reflect occupiers operating 364 days per year – only excluding Christmas Day and New Years Day as non-operational days. It should be noted that whilst the adjustment shows more bus trips per annum, the number of bus trips per day remains the same, and it is by this daily metric that decisions upon investment in capacity increases to bus services would typically be made.

Year	2029	2030	2031	2032	2033
New Employees	1,000	1,000	1,000	500	200
Cumulative Employee Headcount	1,000	2,000	3,000	3,500	3,700
Approx. employees on-site per day	600	1,200	1,800	2,100	2,220
Target for bus use (%)	12%	13.0%	14%	14.25%	14.5%
Return bus trips per day	144	312	504	599	644
Total bus trips per year	52,272	113,256	182,952	217,256	233,699

Year	2034	2035	2036	2037	2038
New Employees	-	-	-	-	-
Cumulative Employee Headcount	3,700	3,700	3,700	3,700	3,700
Approx. employees on-site per day	2,220	2,220	2,220	2,220	2,220
Target for bus use (%)	14.75%	15%	15.33%	15.67%	16%
Return bus trips per day	655	666	681	696	710
Total bus trips per year	237,729	241,758	247,130	252,503	257,875

In respect of the third bullet point:

The Applicants refer to paragraph 8.12 of the EMG2 Sustainable Travel Strategy [**APP-084**]. In summary, this outlines that the service will be funded through the site's management charge, which means it will continue to be provided beyond the delivery and monitoring period for the EMG2 Sustainable Travel Strategy and Framework Travel Plan.

Paragraph 7.27 of the EMG2 Sustainable Travel Strategy [**APP-084**] also outlines that members of the public could also use the service, which is available for the community to use, to reach the wider network of bus services operating from the EMG2 Bus Interchange. Paragraph 7.30

			of the same document [**APP-084**] outlines that the service will be free for employees to use. The Applicants propose to update the Framework Travel Plan to explicitly reference it will also be free to use for members of the public and re-submitted to the Examination. The requirement to implement and comply with the Sustainable Transport Strategy at all times is secured by Requirement 4(3) of Schedule 2 of the draft DCO [**PDA-004D**]. With regards to proposed operations, a bus stop will be provided along the estate road near the pedestrian and cyclist access point into/exiting the site from Hyams Lane. This bus stop will be served by the on-site shuttle bus, which connects to the EMG2 Bus Interchange. The shuttle bus will be open for the public to use and is free to use.
Q19.0.25	NWLDC LCC NH	**Sustainable Transport Strategy [APP-084]** Could NWLDC, LCC and NH comment on whether they consider that the one week taster bus tickets would be sufficient to provide an incentive? If they consider a different period would be more appropriate, could they provide that timeframe, providing a justification.	N/A
Q19.0.26	The applicants LCC NWLDC	**Work No. 15** • Could the applicant's explain why the pedestrian access across the A453 would be an uncontrolled crossing rather than integrated into the existing junction as a controlled crossing? • Could LCC and NWLDC comment on the proposition that this should be so integrated.	The purpose of providing a crossing at this junction is to connect the proposed (unlit) public right of way through the northern part of the Community Park (points 10 to 11 on the Access and Rights of Way Plan [**APP-037D**] to the existing footpath network within the airport estate. As this is for leisure purposes, usage of the crossing is considered to be very low. The works required to the junction to provide a controlled crossing would be substantial as

		• Would this have any implications for the traffic modelling.	widening of the traffic islands is needed which in turn require realignment of the A453 (to provide the width for the traffic island) and would require further land take from EMA. The Applicants' view is that, given the predicted usage, these works and additional compulsory purchase cannot be justified. No issues have been raised with this crossing type within the Stage 1 Road Safety Audits or by LCC.
Q19.0.27	The applicants LCC NH	**Severance and non-motorised user delay** Paragraph numbers in this question related to Chapter 6 of the ES [AS-032]. Paragraphs 6.8.10 to 6.8.18 deal with the issue of severance, and paragraphs 6.8.24 to 6.8.27 relates to non-motorised user delay which is stated to be "closely related to severance". Both paragraphs 6.8.10 and 6.8.24 refer to a list of links where it is said that there would be an increase of 30% in AADT flows or HGVs. • Looking at Table 6.9 there would appear to be a number of other links where AADT or HGVs would increase greater than 30% which have not been discussed. Could the applicants please explain why this has not occurred, since not all would not have non-motorised traffic excluded. • Paragraph 6.8.10 notes those links where there would be a 30% increase in AADT figures. However, for links 18 and 19 it is stated that there would be "a reduction in traffic". This is not shown in Table 6.9 where both show increases in total traffic. For Link 18 there is a small, -2/-	• Column 9 of the Table 6.9 confirms whether each link is included or excluded from the study area based on Rules 1 and 2 of the IEMA Guidelines. Column 10 then includes commentary explaining the decision, an example being that certain links have a low volume of baseline traffic and so whilst the percentage increase exceeds 30%, the actual increase is small i.e. 100 vehicles AADT increasing to 130 vehicles AADT, which is a small impact in absolute terms. This is referenced in the methodology at Paragraph 6.2.6. • The reference of a beneficial impact is an incorrect statement and will be updated accordingly. However, there will be no changes to any of the conclusions. • Whilst it is noted that Link 48 is expected to experience a 260% increase in AADT flows, the assessment and conclusion remain unchanged because there is no demand for crossing movements along this road(s), given its rural location, and so there would be a negligible impact on severance. • This paragraph refers to the section of Ryecroft Road between Hemington Lane and A50 Junction 1 and therefore relates to Links 68 and 100 (Link 150 is the roundabout circulatory and is therefore separate). It is acknowledged that traffic flows would increase by 38.3%

		5.4%, decrease in HGV traffic and no change in HGV traffic for link 19. Could the applicants therefore please justify the statement that there would be a beneficial effect from the proposed development on the links? This also relates to the comment in paragraph 6.8.25. • Paragraph 6.8.14 refers to Links 21 and 48, and the changes in traffic. While the percentage given of increase in AADT for link 21 is as given, (114%, that is a greater than doubling) that for link 48 is some 260% (that is over a three and a half times increase). Could the applicants please comment whether using the figure for link 48 makes a difference to the analysis? • Paragraph 6.8.17 refers to Links 26, 100 and 126 and refers to areas in Hemington. However, links 100 and 126 are linked with link 68 and link 26 refers to the M1 southbound on-slip at Junction 23A. Furthermore, the plan does not show link 126 in this area, rather it shows link 150, although it is stated that this is a duplicate of link 100 in Appendix 4 of the applicants' response to s51 advice [AS-079]. Could the applicants confirm what paragraph 6.8.17 should refer to and amend the text appropriately. In addition, the text refers to a reduction in overall traffic numbers, which is not reflected in table 6.9. Could the applicants therefore please justify their statement that there would be a beneficial effect from the proposed development on the links? This also relates to the comment in paragraph 6.8.25 • Paragraph 6.8.31, in discussing non-motorised user amenity, sets out information in relation to link 158 in Kegworth. It states, in relation to peak	(rather than a reduction) however given the rural nature of the road, particularly close to A50 Junction 1, the impacts on severance would be negligible given the low sensitivity of receptors. • The reference to a beneficial impact is incorrect the paragraph should end after concluding there would be a negligible scale of impact. It is acknowledged that paragraph 6.8.31 should read '7 movements per minute' (identical to paragraphs 6.8.18 and 6.8.27 which refer to the same link). The increase of 7 movements per minute is a result of localised re-assignment of traffic rather than increases from EMG2 directly. All traffic increases would be cars only and the characteristics of the road ensure that vehicle speeds are slow and there is good footway infrastructure to accommodate pedestrians. Taking this into account, the impacts on non-motorised user amenity would continue to be negligible.

		hour movements that "EMFM shows there could be up to 420 movements, or one vehicle every 7 minutes in either direction. … The impacts of one additional vehicle every 7 minutes will have a negligible impact" (italics in original). 420 movements in an hour equates to 7 movements every minute. Using the correct analysis, could the applicants and other IPs comment on the data provided.	
Q19.0.28	The applicants	**Construction Traffic Management Plan** The ExP has the following queries on the Construction Traffic Management Plan, appendix 03 of the Construction Environment Management Plan [APP-206D]: • in section 3, the description of the A42 has incorrect lengths for it. It reads metres rather than kilometres. • in section 4.1 there has been the use of "principle", when it should be "principal", and it is not clear why there is a question mark after 'Long Holden'. • in section 4.4 it is indicated that construction traffic levels will be capped at the levels set out in table. What occurs should the actuality exceed that anticipated? What mitigations would be put in place, and how would they be secured and enforced, or how would the capping work? • it is noted that the proposed construction compound could be either side of the entrance from the A453. Could the applicants explain what considerations would inform the final choice, and what alternative provision would be	Using the same bullet points: • The Applicants note the error and will correct it in an amended document to be submitted at Deadline 2. • The Applicants note the errors and will amend the document. • Section 8 of the CTMP covers enforcement during times when traffic movements exceed what has been capped and states: "*Where any traffic volume thresholds are exceeded, National Highways will be notified immediately and involved in identifying and agreeing mitigation or enforcement measures."* *"Where there are more than three breaches within a two-week period, the monitoring data will be provided to National Highways and a meeting convened within one week to agree mitigation actions and next steps. The Principal Contractor shall record all information in a tabulated format and discuss more widely as an agenda item in the Construction Traffic Management Working Group meeting."* • The Applicants confirm that the compound was

		in place should the eastern side be used to ensure that 'fly' HGV parking does not take place off site until the permanent provision is provided? If this is the case, then this would need to be secured. • the Construction Traffic Calculations in paragraph 2.6 of Appendix 2 of the CTMP are based on 49 weeks x 5 days. However, it is proposed that construction will take place on 6 days per week. The ExP assumes that 2 of the 3 shut down weeks are in the Christmas and New Year period which have 3 of public and bank holidays, so there are only five others which means that the calculation does not compute. Could the applicants please either justify further the use of 5 days per week, amend the calculation to take account the currently proposed days of working or reduce the days of working in the application, including the dDCO to 5. The Excel spreadsheet mentioned in paragraph 2.7, once amended, should be provided. • paragraphs 2.8 and 2.9 are based on the assumption that there is an even spread of traffic over the construction period. Could the applicants please justify the assumption or, alternatively, consider a 'worst-case' whereby there are peaks and troughs based on the anticipated construction schedule and the necessary components. If this results in a different result, then the whole assessment should be reconsidered based on this worst-case figure.	originally shown to the east of the entrance of the HGV park. However, given that the Applicants are committed to ensuring that the HGV park is operational at first occupation, an alternative compound has been added to the west of the entrance, and it is this compound which will be used. The 'fly' HGV parking should not therefore occur. • The construction traffic calculations have been based on a 5-day working week. As the calculations are derived based on the number of deliveries of materials, which are fixed components, amending the calculations to a 6-day working week would reduce peak hour/daily construction movements, as the same total number of movements would be spread over more days. Therefore, the calculations should be viewed as worst-case and have been tested in PRTM confirming that there would be no impacts on the operation of the existing highway network. • The calculation of construction traffic assumes that all components (earthworks, buildings, highways, landscaping etc) all start in year 1. In reality, earthworks will take place first to enable buildings to be constructed, with landscaping taking place later on in the process. The methodology therefore adopts a worst-case and the calculations should be viewed as robust.

APPENDIX 20

UTILITIES

20. Utilities			
Q20.0.1	The applicants	**NNNPS interpretation/ securing protection of statutory undertakers' apparatus** Paragraph 16.3.4 of ES chapter 16 [AS-063] states that the National Networks National Policy Statement has "no regard" to the protection of utility assets and statutory undertakers. Please could the applicants: • set out their interpretation in this respect and explain how the approach taken in ES chapter 16 aligns with the relevant statutory and policy framework for protecting statutory undertakers' apparatus and rights • explain the reliance placed on the PA2008 provisions cited in the ES (including sections 127 and 138) and the protective provisions referred at paragraph 16.9.3 of ES chapter 16 (schedule 13 to the dDCO)	In response to the first bullet point, the Applicants confirm that the NNNPS provides guidance on planning criteria. Once planning has been achieved and a development is progressing to construction the developer / design team / principal contractor would need to adhere to a combination of safety legislation, statutory codes of practice and specific industry regulations (CDM 2015 regulations, HSG47 guidance, GS6, Utility Diversion Works Process C1-C9) as part of the development process. In respect of the second bullet point, the Applicants confirm that, as part of any new utility infrastructure works (design & construction), the routes of any new or existing utility assets can be directly affected by existing land / title owners and the future servicing of any project can be greatly impacted without ensuring suitable permissions and provisions to access / purchase land under statutory powers to install or remove assets as part of approved development proposals.
Q20.0.2	The applicants	**Cumulative effects on utilities** Paragraph 16.8.3 of ES chapter 16 [AS-063] concludes that cumulative effects on utilities are unlikely to be significant, noting that some future developments have not yet been consented and may require significant reinforcement.	The Applicants confirm that applications to source utility capacities / connections have been previously completed. As part of the EMG2 development, a DNO offer associated with the reinforcement works required has been accepted with further progression to be undertaken. The timing of these works would be subject to the remaining commercial costs being paid by the Applicants, but an agreed timescale

		Please could the applicants explain how uncertainty regarding future development has been considered in reaching this conclusion, including: • what assumptions (if any) have been made regarding the timing or scale of network reinforcement • how cumulative effects have been scoped where reinforcement works could be required on shared corridors or shared points of connection	has been identified for the duration of the work once commercial orders have been placed and payments made. To facilitate the reinforcement works, offsite utility route proving works have had to be completed and these works would be specific is serving the project progressing to DCO status with no other shared considerations.
Q20.0.3	The applicants Cadent Gas Networks	**Gas supply capacity and reinforcement** ES chapter 16 [AS-063] states that Cadent Gas Networks have confirmed that the EMG2 Works can be supplied from existing capacity within the local network (paragraph 16.5.26) and that the point(s) of connection would be from the existing 315mm PE and 250mm PE medium pressure gas mains within the verge of the A453 Ashby Road, with sufficient capacity to support the connection (paragraph 16.5.27). However, appendix 16A [APP-179] states in the section 1.1 (Connection Constraints) that the anticipated connection is from an existing 250mm PE MP main, but that "the 250mm MP main does not have sufficient capacity … and reinforcement works will be required", and that a Cadent Gas Detailed Analysis Study (DAS) is required to identify reinforcement and confirm costs. Further, appendix 16A section 6.5 (Gas Point of Connection) states that the supply will be from the existing 315mm PE and 250mm PE medium	Historic enquiries have been made to the GT with an indicative connection point to serve the scheme being noted from the local MP gas network. The land capacity enquiries only have a validity period of 28 days with only formal GT1 submissions recognized to secure capacity if available. At this time no formal GT1 application has been submitted to confirm available capacity within the local GT network. Based upon the last network capacity enquiry undertaken, Cadent Gas Networks noted that there was sufficient capacity to serve the development from their MP network without the need for reinforcement. However, this cannot be confirmed until a formal 'GT1' submission is made to secure capacity at which time the extents of any required reinforcement works would be identified. If gas main reinforcement works are deemed necessary, this would only be confirmed on submission of an update land enquiry application which depending on response may advise on the need for a dedicated DAS study. Without the submission of a DAS study request and the return of this study, the Applicants cannot confirm the extent of the reinforcement work if required and whether the extents

		pressure gas mains within the A453 Ashby Road verge and appears to describe the connection as being capable of supporting the development, which is inconsistent with the Executive Summary statement that reinforcement will be required. Please clarify which position is correct and, if reinforcement is required: • identify the likely nature and location of any reinforcement works (to the extent known at this stage) and confirm whether such works would be within the Order limits or delivered separately • explain the status and expected timing of the Cadent Gas DAS, and whether its outcome could materially change the assessment of effects presented in ES chapter 16, and • confirm whether any update is required to ES chapter 16 and/ or appendix 16A to ensure internal consistency in the assessment and conclusions.	would be within the DCO Order Limits. A DAS study once instructed would usually be available within 30-days of costs being paid with a validity period of 21-days from issue of the document. A DAS study has not yet been progressed for EMG2. The need for any reinforcement would not impact on the viability of EMG2 as the gas supply would be required under the Gas Act to ensure a connection suitable in size to serve the scheme can be accommodated on their network. The Applicants confirm that, to avoid confusion, the gas constraints reference in Appendix 16A [**APP-179**] will be amended. It should be noted that this may be subject to change again once an updated GT land enquiry is progressed.
Q20.0.4	The applicants	**Electricity reinforcement works – authorisation, Order limits and securing mechanism** Paragraphs 16.5.22 to 16.5.24 of the ES chapter 16 [AS-063] identifies a requirement for electricity network reinforcement, including works at Toton BSP and works within/ associated with the EMG1 primary substation compound. The paragraph 3.4.79 and table 3.6 of the ES chapter 3 identifies Works No. 20 as the upgrade of the existing EMG1 substation, including a new	In response to the first bullet point, the Applicants confirm that, as part of the DNO connection offer secured with NGED, the 33kV EHV circuit overlay works will be installed within land within the DCO Order Limits north of EMG1 in the vicinity of Church Street in a similar configuration to the original IDNO circuits that serve EMG1. In response to the second bullet point, at present final reinforcement route is subject to DNO / IDNO approval but offsite routes outside the Order Limits should all be in adopted or highways land. Supportive drawings to be provided on approval of all designs.

		switch room/ switchgear and increased capacity, with reference to the Works Plans. Appendix 16A [APP-179] describes reinforcement works including a new 33kV circuit from Toton BSP to a new 33kV switchboard within the EMG1 primary substation compound, and onward 33kV circuits to serve the proposed EMG2 primary substation. Can the applicants please: • confirm which elements of the identified electricity reinforcement works (including any works at Toton BSP, any new 33kV circuit(s), and Works No. 20) form part of the proposed development and are within the Order limits, • identify the relevant Works Plan sheet(s) and Land Plan plot(s) which cover these works and any required land rights/ easements, and provide the relevant Book of Reference entries, • explain how the applicants rely upon and intends to operate the statutory undertaker protections and approvals in the dDCO (including schedule 13 protective provisions) to secure delivery and protection of electricity apparatus, and • explain what mechanism provides assurance that the reinforcement required for the EMG2 connection will be deliverable in principle within the authorised development	As regards the third bullet point, the Applicants confirm that their utilities consultant will approach and liaise with the DNO / IDNO in relation to any asset protection or diversion works deemed necessary ensuring that where non-contestable works are required these are undertaken by the host network operator or where elements of works are deemed contestable we will approach accredited NERS contractors to design, tender and construct / protect assets where applicable. Finally, as part of the accepted DNO offer and in order progress with the reinforcement works deemed necessary, there will be detailed design interface with the DNO and IDNO as well as amendments to the existing EMG1 BCA which will facilitate the addition capacity requested to serve EMG2. The DNO and IDNO are regulated bodies and on approval of design and the payment of costs they are legally bound to deliver the scope of works required under their electricity distribution licenses.

Q20.0.5	The applicants Joint Radio Company National Grid Electricity Distribution	**Microwave/ radio link infrastructure** ES chapter 16 [AS-063] Table 16.4 states that Joint Radio Company (JRC) and the applicants have previously agreed mitigation measures to reduce impacts on radio link infrastructure operated by local energy networks (NGED), and that JRC do not object provided those mitigation measures are implemented. Appendix 16A [APP-179] states in the Executive Summary that NGED have confirmed existing microwave links cross the EMG2 site and will be affected by the proposed development, and that enquiries have been made to ensure an alternative microwave arrangement can be implemented. Can the identified parties please: • describe the agreed mitigation measures (including any safeguarding easements, design parameters, or timing constraints), • confirm whether the mitigation measures are fully agreed with the relevant operator(s) and identify any outstanding matters, • identify precisely where and how the mitigation measures are secured (for example through schedule 13 protective provisions, requirements, a commitment, or other certified documents), and • confirm the point in the programme by which the mitigation must be implemented in order to avoid interruption to radio link services during construction	As part of the detailed utility investigation and coordination works, consultants acting for the Applicants have liaised with JRC who operate on behalf of the UK Energy Industry. This included a desktop building mitigation report which was drafted in August 2024. No additional surveys have been conducted or detailed mitigation measures agreed since the desktop mitigation report was issued. The Applicants have paid for previous survey works but the progression of any acceptance quotations / cost will be after DCO acceptance. In response to the second bullet point, the mitigation report recommends the existing A-end microwave link is moved so to avoid a LOS obstruction and this is the DNO NGED's preference. No detailed surveys have been instructed at this time to finalize this strategy and identify costs to implement this possible solution. In response to the third bullet point, the Applicants confirm that, on instruction of detailed LOS surveys, the final A-end location would be identified to ensure LOS and signal strength parameters and JRC / NGED would issue a quotation to implement these works. As regards the final bullet point, the Applicants confirm that the strategy works required will need to be implemented in advance of the first unit construction works commencing on-site as any on-site cranes / tall equipment can disrupt the existing link from a LOS stance.

Q20.0.6	The applicants	**Utility diversions within highway works** ES chapter 16 [AS-063] identifies that diversion enquiries will be progressed for utilities apparatus within the highway to accommodate the EMG2 Access Works and the Highway Works, including: • electricity diversions (paragraph 16.5.21) • gas diversions (paragraph 16.5.25) • potable water diversions (paragraph 16.5.28) • telecommunications duct diversions (paragraph 16.5.31) Appendix 16A [APP-179] section 1.1 similarly identifies that, as part of the S278 works along Ashby Road, diversion works may be required for electricity, water, gas and telecoms. The dDCO [PDA-004D] schedule 13 part 2 paragraph 4(2) includes provisions for the carrying out of the county highway works, including compliance with the local highway authority's road space booking procedures prior to and during the carrying out of each phase. Please can the applicants explain: • what assumptions have been made regarding the likely scale, duration and sequencing of utilities diversion works within the highway in concluding that residual effects are negligible • how utilities diversion scheduling and road space booking will be coordinated with the detailed design and phasing of the Highway Works (including any critical interfaces for	In response to the first bullet point, utility asset records have been obtained and reviewed against the highway plans, and this work has informed the assumptions made in the ES. As part of the utility clash analysis phase of works, their utility consultant will submit all approved highway design drawings to the host utility asset owners to obtain C4 detailed estimates. On confirmation of the scope of works identified as being deemed necessary by the host utility asset owners, orders will be placed and commercial payments made to allow any required works to be scheduled in line with NRSW considerations. The scope and duration of any utility diversion works would be dependent on the final approved construction works intended and this would then affect the scale, duration and sequencing of any required work. If achievable it would be favoured to coordinate all utility diversion works with the appointed highway works contractor to allow for a coordinated programme and sequence of works which then can help mitigate residual effects. As regards the second bullet point, this is subject to contractor appointment and the intended program of works. The diversion works can be individually progressed with each asset owner fully responsible for the delivery of their remit of works and booking road space where applicable or under the highway works contractors management; all works can be either sequenced concurrently or a combined diversion program can be explored which would assist with the streamlining of road space bookings and reduce work duration times. In response to the third bullet point, as part of the detained design phase, a clash analysis exercise will be undertaken to attempt to combine utility diversion routes or identify an agreed diversion routes corridor that avoid new drainage and new highways street furniture infrastructure

		Junction 24 Improvements and other highway works areas • whether any additional commitments, controls or drafting (for example within the detailed design approval process for county highway works) are required to ensure that diversion works do not result in materially different effects from those assessed • confirm how the applicants will ensure continuity of supply to existing customers during diversion works, consistent with the statements in ES chapter 16, and • whether, and how, the design and positioning of utility works within/ adjacent to the A453 have been 'future-proofed' to avoid conflict with any future dualling of the A453 section, including whether the applicant has considered positioning diverted apparatus so that it would not need to be re-diverted should dualling require land-take on one side of the A453 corridor (for example the north side), and what engagement has taken place with LCC on this point	requirements that can clash and cause unnecessary disruptions during the construction phase of works. As regards the fourth bullet point, as part of the host utility assets owner's responsibility, they are obligated to ensure that any disruptions to existing customers are removed or heavily mitigated. This may mean the asset owners implementing temporary solutions of service whilst diversions are undertaken or undertaking works to other parts of their network to ensure resilience. These factors would all be considered during the creation of the C4 detailed estimate with commercial costs apportioned by the Applicants. Finally, in response to the fifth bullet point, as part of the clash analysis phase of works with the wider client design team, diversion routes and asset depths will be considered to mitigate the need for future diversions where achievable. Other options that will be considered will be the proposal for spare duct routes where they felt needed to allow for changeover of asset routes that may be needed at a later date as part of the design considerations with the asset owners who are relocating their affected assets. At this time C4 discussions have not been progressed with the affected asset owners as the costs for surveys and the validity period of C4's (usually 30 days) does not warrant progression before planning is obtained. At this time there has been no engagement with LCC as regards the details of the utility diversions, but dialogue will be progressed during the detailed design / technical approval process.

APPENDIX 21

WATER ENVIRONMENT

21. Water Environment			
Q21.0.1	The applicants STW	**Foul drainage capacity** Several of the RRs comment on foul drainage capacity within the locality. Chapter 13 of the ES [AS-056] states that following any necessary upgrades, the impact of the proposed development on the existing network would be negligible. However, it is not clear to the ExP what the necessary upgrades would comprise, and whether they would be feasible in terms of timescale, cost and extent. Please can the applicants and STW provide more information in this context and evidence that such upgrades would be deliverable in principle, even if the full details are not yet available.	STW have confirmed that hydraulic sewer modelling will be required to identify what reinforcement works are required on the network to accommodate EMG2, and that this will be undertaken by them once EMG2, and its component parts, have received approval. The Applicants confirm that consultation with STW will continue so that they are aware of the development programme and can make any network upgrades that they consider to be necessary prior to occupation. STW have been asked to provide a likely programme for the works.
Q21.0.2	EA The applicants NWLDC LCC	**Operational Environmental Management Plan** The EA [RR-016] notes that the applicants should commit to producing an OEMP in order to secure appropriate operational mitigation related to pollution of the water environment. Please can the EA advise if there are any other areas where an OEMP could help mitigate the proposed development's environmental impacts. For example, could an OEMP help mitigate potential operational emissions and air pollution etc. and are	The Applicants confirm that they have no objection to providing a commitment to prepare an OEMP prior to occupation of the DCO Scheme. This can be secured in the dDCO [**PDA-004D**]. In terms of the DCO Scheme's operational drainage strategy, its long-term mitigation on the water environment is secured in requirement 17(2) of the dDCO, which requires agreement of a long-term maintenance plan including monitoring and procedures to undertake during a pollution incident.

		there any precedents for such an approach in other made DCOs? Please can the applicants comment whether an OEMP would be necessary to help mitigate operational environmental impacts. If the applicants are of the view that an OEMP would not be necessary, please identify existing provisions within the dDCO and dMCO that would secure the necessary mitigation measures for the operational phase of the proposed development. Does NWLDC and LCC have a view on whether an OEMP would be necessary in the context of the above?	
Q21.0.3	The applicants LCC EA	**Performance of EMG1 drainage systems** A number of RRs [RR-030D and others] raised significant concern about flooding in Kegworth, particularly in relation to the construction of EMG1 and Kegworth Bypass. Please can the applicants, LCC and the EA advise whether there is any ongoing monitoring of EMG1's drainage systems and whether it can be determined that such systems are performing in line with the modelling conducted as part of the EMG1 application? Furthermore, the ExP are particularly interested in whether LCC or the EA have any evidence that might corroborate the concerns raised in the RRs, that there has been an increase in local flooding since EMG1 was constructed. If there has been an increase, please can LCC and the EA advise whether there is any potential that this could be	The Applicants confirm that the EMG1 main site drains to the north into the Hemington Brook, Lockington Brook and a tributary of the Lockington Brook. It does not drain via Kegworth. The EMG1 management company undertakes regular inspections of the EMG1 drainage network and undertakes maintenance as necessary, and the systems are performing in line with the modelling. The link to the Hemington Brook enabled a diversion of that brook with additional flood alleviation for Hemington provided within the EMG1 main site, thus providing a positive impact on flooding in the village. The Applicants were not aware of any issues related to the Kegworth Bypass drainage until the relevant representations were received. After the design was signed off and the completed scheme passed inspection, ownership and maintenance responsibilities of the highway

		objectively attributed to EMG1, including Kegworth Bypass, and whether a more precautionary approach to modelling should be required for the proposed development?	drainage were passed to Leicestershire County Council as highway authority. The bypass is located upstream of reported flooding incidents; it was built upon land that is part of the natural catchment which feeds into a watercourse that passes through Kegworth and the affected areas. The drainage system for the bypass discharges surface water at a controlled rate equivalent to the former greenfield run off rate (QBAR). As a result, the bypass is very unlikely to have added to or exacerbated existing difficulties. Other sources of runoff that feed into the same watercourse are uncontrolled and may contribute to the downstream drainage infrastructure being overwhelmed after periods of excessive rainfall and saturated ground conditions. It is also noted that the watercourse enters an extensive culverted reach near to the affected areas which may also be a contributing factor to the local flooding incidents.
Q21.0.4	The applicants	**National Highways surface water drainage connection for EMG2 works** NH [RR-022] states their drainage system is not a public drain and connection to it is not permitted, whereas the applicants seem to fundamentally rely on a connection to the NH drainage system via the A42 culvert. Please can both parties clarify their positions for the ExP in relation to the principle of using the A42 culvert to drain the surface water from the EMG2 main site. In particular, the ExP is interested in understanding more about the EMG2 main site's existing agricultural use and connection to the A42 culvert and whether this gives the applicants a right to	While the culvert is understood to be a NH asset, the culvert conveys an ordinary watercourse which runs from the site to the Diseworth Brook. Land in the EMG2 Main Site to the south of Hyams Lane is drained to its south-eastern corner via an open channel. The flow of water passes beneath a footpath/track before entering a short open reach outside of the site. It then enters the A42 culvert via a drop chamber. The DCO Scheme proposes to outfall to the watercourse within the EMG2 Main Site, upstream of the footpath/track and the drop chamber into the A42. Being a watercourse, classified as an ordinary watercourse under the Land Drainage Act 1991, it is not part of the highway drainage system and therefore the restriction in

		maintain a connection as part of the proposed development in accordance with DfT Circular 01/ 2022. Or, whether the wording of the circular means any connection is still discretionary on the part of NH insofar as the right for any existing connection 'may' be allowed to continue.	Circular 01/2022 paragraph 59 does not apply. However, the DCO Scheme has still respected the design considerations outlined in Circular 01/2022 paragraph 59 as to not adversely affect downstream highway drainage assets. As outlined in Chapter 13 of the ES [**AS-056**], maintaining a connection through the culvert was raised with NH in preliminary consultations and they raised no issues with the principle of this arrangement.
Q21.0.5	The applicants EA NH LCC	**Greenfield runoff rates** Protect Diseworth [RR-025D] raised a significant number of concerns in relation to flood risk, including greenfield runoff rates. Please can the applicants clarify the greenfield runoff rate associated with existing surface water on the northern part of the EMG2 main site and community park that currently drains into Hall Brook? If it is lower than the greenfield runoff rate associated with existing surface water on the southern part of the EMG2 main site and community park that currently drains into Diseworth Brook, via the A42 culvert, would the proposed strategy within the Sustainable Drainage Statement [APP-149] inadvertently increase the rate of surface water entering the Long Whatton Brook catchment as a whole? For example, would the EMG2 works take surface water currently being discharged at a lower rate into Hall Brook, and instead discharge it at a higher rate into Diseworth Brook, via the A42 culvert?	The runoff rates from northern half of the EMG2 Main Site are provided with the table in Annexure 21A reproduced from the Sustainable Drainage Statement [**APP-149**]. As can be seen, when comparing the existing runoff rates to the proposed discharge rate, the rate of surface water leaving the site as a whole will be significantly lower in the proposed conditions. As reported in the Flood Risk Assessment [**APP-148**], the proposed drainage arrangement has been modelled at a catchment scale and shown to result in no detriment, and that it will offer some local betterment.

		Consequently, would this increase the rate of some of the surface water entering the Long Whatton Brook catchment compared to baseline? As such, would there be an increase in flood risk elsewhere as a result of the proposed development? Does the EA, NH or LCC have any comments to make on this matter?	
Q21.0.6	The applicants	**EMG2 works Sustainable Drainage Statement** Appendix 6 of the Sustainable Drainage Statement [APP-149] illustrates the concept drainage strategy and that surface water would mainly flow east to west before flowing south and east towards the A42 culvert connection. Please can the applicants explain how the surface water flows would be encouraged in these directions given the intervening bunds and other topographical changes between the EMG2 main site and the community park's attenuation/ detention features?	The Applicants confirm that the development plots will be linked to the basins via an underground pipe system. Pipes will also link the basins together providing onwards connectivity to the outfall.
Q21.0.7	The applicants	**Exceedance flows** In relation to the Sustainable Drainage Statement [APP-149] please can the applicants clarify how exceedance flows beyond the design and sensitivity testing would be dealt with? For example, can the applicants provide a figure demonstrating that exceedance flows would be suitably contained and directed away from any nearby sensitive receptors?	It has been agreed with the Environment Agency (EA) that the 1 in 100-year+25% storm is the appropriate design storm. It has also been agreed with the EA that the 1 in 100-year+40% storm, is the credible maximum climate change storm which is used to test the resilience of the drainage against the potential risk of exceedance. The Applicants confirm that the drainage basins can accommodate the credible maximum climate change storm with no exceedance. Therefore, the risk of exceedance has been managed appropriately. However, for additional

			resilience, overflow weirs are to be included in the flow control chambers. These will provide a flow route around the control structure and into the downstream drainage system (pipe or swale) before the upstream basin is overtopped.
Q21.0.8	EA The applicants NH	**1 in 1000 year credible maximum climate change floodplain** Paragraphs 13.5.18 and 13.5.19 of chapter 13 of the ES [AS-056] identify that some of the highway works could encroach into the 1 in 1000-year credible maximum climate change floodplain, but such extreme flood events are above the design standard and do not require floodplain compensation. Does the EA agree with this statement, or should compensation be provided? For the avoidance of doubt, can the applicants clarify whether any part of the highway works, work no. 10 in particular, would flood during the 1 in 1000-year credible maximum climate change floodplain scenario? If yes, how would this be mitigated to ensure any residual risks are safely managed and that the SRN remained operational over the proposed development's lifetime in accordance with paragraph 5.133 of the NNNPS, and that it could adapt to climate change in accordance with paragraphs 4.33 to 4.44 of the NNNPS. The ExP would also invite comments from NH on these matters.	The Applicants assume that the question should read "1in1000-year and the credible maximum climate change floodplain". The Environment Agency (EA) have confirmed that floodplain compensation for both events is not required. Works No. 10 (widening of the A50 westbound) falls outside of the 1 in 1000-year floodplain. During the 1 in 100-year+62% climate change flood event on the River Trent (the credible maximum climate change flood), flood levels are predicted to reach an elevation that could overtop and flow onto the westbound carriageway, leading to approximately 0.42m depth of flooding. It should be noted that this is an existing source of flood risk for the current highway arrangement, it is not caused or made worse by the proposed works, which are associated with amendments to existing infrastructure.

Q21.0.9	The applicants EA LCC	**Climate change scenario** Paragraph 13.5.92 of chapter 13 of the ES [AS-056] states in accordance with best practice and local and national requirements, the drainage infrastructure will be designed to manage the design storm (the 1 in 100-year+25% storm) as well as the resilience check storm (the 1 in 100-year+40% event). Does Requirement 17(1)(a) in the dDCO need to be amended to state that the drainage infrastructure would be designed to manage the 1 in 100-year+40% event?	The wording of requirement 17(1) was informed with input from the lead local flood authority (LLFA). However, it is noted that it currently does not make reference to an appropriate standard for surface water storage. If acceptable to the LLFA, the Applicants are agreeable to amending the wording to insert additional wording, e.g. "*storage for surface water runoff that is designed to manage the critical 1 in 100 year return period rainfall event (plus 25% for climate change) design storm, and that is also resilient to the critical 1 in 100 year return period rainfall event (plus 40% for climate change)*".
Q21.0.10	The applicants	**Operational surface water bodies** Paragraphs 13.5.113 to 13.5.115 of chapter 13 of the ES [AS-056] discuss water quality impacts on the Operational Surface Water Body: Hemington Brook Catchment (trib of the Soar) during the construction phase but only in the context of the L57 footpath. Would the highway works also discharge into this catchment and need to be assessed for construction impacts? Similarly, paragraphs 13.5.129 to 13.5.130 discuss water quality impacts during the operational phase, but again only in the context of the L57 footpath. Would the highway works also discharge into this catchment and need to be assessed for operational impacts?	The highway works within the Hemington Brook Catchment termed "(trib of the Soar)" are discussed in the Water Framework Directive WFD Screening at Appendix 13F [**APP-147**]. The Applicants will update Chapter 13 of the ES [**AS-056**] to address the point and this will be submitted at Deadline 3.
Q21.0.11	The applicants	**Foundation works risk assessment** Paragraph 13.5.153 of chapter 13 of the ES [AS-056] refers to a foundation works risk assessment that would be undertaken to identify any necessary measures required to mitigate any potential	See the response to Q10.0.1 where the Applicants confirm that a FWRA will be secured by a requirement in the dDCO [**PDA-004D**] to be submitted at Deadline 2.

		contaminative risks to the groundwater body, in accordance with relevant guidance. Has the provision for this been secured in the dDCO?	
Q21.0.12	The applicants	**EMG1 surface water drainage** Can the applicants please clarify whether plot 16 contains any EMG1 surface water drainage infrastructure that would be lost as a result of the EMG1 works? If yes, please explain how any loss would be mitigated.	The location of Plot 16 used to contain settling basins for the EMG1 construction site. These are now redundant and have been removed. See Appendix 4 of the Applicants' Response to Hearing Action Points (**DCO 7.4 / MCO 7.4**).
Q21.0.13	The applicants	**Unattenuated flows on plot 16** The concept drainage strategy in the Sustainable Drainage Statement [APP-151] for the EMG1 works illustrates an area anticipated to bypass on-plot attenuation and drain freely into the plot 16 detention basin. How would this unattenuated surface water impact the existing EMG1 drainage infrastructure (both in terms of quantity and quality of flows), given the sensitivities of additional unregulated flows from impermeable areas as set out in paragraph 13.6.5 of chapter 13 of the ES [AS-056]?	To accommodate the storm water runoff, the drainage strategy for Plot 16 uses two attenuated storage areas: below ground surface water tanks, and a detention basin – both are attenuated. The area identified in the question includes a perimeter road and an embankment. These are drained directly to the detention basin. The detention basin provides sufficient treatment to the runoff from these areas, and the outflow from the basin is appropriately attenuated and as such there is no impact on the downstream existing EMG1 drainage infrastructure.
Q21.0.14	EA	**Water Framework Directive screening** The applicants submitted a Water Framework Directive WFD Screening [APP-147]. Is the EA satisfied that a full assessment can be screened out, that the conclusions of the report generally are acceptable and that the mitigation measures identified are secured in the dDCO and dMCO?	N/A

APPENDIX 22

CONSTRUCTION ENVIROMENTAL MANAGEMENT PLAN (CEMP)

22. Construction Environmental Management Plan (CEMP) [AS-027D]			
Q22.0.1	The applicants	**CEMP – Communication** The way paragraph 3.6 of the CEMP is drafted implies that the responsibility for communication with the public lies with the local authority. Could this please be drafted so that the main responsibility lies with the developer and its team and that relevant parties will include the local authority, highway authorities and the public.	The Applicants confirm that the CEMP [**AS-027D**] will be amended to clarify the position and will be resubmitted at Deadline 2.
Q22.0.2	The applicants NWLDC	**CEMP – Comprehensive approach** Paragraph 4.2 indicates that a P-CEMP would be prepared for each component of development and indicates that more than one P-CEMP may be required for a particular component. Apart from any inefficiencies, how does the applicants consider it will be possible to ensure a comprehensive and co-ordinated approach for across a single phase of the development without leaving the onus on the approving body? Is the comment in paragraph 8.1 that "it is assumed that only one contractor shall be working on any part of the development at any one time" credible?	The Applicants confirm that the intended process follows that approved and implemented successfully at EMG1. Because all contractors for all components of works will be required to produce a P-CEMP which will be in accordance both with the CEMP and (in accordance with paragraph 4.2 of the CEMP) will have regard to the details in other P-CEMPs, the control and management of works will be both comprehensive and fully coordinated. Whilst many P-CEMPs are likely to be similar in structure and context, the approach to requiring P-CEMPs for each component and sub-component, allows for flexibility and ensures that specific matters pursuant to those works can be picked up and dealt with appropriately.
Q22.0.3	The applicants	**CEMP – Working hours** Paragraph 6.14 of the CEMP indicates that any changes to working hours will also be agreed with	This section of the CEMP [**AS-027D**] aligns with Requirement 19 - Construction Hours – of the dDCO [**PDA-004D**]. Requirement 19 provides a legal mechanism through which agreement is reached with the local planning

		the local planning authority. Could the applicants please legally justify how such a change can be made?	authority for works to be undertaken outside of the identified hours. In accordance with Requirement 19, agreement must be made in writing.
Q22.0.4	The applicants	**CEMP – Effect on watercourses** Under the proposed development, there would be substantial reprofiling of the application site. This would result in the existing watercourses and pathways for water being removed. Could the applicants please point to the relevant sections of the CEMP where the implications of this are considered. If this does not exist, could the CEMP please be amended to set out the appropriate measures to avoid flooding and adverse ecological effects, and that the existing CEMP will be amended, for example paragraph 16.11, so as to acknowledge this.	The catchment for the watercourse on the site is the site. There are no off-site third-party flow pathways that need to be considered. Therefore, the existing watercourses and pathways will be replaced by the construction stage surface water drainage strategy. This is addressed in section 19 of the CEMP [**AS-027D**], and the Silt Management Plan included as Appendix 4 of the CEMP.
Q22.0.5	The applicants EA LCC as LLFA	**CEMP – Surface water storage** Paragraph 19.2 of the CEMP indicates that any onsite surface water storage during construction will be to the 1 in 100 year storm event "with an appropriate uplift for climate change applied will be provided (to align with the consenting authorities [sic] requirements)". Is it possible to include the relevant percentage at this time? If not, could an explanation be included as to how the percentage would be derived.	To ensure resilience through the construction phase, sufficient storage for the credible maximum climate change event (1 in 100-year return period rainfall event (plus 40%) for climate change) will be added to the Surface Water Management System section of the CEMP [**AS-027D**]. The CEMP will be amended accordingly and will be resubmitted at Deadline 2.
Q22.0.6	The applicants STW	**CEMP – Wheel washing residue** In its RR [RR-016] the EA notes that "Section 19.3 of the CEMP says surplus water from wheel	The Applicants confirm that, to address the Environment Agency's comment, it is proposed that the CEMP Applicants confirm that the CEMP [**AS-027D**] be updated to confirm that the wheel washing will be undertaken within a

		washing facilities will be disposed of via the foul water system or treated prior to discharge". • Could the applicants please confirm whether this would be to the existing foul water system in proximity to the application site, or whether it would be tankered to a disposal facility? • Could STW please confirm whether there would sufficient capacity at the relevant sewage treatment works were the disposal be to the existing foul water system in proximity to the application site? If there was not sufficient capacity, could STW please set out what restrictions, if any, should apply.	designated area that will be lined to prevent infiltration into the ground. Runoff from the wheel washing area will be attenuated, stored and treated alongside the runoff from the wider construction site, until it is of a standard which can be discharged to the local watercourse, subject to any required permit. The CEMP will be amended accordingly and will be resubmitted at Deadline 2.
Q22.0.7	The applicants	**CEMP – Storage of fuel, oil and other chemicals** Paragraph 11.2 of the CEMP [AS-027D] states that fuel, oil and chemicals (and any tanks) shall be stored in accordance with "PPG7 (above ground oil storage tanks) and PPG2 dealing with spills; or subsequent amendments or replacements thereof". The EA has withdrawn the former "Pollution Prevention Guidance" series from use and alternative current guidance is available (for example the "Guidance for Pollution Prevention (GPP)" series, including GPP2: above ground oil storage tanks). Could the applicants please: • explain the current guidance that will be followed for (i) above-ground oil storage tanks and (ii)	The Environment Agency's (EA) Pollution Prevention Guidance (PPG), referenced within the CEMP, was withdrawn in 2015. The EA's Guidance for Pollution Prevention (GPP) series, which was jointly published by the Northern Ireland Environment Agency (NIEA), Scottish Environment Protection Agency (SEPA) and National Resources Wales (NRW), replaces the PPG series. Therefore, the Applicants consider that the following GPPs will be followed: 1. GPP2 – 'Above ground oil storage'; and 2. GP22 – 'Dealing with spills' Paragraph 11.2 of the CEMP [**AS-027D**] will be updated to reflect the current guidance above. The CEMP will be resubmitted at Deadline 2.

		spill prevention and response during construction, and • explain whether any update is required to the CEMP and/ or for the P-CEMPs to ensure the referenced guidance is current, clear and enforceable	

APPENDIX 23

ABBREVIATIONS

AADT	Annual Average Daily Traffic
AAWT	Annual Average Weekday Traffic
ALARP	As Low As Reasonably Practicable
ALC	Agricultural Land Classification
Applicant/ Applicants	SEGRO Properties Limited and/ or SEGRO (EMG) Limited
AQMA	Air Quality Management Area
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
BS	British Standard
BSP	Bulk Supply Point
CA	Compulsory Acquisition
CAA	Civil Aviation Authority

CEMP	Construction Environment Management Plan
CL:AIRE	Contaminated Land: Applications in Real Environments
CTMP	Construction Traffic Management Plan
D	Deadline
DAS	Detailed Analysis Study
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DEFRA	Department for the Environment, Food and Rural Affairs
dMCO	Draft Material Change Order
DMRB	Design Manual for Roads and Bridges
DoWCoP	Definition of Waste: Development Industry Code of Practice
EA	Environment Agency

EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
EMAGIC	East Midlands Airport and Gateway
EMF	East Midlands Freeport
EMFM	East Midlands Freight Model
EMG1 DCO	East Midlands Gateway Rail Freight Interchange and Highway Order 2016
EMG1 site	The area covered by the EMG1 DCO
EMG2	The application for the DCO
EMG2 site	The area described in section 2.2 of chapter 2 of the ES [APP-072]
EMIA	East Midlands International Airport Limited and/ or East Midlands Airport Property Investments (Industrial) Limited as appropriate
ES	Environmental Statement
ExP	Examining Panel
FEMA	Functional Economic Market Area
FWRA	Foundation Works Risk Assessment

GN08	Institution of Lighting Professionals Guidance Note 08:2023 (GN08:2023)
GPP	Guidance for Pollution Prevention
GPP2	Guidance for Pollution Prevention 2
GVA	Gross Value Added
HE	Historic England
HGV	Heavy Goods Vehicle
HIA	Health Impact Assessment
I&L	Industrial and Logistics
IEMA	Institute of Environmental Management and Assessment (now ISEP)
IMMI	IMMI (noise modelling software)
IP	Interested Party
ISEP	Institute of Sustainability and Environmental Professionals
JRC	Joint Radio Company
JSA	Jobseeker’s Allowance

LCC	Leicestershire County Council
LEMP	Landscape and Ecological Management Plan
LLFA	Local Lead Flood Authority
LOAEL	Lowest Observed Adverse Effect Level
LSE	Likely Significant Effects
LVIA	Landscape and Visual Impact Assessment
LWDPC	Long Whatton and Diseworth Parish Council
MAD	Major Accidents and Disasters
MAG	Manchester Airports Group
MCO	Material Change Order
MHCLG	Ministry of Housing, Communities and Local Government
MMP	Materials Management Plan
MP	Medium Pressure
NE	Natural England
PFAS	Per- and Polyfluoroalkyl Substances
PINS	Planning Inspectorate

NGED	National Grid Electricity Distribution
NH	National Highways
NH_3	Ammonia
NNNPS	National Networks National Policy Statement
NO_2	Nitrogen Dioxide
NO_x	Nitrogen Oxides
NRMM	Non-Road Mobile Machinery
NSIP	Nationally Significant Infrastructure Project
NWLLP	North West Leicestershire Local Plan
NWLDC	North West Leicestershire District Council
OEMP	Operational Environmental Management Plan
P-CEMP	Phase Construction Environment Management Plan
PA2008	Planning Act 2008
PE	Polyethylene
SoS	Secretary of State
SRFI	Strategic Rail Freight Interchange

PM_{10}	Particulate matter with a diameter of less than 10µm
$PM_{2.5}$	Particulate matter with a diameter of less than 2.5µm
PPG	National Planning Practice Guidance
PPG2	Pollution Prevention Guidance Note 2
PPG7	Pollution Prevention Guidance Note 7
Prologis	Prologis UK Limited and/ or Prologis UK 121 Limited as appropriate
PRoW	Public Rights of Way
PRTM	Pan Regional Traffic Model
RR	Relevant Representation
SAC	Special Area of Conservation
SEGRO	SEGRO Properties Limited and/ or SEGRO (EMG) Limited as appropriate
SOAEL	Significant Observed Adverse Effect Level
µm	Micrometre

SRMP	Soil Resource Management Plan
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
STW	Severn Trent Water
SWMMP	Site Waste and Materials Management Plan
TA	Transport Assessment
TCPA	Town and Country Planning Act 1990
The Changes Regulations	The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011
VISSIM	VISSIM (traffic microsimulation software)
WD+Mit	With Development plus mitigation
WFD	Water Framework Directive
WSI	Written Scheme of Investigation
2017 EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

ANNEXURE 1A

QUESTION 1.2.2 – PLANNING HISTORY AT EMG2, EMG1 AND THE SURROUNDING AREA

The tables below provide an overview of the relevant planning history at EMG2, EMG1 and in the surrounding area.

East Midlands Gateway 2 Site			
Location	**Date**	**Reference**	**Details**
East Midlands Gateway 2 Site	November 2025	-	Development Consent Order submission. Up to 326,500 sqm of employment space.
East Midlands Gateway 2 Site – northern parcel Land South of A453 Ashby Road, North of Hyams Lane, Castle Donington	Submitted 2024	24/00727/OUTM	Outline application with all matters apart from access reserved for B2/B8/ E(g) and F1 floorspace and a transport hub (sui generis).

East Midlands Gateway 1			
Location	**Date**	**Reference**	**Details**
East Midlands Gateway 1 Site	January 2016	2016 No.17	The East Midlands Gateway Rail Freight Interchange and Highway Order 2016. The Development Consent Order (DCO) for East Midlands Gateway.
East Midlands Gateway 1 Site	2016 to 2026	Various	Development pursuant to the DCO for enabling works, infrastructure and development plots.
East Midlands Gateway 1 Site	November 2025	-	Material Change Order submission.

Plot 2	6th November 2017	17/01165/FULM	Construction of B8 warehouse together with ancillary buildings with associated access, parking, service and yard areas and landscaping.
Zone C (Rail Terminal)	16th October 2018	18/01527/FULM	Container storage area with containers stored up to 15 metres high (5 containers) together with rail terminal lighting columns at 25 metres high.
Plot 2	14th December 2018	18/02146/NMA	Non-material amendment to planning permission 17/01165/FULM to make minor alterations to elevations and external buildings as well as landscaping.
Zone C (Rail Terminal)	19th August 2019	19/00779/FULM	Erection of Rail Terminal Building (Use Class B1) with associated access, parking, service and yard areas and landscaping, within Zone C of the East Midlands Gateway development.
Zone B (Intermodal Area)	18th October 2019	19/01404/FULM	Erection of natural gas refuelling station together with ancillary buildings within associated access, service and yard areas and landscaping within Zone B of the East Midlands Gateway development.
Zone B (Intermodal Area)	24th February 2020	19/01456/HSC	Hazardous substances consent application for natural gas refuelling station at East Midlands Gateway development.
Plot 12	10th August 2020	20/00718/FULM	Construction of B8 warehouse together with ancillary buildings and associated access, parking, service and yard areas and landscaping.
Plot 12	26th August 2021	21/01472/NMA	Non-material amendment to planning permission 20/00718/FULM to make minor amendments to the elevations, external areas and lighting scheme.
Land Adjacent to Zone C (Rail Terminal)	8th July 2022	22/00771/FUL	Additional service yard area for vehicle movements and HGV parking.
Zone C (Rail Terminal)	5th August 2022	22/00867/FULM	Container storage area with containers stored at up to 15 metres high (5 containers) together with rail terminal lighting columns at up to 25 metres high.

Games Workshop	14th April 2023	21/01393/FUL	Erection of statue.
Zone B (Intermodal Area)	24th April 2023	23/00090/FULM	Intermodal area (Zone B) with containers stored at up to 15 metres high (5 containers) together with intermodal area lighting columns at 25 metres high.
Plot 12	18th May 2023	23/00552/NMA	Non-material amendment to planning permission 20/00718/FULM so as to introduce Euro Docks to the eastern elevation.
Zone C (Rail Terminal)	26th May 2023	23/00128/VCUM	Removal of condition 3 and variation of conditions 2, 8, 9, 11, 12, 13, 14, 17, 18, 22 and 23 of 19/00779/FULM so as to amend the design, scale and layout of the rail terminal building as well as approving hard and soft landscaping and cycle parking details.
Plot 12	11th August 2023	23/00787/FUL	To install a single storey Portakabin building to be used as a rest area for a temporary period of three years.
Land Adjacent Zone C (Rail Terminal)	11th April 2024	24/00099/FUL	Creation of a maintenance compound including welfare cabins, storage containers, recycling bays, yard area, landscaping and lighting columns consisting of 6 no. 10 m high columns and 1 no 6m high column.
Zone B (Intermodal Area)	4th June 2024	24/00612/NMA	Non-material amendment to planning permission 23/00090/FULM so as to amend the position of the lighting columns.

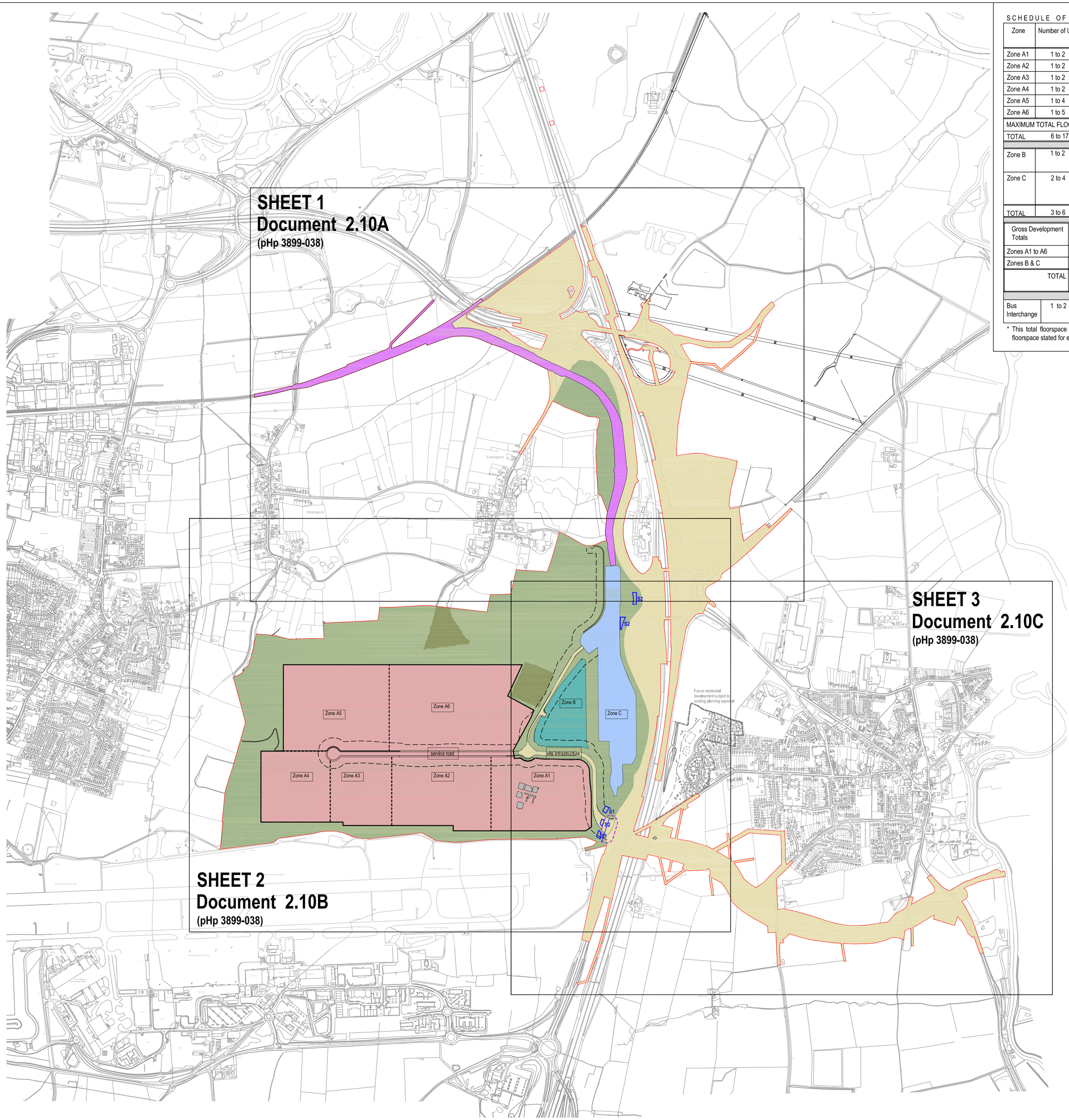
Surrounding Area			
Location	**Reference**	**Status**	**Details**
Land at Sawley Crossroads	15/00015/FULM and 17/00366/VCIM	Aldi's RDC completed; period for submission of RM on remainder of the site now expired.	Regional distribution centre totalling 59,058 sqm with outline planning permission in place for further logistics development of 60,000 sqm.

Land at Sawley Interchange, adjacent to Aldi Distribution Centre, Tamworth Road	24/01200/FULM	Application currently with NWLDC for consideration.	Employment building (Use Class B2/B8) with total floorspace of 59,910 sqm.
Site of Former Sawley Crossroads Service Station	18/01115/FUL	Extant planning permission (22/01159/CLP) certifying that planning permission is lawfully implemented.	Construction of 5 no. light industrial buildings with a total floorspace of 448 sqm.
Land at Netherfields Lane, Sawley	20/00316/OUTM, 22/00954/REMM and 24/00575/VCIM	Development underway. Extant planning permission (24/00547/CLE) certifying that planning permission is lawfully implemented.	4 no. logistics buildings with a total floorspace of 77,480 sqm.
Land south of Junction 1 of the A50, Castle Donington	19/01496/OUT – APP/G2435/W22/3292404 and 24/00074/REMM	Outline planning permission with first Reserved Matters granted in March 2025.	Employment development of up to 92,500 sqm (Use Classes E(g), B2 and B8).
Land at East Midlands Point (Junction 23a)	18/02227/FULM and 22/01939/VCUM	Extant planning permission (23/01532/CLE) certifying that planning permission is lawfully implemented.	3 no. office buildings with a total floorspace of 6,523 sqm.
Land at East Midlands Point (Junction 23a)	22/01116/FULM	Extant planning permission.	4 no. E(g)/B2/B8 units with a total floorspace of 3,927 sqm.
Land North and South of Park Lane, Castle Donington	09/01226/OUTM and 16/00465/VCUM with various Reserved Matters approvals	Underway.	Residential development of up to 895 dwellings and 6.07 hectares of employment space.
Land adjacent to 90 Kegworth Road	16/00394/REMM	Extant planning permission.	Residential development of 110 dwellings.

Land south of Derby Road, adjacent to Junction 24 of the M1	14/00541/OUT, 19/1757/REMM and 19/00878/REMM	Development implemented.	Residential development of up to 150 dwellings.
Donington Park Service Area at Junction 23a (Moto Services Solar Farm)	23/01712/FULM	Extant planning permission.	Ground mounted solar farm with a generation capacity of 7.15MW.
Donington Park Racetrack	-	Existing business	Various racing events throughout the year and the annual Download Festival.
Isley Woodhouse New Settlement Land south of East Midlands Airport	25/00865/OUTM	Draft Local Plan allocation. Outline planning application with NWLDC.	Residential development of up to 4,250 dwellings, employment floorspace, local and neighbourhood centres, schools and hotels.
East Midlands Airport and Industrial Cluster (EMAGIC) – excluding EMG1 and EMG2	-	Freeport designation.	Freeport designation for logistics and advanced manufacturing space.
Ratcliffe-on-Soar Power Station (Freeport designation)	22/01339/LDO	Local Development Order granted in July 2023.	Redevelopment of the Power Station site for 810,000 sqm of employment floorspace including up to 180,000 sqm of B8, energy generation and storage and community hub.

ANNEXURE 1B

QUESTION 1.2.5 - EAST MIDLANDS GATEWAY 1 PARAMETES PLAN KEY LAYOUT P32



SCHEDULE OF PARAMETERS

Zone	Number of Units	Maximum Development floorspace Per Zone in m²	Maximum Plateau level (in m Above Ordnance Datum)	Building Height Range measured to roof ridge / highest point
Zone A1	1 to 2	108,325	70.00	26.5m
Zone A2	1 to 2	97,730	72.00	26.5m
Zone A3	1 to 2	54,165	74.00	20.5m
Zone A4	1 to 2	70,515	74.00	20.5m
Zone A5	1 to 4	111,900	67.00	17.5m
Zone A6	1 to 5	147,295	66.50	20.5m
MAXIMUM TOTAL FLOOR SPACE (ZONE A)*				
TOTAL	6 to 17	TOTAL 555,476		
Zone B	1 to 2	938	58.40	Building 10.0m
				Container Storage max height 10.0m
Zone C	2 to 4	1,000	43.90	Building 10.0m
				Container Storage max height 10.0m
				Gantry Cranes 20.0 m max. ht
TOTAL	3 to 6	TOTAL 1,938		

Gross Development Totals	Number of Units	Maximum Development floorspace in m²
Zones A1 to A6	6 to 17	555,476
Zones B & C	3 to 6	1,938
TOTAL	9 to 23	TOTAL 557,414

Bus Interchange	1 to 2	TOTAL 150	75.50	6.5m

* This total floorspace is the maximum floorspace which will be developed across Zone A notwithstanding that the maxima floorspace stated for each Zone A1 to A6 combined would exceed this figure i.e. it is the overall floorspace cap for Zone A

LEGEND

- Landscape open space including landscape screen bunding
- Existing woodland to be retained
- New road infrastructure and improvements to existing infrastructure including landscaping
- Limits of deviation
- Rail corridor including new rail line and landscaping
- Zone A development area
- Zone B Container storage, parking area and associated welfare facilities
- Zone C rail interchange
- Order Limits
- Area for bus interchange
- S1 — Area for development signage **S1 =** Sign Board max size (including supporting frame) 7.5m High x 18.3m Wide x 1.3m Deep
- S2 — **S2 =** Totem Sign max size (including supporting frame) 15.5m High x 4.0m Wide x 4.0m Deep
- Farm buildings to be demolished
- Residential house to be demolished

N

0 250m 500m SCALE 1:10,000

Rev	Date	Details of Issue / revision	Drw	Rev

ISSUES & REVISIONS

ROXHILL

EAST MIDLANDS GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

THE EAST MIDLANDS GATEWAY RAIL FREIGHT INTERCHANGE AND HIGHWAY ORDER 201X

Drawing Title

PARAMETERS PLAN KEY LAYOUT

Scale	1:10,000	Drawn	SPH
Size	A1	Reviewed	RM
Regulation	5(2) (o)	Document	2.10

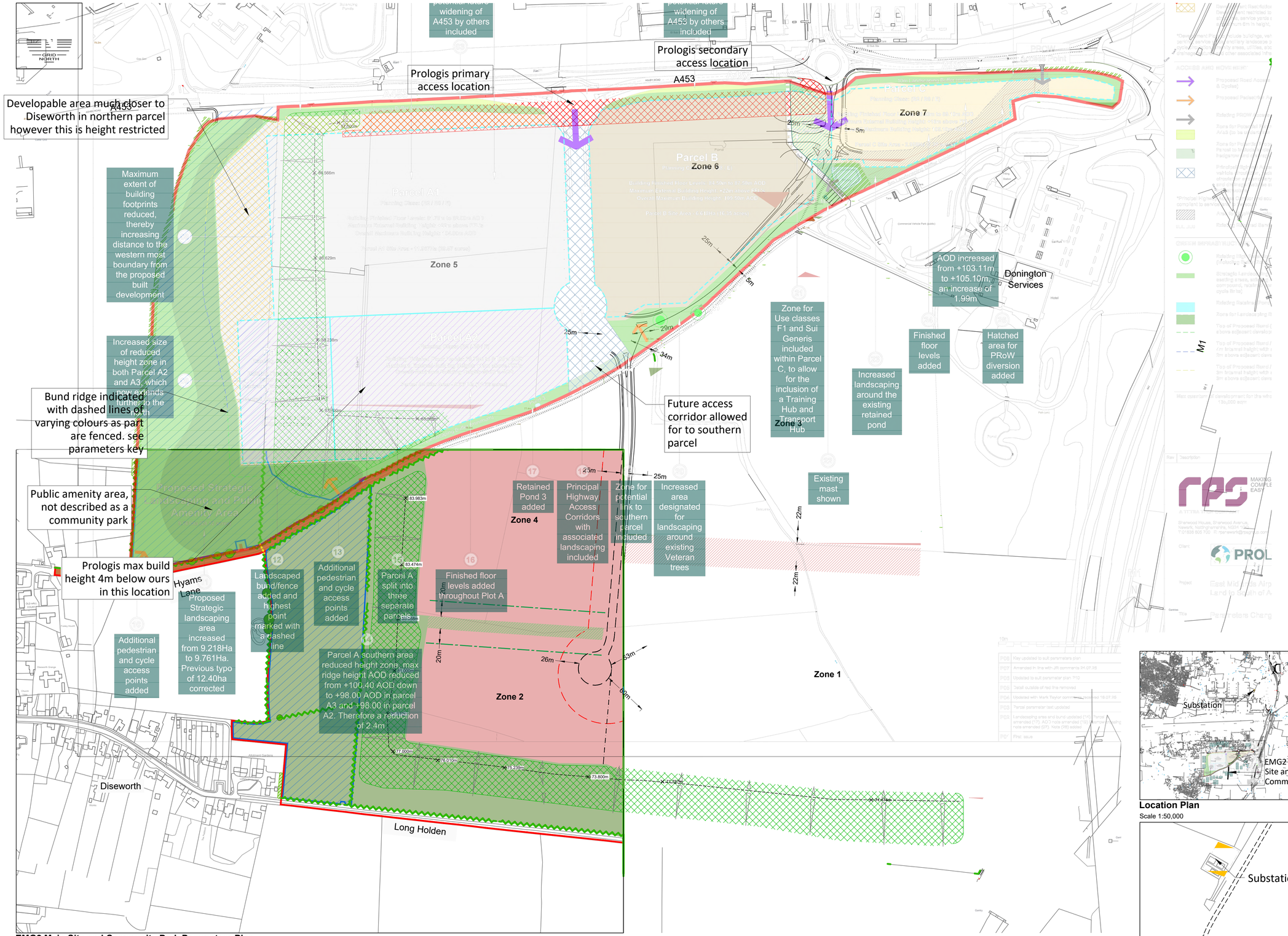
Drawing Status

SUBMISSION

Drawing No.	Revision
3899 - 038	P32

ANNEXURE 1C

QUESTION 1.3.2 - OVERLAY


Developable area much closer to Diseworth in northern parcel however this is height restricted
Maximum extent of building footprints reduced, thereby increasing distance to the western most boundary from the proposed built development
Increased size of reduced height zone in both Parcel A2 and A3, which now extends further to the south
Bund ridge indicated with dashed lines of varying colours as part are fenced. see parameters key
Public amenity area, not described as a community park
Prologis max build height 4m below ours in this location
Additional pedestrian and cycle access points added
Proposed Strategic landscaping area increased from 9.218Ha to 9.761Ha. Previous typo of 12.40ha corrected
Landscaped bund/fence added and highest point marked with a dashed line
Additional pedestrian and cycle access points added
Parcel A southern area reduced height zone, max ridge height AOD reduced from +100.40 AOD down to +98.00 AOD in parcel A3 and +96.00 in parcel A2. Therefore a reduction of 2.4m
Parcel A split into three separate parcels
Finished floor levels added throughout Plot A
Retained Pond 3 added
Principal Highway Access Corridors with associated landscaping included
Zone for potential link to southern parcel included
Increased area designated for landscaping around existing Veteran trees
Future access corridor allowed for to southern parcel
Prologis primary access location
Prologis secondary access location
Potential future widening of A453 by others included
Potential future widening of A453 by others included
A453
Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Zone 6
Zone 7
Parcel A1
Parcel A2
Parcel A3
Parcel B
Zone for Use classes F1 and Sui Generis included within Parcel C, to allow for the inclusion of a Training Hub and Transport Hub
AOD increased from +103.11m to +105.10m, an increase of 1.99m
Donington Services
Finished floor levels added
Hatched area for PRoW diversion added
Increased landscaping around the existing retained pond
Existing mast shown
Hyams Lane
Diseworth
Long Holden
M1
Proposed Strategic Landscaping and Public Amenity Area
Parcel B
Zone 6
Building Finished Floor Levels: 94.50m to 97.50m AOD
Maximum External Building Height: +22m above Finished Floor Level
Overall Maximum Building Height: 119.50m AOD
Parcel B Site Area: 6.648Ha (16.35 acres)
Parcel A1
Planning Classes (B2 / B8 / E)
Parcel A2
Parcel A3
Planning Classes (B2 / B8 / E)
Zone 5
Zone 7
PROPOSED
Planning Classes (B2 / B8 / E)
Building Finished Floor Levels: 94.50m to 97.50m AOD
Maximum External Building Height: +22m above Finished Floor Level
Overall Maximum Building Height: 119.50m AOD
Parcel C Site Area: 6.648Ha (16.35 acres)
Commercial Vehicle Park (public)
Gas Pond
Pond
Tank
Hotel
Gantry
Toilets
Sewage Treatment Works
Sewage Treatment Works
Sewage Treatment Works
Sewage Treatment Works
Balancing Ponds
Balancing Ponds
Allotment Gardens
Allotment Gardens
Works
Church
Hyams Lane
Long Holden
Gas Gov
Gas Gov
Gas Gov

ANNEXURE 1D

QUESTION 1.3.2 – SECTION OVERLAY

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10m SCALE 1:1000

Project Name

East Midlands Gateway Phase 2

Employer	Project Address
Segro	**Diseworth**

RIBA Workstage	Suitability
3 - Spatial Coordination	**S2 - Information**

Drawn	Checked	Created	Size
LM	**MS**	**26/03/2026**	**A3**

UMC Project Reference	Scale	LOD	LOI
19232	**1:1000**	**1**	**1**

Document Title

Section overlay

Document Reference

19232 - UMC - XXXX - SI - DR - A - 0115

Revision Note

Initial Issue

Issue Date	Status	Current Revision
26.03.2026	**Sketch**	**P01**

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Project Name

Project Name

Employer	Project Address
Employer Name	**Project Address**

RIBA Workstage	Suitability
0 - Strategic Definition	**A1 - Authorised Stage 1**

Drawn	Checked	Created	Size
XX	**XX**	**Date Created**	**A1**

UMC Project Reference	Scale	LOD	LOI
XXXXX	**1:250**	**4**	**5**

Document Title

Drawing Title

Document Reference

XXXXX - UMC - XXXX - XX - XX - XX - XXXX

Revision Note

Revision Note

Issue Date	Status	Current Revision
XX.XX.XXXX	**XX.XX.XXXX**	**X##**

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Project Name

Project Name

Employer	Project Address
Employer Name	**Project Address**

RIBA Workstage	Suitability
0 - Strategic Definition	**A1 - Authorised Stage 1**

Drawn	Checked	Created	Size
XX	**XX**	**Date Created**	**A1**

UMC Project Reference	Scale	LOD	LOI
XXXXX	**1:250**	**4**	**5**

Document Title

Drawing Title

Document Reference

XXXXX - UMC - XXXX - XX - XX - XX - XXXX

Revision Note

Revision Note

Issue Date	Status	Current Revision
XX.XX.XXXX	**XX.XX.XXXX**	**X##**

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Key Plan

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Project Name

Project Name

Employer	Project Address
Employer Name	**Project Address**

RIBA Workstage	Suitability
0 - Strategic Definition	**A1 - Authorised Stage 1**

Drawn	Checked	Created	Size
XX	**XX**	**Date Created**	**A1**

UMC Project Reference	Scale	LOD	LOI
XXXXX	**1:250**	**4**	**5**

Document Title

Drawing Title

Document Reference

XXXXX - UMC - XXXX - XX - XX - XX - XXXX

Revision Note

Revision Note

Issue Date	Status	Current Revision
XX.XX.XXXX	**XX.XX.XXXX**	**X##**

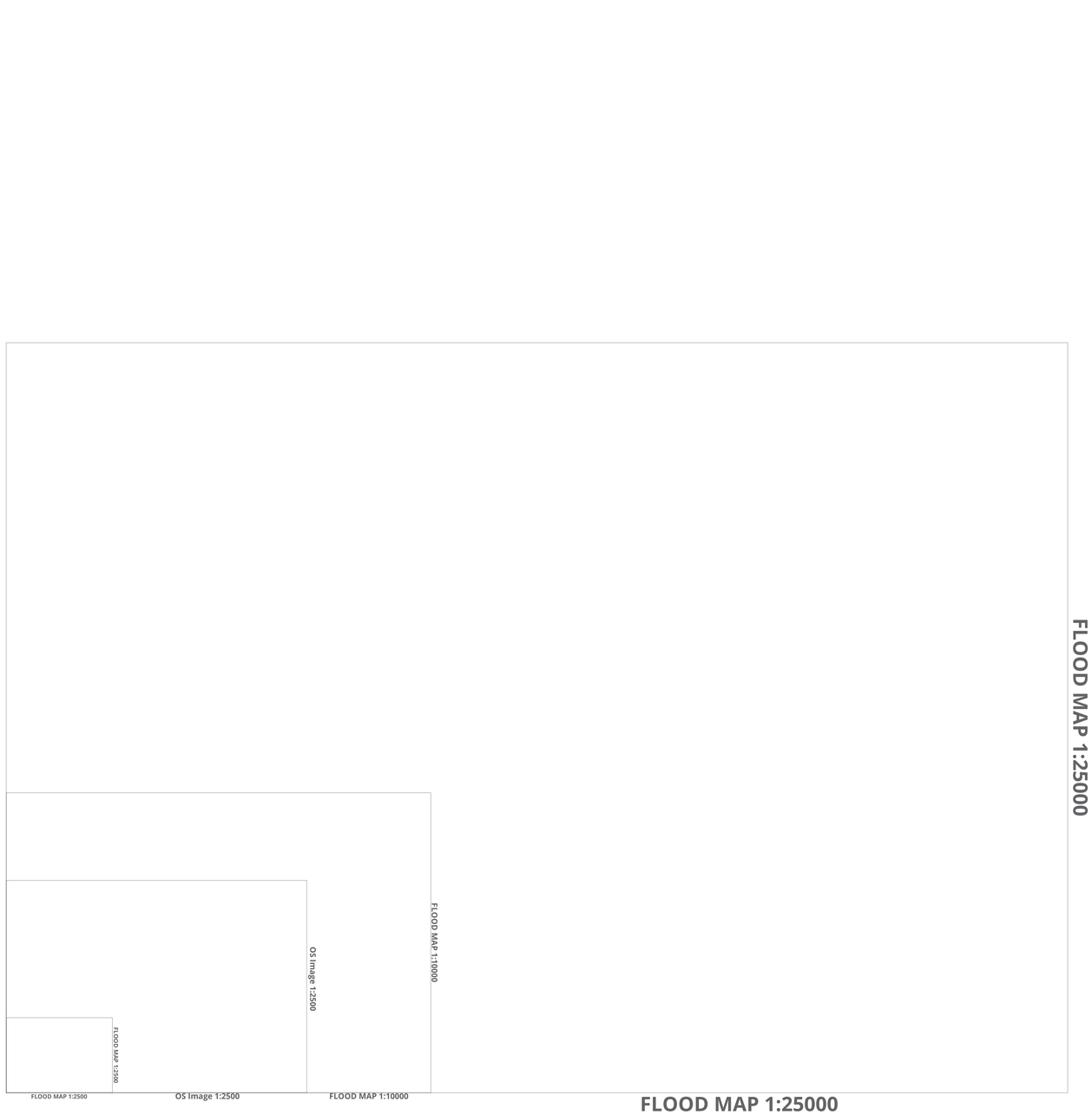
Constraints Key

— — — —	**Site Boundary** x.xx acres (x.xx ha)	
	Local Planning Authority xxxx	
	Title Plans reference	**Unavailable**
	Topographical Survey reference	**Unavailable**
	Ordnance Survey reference	**Unavailable**
12m	Spot Heights: Google Earth/Topo	**Unknown**
	Sensitive Viewpoints	**Unknown**
	Noise Sensitive Boundary	**Unknown**
	Speed Limits and Road Names	**Unknown**
	Vehicle Access	**Unknown**
	Pedestrian / Cycle Access	**Unknown**
	Rail	**Unknown**
B	Bus Stop	**Unknown**
	Height Restrictions	**Unknown**
	Listed Buildings	**Unknown**
	Flood Zone 2	**Unknown**
	Flood Zone 3	**Unknown**
	Flood Defences	**Unknown**
	River / Watercourse/ Ponds	**Unknown**
	Archaeological Features	**Unknown**
	Protected Species	**Unknown**
	Badger Sett	**Unknown**
	Existing Vegetation	**Unknown**
	Priority Habitat	**Unknown**
	Tree Protection Order	**Unknown**
	Ancient Woodland	**Unknown**
	SSSI, SPA, LNR, AONB etc	**Unknown**
	Scheduled Monuments	**Unknown**
	Cat A Root Protection Area	**Unknown**
	Cat B Root Protection Area	**Unknown**
	Cat C Root Protection Area	**Unknown**
	Cat U Root Protection Area	**Unknown**
	Public Right of Way: Footpath	**Unknown**
	Public Right of Way: Bridleway	**Unknown**
	Private Means of Access	**Unknown**
	COMAH DPZ	**Unknown**
	COMAH Inner Zone	**Unknown**
	COMAH Middle Zone	**Unknown**
	COMAH Outer Zone	**Unknown**
OHP	Overhead Cables	**Unknown**
HV	High Voltage	**Unknown**
LV	Low Voltage	**Unknown**
VM	Virgin Media	**Unknown**
BT	BT / Comms	**Unknown**
OIL	Oil Pipeline	**Unknown**
GAS	Gas Main	**Unknown**
HP	High Pressure Gas Main	**Unknown**
IP	Intermediate Pressure Gas Main	**Unknown**
MP	Medium Pressure Gas Main	**Unknown**
LP	Low Pressure Gas Main	**Unknown**
WM	Water Main	**Unknown**
SW	Surface Water Sewer	**Unknown**
FW	Foul Water Sewer	**Unknown**
CS	Combined Sewer	**Unknown**
	Substation	**Unknown**
	Mast	**Unknown**
	Wind Turbine	**Unknown**
	Contaminated Ground	**Unknown**
	Other	**Unknown**

Parking Standards
B2: 1:xxm²
B8: 1:xxm²

Document References
reference
reference

UNITS TO 'BLOCK OUT' MASTERPLANS



FLOOD MAP 1:25000

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10m SCALE 1:1000

Key Plan

Project Name

Project Name

Employer	Project Address
Employer Name	**Project Address**

RIBA Workstage	Suitability
1 - Preparation and Brief	**S2 - Information**

Drawn	Checked	Created	Size
XX	**XX**	**xx.xx.2026**	**A1**

UMC Project Reference	Scale	LOD	LOI
25xxx	**1:1000**	**1**	**1**

Document Title

Site Constraints Plan

Document Reference

26xxx - UMC - XXXX - SI - DR - A - XXXX

Revision Note

Initial Issue

Issue Date	Status	Current Revision
XX.XX.2026		**P01**

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Key Plan

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Project Name

Project Name

Employer	Project Address
Employer Name	**Project Address**

RIBA Workstage	Suitability
0 - Strategic Definition	**A1 - Authorised Stage 1**

Drawn	Checked	Created	Size
XX	**XX**	**Date Created**	**A1**

UMC Project Reference	Scale	LOD	LOI
XXXXX	**1:250**	**4**	**5**

Document Title

Drawing Title

Document Reference

XXXXX - UMC - XXXX - XX - XX - XX - XXXX

Revision Note

Revision Note

Issue Date	Status	Current Revision
XX.XX.XXXX	**XX.XX.XXXX**	**X##**

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Key Plan

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Project Name

Employer	Project Address
Employer Name	**Project Address**

RIBA Workstage	Suitability
0 - Strategic Definition	**A1 - Authorised Stage 1**

Drawn	Checked	Created	Size
XX	**XX**	**Date Created**	**A1**

UMC Project Reference	Scale	LOD	LOI
XXXXX	**1:250**	**4**	**5**

Document Title

Drawing Title

Document Reference

XXXXX - UMC - XXXX - XX - XX - XX - XXXX

Revision Note

Revision Note

Issue Date	Status	Current Revision
XX.XX.XXXX	XX.XX.XXXX	**X##**

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Key Plan

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Project Name

Project Name

Employer	Project Address
Employer Name	**Project Address**

RIBA Workstage	Suitability
0 - Strategic Definition	**A1 - Authorised Stage 1**

Drawn	Checked	Created	Size
XX	**XX**	**Date Created**	**A1**

UMC Project Reference	Scale	LOD	LOI
XXXXX	**1:250**	**4**	**5**

Document Title

Drawing Title

Document Reference

XXXXX - UMC - XXXX - XX - XX - XX - XXXX

Revision Note

Revision Note

Issue Date	Status	Current Revision
XX.XX.XXXX	**XX.XX.XXXX**	**X##**

ANNEXURE 1E

Q1.3.2 - Comparison of EMG2 Main Site / Community Park and Prologis / EMIA Scheme

Outline Application 24/00727/OUTM	DCO
Application is for 135,000sq.m	Application is for 115,000sq.m north of Hyams Lane
No mezzanine included	Total of 200,000 sq.m of mezzanine included across entire DCO. Pro rata c.65,000 sq.m on land north of Hyam's Lane
Plot Levels Incompatible	

	Outline Application 24/00727/)UTM	DCO	Difference
Maximum Ridge Height (on western plateau adjacent to the Country Park	North of plateau = 22m (+104,000m AOD) South of plateau = 19m (+98.000m AOD)	Ridge Height = 18m (+102.200m AOD)	North of Plateau = 1.8m lower AOD on SEGRO South of Plateau – 4.2m higher AOD on SEGRO

Outline Application 24/00727/OUTM	DCO
2 accesses Primary access is new roundabout from A453. Secondary access from Hunter Roundabout. Primary Access severs DCO development plateau.	1 Access Access from existing Hunter roundabout Primary access severs planning application development plateau.
Estate road location differs from DCO.	Estate Road location differs from planning application.
Smaller HGV parking.	HGV parking located on planning application development plot.
Bus interchange – no wider connectivity within park	Bus interchange

	Outline Application 24/00727/)UTM	DCO	Difference
Country Park/Green Buffer Zone Width (between the western site boundary and the western edge of proposed development – to the north of Hyams Lane)	North of plateau = 107.70m Middle of plateau = 113.00m South of plateau = 132.48m **Development Restriction Zone** North of plateau = 45.46m Middle of plateau = 94.50m	North of plateau = 185.08m Middle of plateau = 234.21m South of plateau = 250.34m	North of plateau = +77.398m wider on SEGRO Middle plateau = +121.21m wider on SEGRO South of plateau = +117.86m wider on SEGRO **Development Restriction Zone** North of plateau = +139.62m wider on SEGRO Middle of plateau = +139.71m wider on SEGRO

ANNEXURE 1F

QUESTION 1.4.1 – EMG1 DCO DEVELOPMENT OBLIGATION

DATED 19 June **2015**

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

and

LEICESTERSHIRE COUNTY COUNCIL

and

[redacted]

And

ROXHILL (KEGWORTH) LIMITED

DEVELOPMENT CONSENT OBLIGATION

made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) relating to East Midlands Gateway (Application for a Rail Freight Interchange) off Junction 24 of the M1 Motorway, between East Midlands Airport and the villages of Hemington and Lockington

---

MARRONS SHAKESPEARES

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DX: 710910 Leicester Meridian

File Ref: MET 902682-6

THIS AGREEMENT is made on 19 June 2015

BETWEEN:

1. **NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL** of Council Offices Whitwick Road Coalville Leicestershire LE67 3FJ (the "District Council")

2. **LEICESTERSHIRE COUNTY COUNCIL** of County Hall Leicester Road Glenfield Leicester LE3 8RA (the "County Council")

3. [redacted] Hall Farm Lockington Leicestershire DE74 2RH (the "Owner")

4. **ROXHILL (KEGWORTH) LIMITED** (Company Registration Number 07567544) whose registered office is at Lumonics House Valley Drive Swift Valley Rugby Warwickshire CV21 1TQ (the "Developer")

WHEREAS:

(A) The Developer submitted the Application to obtain authorisation for the Development in the form of the DCO and the Application was accepted by the Planning Inspectorate under section 55 of the 2008 Act on 19 September 2014

(B) The Owner is the registered proprietor of the Obligation Land with title absolute under Title Numbers LT143195, LT112482 and LT430537

(C) The Developer has interest in the land upon which part of the Development is to be carried out and has entered into an agreement with the Owner giving the Developer the option to acquire the Owner's land

(D) The Developer intends to construct and operate the Development as authorised by the DCO

(E) The Owner and the Developer have entered into this Agreement in order to ensure that the Development is regulated by the obligations herein contained which obligations are development consent obligations for the purposes of Section 106 of the 1990 Act

NOW THIS DEED WITNESSES AS FOLLOWS:

DEFINITIONS

1. For the purposes of this Agreement (including for the avoidance of doubt the recitals above) the following expressions shall have the following meanings:

"1990 Act"	the Town and Country Planning Act 1990
"2008 Act"	the Planning Act 2008
"Application"	the application made pursuant to section 37 of the 2008 Act for the DCO to authorise the Development
"Archaeological Management Contribution"	the sum of Twenty Five Thousand Pounds (£25,000.00) Index Linked
"BCIS Index"	the All in Tender Price Index of Building Cost Information Service as published by the Royal Institution of Chartered Surveyors
"Bus Interchange Building"	the building referred in item (2) of Works No 5 in Schedule 1 of the DCO
"Bus Interchange Scheme"	means a scheme providing details of the specification of the proposed Bus Interchange Building substantially in the form attached at Schedule 9
"Bus Services"	the provision of buses to the Development in accordance with the public transport obligations in Schedules 6, 7 and 8 such services to be: (i) tailored to the needs of the Development and its phased construction; (ii) flexible enough to address the needs arising from shift patterns and the origin and destination of those employed at the Development; and (iii) accessible at an appropriate cost to occupants of a Qualifying Building as determined through the Sustainable Transport Working Group but based broadly on an initial level of service of the general scope set out in Schedule 8

"Bus Services Fund"	the sum of One Million Seven Hundred Thousand Pounds (£1,700,000.00) Index Linked
"CIL"	the charge created pursuant to Section 205 of the 2008 Act and Regulation 3 of the CIL Regulations and referred to as the Community Infrastructure Levy Regulation 2010 as amended
"CIL Regulations"	the Community Infrastructure Levy Regulations 2010 as amended
"Community Fund Contribution"	means a maximum contribution of Three Hundred Thousand Pounds (£300,000.00) Index Linked comprising 3 separate payments of £100,000.00 by the Owner to District Council for onward transmission to: (i) Kegworth Parish Council; (ii) Lockington cum Hemington Parish Council; and (iii) Castle Donington Parish Council for the purposes of improving community facilities within the Parishes in accordance with the type of projects listed in Schedule 5
"Community Liaison Group"	a group to which representatives of the following are to be invited pursuant to paragraphs 6 and 7 of Schedule 1 • the Developer • North West Leicestershire District Council • Leicestershire County Council • Derby City Council • Derbyshire County Council • Nottingham City Council • Nottinghamshire County Council • Highways Agency • Kegworth Parish Council • Lockington cum Hemington Parish Council • Castle Donington Parish Council • Donington Race Circuit • East Midlands Airport
"Councils"	the District Council and the County Councils or any of them as the case may be
"CPT Index"	the Confederation for Passenger Transport (CPT) Bus Operators Costs Index for Midlands
"DCO"	the development consent order to be made under

	the 2008 Act pursuant to the Application
"Development"	the works described in Schedule 1 of the DCO
"East Midlands Enterprise Gateway Group"	means the body of such name comprising a public-private partnership (reporting to the Leicester and Leicestershire Enterprise Partnership) established to fully realise the economic and employment opportunity of East Midlands Airport and its surrounding area and the strategic growth planned for the area, members of which are North West Leicestershire District Council Leicestershire County Council, East Midlands Airport Marks & Spencers DHL Donington Park D2N2 Local Economic Partnership Derbyshire, Nottingham & Leicestershire Chambers of Commerce and Stephenson College (representing Further Education establishments) and the Developer
"EMG Buildings"	buildings erected pursuant to authorisation in the DCO and used for warehousing and distribution purposes
"Employment Scheme"	means a scheme for the provision of education employment and training which shall include: (i) details of how the initial staff employment opportunities at the Development will be advertised and how liaison with the District Council and other bodies including but not limited to the Leicester and Leicestershire Economic Partnership, and the County Council) will take place in relation to maximising access for the local workforce and in particular unemployed persons to information about employment opportunities; (ii) details of how training opportunities will be provided for those recruited to fill staff/employment requirements including the provision of apprenticeships; and (iii) measures to be taken to offer and provide college and/or work placement opportunities at the Development for students and unemployed persons within the locality (iv) the other measures to be used (including but not limited to): (a) measures to maximise the

proportion of local construction workers and to ensure unemployed persons in the local area have the opportunity to apply for and secure these posts;

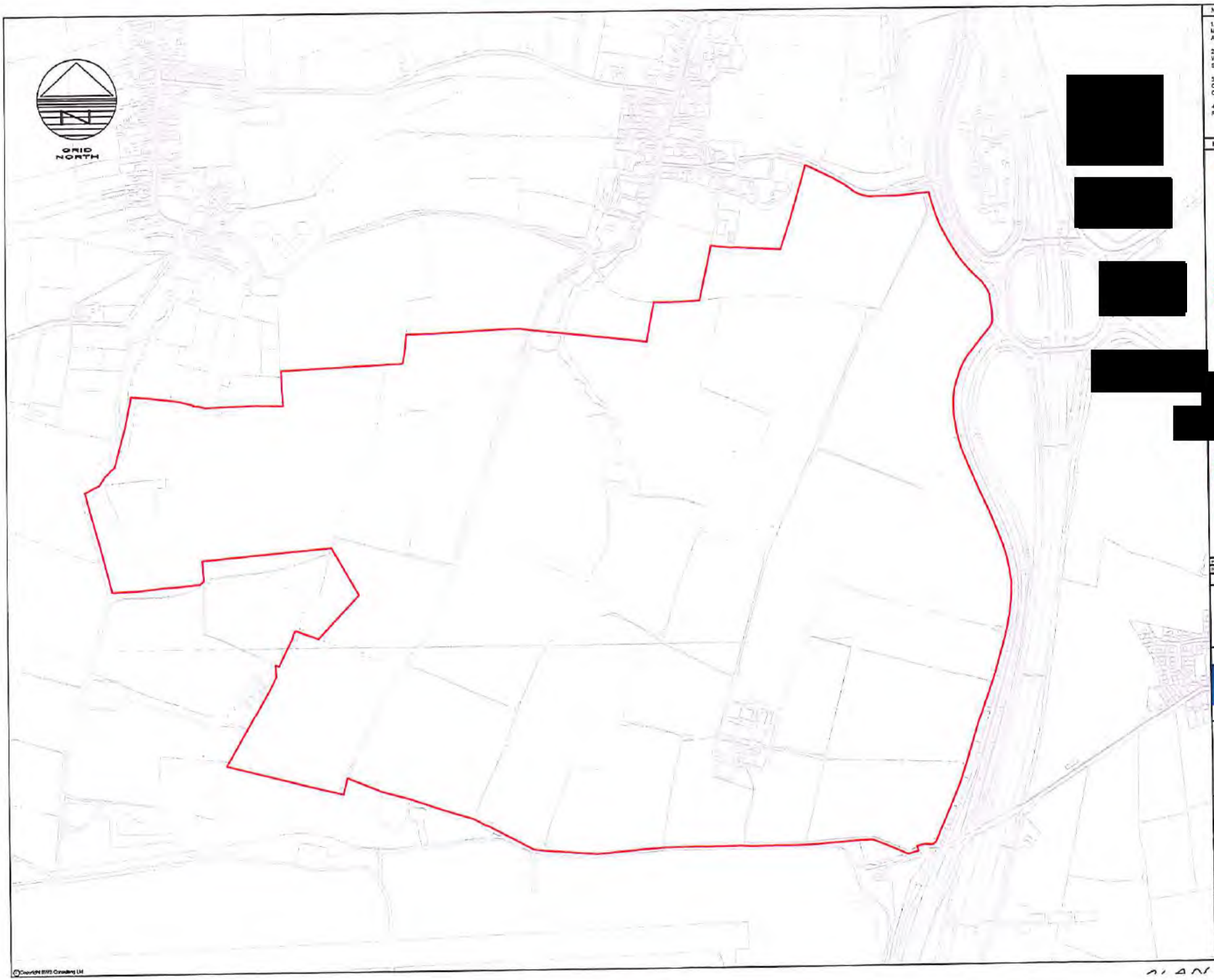
(b) a recruitment/training programme for construction workers with a focus on the Job Centres in locations where employment deprivation has been identified;

(c) provision of skills training in conjunction with the 'Work Programme' initiative;

(d) preference to be given to local procurement of products and services where efficient and cost effective

"Footpath Contribution"	means up to the sum of One Hundred and Eighty One Thousand Pounds (£181,000.00) Index Linked to be used towards the upgrading of Footpath L57
"Footpath L57"	means that length of footpath L57 shown on Plan B
"Implementation"	the implementation of the Development by the carrying out of any material operation within the meaning of sections 56(2) and (4) of the 1990 Act PROVIDED THAT the carrying out of demolition of existing buildings and structures, termination or diversion of existing services or temporary diversion of highways, temporary construction, site preparation (including ecological mitigation and translocation of species), investigation works, archaeological investigations, environmental site investigations, decontamination works, or works and operations to enable any of the foregoing to take place shall not constitute a material operation and consequently shall not individually or together constitute implementation for the purposes of this definition or this Agreement and "Implemented" "Implement" and cognate expressions shall be construed accordingly
"Index-Linked"	means the adjustment of the sums referred to in this Agreement by Indexing from 29 September 2014 to the date of payment and for the avoidance of doubt in the case of the Travel Plan Fund the Indexing shall be applied to the reducing fund until the last date of payment

"Indexing"	the sum concerned shall be linked to the Relevant Index such that any sum or financial contribution which is so linked in this Agreement shall be increased or decreased by reference to the Relevant Index calculated from the date hereof to the date of payment PROVIDED THAT if the reference base used to compile the Relevant Index changes after the date of this Agreement but before payment of any sum which is Index-Linked in this Agreement, the figure taken to be shown in the Relevant Index after the change is to be the figure that would have been shown in the Relevant Index if the reference base current at the date of this Agreement had been retained
"Interest"	interest at two per cent per annum above the base lending rate of the Bank of England
"Occupy"	occupation of the EMG Buildings other than for the purposes of construction fitting out commissioning or site security and "Occupation" "Occupying" "Occupied" and "Occupier" and cognate expressions shall be construed accordingly
"Occupier Travel Plan"	a travel plan in respect of a Qualifying Building which sets out the means by which the occupiers of that building shall comply with the relevant requirements of the Site Wide Travel Plan
"Obligation Land"	the land **edged red** on Plan A
"Parish Councils"	means a collective reference to Kegworth Parish Council, Lockington Parish Council and Castle Donington Parish Council
"Permissive Paths"	means the paths within the main site (as defined in the DCO) identified in column 4 of Part 1 of Schedule 5 of the DCO as permissive paths
"Plan A"	the plan marked A and attached to this Agreement
"Plan B"	the plan marked B and attached to this Agreement
"Public Transport Strategy"	means the strategy attached at Schedule 8 to this Agreement
"Qualifying Building"	a building within the Development occupied by one employer with more than twenty (full time equivalent) employees working in that building
"Rail Freight Terminal Building	the building referred in item (a) of Works No 2 in Schedule 1 of the DCO
"Relevant Index"	means:



NOTES

1. DO NOT SCALE THIS DRAWING. ALL DIMENSIONS MUST BE CHECKED/ VERIFIED ON SITE. IF IN DOUBT ASK.

2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS, ENGINEERS AND SPECIALISTS DRAWINGS AND SPECIFICATIONS.

3. ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE. ALL LEVELS IN METRES UNLESS NOTED OTHERWISE.

4. ANY DISCREPANCIES NOTED ON SITE ARE TO BE REPORTED TO THE ENGINEER IMMEDIATELY.

KEY

EXTENT OF LAND TITLES LT512462, LT143105 & LT409037 WITHIN ORDER LIMITS (DCO) INSOFAR AS THEY RELATE TO THE MAIN (RFI) DEVELOPMENT

31677 (a)

12404 (g)

Rev	Date	Details of Issue / Revision	Drwn	Chkd

ISSUES & REVISIONS

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Nottingham | 0115 924 1100
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Client

ROXHILL

Project Title

EAST MIDLANDS GATEWAY STRATEGIC RAIL FREIGHT INTERCHANGE

Drawing Title

DEVELOPMENT CONSENT OBLIGATION - OBLIGATION LAND PLAN

Scale	1:7,500	Drawn	S. Hilditch
Size	A3	Reviewed	D. Mackory

Drawing Status

PRELIMINARY

Drawing No.	Revision
NTH/209/SK151	P1

PLAN A

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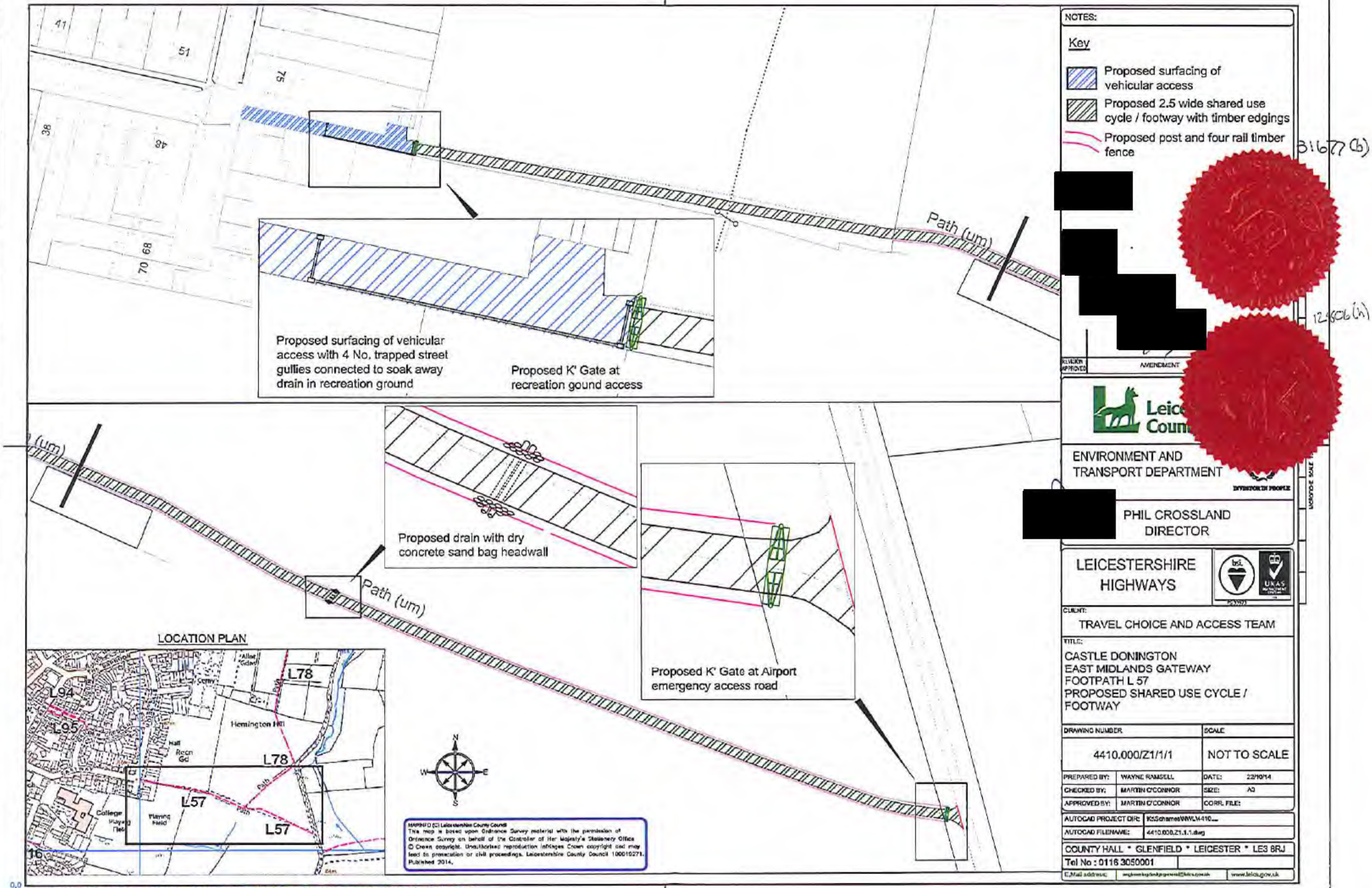
NOTES:
Key
Proposed surfacing of vehicular access
Proposed 2.5 wide shared use cycle / footway with timber edgings
Proposed post and four rail timber fence
Path (um)
Proposed surfacing of vehicular access with 4 No. trapped street gullies connected to soak away drain in recreation ground
Proposed K' Gate at recreation gound access
Proposed drain with dry concrete sand bag headwall
Proposed K' Gate at Airport emergency access road
LOCATION PLAN
L94
L95
L78
L57
Hemington Hill
Hall Rec Gd
College Playing Field
ENVIRONMENT AND TRANSPORT DEPARTMENT
PHIL CROSSLAND
DIRECTOR
LEICESTERSHIRE HIGHWAYS
CLIENT:
TRAVEL CHOICE AND ACCESS TEAM
TITLE:
CASTLE DONINGTON
EAST MIDLANDS GATEWAY
FOOTPATH L 57
PROPOSED SHARED USE CYCLE / FOOTWAY
DRAWING NUMBER
4410.000/Z1/1/1
SCALE
NOT TO SCALE
PREPARED BY: WAYNE RAMSELL
DATE: 22/10/14
CHECKED BY: MARTIN O'CONNOR
SIZE: A0
APPROVED BY: MARTIN O'CONNOR
COMPL FILE:
AUTOCAD PROJECT DIR: K:\Schemes\WW\4410...
AUTOCAD FILENAME: 4410.000.Z1.1.1.dwg
COUNTY HALL * GLENFIELD * LEICESTER * LE3 8RJ
Tel No : 0116 3050001
E.Mail address:
www.leics.gov.uk
S:\PUBLIC\ACAD2013 STD DRAWING BORDERS\2013 (mm) LEICESTERSHIRE HIGHWAYS BORDERS..\A3DB (mm) SEPT 2013
PLAN B

	(i) in the case of the Travel Plan Fund the All-in Tender Price Index of Building Cost Information Service ("BCIS") as published by the Royal Institute of Chartered Surveyors (ii) in the case of the Bus Services Fund the CPT Index (iii) in the case of the Community Fund Contribution means the RPI Index and in all cases in the event of an index ceasing to exist shall mean an alternative index agreed between the parties
"Requirements"	the requirements set out in Schedule 2 of the DCO
"RPI Index"	the All Items Retail Prices Index as published by the Office of National Statistics to include any applicable local or regional weighting
"Shuttle Bus Service"	means the proposed shuttle bus service to be approved by the Sustainable Transport Working Group and to take employees of the EMG Buildings to and from the main site (as defined in the DCO)
"Site Wide Travel Plan"	means the Site Wide Travel Plan certified pursuant to Article 39 of the DCO
"Site Wide Travel Plan Co-ordinator"	means the person appointed by the Developer to administer the Site Wide Travel Plan
"Sustainable Transport Targets"	means the targets measuring progression towards the full modal share target as set out in the Site Wide Travel Plan
"Sustainable Transport Working Group"	the body to be established pursuant to paragraph 9 of Schedule 2 and to be constituted in accordance with the details in Schedule 7
"Transport Assessment"	the transport assessment upon which the statement of common grounds submitted to the Planning Inspectorate and agreed between LCC, and the Highways Agency is based
"Travel Plan Supplement"	the maximum sum of Four Hundred Thousand Pounds (£400,000.00) for supplementing the Travel Plan Measures in the event of the targets in the Site Wide Travel Plan not being achieved to be administered by the Sustainable Transport Working Group

"Travel Plan Fund"	the maximum sum of One Million Pounds (£1,000,000.00) Index Linked administered by the Sustainable Transport Working Group
"Travel Plan Measures"	those measures that form part of the Site Wide Travel Plan and are detailed in Schedule 6 or other means agreed by the Sustainable Transport Working Group

INTERPRETATION

2. The headings appearing in this Agreement are for reference only and shall not affect the construction of this Agreement

3. Unless the context requires otherwise reference in this Agreement to clauses, sub-clauses, paragraphs, recitals, sub-paragraphs and schedules and references to those contained in this Agreement and references to plans and drawings are references to plans and drawings annexed to this Agreement

4. The works "including" shall mean "including without limitation or prejudice to the generality of any description defining term or phrase preceding the word" and the word "include" and its derivatives shall be construed accordingly

5. References in this Agreement to statutes, bye-laws, regulations, orders and delegated legislation shall include any statute, bye-law, regulation, order or delegated amending, re-enacting or made pursuant to the same

6. In this Agreement the expressions "the District Council" "the County Council" "the Owner" and "the Developer" shall include their respective statutory successors in respect of the functions to which this Agreement relates and/or successors in title to the Obligation Land as the case may be

7. Any obligations of the parties to this Agreement contained in this Agreement which are or may be deemed to be obligations of one or more persons shall be joint and several obligations on the part of those persons unless the context otherwise requires

8. Any obligations by the Owner and/or the Developer not to do an act or thing shall be deemed to include an obligation to use reasonable endeavours not to permit or suffer such act or thing to be done by another person and any obligation by the Owner and/or Developer to do an act or thing may be

deemed to include an obligation to procure that the act or thing is done

9. If any provision in this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions will not in any way be deemed thereby to be affected, impaired or called into question

10. The Interpretation Act 1978 shall apply to this Agreement

STATUTORY POWERS, ENFORCEMENT AND LIABILITY

11. This Agreement is made pursuant to Section 106 of the 1990 Act and the obligations in this Agreement constitute development consent obligations for the purposes of Section 106 of the 1990 Act and planning obligations pursuant to Section 106(4) of the 1990 Act enforceable by the Councils as provided in clause 12

12. The development consent obligations set out in Schedule 1 shall be enforceable by the District Council and the development consent obligations in Schedule 2 shall be enforceable by the County Council

13. It is hereby agreed that the Owner enters into this Agreement with the effect of binding the Obligation Land and the Developer enters into this Agreement to bind any interest resulting from the agreement it entered into with the Owner referred to in recital (C) however the Developer shall not be bound by the obligations unless and until it acquires a legal interest in the Obligation Land being more than an option or conditional contract

COMMENCEMENT

14. With the exception of paragraphs 2 and 3 of Schedule 1 and paragraphs 3 and 4 of Schedule 2, the obligations contained in Clause 17 and Schedules 1 and 2 of this Agreement shall not have effect unless and until both:

14.1 the DCO has been made; and

14.2 the Development has been Implemented

FURTHER PLANNING PERMISSIONS AND DEVELOPMENT CONSENTS

15. Nothing in this Agreement shall prohibit or limit or affect in any way the right to develop any part of the Obligation Land in accordance with a planning permission issued pursuant to the Town and Country Planning Act 1990 or a Development Consent Order or any other statutory authority other than the DCO as defined herein granted or issued (whether or not on appeal or by any other means) either before or after the date of this Agreement

PROVISIONS FOR RELEASE

16. This Agreement shall determine if the DCO is quashed, cancelled, revoked or expires prior to Implementation except to the extent that any obligation in this Agreement has been performed in whole or in part

COVENANTS BY THE OWNER AND THE DEVELOPER

17. Subject to clauses 13 and 21 the Owner and the Developer hereby jointly and severally covenant that they shall carry out and comply with the development consent obligations contained in Schedules 1 and 2

COVENANTS BY THE DISTRICT COUNCIL AND THE COUNTY COUNCIL

18. The District Council covenants with the Owner as set out in Schedule 3.

19. The County Council covenants with the Owner as set out in Schedule 4

SUCCESSORS IN TITLE

20. This Agreement shall be enforceable against the Developer (subject to clause 13) and the Owner and their successors in title and those deriving title under them in respect of the Obligation Land

21. No party shall be liable for any breach of the obligations contained herein after it shall have parted with its entire interest in the Obligation Land or the relevant part thereof but without prejudice to any rights of the Councils in respect of any antecedent breach

THIRD PARTIES

22. A person who is not a party to this Agreement has no rights under the Contracts (Rights of Third Parties) Act 1990 to enforce any term of this Agreement but this does not affect any right or remedy of a third party which exists or is available apart from that Act

SERVICE OF NOTICES

23. All notices requests demands or other written communications to be sent or given pursuant to the provisions of this Agreement shall be deemed to have been properly given or made if despatched by first class letter to the party to which such notice request demand or other written communication is to be given or made under this Agreement and addressed as follows:-

23.1 if to the District Council to the address set out above and marked for the attention of the Development Control Manager;

23.2 if to the County Council to the address set out above and marked for the attention of the Director of Environment and Transport (or nominee or appropriate County Council officer taking responsibility for the highway and local/public transport function);

23.3 if to the Owner to the address set out above

23.4 if to the Developer to the address set out above marked for the attention of the Company Secretary

COMMUNITY INFRASTRUCTURE LEVY

24. If after the date of this Agreement a CIL is introduced which is applicable to the Development then the parties hereto will use reasonable endeavours to agree variations to this Agreement with the intention that the Owner should not be in a position where it is in a financially worse position because of CIL in respect of the obligations contained in Schedule 1 and Schedule 2 than they would be if they performed the obligations in this Agreement and CIL did not apply

LOCAL LAND CHARGES

25. This Agreement shall be registered as a Local Land Charge

INTEREST

26. If any payment under this Agreement is due but remains unpaid for a period exceeding fourteen days the payer shall pay on demand to the payee Interest from the date payment is due to the date of payment

WAIVER

27. No waiver (whether express or implied) by any of the Councils of any breach or default by the Owner in performing or observing any of the covenants undertakings obligations or restrictions contained in this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Councils from enforcing any of the said covenants undertakings obligations or restrictions or from acting upon any subsequent breach or default in respect thereof by the Owner

VERIFICATION AND ENFORCEMENT

28. The Owner shall permit the Councils and their authorised employees and agents upon reasonable notice to enter the Obligation Land at all reasonable times and for the purpose of verifying whether or not any obligation arising hereunder has been performed or observed

VOID PROVISIONS

29. If any individual clause or paragraph in this Deed is subsequently held to be unenforceable by a court the parties agree that the offending clause or paragraph shall cease to be binding and will be severed from the Deed and the severing of such clause or paragraph shall not affect the continuing enforceability of the remainder of the Deed

NO FETTER OF DISCRETION

30. Nothing herein contained or implied shall prejudice or affect the rights discretions powers duties and obligations of the Councils under all statutes bye-laws statutory instruments orders and regulations in the exercise of their

functions as a local authority

GENERAL REQUIREMENT TO CO-OPERATE

31. The parties hereto shall act in good faith and shall each cooperate with each other to facilitate the discharge and performance of the obligations of the other contained within this Agreement within the timescale specified.

DISPUTE RESOLUTION

32. Save for a dispute arising between the members of the Sustainable Transport Working Group which shall be determined in accordance with the dispute resolution provisions detailed in Schedule 7 of this Deed, in the event of any dispute or difference arising between the parties hereto touching or concerning any matter or thing arising out of this Deed (other than a dispute or difference touching or concerning the meaning or construction of this Deed) such dispute or difference shall be referred to some independent and fit person holding appropriate professional qualifications to be appointed (in the absence of agreement) by the President (or equivalent person) for the time being of the professional body chiefly relevant in England to such qualifications and such person shall act as an expert and his decision shall be final and binding on the parties to the dispute in such proportion as he shall determine and failing such determination shall be borne by the parties to the dispute or difference in equal shares

33. In the absence of agreement between the parties to the dispute or difference as to the professional qualifications of the person to be appointed pursuant to clause 32 or as to the appropriate professional body within fourteen days after any party has given to the other parties to the disputes or difference a written request to concur in the professional qualifications of the person to be appointed pursuant to clause 32 then the question of the appropriate qualification or professional body shall be referred to a solicitor to be appointed by the President for the time being of the Law Society of England and Wales on the application of any party to the dispute or difference and such solicitor shall act as an expert and his decision as to the professional qualifications of such person or as to the appropriate professional body shall be final and binding on the parties to the dispute or difference and his costs

shall be payable by the parties to the dispute or difference and his cost shall be payable by the parties to the dispute in such proportion as he shall determine and failing such determination and shall be borne by the parties to the dispute or difference in equal shares

NOTIFICATION OF TRIGGERS

34. The Owner shall notify the District Council and County Council of the following events:

34.1 Implementation of the Development

34.2 The commencement of construction of a Qualifying Building

34.3 First Occupation of the first EMG building to be occupied

SCHEDULE 1
COVENANTS WITH THE DISTRICT COUNCIL

Community Fund Contribution

1. To pay the Community Fund Contribution to the District Council in two instalments as follows:

1.1 50% on the Implementation of the Development; and

1.2 50% upon first Occupation of the first EMG Building to be Occupied

Employment

2. Not to Implement the Development unless and until the Employment Scheme has been submitted and approved by the District Council such approval not to be unreasonably refused or delayed

3. To use reasonable endeavours to obtain the approval of the Employment Scheme from the District Council

4. To observe and carry out the measures in the approved Employment Scheme at all times following its approval by the District Council

East Midlands Enterprise Gateway Group

5. To participate in and support the East Midlands Enterprise Gateway Group for such time as the Group remains properly constituted or until the expiry of five years from the first Occupation of the final EMG Building whichever is the shorter period

Community Liaison Group

6. To establish the Community Liaison Group in order to facilitate liaison between local residents local authorities and other interested stakeholders in relation to the construction and operation of the Development

7. To administer the calling of meetings of the Community Liaison Group not less than one every quarter following the Implementation of the Development and on additional occasions if reasonably requested by any member of the Group so to do

SCHEDULE 2
COVENANTS WITH THE COUNTY COUNCIL

Bus and Shuttle Bus Services

1. To procure that the Development is served by the Bus Services (and if necessary to subsidise such services out of the Bus Services Fund) until such time as the Bus Services Fund has been fully utilised or until the expiry of five years from the first Occupation of the final EMG Building whichever is the sooner

2. To provide the Shuttle Bus Service until the expiry of five years from the first Occupation of the final EMG Building unless agreed otherwise by the Sustainable Transport Working Group

Bus Interchange

3. Not to Implement the Development unless and until the Bus Interchange Scheme has been submitted to the County Council for approval

4. To use reasonable endeavours to obtain the approval of the Bus Interchange Scheme from the County Council prior to Implementation of the Development

5. To construct the Bus Interchange Building in accordance with the approved Bus Interchange Scheme or such variations to that scheme as may have first been expressly approved by the County Council

Footpath L57

6. To pay the Footpath Contribution to the County Council prior to first Occupation of the first EMG Building to be Occupied

Sustainable Transport Working Group

7. To establish the Sustainable Transport Working Group prior to the commencement of construction of a Qualifying Building and to participate in the discharge of the responsibilities of the Sustainable Transport Working Group in accordance with the provisions relating thereto in the Site Wide

Travel Plan and Public Transport Strategy until the expiry of five years from full Occupation of the Development or earlier if agreed by all members of the Sustainable Transport Working Group upon achieving the Sustainable Transport Targets and for the avoidance of doubt meetings shall be convened hosted and administered according to the provisions of Schedule 7

Site Wide Travel Plan Co-Ordinator/Administrator

8. To appoint a Site Wide Travel Plan Co-Ordinator prior to the commencement of construction of a Qualifying Building whose responsibilities shall be as set out in the Site Wide Travel Plan

9. To procure the employment of a replacement Site Wide Travel Plan Co-Ordinator as soon as reasonably practicable in the event that the Site Wide Travel Plan Co-Ordinator resigns or is otherwise dismissed from employment for any reason until the expiry of five years from full Occupation of the Development or earlier if agreed by all members of the Sustainable Transport Working Group

10. To procure the appointment of Occupier Travel Plan administrators in respect of each Qualifying Building whose responsibilities shall be as set out in the Site Wide Travel Plan and the relevant approved Occupier Travel Plan

11. To immediately notify the County Council in writing of the name and contact details of the persons appointed pursuant to paragraphs 8-10 herein

Travel Plan Fund

12. To pay for the Travel Plan Measures to assist in progressing towards the Sustainable Transport Targets such measures to be paid for out of the Travel Plan Fund and to be determined by the Sustainable Transport Working Group until such time as the Travel Plan Fund has been fully spent or until the expiry of five years from the full Occupation of the Development whichever is the sooner

Travel Plan Supplement

13. To pay the Travel Plan Supplement in whole or in part to the County Council

within 28 days following receipt of a written request from the County Council containing evidence that a measure target or threshold set out in the Site Wide Travel Plan (including the need for changes to bus services) has not been met by any specified date or event until such time as the Travel Plan Supplement has been fully utilised or until the expiry of five years from the first Occupation of the final EMG Building whichever is the sooner

Occupier Travel Plan

14. To require in any lease or sale of land of a Qualifying Building that prior to first Occupation the occupier shall submit an Occupier Travel Plan subject to the prior approval of the County Council as required by the Site Wide Travel Plan

Public Transport Strategy

15. To observe and perform the provisions of the Public Transport Strategy until the expiry of five years from first Occupation of the final EMG Building

16. To use reasonable endeavours to procure that the occupants of each Qualifying Building shall observe and perform the provisions of the Public Transport Strategy as well as the Occupier Travel Plan relating to that building following its approval by the Sustainable Transport Working Group

Permissive Paths

17. To submit a scheme for the provision of Permissive Paths to the County Council and obtain approval thereof prior to the commencement of construction of the first EMG building to be Occupied which scheme shall:-

17.1 be in accordance with the provisions of Schedule 5 of the DCO

17.2 identify the Permissive Paths to which the scheme will relate;

17.3 set out the specification of the Permissive Paths and timing of their provision;

17.4 confirm the arrangements for ongoing maintenance of the Permissive Paths;

17.5 ensure public access to the Permissive Paths at all times save for emergency closures; and

17.6 make provision for the alteration to or replacement of the Permissive Paths subject to the provision of suitable alternative arrangements acceptable to the County Council

18. To comply with provisions of the scheme approved pursuant to paragraph 17 above

Archaeological Management Contribution

19. To pay the Archaeological Management Contribution to the County Council prior to the carrying out of the first archaeological work pursuant to Requirement 13 (Archaeology) of the DCO

SCHEDULE 3
DISTRICT COUNCIL'S OBLIGATIONS

Community Fund

1. To notify the Parish Councils within 30 days of receipt of the Community Fund Contribution or any part thereof

2. To pay the Community Fund Contribution or part thereof to the Parish Councils where such written request is supported by documentary evidence demonstrating procurement of works, services or building contracts or other such evidence as shall be agreed with the District Council and confirmation that they will:

   2.1 use the Community Fund Contribution for the delivery of community projects detailed in Schedule 5 or another purpose first agreed with the Developer;

   2.2 contract with the District Council to return any monies that have not been spent or are irrevocably committed for the purposes approved pursuant to Schedule 5 upon the expiry of 5 years from the receipt of the final payment of the Community Fund Contribution and that such payment will be made promptly and in any event within 28 days of the expiry of 5 years;

   2.3 provide the Owners upon written request with the details of the relevant Parish Councils expenditure of the Community Fund Contribution provided that no more than 2 requests per year will be submitted by the Owners

3. To repay to the Owners or the party who paid the monies originally together with simple interest at the base rate available from time to time of the Bank of England such unexpended monies as may be returned to the District Council pursuant to paragraph 2.2 of this Schedule 3

East Midlands Enterprise Gateway Group

4. To participate in and support the East Midlands Enterprise Gateway Group for the duration that that Group remains properly constituted or the lifetime of the Development whichever is the sooner

Discharge of Developer Obligations

5. Upon reasonable written request from the Owners and subject to its reasonable and proper professional costs and charges the District Council will certify compliance or partial compliance with the provisions of this Agreement

SCHEDULE 4
COUNTY COUNCIL'S OBLIGATIONS

Footpath L57

1. To use the Footpath Contribution solely for the maintaining or upgrading Footpath L57 and for no other purpose whatsoever

2. In the event that any or all of the Footpath Contribution is not applied for its specified purpose within 5 years from the date on which the contribution was paid to refund such unexpended monies to the party who paid the monies originally together with interest at the base rate prevailing from time to time of the Bank of England calculated from the date of receipt of the monies by the County Council as evidenced by the County Council's official receipt

Sustainable Transport Working Group

3. To participate in and support the Sustainable Transport Working Group until the expiry of 5 years from full Occupation of the Development

Travel Plan Supplement

4. To use the Travel Plan Supplement for the purposes of remedying the effects of a failure to meet any measure target or threshold in the Site Wide Travel Plan

Archaeological Management Contribution

5. To use the Archaeological Management Contribution for the purposes of funding any resources required by the County Council to assist it in the curatorial management of the archaeological mitigation programme resulting from the site investigation carried out pursuant to Requirement 13 (Archaeology) of the DCO

SCHEDULE 5
LIST OF APPROVED COMMUNITY PURPOSES

Projects within the administrative areas of Kegworth Parish Council, Lockington cum Hemington Parish Council and Castle Donington Parish Council's to:

1. Carry out physical improvements to the public realm;

2. Enhance nature conservation interest;

3. Improve the physical environment of the villages.

SCHEDULE 6

TRAVEL PLAN MEASURES

Means the following measures:

MODE	MEASURE	INDICATIVE TIMESCALE
Walking	Design of a site specific 'active travel map' encompassing walking and cycling	Prior to first Occupation
	Personal alarms, umbrellas or other supporting measures	Upon first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
	Promotion of Walk to Work Month	Annually
	Promotion of area-wide walking events	Annually
Cycling	Creation of a Bike User Group (BUG)	Upon first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
	Promotion of the Cycle2Work Scheme	Upon first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
	Dissemination of local cycle maps	Upon first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
	Promotion of area wide cycling events / challenges	Annually
Public Transport	Taster bus ticket promotion	On first Occupation of each Qualifying Building
	Promotion of area wide bus events / challenges	Annually
	Active dissemination of public transport information by the Travel Plan Coordinator	Upon first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
Car Sharing	Introduction of priority share bays at each employment unit	On first Occupation of a Qualifying Building
	Delivery of a site wide car sharing initiative	Upon first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
	On-going promotion of car sharing	Upon first Occupation and continuing until the expiry of

		five years of Occupation of the final Qualifying Building
Marketing	Provision of a transport 'bulletin board' at each employment unit within the site to be updated by the Area Wide Travel Plan Coordinator	On first Occupation of a Qualifying Building
	Establish a travel plan website for the strategic rail freight interchange to provide information on travel	Prior to first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
	Provision of travel 'welcome packs' to all new businesses and their employees	On first Occupation of a Qualifying Building
	Review and reissue travel packs to the occupiers of the site	Years 4, 7 and 10 after first Occupation of a Qualifying Building
	Regular newsletter to be distributed to all businesses at the site	Upon first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
	Involvement on national travel relater events (e.g. national liftshare, bike week)	Upon first Occupation and continuing until the expiry of five years of Occupation of the final Qualifying Building
	High impact marketing campaign	Annually until the expiry of five years of Occupation of the final Qualifying Building
	Fall back funding for additional promotional events for site specific campaigns	Annually from year 3 after first occupation until funds are depleted
Monitoring	Annual monitoring surveys and report from introduction of first commercial occupiers	Annually until the expiry of five years of Occupation of the final Qualifying Building
	Vehicle counts	Annually until the expiry of five years of Occupation of the final Qualifying Building
	Public transport satisfaction surveys	Annually until the expiry of five years of Occupation of the final Qualifying Building
	Focus groups	Annually until the expiry of five years of Occupation of the final Qualifying Building

SCHEDULE 7

SUSTAINABLE TRANSPORT WORKING GROUP CONSTITUTION

Sustainable Transport Working Group

1. A Sustainable Transport Working Group (STWG) will be established to:

   1.1 Advise the appropriate Authority or Operator on all matters relating to the implementation and performance of the Site Wide Travel Plan (SWTP), Public Transport Strategy (PTS), Bus Services and Shuttle Bus Service and on the appropriate disbursement of moneys from the Bus Services Fund and Travel Plan Fund ;

   1.2 Oversee the work of the Site Wide Travel Plan Co-ordinator (TPC), receiving his monitoring and review reports on the performance of the SWTP and PTS and recommending further action as deemed necessary;

   1.3 Approve on behalf of the local planning authority, highway authority and the Developer all subsequently submitted site specific Occupier Travel Plans to ensure their consistency with and support for the agreed measures and targets in the SWTP and PTS, and all subsequent reviews of their performance and delivery;

   1.4 Make recommendations to the appropriate parties for the amendment by agreement of the provisions of the SWTP and PTS in the light of circumstances at that time.

2. Membership of the STWG will comprise 1 voting representative from each of:

   2.1 the Developer (or Owner) who will normally take the Chair

   2.2 the County Highways and Local Transport Authority (LeicsCC)

   2.3 Derbyshire CC

   2.4 Nottinghamshire CC

   2.5 Leicester City

   2.6 Nottingham City

2.7 Derby City

Plus non-voting but contributing representatives of:

2.8 the District Planning Authority (NWLeicsDC)

2.9 Interested Railway or Bus operators

2.10 Such other interested parties, stakeholders and expert bodies as members of the STWG may from time to time believe would be helpful to the work of the Group.

2.11 East Midlands Airport

3. Meetings of the STWG will be convened, attended and serviced by the Site Wide Travel Plan Co-ordinator at not more than 6 monthly intervals or other such intervals as agreed by the STWG in a venue provided by the Developer (or such other frequency, place and timing as the voting members may subsequently agree upon), giving not less than ten clear working-days' notice to all parties invited with an agenda with relevant background papers for the matters to be considered. All invited members shall have the right, with good reasons, to propose an item to be discussed at the meeting under urgent business, however, any representative of a voting member may require any item to be deferred for consideration or decision at a subsequent meeting, or dealt with in another way, in order to take advice or conduct deeper research on the matter.

4. Invited parties shall make every endeavour to attend the meeting or to be appropriately represented but the meeting shall only be quorate if a representative from LeicsCC and the Developer is present.

5. The representatives from the local authorities specified at clause 2 will be able to request that no decision be taken by the STWG on a matter discussed at a meeting of the STWG without prior reference to an approval of senior managers and/or elected members as appropriate.

6. Decisions are to be taken on a majority vote with each member of the STWG present having a single vote. The Developer's vote shall be weighted to be equal to the number of voting members (other than the Developer) of the STWG that are present at the meeting.

7. The TPC shall minute each meeting and circulate copies as soon as practical to all invited parties. Such minutes, once confirmed at the subsequent meeting, will become a matter of public record, subject to redaction of individual items of true commercial or personal confidentiality.

8. The STWG will continue to meet until at least 5 years after full Occupation or such time (which may be earlier or later) as the Group decides it has fully served its purpose, at which time all powers and responsibilities the Group has exercised shall revert to the appropriate body

9. The STWG shall at all times be free to consult with other relevant authorities and bodies and shall at the election of any member be at liberty to invite persons to attend meetings in a non-voting capacity

10. In the event of any dispute arising between the members of the STWG then it is expected those members ("the Relevant Parties") will attempt to resolve that dispute amicably including holding a meeting attended by at least one representative from each party

11. If the Relevant Parties are unable to resolve the dispute amicably one party may by serving notice by email and recorded delivery post on all the other Relevant Parties ("the Notice") with a copy to all other members of the Sustainable Transport Working Group within fourteen days of the meeting referred to in paragraph 8 or later by agreement between the Relevant Parties refer this dispute to an Expert for determination and where the dispute has not been resolved amicably any decision arising out of the dispute shall not be decided until the dispute has been resolved as provided for herein

12. In order to refer the dispute to an Expert the Notice must specify:

    12.1 the nature, basis and brief description of the dispute; and

    12.2 the proposed Expert

13. In the event that the Relevant Parties are unable to agree whom should be appointed as the Expert within 14 days after the date of the Notice then any of the Relevant Parties may request the President of the Law Society to nominate the Expert at their joint expense and that Relevant Party shall request that such nomination shall be made within 14 days of the request, and any failure for such nomination to be made within 14 days shall entitle any party to withdraw from the process of appointing an

Expert and to refer the Dispute to the courts of England instead

14. The Expert shall act as an expert and not as an arbitrator and his decision will (in the absence of manifest error) be final and binding on the Relevant Parties and at whose cost shall be at the discretion of the Expert or in the event that he makes no determination, such costs will be borne by the Relevant Parties in equal shares

15. The Expert when making his determination shall have regard to the contents of the National Planning Policy Framework or any replacement thereof and any relevant transportation policy adopted by any of the County Council's and, where relevant, any increase or decrease in the traffic including public transport and travel by other sustainable means arising from the Development compared with that presented in the East Midlands Gateway Transport Assessment or such other assessment, automatic traffic counts or monitoring data as may be supplied by the Relevant Parties

16. The Expert will be appointed subject to an express requirement that he reaches his decision and communicates it to the Relevant Parties within the minimum practicable timescale allowing for the nature and complexity of the dispute and in any event not more than 42 days from the date of his appointment to act

17. The Expert will be required to give notice to each of the Relevant Parties inviting each of them to submit to him within 14 days written submissions and supporting material and will afford to each of the Relevant Parties an opportunity to make counter submissions within a further 7 days in respect of any such submission and material

SCHEDULE 8

PUBLIC TRANSPORT STRATEGY

East Midlands Gateway:
Strategic Rail Freight Interchange

Public Transport Strategy

July 2014

Produced by:

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Document Control Sheet

Project Name	EMSRFI Public Transport Strategy
Client	Roxhill
Project Code	1251
Project Manager	[redacted]
Project Director	
Quality Manager	
Start Date	
Project Folder	F:\1251\
Team Members	[redacted]
Sub Consultants	n/a

Ver	File name	Description	Prepared	Reviewed	Approved	Date
QC1.0	Roxhill_EastMidlandsGateway_PublicTransportStrategy_220714_v1-0 FINAL.docx	FINAL	ET	JP	JP	22/07/14
QC1.0	Roxhill_EastMidlandsGateway_PublicTransportStrategy_070714_v1-0 FINAL.docx	FINAL for final client team review	ET	JP	JP	09/07/14
D1.3	Roxhill_EastMidlandsGateway_PublicTransportStrategy_140514_v1-3 DRAFT.docx	DRAFT FOR CONSULTATION	ET	JP	JP	14/05/14
D1.2	Roxhill_EastMidlandsGateway_PublicTransportStrategy_090514_v1-2 DRAFT.docx	DRAFT FOR INTERNAL REVIEW	ET	JP	JP	09/05/14
D1.1	Roxhill_EastMidlandsGateway_PublicTransportStrategy_Draftv1-1_020514.docx	FINAL DRAFT FOR CLIENT REVIEW	ET	JP	JP	02/05/14
D1.0	Roxhill_EastMidlandsGateway_PublicTransportStrategy(Draft)_160414.docx	FINAL DRAFT FOR CLIENT REVIEW	ET	JP	JP	17/04/14

Notice

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EXECUTIVE SUMMARY

The public transport strategy focusses specifically on local bus access, and builds on the existing high quality and frequent bus network which has been developed to date to serve East Midlands Airport. Integration with rail services has been considered through appropriate bus services which link EMSRFI with East Midlands Parkway, Long Eaton, Nottingham, Derby, Leicester and Loughborough rail stations. The strategy encompasses infrastructure improvements to support bus use, bus service integration and enhancements and supporting measures to promote public transport travel options.

The Strategy has five phases, enabling it to adapt to demand that arises as new occupiers arrive on site. At this stage it is uncertain as to the exact build out rate of each of the commercial units, hence for the purpose of bus service planning we have assumed the first component of the development includes approximately 2 million square feet followed by four subsequent components, each delivering an additional 1 million square feet. The phases are designed to build on the largely commercial nature of bus services which currently serve the area, with a clear focus on building a long term sustainable bus network which is not reliant on subsidy. The phases are as follows:

- Phase 1 (Upon completion of the first component of development (2 million square feet)) – Delivery of a high quality bus interchange at the EMSRFI entrance, to be served by the existing Skylink services, along with an on-site shuttle bus to transport staff to/from the interchange to individual employers at EMSRFI. The interchange will be installed prior to the occupation of the units included in the first component of development. Consideration will also be given at this early stage to extending the Coalville Airlink 155 service to EMSRFI (subject to this being a commercially viable extension of the currently contracted service to the Airport, and the ability to maintain connections with the Airport, Castle Donington, Coalville and EMSRFI). Walk and cycle connections will also be constructed as part of the access junction improving accessibility to Ashby Road.
- Phase 2 (Upon completion of the second component of development (1 million square feet)) – Extension of the existing Trent Barton my15 service to the development site (and potentially extending to the Airport to improve commercial performance of the service), providing access for a new potential cohort of employees on the Ilkeston to EMSRFI corridor. This will be based on the commercial case to deliver this route extension.
- Phase 3 (Upon completion of the third component of development (1 million square feet)) – Contribution towards the through running of Trent Barton my15 service to / from Coalville (or the continuation of the extension of the existing Coalville Airlink 155 service to EMSRFI, Castle Donington, Airport and Coalville).
- Phase 4 (Upon completion of the fourth component of development (1 million square feet)) – Contribution towards the reinstatement of a bus service (1 or 2 buses per hour to meet demand on a commercial basis) along the A453 from Nottingham, which could also be extended to the Airport in order to further improve its commercial operation. This service would be in addition to the existing Nottingham Skylink, and link the Airport, EMSRFI, East Midlands Parkway, proposed NET tram 'Park and Ride' at Clifton and Nottingham City Centre (on a commercial basis). This service may

terminate at Clifton Park and Ride in order to preserve the commercial operation of the Nottingham Skylink (subject to detailed discussion with stakeholders at the time the development commences, based on the operational experience of the Nottingham Tram extension to Clifton)

- Phase 5 (Upon completion of the fifth component of development (1 million square feet)) – Contribution towards increasing the frequency of services on the Derby / Leicester Skylink to either every 15 or 20 minutes to meet demand as required (on a commercial basis). This final component of development will include completion of the Kegworth Bypass that will introduce bus priority on Ashby Road and hence journey time advantage for buses accessing Kegworth, Loughborough and Leicester.

Financial contributions, where necessary, will be secured through a Section 106 Agreement within the Development Consent Order. The public transport strategy has emerged from discussions with the key local bus operators (Trent Barton, NCT[1] and Premiere[2]) and public transport officers from the three Shire and three City Councils. We have also taken account of the views, where possible, of East Midlands Airport. The public transport strategy has been developed by ITP Ltd., a specialist local sustainable transport consultancy, who have been involved throughout all stages of the project development, feeding knowledge and insight on public transport matters into the design process for EMSRFI.

[1] NCT do not currently operate services to the Airport but have previously operated the Nottingham Skylink

[2] Premiere are no longer in existence, but previously operated the A453 service

CONTENTS

		Page
1	INTRODUCTION	1
	Background to the development of the strategy	1
2	PROPOSED DEVELOPMENT	2
3	RELEVANT POLICY	3
	National Planning Policy Framework (NPPF)	3
	Leicestershire Local Transport Plan 3 (LTP3)	3
4	CURRENT SERVICE PROVISION	4
5	REVIEW OF TRAVEL BEHAVIOUR	5
	Modal Split	5
	Trip Distribution	6
6	STAKEHOLDER ENGAGEMENT AND VIEWS	8
7	PROPOSED STRATEGY	9
	Infrastructure	9
	Services	10
	Information / Promotion / Ticketing	13
	Delivery / Management	14
	Integration with rail network	14
8	EXPECTED IMPACTS	16
	Site Accessibility	16
	Future patronage	16
9	CONCLUSION	18

LIST OF FIGURES

	Follows Page
Figure PT1 Current Bus Services to East Midlands Airport & Passing EMSRFI	4
Figure PT3 Journey to Work Modal Split to Castle Donington and Kegworth Wards	5
Figure PT4: Extract from Airport Monitoring and Implementation Report 2012	6
Figure PT6 Origin of trips to EMSRFI	7
Figure PT9 Number of people within 60 minutes of EMSRFI by public transport	10
Figure PT10 Services serving the EMSRFI under each phase of the public transport strategy	11
Figure PT12 Comparison of accessibility, Phase 1 and Phase 5	15
Figure PT15 Predicted daily bus passenger trip generation (highways assessment)	16
Figure PT16 Predicted daily bus passenger trip generation (PT Strategy)	16
Figure PT17 Predicted bus passenger trips per day	16

APPENDICES

Appendix A

Figure PT2 Existing local bus services

Figure PT5 Travel to Work Trip Origins (2001 Census)

Figure PT7 Interchange Layout

Figure PT8 Bus Priority on Ashby Road

Figure PT11 Proposed public transport network

Figure PT13 Phase 1 Accessibility Profile

Figure PT14 Phase 5 Accessibility Profile

Figure PT18 Estimated future additional passenger numbers

1 INTRODUCTION

1.1 This report sets out the proposed Public Transport Strategy to support the development at East Midlands Strategic Rail Freight Interchange (EMSRFI).

Background to the development of the strategy

1.2 The Strategy has been developed in several stages as follows:

- Understanding of proposed EMSRFI travel demands, including geographic and socio-demographic assessment of future employees.
- Assessment of existing public transport networks and key issues, including Accession based accessibility profiles.
- Development of initial public transport options, identifying a range of approaches to service the EMSRFI.
- Stakeholder engagement and participation (including one to one meetings with each of the six bordering Councils, the three main local bus companies and East Midlands Airport).
- Sifting of options.
- Development of a preferred strategy.
- Testing of preferred strategy.
- Reporting.

2 PROPOSED DEVELOPMENT

2.1 The EMSRFI is a proposed large scale employment site, located immediately adjacent to East Midlands Airport and accessed via a new junction on the A453 (extensive highway works are proposed on the A50, A453, M1 Access and Kegworth Bypass to mitigate the impact of development).

2.2 The development proposed is described below. This should be read in conjunction with the Parameters Plan (Document 2.10) and the detailed works plans/highway drawings submitted as part of the application for Development Consent Order.

- An intermodal freight terminal accommodating up to 16 trains per day and trains of up to 775m long and including container storage and HGV parking.
- Up to 557,414 sq m of rail served warehousing and ancillary service buildings.
- A new rail line connecting the terminal to the Castle Donington branch freight only line.
- New road infrastructure and works to the existing road infrastructure.
- Demolition of existing structures and structural earthworks to create development plots and landscape zones.
- Strategic landscaping and open space, including alterations to public rights of way and the creation of new publicly accessible open areas.
- Bus interchange.

2.3 In line with other similar rail freight interchanges it is assumed that the development will operate predominantly on a three shift basis as follows:

- 06:00 – 14:00
- 14:00 – 22:00
- 22:00 – 06:00

2.4 However, the site also includes office and administration employment opportunities which will operate 09:00 – 17:30, and there is a need to consider access across the 24 hour period to ensure flexibility for staff who may need to arrive early / work late outside of these general shift patterns. It is assumed that the site will operate 7 days per week.

2.5 It is expected that the first phase of development will consist of 2 million sq ft of warehouse and distribution floorspace. This first phase of development would be supported by the following transport infrastructure:

- Access junction onto the A453, incorporating the public transport interchange.
- Proposed improvements to M1 Junction 24 and 24a.

2.6 The Kegworth bypass, the remaining 4 million sq ft of development and the rail freight terminal will follow this initial phase of the development.

3 RELEVANT POLICY

3.1 A full review of relevant transport policies is provided in the Transport Assessment. The strategy has been developed to be consistent and complementary to the principles and priorities of the Local Transport Plans of each of the bordering local authorities.

National Planning Policy Framework (NPPF)

3.2 One of the key planning principles set out in The National Planning Policy Framework (NPPF) states that planning should actively manage patterns of growth to make the fullest possible use of public transport. The NPPF promotes sustainable transport and states that plans should protect and exploit opportunities for the use of sustainable transport modes. Paragraph 35 specifically states *... developments should be located and designed where practical to ... give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.*

3.3 EMSRFI helps to meet the policy objective set out in the NPPF by assessing and linking up with the current bus network, making best use of existing transport facilities, combined with proposed enhancements where appropriate and services can be delivered commercially. This will ensure that employees can travel to the site on public transport, and it will bring additional benefits to the communities that the improved bus services travel through.

Leicestershire Local Transport Plan 3 (LTP3)

3.4 Leicestershire's Local Transport Plan sets out a number of goals, one of which is to *'encourage active and sustainable travel'*, supporting more people to use public transport as part of their daily journeys. One of the challenges identified in LTP3 is the continuing congestion and journey time issues throughout the County. The council envisage that this can be addressed by improving the operational efficiency of the transport system, and through encouraging people to change their travel behaviour.

3.5 EMSRFI assists in meeting the goal and challenge outlined above by providing a strategic and well serviced and reliable bus network to the development site. This will encourage employees travelling to the site to use public transport as part of their daily journey. These improved services also provide an attractive public transport offer to communities the bus services travel through.

4 CURRENT SERVICE PROVISION

4.1 Existing bus services to East Midlands Airport provide important context for the public transport strategy, as many local services already pass the EMGSRFI proposed access junction on route to Kegworth. Figure PT1 summarises existing public transport provision to East Midlands Airport, and shows fares for common journeys. The services highlighted in blue are those which currently pass immediately in front of the EMGSRFI proposed access junction.

Figure PT1: Current Bus Services to East Midlands Airport & Passing EMSRFI

Bus Service	Operator	Route	Typical Daytime Frequency	Standard Adult Fare Details
Derby / Leicester Skylink via Kegworth	Trent Barton	Leicester Loughborough Kegworth East Midlands Airport Castle Donington Derby	Hourly	Derby to EMA* Single: £4.20 Return: £8 Leicester to EMA* Single: £7 Return: £12 Loughborough to EMA* Single: £3.10 Return: £6
Derby / Leicester Skylink via Long Whatton and Diseworth	Trent Barton	Leicester Loughborough Long Whatton Diseworth East Midlands Airport Castle Donington Derby	Hourly	
Nottingham Skylink	Trent Barton	Nottingham Long Eaton Castle Donington East Midlands Airport	2 per Hour	Nottingham to EMA* Single: £5 Return: £8
		Nottingham Long Eaton Castle Donington East Midlands Airport Loughborough	Hourly	EMA to Loughborough* Single: £3.10 Return: £5.90
Coalville Airlink 155	Roberts Coaches	Coalville East Midlands Airport Castle Donington	Hourly	Coalville to EMA Single: £2.80 Return: £5
East Midlands Parkway Service	Arrow Cars (Shared Taxi)	East Midlands Parkway East Midlands Airport	On Demand	£6 each way

*Checked on Trent Barton website (16/04/14)

4.2 These services are illustrated in Figure PT2 (Appendix A).

5 REVIEW OF TRAVEL BEHAVIOUR

5.1 An analysis as to where potential employees might originate has been undertaken using information from different sources. Firstly, 2001 and 2011 Census data was used to investigate where trips to the proposed development might originate from.

Modal Split

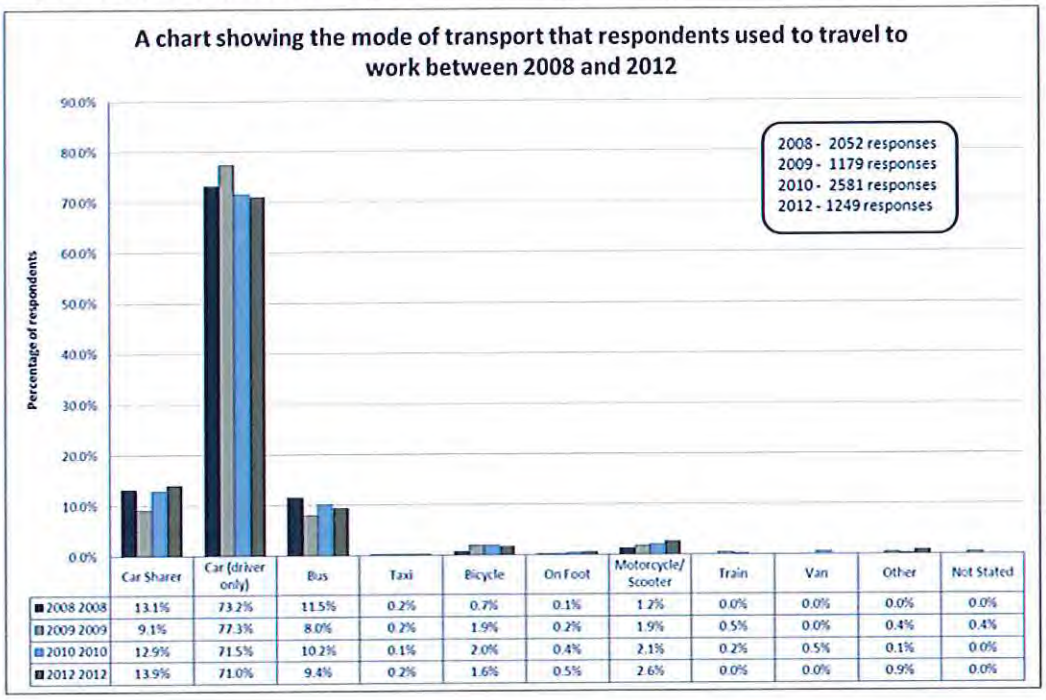
5.2 The 2001 Census data shows the modal split of those travelling to the Castle Donington and Kegworth wards as set out in Figure PT3. For completeness we also show in Figure PT3 the mode split of trips for 2011 Census data from Kegworth and Whatton and Castle Donington Wards based on 2011 Census data (the data for trips to these wards for 2011 has not yet been made available).

Figure PT3: Journey to Work Modal Split to Castle Donington and Kegworth Wards

Wards	Train	Bus	Car Driver	Car Passengers	Motor cycle	Bicycle	On Foot	Other
TRIPS TO								
2001 Castle Donington and Kegworth	0.8%	3.4%	74.7%	5.2%	1.4%	3.3%	10.6%	0.8%
TRIPS FROM								
2011 Kegworth and Whatton	0.5%	3.7%	70.0%	4.7%	0.9%	2.1%	10.4%	0.5%
2011 Castle Donington	0.9%	3.7%	72.3%	3.9%	0.6%	2.3%	9.3%	1.0%

5.3 More up to date and relevant information is available from the East Midlands Airport 'Master Plan 2006 – Monitoring and Implementation Report 2012', which was published in 2011. Figure PT4 is an extract summarising the results of staff mode share travel surveys.

Figure PT4: Extract from Airport Monitoring and Implementation Report 2012



	Car Sharer	Car (driver only)	Bus	Taxi	Bicycle	On Foot	Motorcycle/ Scooter	Train	Van	Other	Not Stated
2008 2008	13.1%	73.2%	11.5%	0.2%	0.7%	0.1%	1.2%	0.0%	0.0%	0.0%	0.0%
2009 2009	9.1%	77.3%	8.0%	0.2%	1.9%	0.2%	1.9%	0.5%	0.0%	0.4%	0.4%
2010 2010	12.9%	71.5%	10.2%	0.1%	2.0%	0.4%	2.1%	0.2%	0.5%	0.1%	0.0%
2012 2012	13.9%	71.0%	9.4%	0.2%	1.6%	0.5%	2.6%	0.0%	0.0%	0.9%	0.0%

5.4 The above figure indicates that in 2010 approximately 10% of airport staff arrived by bus. Discussions with the Airport in developing this public transport strategy have confirmed that this level of bus use is being achieved, and that a target for bus use for EMSRFI might be as high as 12% (most likely between 8% and 12%).

5.5 It is important to note that within the 'highways assessment' a conservative target modal share for public transport use for the proposed development has been derived. For the 2016 assessment scenario it was agreed with the Highways Agency that only Phase 1 of the proposed public transport strategy be modelled in the TCM, thereby resulting a low PT modal share and hence a robust 'worse case' assessment of car based travel demands on which the highway assessment is based.

5.6 The TCM forecasts very little public transport use (1%). It was considered that whilst this provides a robust position for assessment of the highway capacity, it is not representative of likely public transport mode share based on the experience of East Midlands Airport. In particular, the transport modelling cannot fully represent the changes in perception of public transport once a significant and localised improvement to public transport infrastructure, such as the proposed SRFI bus interchange, is made.

5.7 Therefore, for the purpose of the public transport strategy we have set a target of 10% of staff to arrive by bus, reflecting the current experience at the adjacent East Midlands Airport, and the added investment in public transport as set out within this strategy.

Trip Distribution

5.8 Figure PT5 (Appendix A) illustrates geographically the origins of journey to work trips to the wards of Castle Donington and Kegworth, based on 2001 Census (2011 data for this indicator is not available until Autumn 2014). This provides a useful indication of distribution, suggesting that, based on current trip patterns, most people will arrive from the local vicinity

and Loughborough, with lesser but still significant contributions from Derby, Nottingham, Leicester and Coalville.

5.9 The following table (Figure PT6) provides a more up to date summary of the origin of jobs, based on East Midland's Airport Travel to Work Report: Summary 2012. For the purpose of the public transport strategy we have discounted origins from Staffordshire, which make up 2% of total potential trips, but which are unlikely to be met by public transport services. Information provided by East Midlands Airport based on the postcodes of staff identified through the 2013 employment survey of existing staff (the 2012 survey referred to above and in Figure PT6 was focussed solely on travel to work) shows a slightly stronger relationship with Derby City (15%) and the local areas of North West Leicestershire (11%) and Erewash (10%).

Figure PT6: Origin of trips to EMSRFI

Origin of Jobs	%
Derby City	10%
Derbyshire	33%
Leicester City	2%
Leicestershire	28%
Nottingham City	10%
Nottinghamshire	17%
Total Jobs	**100%**

6 STAKEHOLDER ENGAGEMENT AND VIEWS

6.1 In developing the public transport strategy we have met with the following stakeholders (through one to one meetings), to gain an insight into the history of public transport provision to the Airport, and to identify key issues relevant for the EMSRFI development.

- Nottingham City and Nottinghamshire County Councils (PT officers)
- Leicester City and Leicestershire County Councils (PT officers)
- Derby City and Derbyshire County Councils (PT officers)
- Local bus operators (Trent Barton, NCT and Premiere)
- East Midlands Airport

6.2 These meetings took place at an early stage in the development of the public transport strategy, and have helped to define an appropriate and robust approach to planning the future public transport network and establishing key principles. We also provided regular updates on the emerging public transport strategy at the EMSRFI transport working group (which includes representatives from the six local Councils and the Highways Agency).

6.3 The key collective views of the stakeholders which have helped to inform the public transport strategy are **(core principles):**

- The need to build on the existing commercial network of services, with a clear focus on a long term financially sustainable network.
- The need to limit any deviation of existing services, which is especially important given the diverse market that they currently serve (including passengers to/from the Airport who would not welcome a diversion into a rail freight employment area).
- The importance of promotion and publicity of services through the EMSRFI travel plan.
- The importance of co-ordination with the Airport Transport Forum to ensure any improvements to local bus services also have a wider community benefit to other local employers and communities.
- The need to build on the understanding and achievement of the Airport in growing public transport use over the last 10 years.
- Where possible to reach out to new communities (including in deprived areas) and widen the employment reach of the EMSRFI (for example the Meadows in Nottingham and the Ilkeston to Sawley corridor in Derbyshire).

6.4 Specific comments have been received from East Midlands Airport relating to the order of the phasing of service enhancements, expressing a preference for improvements to the Derby – Leicester services as a first priority. As the strategy has been developed in close partnership with the respective local authorities, we have not adjusted the order within this report. However, it is recognised that the Airport would play an important role in the final decision making process as to how the investment in public transport is best allocated based on the current commercial bus network at the time the development commences (as the network continues to evolve to meet up to date travel demands).

7 PROPOSED STRATEGY

7.1 The **main aim** of the strategy is to ensure that:

- EMSRFI is well served by public transport from the first stage of development, and
- Staff have a reasonable alternative to the private car for their journey to work.

7.2 Importantly, the public transport network should also aim to operate in the long term without subsidy (i.e. on a commercial basis); ensuring a financially sustainable bus network is in place once the development is fully occupied.

7.3 Supporting this aim are a number of **objectives**, namely:

- To deliver a network of services which directly access EMSRFI, serving the main local urban areas
- To ensure the network of local bus services are frequent, reliable and of a high quality, and operate with sufficient capacity and at suitable times of day
- To ensure service enhancements are developed with a clear intention to become commercially viable within a defined time period
- To ensure occupiers (employers) at EMSRFI promote local bus services, through the promotion of the area-wide and unit travel plans
- To ensure good quality and timely information is provided to employees to enable them to make informed choices about their travel options
- To ensure information about bus services is provided to job seekers, so they are aware of the opportunities to access the site by means other than the private car
- To ensure the time and cost of journey by bus to / from is not prohibitive (when compared to car based equivalent)
- To work with the Airport, local Councils and other local employers to co-ordinate public transport improvements through the Airport Transport Forum.

7.4 The **main target** supporting the aim and objectives is that:

- 10% of staff working at EMSRFI should arrive by bus by 2023.

7.5 The following sets out the basis of the strategy to support these aims, objectives and target.

Infrastructure

7.6 A major focus of the public transport strategy is the delivery of an Interchange at the main entrance to EMSRFI. This is shown in Figure PT7 (Appendix A).

7.7 The interchange will provide the opportunity for all existing Skylink services to drop off and pick up passengers at EMSRFI without having to divert any services. An on-site shuttle bus will operate to transport staff to/from the interchange to individual employers at EMSRFI.

7.8 The interchange will be built to a high and secure design standard, offering safe, clean and comfortable waiting conditions, including seating, full shelter and real-time information screens. The interchange will be available from 'Day 1' of the development.

7.9 Additionally, a dedicated public transport, walk and cycle connection will also be constructed from the EMSRFI access junction via Ashby Road, providing bus priority and journey time advantage for buses accessing Kegworth, Loughborough and Leicester. This is shown in Figure PT8 (Appendix A).

7.10 This layout will be available for use upon completion of the Kegworth bypass, and in the interim period an alternative arrangement has been developed which allows buses along with other traffic to continue to use Ashby Road as they currently do.

Services

7.11 The area is well served by buses with a number of commercial services already passing the EMSRFI proposed access junction, as shown in Figure PT2 above. Through the provision of the interchange located at the entrance to the development (see above), these existing services can be easily adapted (without cost or time penalties) to serve the development site. These services have evolved to meet the operational needs of the Airport, and hence match the 24 hour work patterns proposed for EMSRFI and the type of employment opportunities that will be made available. Figure PT9 shows the number of people that will be within reach of EMSRFI from Day 1, based on the existing bus service provision, and the opening of the Interchange at the site entrance.

Figure PT9 Number of people within 60 minutes of EMSRFI by public transport

Travel Time	15 minutes	30 minutes	45 minutes	60 minutes
Phase 1	1,994	17,458	83,808	255,557

Note: based on weekday AM Peak, total population figures derived from 2011 census

7.12 The public transport strategy seeks to build on this existing network of services, through minor route diversions/extensions and frequency enhancements, rather than the introduction of new bespoke services. This provides added financial viability to existing routes, by making them more commercially attractive, and reduces the requirement for long term subsidy (as defined in the core principles above).

7.13 The Strategy has five phases, enabling it to adapt to demand that arises as new occupiers arrive on site. At this stage it is uncertain as to the exact build out rate of each of the commercial units, hence for the purpose of bus service planning we have assumed the first component of the development includes approximately 2 million square feet followed by four subsequent components, each delivering an additional 1 million square feet.

7.14 The five phases are described as follows:

- Phase 1 (Upon completion of the first component of development (2 million square feet)) – Delivery of a high quality bus interchange at the EMSRFI entrance, to be served by the existing Skylink services, along with an on-site shuttle bus to transport staff to/from the interchange to individual employers at EMSRFI. The interchange will be installed prior to the occupation of the units included in the first component of development. Consideration will also be given at this early stage to extending the Coalville Airlink 155 service to EMSRFI (subject to this being a commercially viable extension of the currently contracted service to the Airport, and the ability to maintain connections with the Airport, Castle Donington, Coalville and EMSRFI). Walk and cycle

connections will also be constructed as part of the access junction improving accessibility to Ashby Road.

- Phase 2 (Upon completion of the second component of development (1 million square feet)) – Extension of the existing Trent Barton my15 service to the development site (and potentially extending to the Airport to improve commercial performance of the service), providing access for a new potential cohort of employees on the Ilkeston to EMSRFI corridor. This will be based on the commercial case to deliver this route extension.
- Phase 3 (Upon completion of the third component of development (1 million square feet)) – Contribution towards the through running of Trent Barton my15 service to / from Coalville (or the continuation of the extension of the existing Coalville Airlink 155 service to EMSRFI, Castle Donington, Airport and Coalville).
- Phase 4 (Upon completion of the fourth component of development (1 million square feet)) – Contribution towards the reinstatement of a bus service (1 or 2 buses per hour to meet demand on a commercial basis) along the A453 from Nottingham, which could also be extended to the Airport in order to further improve its commercial operation. This service would be in addition to the existing Nottingham Skylink, and link the Airport, EMSRFI, East Midlands Parkway, proposed NET tram 'Park and Ride' at Clifton and Nottingham City Centre (on a commercial basis). This service may terminate at Clifton Park and Ride in order to preserve the commercial operation of the Nottingham Skylink (subject to detailed discussion with stakeholders at the time the development commences, based on the operational experience of the Nottingham Tram extension to Clifton)
- Phase 5 (Upon completion of the fifth component of development (1 million square feet)) – Contribution towards increasing the frequency of services on the Derby / Leicester Skylink to either every 15 or 20 minutes to meet demand as required (on a commercial basis). This final component of development will include completion of the Kegworth Bypass that will introduce bus priority on Ashby Road and hence journey time advantage for buses accessing Kegworth, Loughborough and Leicester.

7.15 Figure PT10 outlines the services which will serve the EMSRFI at each stage of development.

Figure PT10 Services serving the EMSRFI under each phase of the public transport strategy

Service	Frequency	Route
Phase 1 – Delivery of the SRFI interchange and extension of Coalville service to EMSRFI		
Nottingham Skylink	2 Buses per Hour	Nottingham - Long Eaton - Castle Donington - East Midlands Airport- SRFI
	1 Bus per Hour	Nottingham - Long Eaton - Castle Donington - East Midlands Airport- SRFI - Loughborough
Derby / Leicester Skylink via Kegworth	1 Bus per Hour	Leicester – Loughborough - Kegworth – SRFI - East Midlands Airport – Castle Donington - Derby

Service	Frequency	Route
Derby / Leicester Skylink via Long Whatton and Diseworth	1 Bus per Hour	Leicester – Loughborough - Long Whatton – Diseworth - East Midlands Airport – Castle Donington - Derby
Coalville Airlink 155	1 Bus per Hour (7am-7pm)	Coalville – Airport – SRFI
Phase 2 – Extension of existing my15 service to EMSRFI		
Nottingham Skylink	2 Buses per Hour	Nottingham - Long Eaton -Castle Donington - East Midlands Airport- SRFI
	1 Bus per Hour	Nottingham - Long Eaton -Castle Donington - East Midlands Airport- SRFI - Loughborough
Derby / Leicester Skylink via Kegworth	1 Bus per Hour	Leicester – Loughborough - Kegworth – SRFI - East Midlands Airport – Castle Donington - Derby
Derby / Leicester Skylink Long Whatton and Diseworth	1 Bus per Hour	Leicester – Loughborough - Long Whatton – Diseworth - East Midlands Airport – Castle Donington - Derby
Coalville Airlink 155	1 Bus per Hour (7am-7pm)	Coalville – Airport - SRFI
my15 extension to EMSRFI	3 Buses per Hour (5am-11pm)	Ilkeston – Stapleford – Long Eaton – SRFI (potentially extending to Airport)
Phase 3 – Extension of the my15 service to / from Coalville		
Nottingham Skylink	2 Buses per Hour	Nottingham - Long Eaton -Castle Donington - East Midlands Airport- SRFI
	1 Bus per Hour	Nottingham - Long Eaton -Castle Donington - East Midlands Airport- SRFI - Loughborough
Derby / Leicester Skylink via Kegworth	1 Bus per Hour	Leicester – Loughborough - Kegworth – SRFI - East Midlands Airport – Castle Donington - Derby
Derby / Leicester Skylink via Long Whatton and Diseworth	1 Bus per Hour	Leicester – Loughborough - Long Whatton – Diseworth - East Midlands Airport – Castle Donington - Derby
Either:		
my15 extension to Coalville	3 Buses per Hour	Ilkeston – Stapleford – Long Eaton – SRFI - East Midlands Airport - Coalville
AND / OR:		
Coalville Airlink 155	1 Bus per Hour (7am-7pm)	Coalville – Airport – SRFI
Phase 4 – Reinstatement of the A453 service		
Nottingham Skylink	2 Buses per Hour	Nottingham - Long Eaton -Castle Donington - East Midlands Airport- SRFI
	1 Bus per Hour	Nottingham - Long Eaton -Castle Donington - East Midlands Airport- SRFI - Loughborough
Derby / Leicester Skylink via Kegworth	1 Bus per Hour	Leicester – Loughborough - Kegworth – SRFI - East Midlands Airport – Castle Donington –

Service	Frequency	Route
		Derby
Derby / Leicester Skylink Long Whatton and Diseworth	1 Bus per Hour	Leicester – Loughborough - Long Whatton – Diseworth - East Midlands Airport – Castle Donington - Derby
Either:		
my15 extension to Coalville	3 Buses per Hour	Ilkeston – Stapleford – Long Eaton – SRFI - East Midlands Airport - Coalville
AND / OR:		
Coalville Airlink 155	1 Bus per Hour (7am-7pm)	Coalville – Airport – SRFI
A453 service	1 or 2 Buses per Hour	(Nottingham – Meadows) - Clifton – East Midlands Parkway – Kegworth - SRFI – East Midlands Airport
Phase 5 – Increased frequency on the Derby Leicester / Skylink		
Nottingham Skylink	2 Buses per Hour	Nottingham - Long Eaton -Castle Donington - East Midlands Airport- SRFI
	1 Bus per Hour	Nottingham - Long Eaton -Castle Donington - East Midlands Airport- SRFI - Loughborough
Derby / Leicester Skylink via Kegworth	2 Bus per Hour	Leicester – Loughborough - Kegworth – SRFI - East Midlands Airport – Castle Donington – Derby
Derby / Leicester Skylink via Long Whatton and Diseworth	1 or 2 Bus per Hour	Leicester – Loughborough - Long Whatton – Diseworth - East Midlands Airport – Castle Donington - Derby
Either:		
my15 extension to Coalville	3 Buses per Hour	Ilkeston – Stapleford – Long Eaton – SRFI - East Midlands Airport - Coalville
AND / OR:		
Coalville Airlink 155	1 Bus per Hour (7am-7pm)	Coalville – Airport – SRFI
A453 service	1 or 2 Buses per Hour	(Nottingham – Meadows) – Clifton – East Midlands Parkway – Kegworth - SRFI – East Midlands Airport

7.16 Figure PT11 (Appendix A) shows the bus network after the implementation of all five phases (once the EMSRFI development is complete).

Information / Promotion / Ticketing

7.17 In support of the public transport network a Framework Travel Plan has been prepared which offers the following incentives to encourage the uptake of local public transport services.

- Taster bus ticket promotions.
- Promotion of area wide bus events / challenges.
- Appointment of a Travel Plan Coordinator (area-wide and unit specific).

- Active dissemination of public transport information by Travel Plan Coordinator.
- Provision of a transport "Bulletin Board" at each employment unit within the site. Information on each mode will be up-dated by the Area-Wide Travel Plan Co-ordinator on a regular basis.
- Establishment of a Travel Plan Web Site for the SRFI, which will provide information on travel. Information on each mode will be up-dated by the Area Travel Plan Co-ordinator on a regular basis.
- Provision of travel information 'Welcome Packs' to all new businesses (and their employees).
- Regular newsletter to be distributed to all businesses at the site for first 10 years of development.
- Involvement in national travel related events (e.g. promotion of national liftshare week, bike week).
- High impact marketing campaign (in collaboration with EMA).

7.18 All existing buses running on the commercial routes are fully enabled for real time passenger information, and hence the interchange will provide display screens showing real time arrivals and departures. In addition, each of the individual employers on site will offer information within the main reception areas, showing the departure times of the next services to leave the interchange, enabling them to plan their departure via the site shuttle bus.

7.19 Daily, weekly, monthly and annual tickets will be available in accordance with current provision form operators, and the cost savings associated with the available options will be promoted to employees.

Delivery / Management

7.20 The funding for public transport improvements set out within this strategy will be secured through a Section 106 Agreement, included within the Development Consent Order. Delivery of the public transport strategy will be managed by the site's area-wide travel plan co-ordinator, whose role on public transport will be:

- To administer the public transport actions within the travel plan, and report progress to local stakeholders via an annual report and updates to the Airport Transport Forum.
- To liaise with local bus operators, and ensure the network evolves to meet the on-going needs of EMSRFI.
- To attend and contribute to the Airport Transport Forum, seeking to develop public transport improvements and promotions which benefit EMSRFI, other local employers (including the Airport / Marks and Spencer's Distribution Centre) and the local community.

Integration with rail network

7.21 The main focus of the public transport strategy is on local bus access, due to the lack of on-site passenger rail station, and the high quality frequent bus services which already serve the local area and reach out into the local communities from where future employees will be

drawn. Integration with rail services has however been considered through appropriate bus services which link EMSRFI with East Midlands Parkway, Long Eaton, Nottingham, Derby, Leicester and Loughborough rail stations.

8 EXPECTED IMPACTS

Site Accessibility

8.1 In order to test the geographic reach of the proposed bus network we have undertaken an accessibility appraisal (using Accession) to show the current reach of local public transport services and how these will change as the full development is completed (see description of Phase 1-5 above). Figure PT12 compares the number of people that are accessible to the site by public transport in Phase 1 and in Phase 5. This is shown geographically for Phase 1 in Figure PT13 (Appendix A) and Phase 5 in Figure PT14 (Appendix A).

Figure PT12: Comparison of accessibility, Phase 1 and Phase 5

Travel Time	15 minutes	30 minutes	45 minutes	60 minutes
Total people - Phase 1	1,994	17,458	83,808	255,557
Total people - Phase 5	4,171	38,714	201,165	591,080
Total Households No Car - Phase 1	130	1,509	8,509	28,155
Total Households No Car - Phase 5	298	3,556	22,753	72,113
Unemployed people (16-74) - Phase 1	32	400	2,427	7,622
Unemployed people (16-74) - Phase 5	77	1,097	6,527	20,334

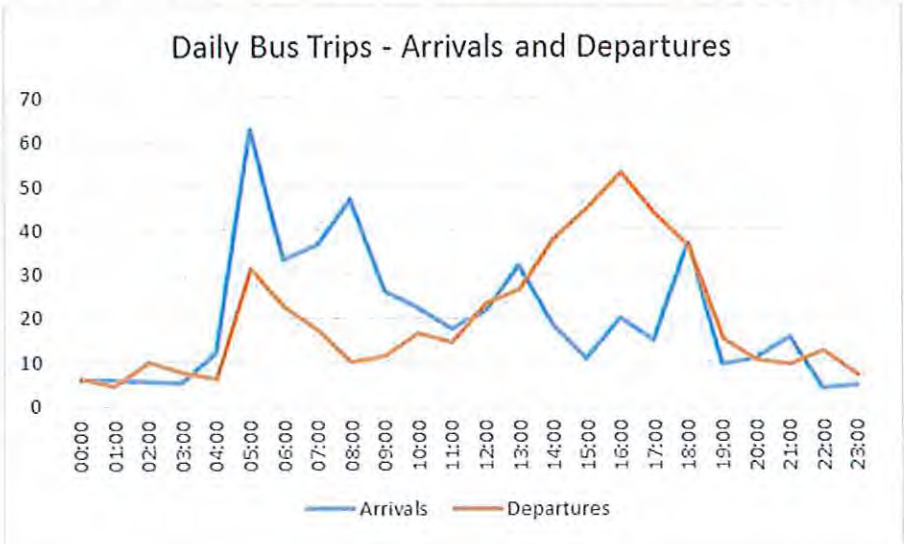
Note: based on weekday AM Peak, total population, unemployed people and household figures derived from 2011 census.

Future patronage

8.2 We have undertaken an assessment of the potential future demand for public transport trips, and their distribution on the network, drawing upon the data sets reported in the early part of this chapter.

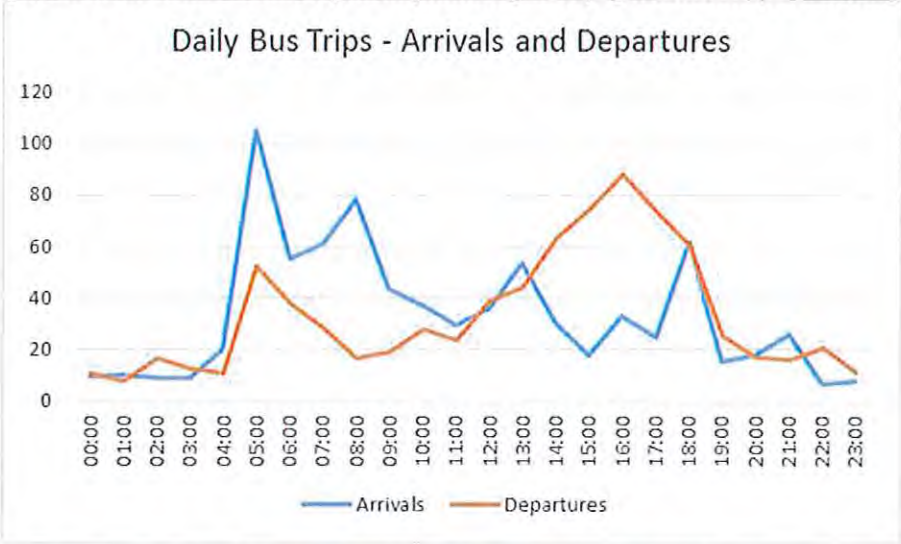
8.3 Based on the predicted daily trip generation profile (as set out in Appendix I in BWB Technical Note 4 for vehicle trips), the following graph (Figure PT15) shows the bus based arrivals and departures over a typical 24 hour day period. This is based on a conservative 8% bus mode share, and the full occupation of EMSRFI comprising 6,000 employees.

Figure PT15: Predicted daily bus passenger trip generation (highways assessment)



8.4 Figure PT16 shows the bus based arrivals and departures based on the targets set out within this public transport strategy, based on a 10% bus mode share, and a scenario which results in the full occupation of EMSRFI comprising 8,000 employees.

Figure PT16: Predicted daily bus passenger trip generation (PT Strategy)



8.5 This is also illustrated in the following table (Figure PT17), which allocates the likely total daily bus trips to geographic regions (based on 8,000 staff and the 10% target for bus use set within the public transport strategy).

Figure PT17: Predicted bus passenger trips per day

	Estimated number of EMSRFI additional return bus trips per day						
Source area	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Year 6**	**Year 7 onwards**
Derbyshire	87	117	146	176	205	235	264
Derby City	26	35	44	53	62	71	80
Leicester/shire	79	106	133	160	186	213	240
Nottingham	26	35	44	53	62	71	80
Notts	45	60	75	90	106	121	136
Total	264	353	443	532	621	711	800

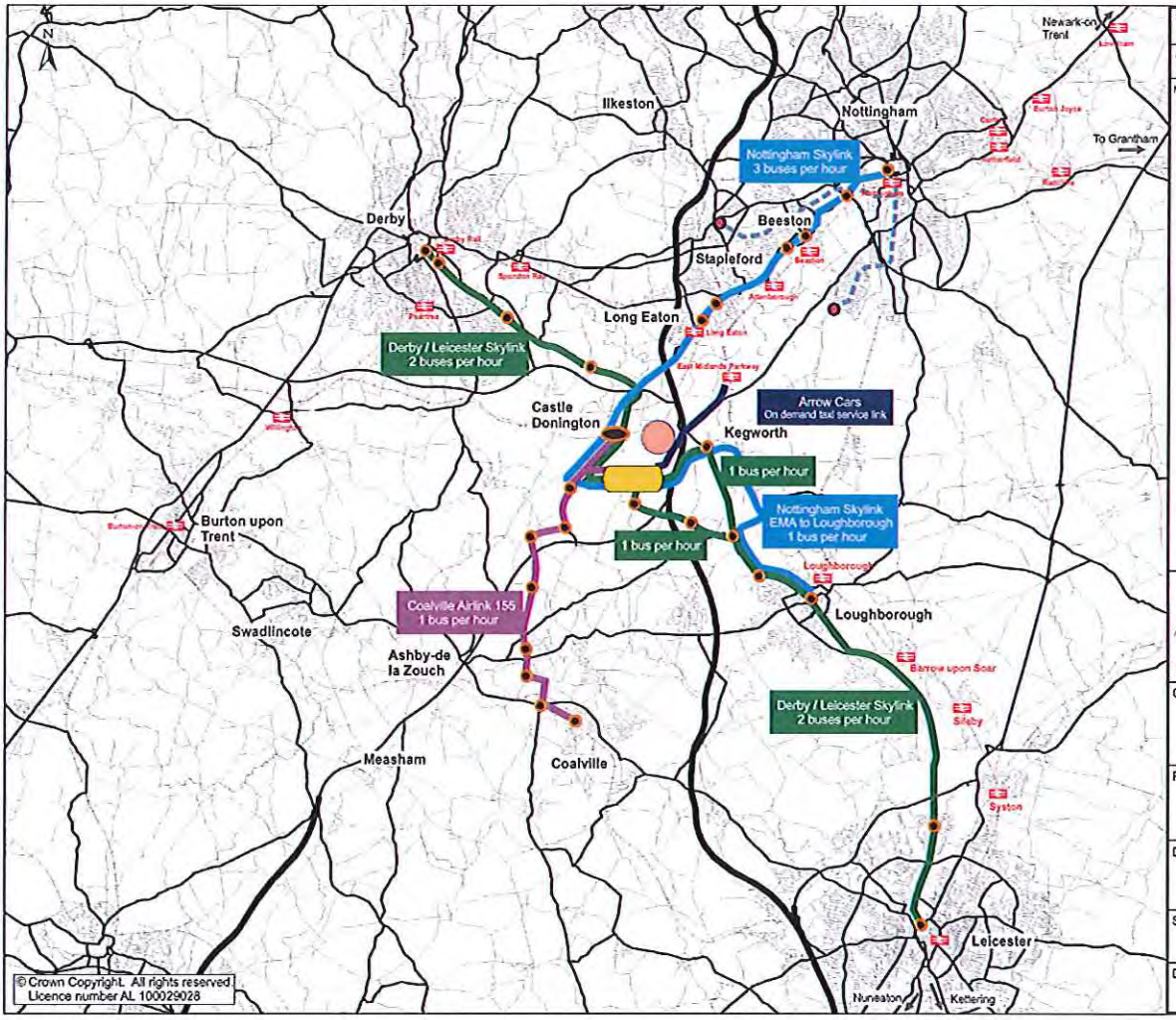
8.6 The outcome of this work is shown in Figure PT18 (Appendix A) which demonstrates the estimate patronage numbers on each of the bus services accessing the EMSRFI, over a 10 year period. This includes an estimate of the wider growth on the bus network associated with the network improvements.

9 CONCLUSION

9.1 This report has set out the basis on which the EMSRFI will be served by public transport. It is built on a consultative approach, and makes best use of existing service provision, in accordance with the principles of sustainable development as set out in the National Planning Policy Framework. The improvements have been phased to enable the supply of bus services to match demand as the development is built out, to ensure an approach which is financially sustainable and secure in the long term.

9.2 The initial stage focusses on a new bus interchange, which will enable existing Skylink services to pick-up and drop-off passengers at EMSRFI, with a shuttle bus taking passengers directly to each employment site within EMSRFI. At an early stage, bus priority on Ashby Road will offer journey time advantages for buses travelling through Kegworth. Service enhancements are proposed which will extend the geographic reach from 256,000 people within 1 hour by public transport in the opening year, to 591,000 people within 1 hour by public transport by the time the development is fully occupied. Supporting measures are provided in the area-wide travel plan (reported separately) which will proactively promote local bus services to employers and employees. The delivery of the strategy will be managed by the travel plan coordinator, working closely with the Airport Transport Forum.

Appendix A



Drawn By	Checked By	Date
AK	AN	Aug 2012
Authorised for Issue		Date
AN		Aug 2012

NOTES

Key

- Strategic Rail Freight Interchange Site
- Rail Station
- East Midlands Airport
- Proposed Tram Route
- Proposed Park & Ride
- Existing Bus Stops

Bus routes and stops are shown indicatively

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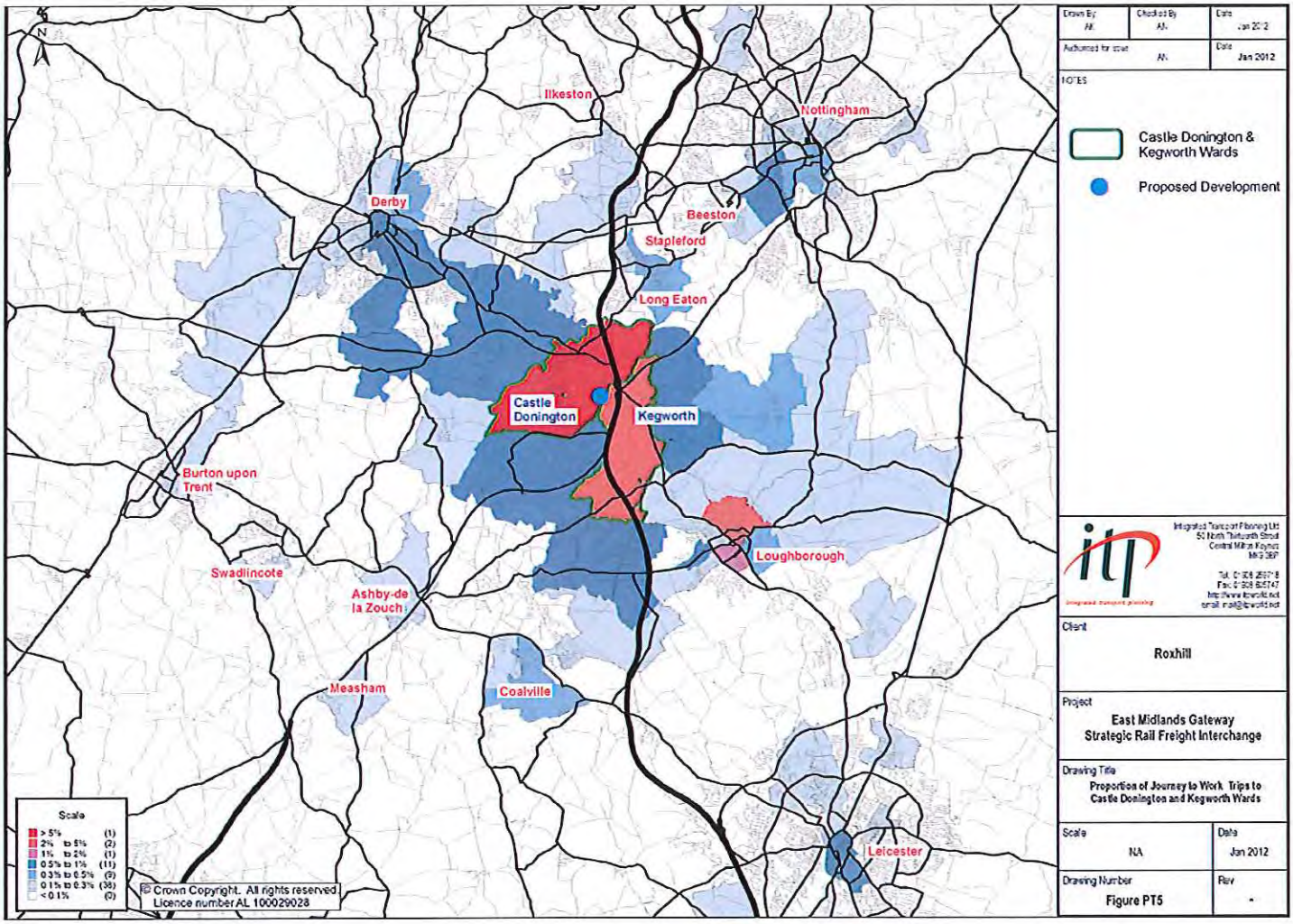
Project: East Midlands Gateway Strategic Rail Freight Interchange

Drawing Title: Existing Local Bus Services

Scale	Date
NA	Aug 2012
Drawing Number	Rev
Figure PT2	-


N
Ilkeston
Nottingham
Derby
Beeston
Stapleford
Long Eaton
Castle Donington
Kegworth
Burton upon Trent
Swadlincote
Ashby-de la Zouch
Loughborough
Measham
Coalville
Leicester
Scale
> 5% (1)
2% to 5% (2)
1% to 2% (1)
0.5% to 1% (11)
0.3% to 0.5% (6)
0.1% to 0.3% (38)
< 0.1% (0)
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AN
Date
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AN
Date
Jan 2012
NOTES
Castle Donington & Kegworth Wards
Proposed Development
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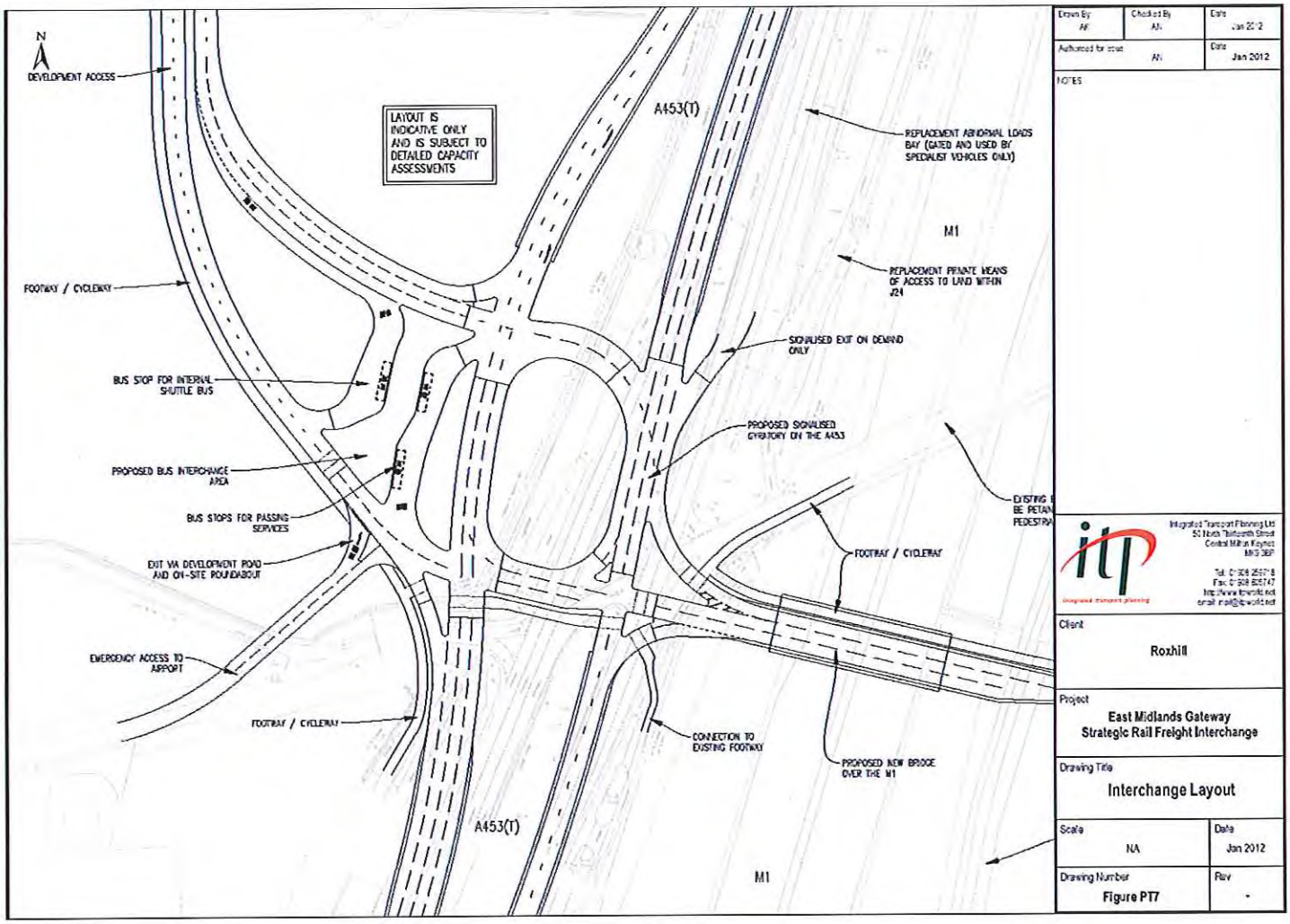
Project
East Midlands Gateway
Strategic Rail Freight Interchange
Drawing Title
Proportion of Journey to Work Trips to Castle Donington and Kegworth Wards
Scale
NA
Date
Jan 2012
Drawing Number
Figure PT5
Rev
-


N
DEVELOPMENT ACCESS
LAYOUT IS INDICATIVE ONLY AND IS SUBJECT TO DETAILED CAPACITY ASSESSMENTS
A453(T)
REPLACEMENT ABNORMAL LOADS BAY (GATED AND USED BY SPECIALIST VEHICLES ONLY)
M1
REPLACEMENT PRIVATE MEANS OF ACCESS TO LAND WITHIN J24
FOOTWAY / CYCLEWAY
SIGNALISED EXIT ON DEMAND ONLY
BUS STOP FOR INTERNAL SHUTTLE BUS
PROPOSED SIGNALISED GYRATORY ON THE A453
PROPOSED BUS INTERCHANGE AREA
BUS STOPS FOR PASSING SERVICES
FOOTWAY / CYCLEWAY
EXIT VIA DEVELOPMENT ROAD AND ON-SITE ROUNDABOUT
EMERGENCY ACCESS TO AIRPORT
FOOTWAY / CYCLEWAY
CONNECTION TO EXISTING FOOTWAY
PROPOSED NEW BRIDGE OVER THE M1
A453(T)
M1
Drawn By AF
Checked By AN
Date Jan 2012
Authorised for issue AN
Date Jan 2012
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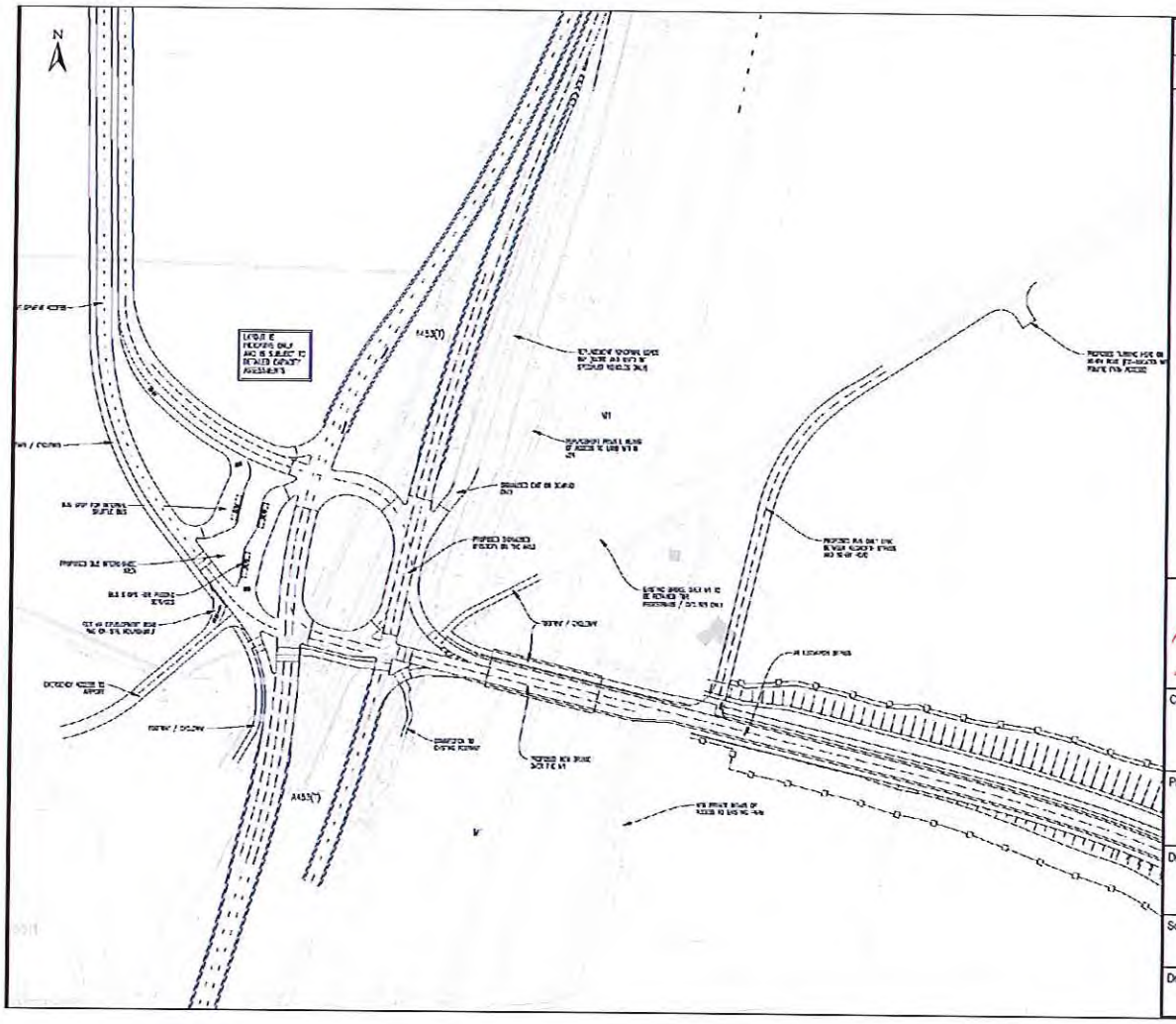
Project
East Midlands Gateway
Strategic Rail Freight Interchange
Drawing Title
Interchange Layout
Scale NA
Date Jan 2012
Drawing Number Figure PT7
Rev -



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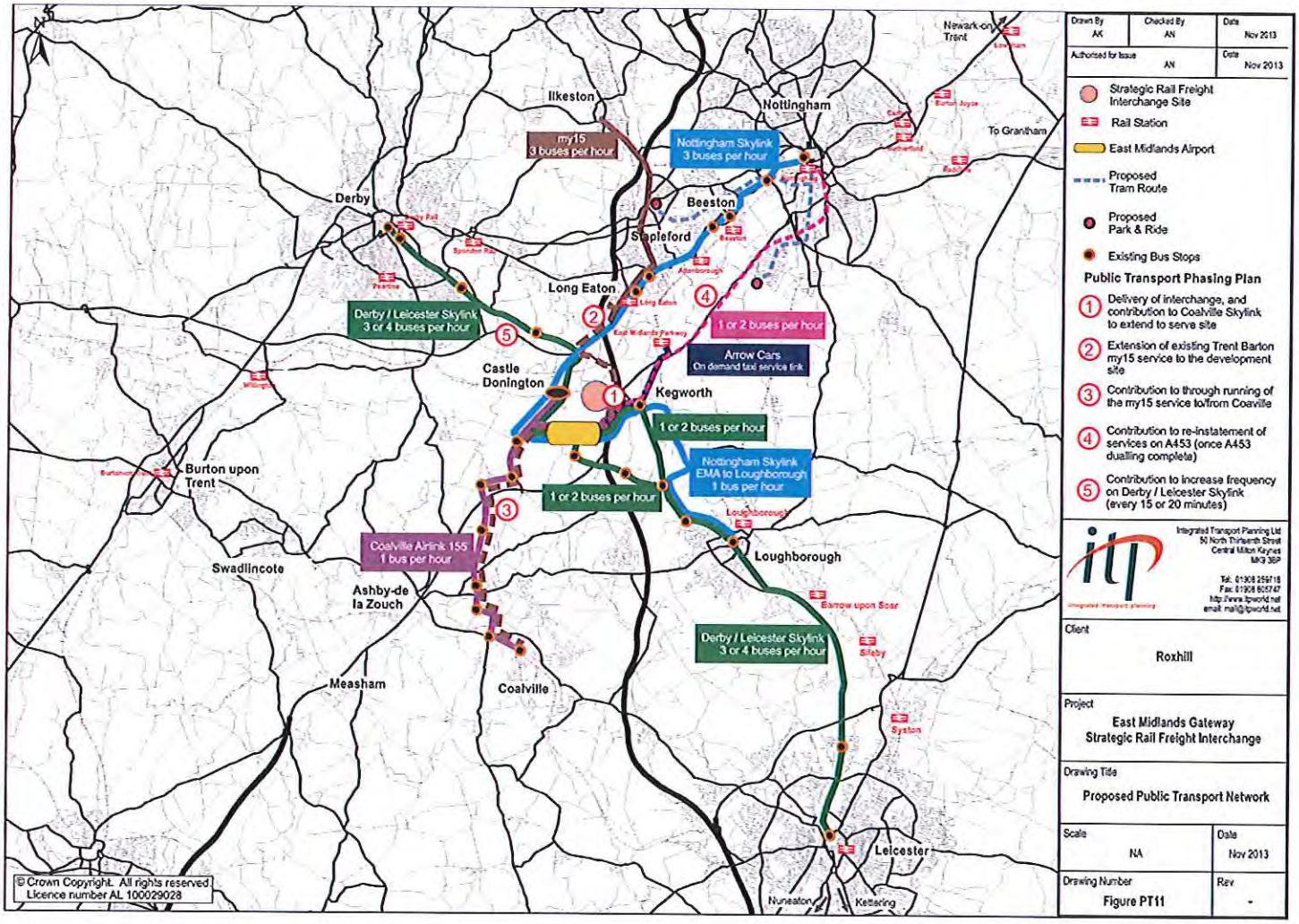
Drawing Title

Interchange Layout
Including Bus Priority Link

Scale	Date
NA	Jan 2012
Drawing Number	Rev
Figure PT8	-



Strategic Rail Freight Interchange Site
Rail Station
East Midlands Airport
Proposed Tram Route
Proposed Park & Ride
Existing Bus Stops

Public Transport Phasing Plan

1. Delivery of interchange, and contribution to Coalville Skylink to extend to serve site
2. Extension of existing Trent Barton my15 service to the development site
3. Contribution to through running of the my15 service to/from Coalville
4. Contribution to re-instatement of services on A453 (once A453 dualling complete)
5. Contribution to increase frequency on Derby / Leicester Skylink (every 15 or 20 minutes)

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Drawing Title: Proposed Public Transport Network

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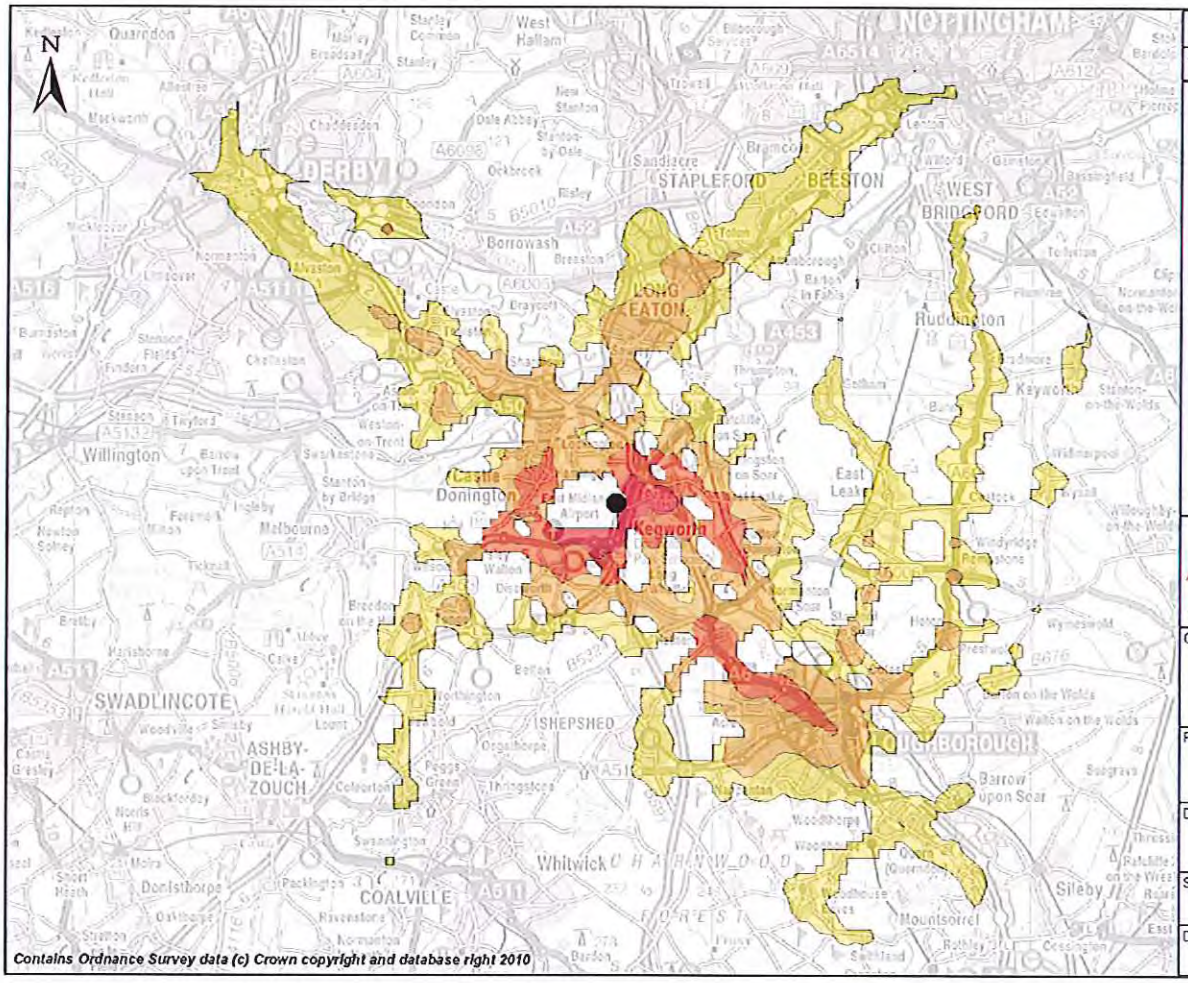
Drawing Number	Rev
Figure PT11	-



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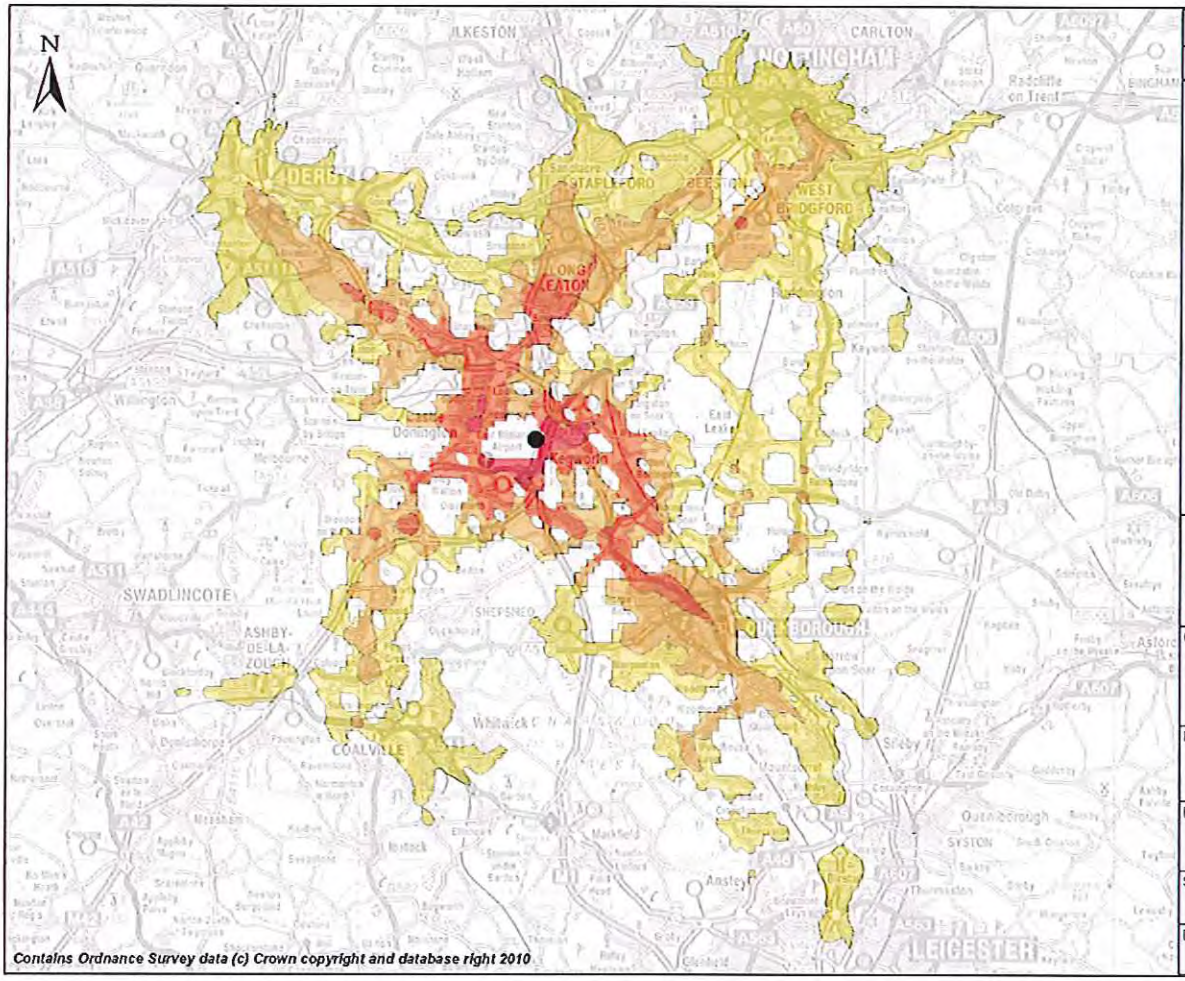
Drawing Title
Phase 1 Accessibility Profile

Scale	Date
NA	Jan 2012
Drawing Number	Rev
Figure PT13	-



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● Site Location

Total Travel Time (minutes)

- 0 to 15
- 16 to 30
- 31 to 45
- 46 to 60

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Drawing Title
Phase 5 Accessibility Profile

Scale	Date
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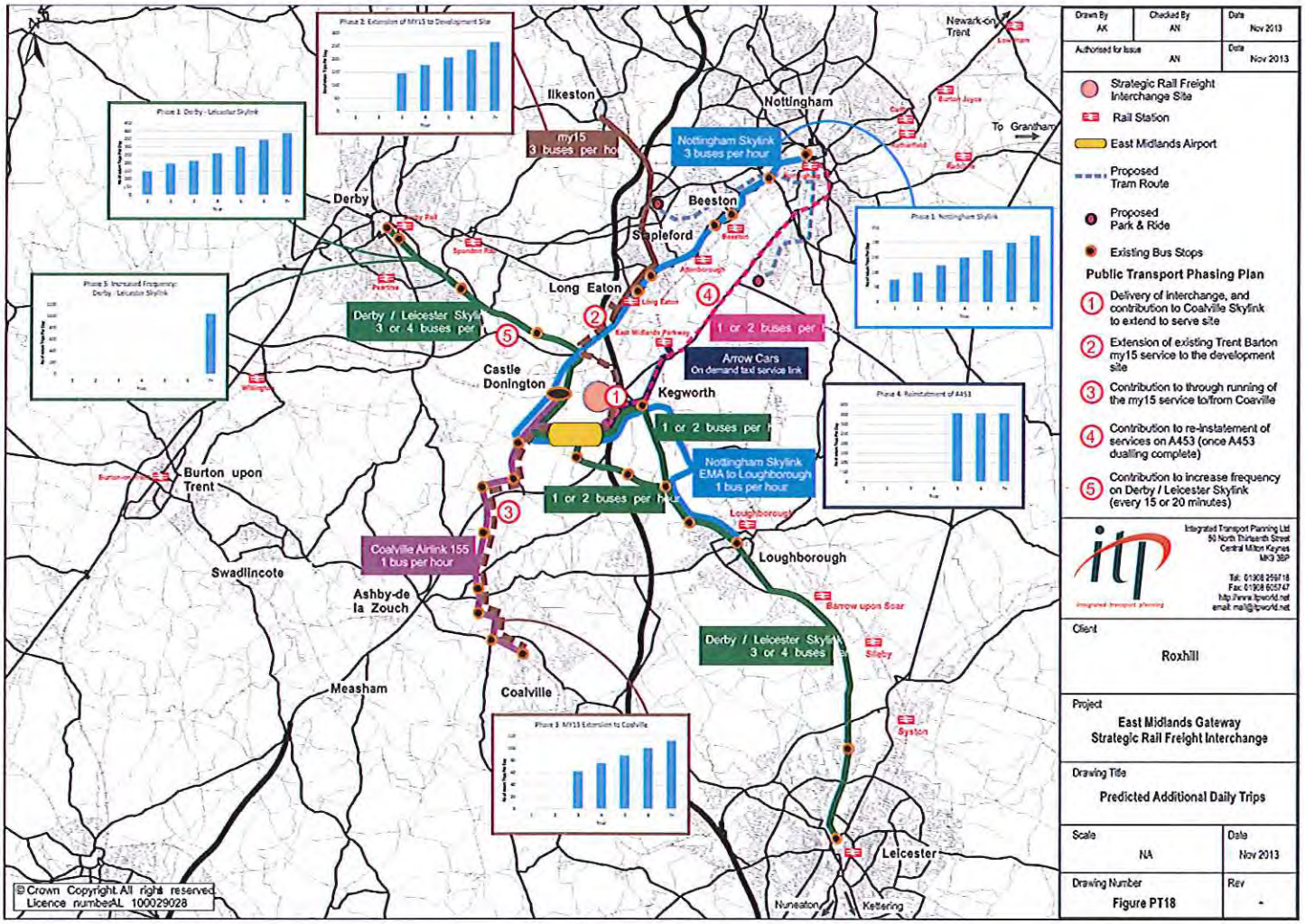
Drawing Number	Rev
Figure PT14	-



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Strategic Rail Freight Interchange Site
Rail Station
East Midlands Airport
Proposed Tram Route
Proposed Park & Ride
Existing Bus Stops

Public Transport Phasing Plan

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2. Extension of existing Trent Barton my15 service to the development site
3. Contribution to through running of the my15 service to/from Coalville
4. Contribution to re-instatement of services on A453 (once A453 dualling complete)
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Drawing Title: Predicted Additional Daily Trips

Scale	Date
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Drawing Number	Rev
Figure PT18	-

SCHEDULE 9

BUS INTERCHANGE BUILDING SPECIFICATION

Minimum Specification

The Bus Interchange Building shall comprise as a minimum:

1. a heated structure with a waiting area and closing doors;
2. real time passenger information screens – which will also be provided at all on-site stops and all lobby areas within the units comprising part of the Development;
3. closed circuit television;
4. individual seating;
5. toilets;
6. on-going maintenance administered by the site management company

IN WITNESS whereof this Agreement has been executed by the parties hereto and is intended to be and is hereby delivered on the date first above written

The COMMON SEAL of **NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL** was hereunto affixed in the presence of:

Authorised Signatory [redacted]

The COMMON SEAL of **LEICESTERSHIRE COUNTY COUNCIL** was hereunto affixed in the presence of:

Authorised Signatory [redacted]

Signed as a Deed by [redacted] in the presence of:

Witness signature .. [redacted]

Witness name [redacted]

Witness address [redacted]

Witness occupation .. [redacted]

Signed as a Deed on behalf of
ROXHILL (KEGWORTH) LIMITED acting by two directors or one director and its company secretary :-

[redacted]

.....
Director

[redacted]

.....
Director/~~Secretary~~

Annexure 1G

Q1.4.2 - EMG2-BWB-GEN-XX-SK-CH-SK079_Community Park Ground Profile-S2-P01

Drainage basin/Wet grassland

Drainage basin/Wet grassland

Drainage basin/Wet grassland

-11.1%

-8.5%

-2.4%

-2.2%

-3.1%

-5.9%

76.6m

75.1m

71.0m

81.7m

Track

ASHBY ROAD

Cattle Grid

TYMELANE

Mill Mound

Allotment Gardens

LANGLEY CLOSE

CLEMENTS GATE

The Paddock

Foxley House

Pond

Dieseworth Grange

QLD HALL COURT

Church View

Works

ESS

LB

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Notes

1. All dimensions in metres unless noted otherwise. All levels in metres unless noted otherwise.

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Legend

- Community Park Boundary
- 1m Contour - Ground Level
- 5m Contour - Ground Level
- 85.000 Contour Interval
- Ground slope 8%+

ISSUES & REVISIONS

Rev	Date	Details of issue / revision	Drw	Rev
P01	24.03.26	Issued for information	DF	SRH

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Client: SEGRO

Project Title: EAST MIDLANDS GATEWAY 2 (EMG2)

Drawing Title: COMMUNITY PARK GROUND PROFILE

Drawn:	D.Fraser	Reviewed:	S.Hilditch		
BWB Ref:	220500	Date:	24.03.26	Scale@A1:	1:1250

Drawing Status: FOR INFORMATION

Project - Originator - Zone - Level - Type - Role - Number: EMG2-BWB-GEN-XX-SK-CH-SK079

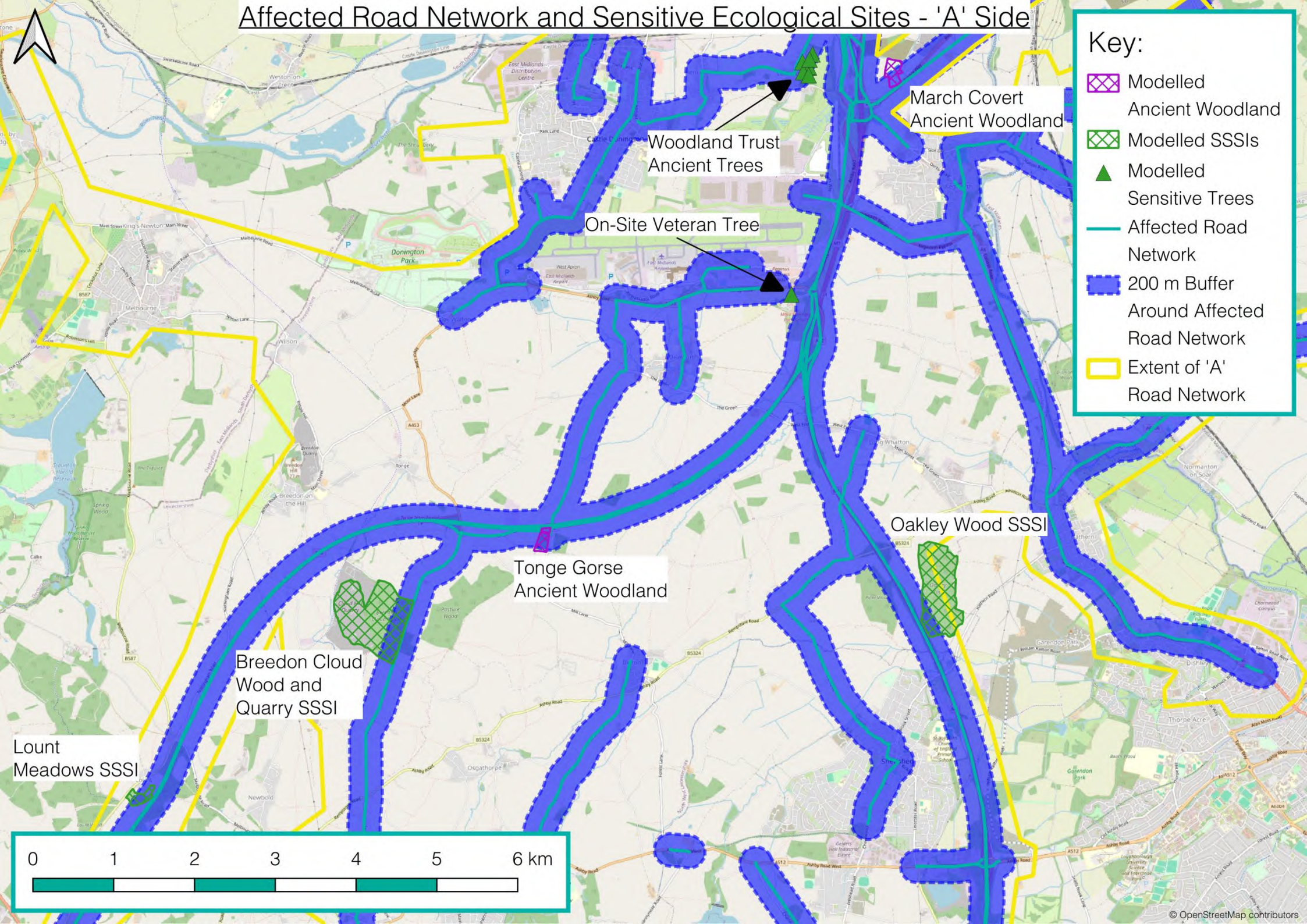
Status: S2

Rev: P01

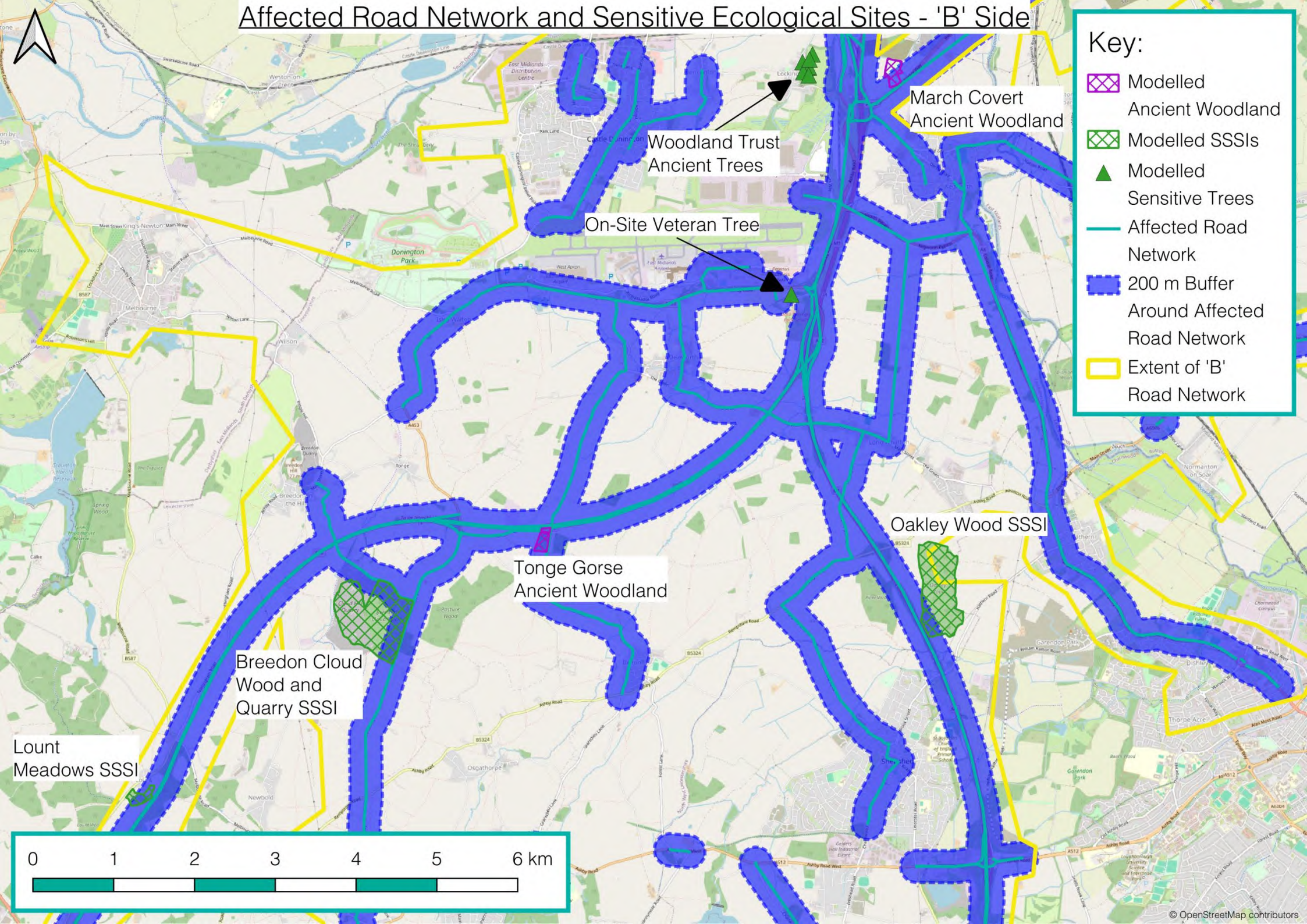
ANNEXURE 1H

Q1.5.1 - Figure showing ecological receptors

Affected Road Network and Sensitive Ecological Sites - 'A' Side



Affected Road Network and Sensitive Ecological Sites - 'B' Side



ANNEXURE 2A

Q2.0.1 - Table 3.6 MCO Parameters and Details

Table 3.6: MCO Schedule of Parameters and Details

Draft MCO, Works No.	Description	Parameters and Details	Relevant plans and documents	Where secured in draft MCO
3A	Construction of rail served warehousing	Maximum of 26,500sq.m. of floorspace (GIA) at Plot 16 (excluding mezzanines) Allowance for up to 3,500 sq.m. of floorspace (GIA) provided in the form of internal mezzanines floorspace Finished Floor Level (FFL) of 53 metres above ordnance datum (m AOD) and a limit of deviation of 1.5m above/below FFL Maximum ridge height of buildings of 71 m AOD Maximum buildings heights exclude any associated fire escape stairwells or key clamp roof top handrails etc. but includes roof-mounted photovoltaics. The Design Approach Document sets out design principles to guide the future detailed design of the buildings and supporting infrastructure.	Works Plan (Document MCO 2.3) Parameters Plan (Document MCO 2.5) Design Approach Document (Document MCO 5.3)	Part 1: Preliminary, Article 2(1) and Article 39A(11): Certification of additional plans Part 2: Principle Powers, Article 4(a) Schedule 1, Part 1, Works No. 3A Schedule 2, Part 1: Requirement 6(1A) and Requirement 14(1) Schedule 5, Part 4
3B	Extension of the Management Offices	The location of the Management Office Extension is shown on the Works Plan. The Parameters Plan sets out the following parameters for these works: • 1 unit • Maximum floorspace of 500 sq.m. (GIA)	Works Plan (Document MCO 2.3) Parameters Plan (Document MCO 2.5)	Part 1: Preliminary, Article 2(1) and Article 39A(11): Certification of additional plans Part 2: Principle Powers, Article 4(a) Schedule 1, Part 1, Works No. 3B

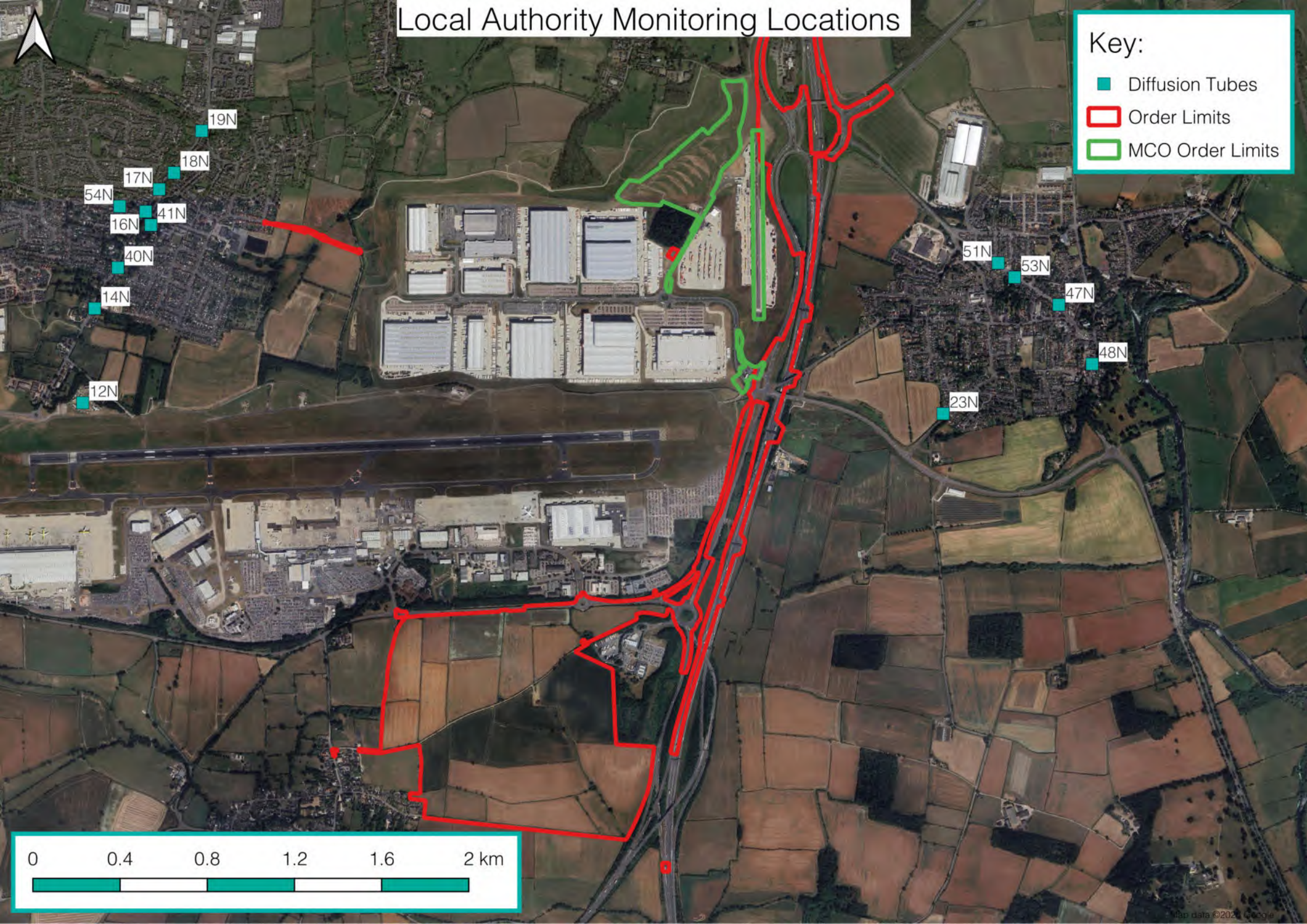
Draft MCO, Works No.	Description	Parameters and Details	Relevant plans and documents	Where secured in draft MCO
				Schedule 2, Part 1: Requirement 6(1)
5A	Construction of road and drainage infrastructure	The location of the proposed road and drainage infrastructure is shown on the Works Plan. As specified within the draft MCO (Document MCO 3.1) the works will include: • access to and egress from the rail served warehouse (Works No. 3A); • alterations to the existing road construction as part of Works No. 5 of the EMG1 DCO; • footways and shared use footways/cycleways; and • a foul drainage outfall	Works Plan (Document MCO 2.3) Parameters Plan (Document MCO 2.5)	Part 1: Preliminary, Article 2(1) and Article 39A(12): Certification of additional plans Part 2: Principle Powers, Article 4(a) and Article 5 Schedule 1, Part 1, Works No. 5A Schedule 2, Part 1: Requirement 6(1)
5B	Construction of road infrastructure	The location of the proposed road infrastructure is shown on the Works Plan. As specified within the draft MCO (Document MCO 3.1) the works will include: • a pedestrian drop-off lay-by; • alterations to the existing road constructed as part of Works No. 5 of the EMG1 DCO; • earthworks retaining structures; and	Works Plan (Document MCO 2.3) Parameters Plan (Document MCO 2.5)	Part 1: Preliminary, Article 2(1) and Article 39A(12): Certification of additional plans Part 2: Principle Powers, Article 4(a) and Article 5 Schedule 1, Part 1, Works No. 5B Schedule 2, Part 1: Requirement 6(1)

Draft MCO, Works No.	Description	Parameters and Details	Relevant plans and documents	Where secured in draft MCO
		• a footway from the lay-by connecting to the crossing constructed as part of the EMG1 access works (Works No. 8A).		
5C	Construction of infrastructure	The location of the proposed road infrastructure is shown on the Works Plan. As specified within the draft MCO (Document MCO 3.1) the works will include: • a secure parking area for buses; • access to and egress from the parking area; and • alterations to the existing road constructed as part of Works No. 5 of the EMG1 DCO.	Works Plan (Document MCO 2.3) Parameters Plan (Document MCO 2.5)	Part 1: Preliminary, Article 2(1) and Article 39A(12): Certification of additional plans Part 2: Principle Powers, Article 4(a) and Article 5 Schedule 1, Part 1, Works No. 5C Schedule 2, Part 1: Requirement 6(1)
6A	Provision of hard and soft landscaping works	The Works Plan defines the areas of proposed hard and soft landscaping contained within this works package which includes landscaping to the east and west of the rail served warehouse (Works No. 3A). The Parameters Plan specifies that these areas will comprise open land/landscaping including retained vegetation, mitigation mounding, proposed planting, paths, attenuation & SUDs, retaining walls, publicly accessible landscape space and other applicable features.	Works Plan (Document MCO 2.3) Parameters Plan (Document MCO 2.5)	Part 1: Preliminary, Article 2(1) and Article 39A(12): Certification of additional plans Part 2: Principle Powers, Article 4(a) and Article 5 Schedule 1, Part 1, Works No. 6A Schedule 2, Part 1: Requirement 6(1) and Requirement 8

Draft MCO, Works No.	Description	Parameters and Details	Relevant plans and documents	Where secured in draft MCO
8A	Construction of signalised pedestrian crossings over the EMG1 exit road approach to the A453 signalised junction and associated footway connecting to Works No. 5B	The Works Plan defines the area contained within this works package. The Highways Plan General Arrangement shows the proposed works.	Works Plans (Document MCO 2.3) Highways Plan, General Arrangement (Document MCO 2.8)	Article 39A(13): Certification of additional plans Schedule 1, Part 2, Works No. 8A

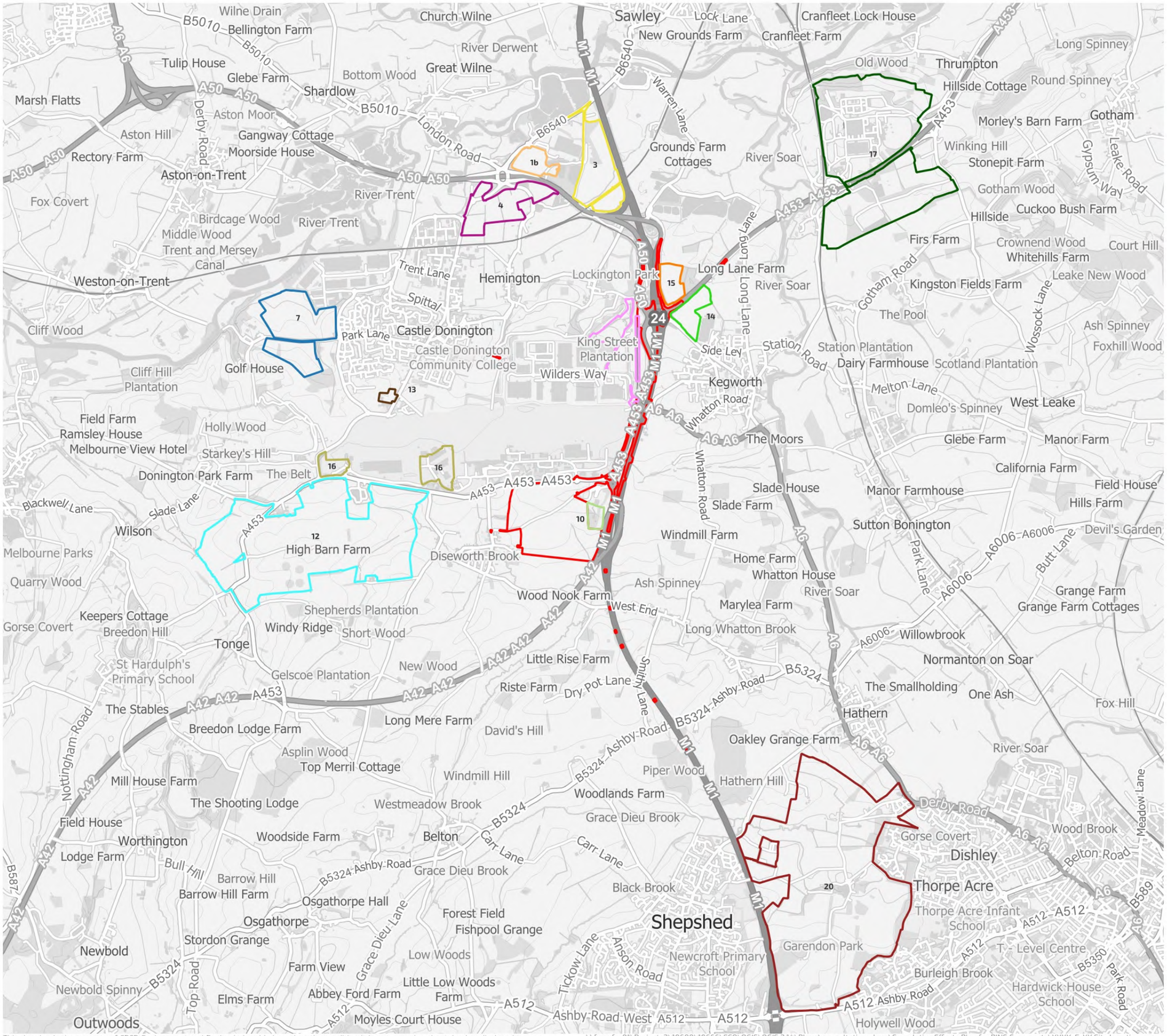
ANNEXURE 4A

Q4.0.20 – Local Authority Monitoring Locations


Local Authority Monitoring Locations
Key:
Diffusion Tubes
Order Limits
MCO Order Limits
19N
18N
17N
54N
41N
16N
40N
14N
12N
51N
53N
47N
48N
23N
0
0.4
0.8
1.2
1.6
2 km
Map data ©2021 Google

ANNEXURE 5A

Q5.0.23 – Cumulative Effects Plan



N

0 1,500 3,000 m

Site Boundaries
(with reference to Table 9.34 of chapter 9 of the ES)

- Order Limits EMG1 MCO
- Order Limits EMG2 DCO
- 1b, Land at Sawley Interchange. adj to Aldi Distribution Centre, Tamworth Road
- 3, Land at Netherfields Lane, Sawley
- 4, Land South of Junction 1 of the A50, Castle Donington
- 7, Land North and South of Park Lane, Castle Donington
- 10, Donington Park Service Area, Jct 23A (Moto Services Solar Farm)
- 12, Isley Woodhouse site allocation
- 13, Land West of Hilltop Farm, Castle Donnington
- 14, Land North of Derby Road (A6), Kegworth
- 15, Land North of Remembrance Way (A453)
- 16, The East Midlands Airport & Gateway Cluster (EMAGIC) - Excluding EMG1 AND EMG2
- 17, Ratcliffe-on-Soar Power Station (Freeport Designation)
- 20, Garendon Park Developments

drawn date: 25/03/26
drwn/chkd: LE / SJA

client: **SEGRO (Properties) Ltd and SEGRO (EMG) Ltd**

project: **East Midlands Gateway Phase 1 & 2 (EMG1) & (EMG2)**

title: **CUMULATIVE PROJECT BOUNDARIES PLAN**
scale: 1:50,000 @ A3

number:
rev: -

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\\fpcr-fs-01\Projects2\10600\10666\ECO\QGIS\QGIS 2.14\Plans\consultation plans\Cumulative Effects Plan for PINS Comments\XXXX-E-XX Site Location.qgs

t: 01509 672772 e: mail@fpcr.co.uk w: www.fpcr.co.uk

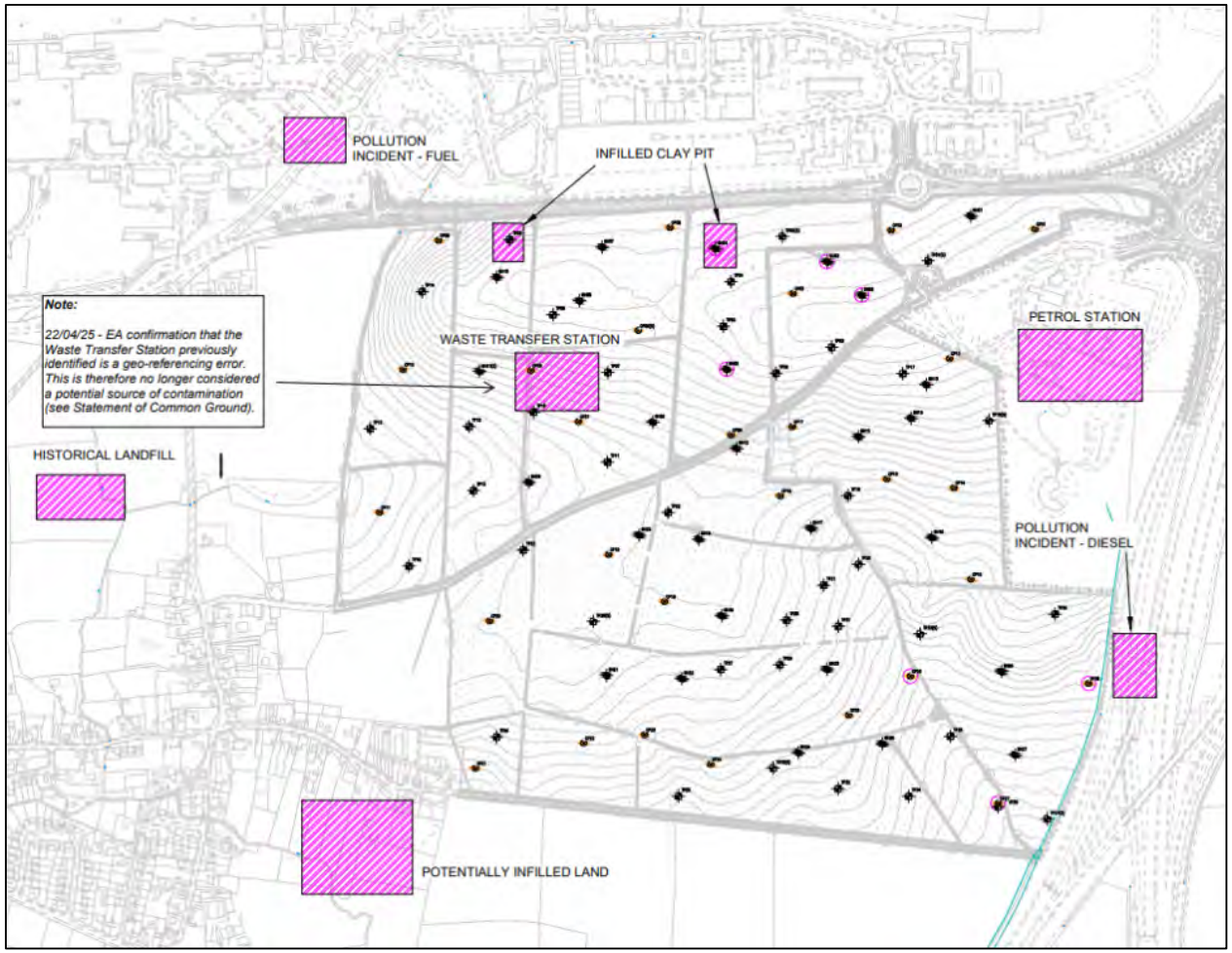
ANNEXURE 10A

Q10.0.3 – Table 1 Referenced Requirements for Each Consent Regime

Component	Consent	Consent Requirement	Requirement Detail	ES paragraph reference
EMG2 Works and Highway Works	DCO Application	Requirement 22 of the draft DCO	Secures investigation, remediation and verification (where required) for the EMG2 Works and Highway Works, in the event of unexpected contamination.	14.5.98, 14.5.104, 14.5.107, Table 14.16
		Requirement 11 of the draft DCO	Secures phase-specific construction environmental management plan (CEMP), including	14.6.31
EMG1 Works	EMG1 DCO, amended by the current MCO Application	Requirement 24 of the EMG1 DCO	Secures investigation, remediation and verification (where required) for the EMG1 Works in the event of unexpected contamination.	14.6.36
		Requirement 11 of the EMG1 DCO	Secures phase-specific construction environmental management plan (P-CEMP).	14.6.41, 14.6.42, Table 14.16

ANNEXURE 10B

Q10.0.4 – Illustration 1: Extract of Figure 14M.1 – EMG2 Works – Potential Sources of Contamination Plan



ANNEXURE 10C

Q10.0.8 – Email from Environment Agency dated 22 April 2025

[redacted]

From: [redacted]@environment-agency.gov.uk>
Sent: 22 April 2025 11:44
To: [redacted]
Cc: [redacted]
Subject: RE: East Midland Gateway 2 - Ground Conditions (BC0410001)

Follow Up Flag: Follow up
Flag Status: Flagged

Caution! This message has come from an external source. Do not click on any links unless you are expecting this message.

Hi [redacted]

Thanks for your email. I've raised this with our Groundwater & Contaminated Land technical specialist, who originally raised this as a concern. Using the information that you've provided below, he has been able to find this waste site and is happy with your conclusion that the NGR given is a georeferencing error. The entry appears to relate to permit HP3693CW (formerly Waste Management Licence No. 43288), which is associated with East Midlands Airport and outside the DCO boundary. We're happy this is resolved.

I hope that helps, but don't hesitate to contact me if you require anything further from us.

Kind regards

[redacted]

Planning Specialist – National Infrastructure Team
Environment Agency | Lateral, 8 City Walk, Leeds, LS11 9AT

[redacted]@environment-agency.gov.uk
Tel: [redacted]

NATIONAL INFRASTRUCTURE TEAM
Helping to deliver sustainable growth

From: [redacted]@fairhurst.co.uk>
Sent: 15 April 2025 09:07
To: [redacted]@environment-agency.gov.uk>; [redacted]@bwbconsulting.com>
Cc: [redacted]@environment-agency.gov.uk>; [redacted]@segro.com>; [redacted]@fairhurst.co.uk>
Subject: RE: East Midland Gateway 2 - Ground Conditions (BC0410001)

Good Morning [redacted]

As [redacted] explained, we are progressing Chapter 14 (Ground Conditions) for EMG2.

I wanted to discuss the below comment from yourselves on the Chapter, regarding a Waste Transfer Station:

Chapter: 14. Ground Conditions	**Issue**	This references a Waste Transfer Station on the EMG2 site. This has not been mentioned anywhere previously in this report or the scoping. In 14.4.4, it is stated it was not found during site reconnaissance, and it is suspected to be a geo-referencing error.
Section/ pages/ table reference: Paragraphs 14.4.3 and 14.4.4	**Impact**	Risk to groundwater.
	Solution	The source data should be provided, or we are unable to comment.
Additional Comments:		

The Envirocheck Report pertaining to the Geo-Environmental and Geotechnical Preliminary Risk Assessment for EMG2 (Ref. 148749 / R5.0, dated August 2024) records 1 waste transfer station on site (dated 1986, operated by East Midlands Airport Authority). This is noted to have had an input rate of less than 10,000 tonnes per year with the source of the waste being that produced on site, including commercial waste. According to the National Grid Reference provided on the datasheet (445870, 325165), this is recorded to have been located in the central portion of the EMG2 Main Site. Please see the attached associated extract from the Envirocheck Report.

The PRA states that, based on the site walkover and review of historical maps, there is no evidence of a waste transfer station having been located on site. Therefore, it was suspected that this record may be an error and is more likely associated with the handling of airport waste, on the East Midlands Airport site to the north. Please see the attached associated 1:10,000 historical maps.

Does the EA have any records of this waste transfer station having been located on site?

Kind Regards,

[redacted]

[redacted]
Graduate Geo-environmental Engineer

FAIRHURST
engineering solutions, delivering results

FAIRHURST
Oak House
Reeds Crescent
Watford, WD24 4PH
01923 210 460 (tel.) [redacted]
www.fairhurst.co.uk @Fairhurst

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From: [redacted]@environment-agency.gov.uk>
Sent: 11 April 2025 14:41
To: [redacted]@bwbconsulting.com>; [redacted]@fairhurst.co.uk>
Cc: [redacted]@environment-agency.gov.uk>; [redacted]@segro.com>
Subject: RE: East Midland Gateway 2 - Ground Conditions (BC0410001)

Hi [redacted],

Very happy to yes. We can arrange meetings or reviews of draft documents if helpful, please just ask.

Kind regards

[redacted]

[redacted]
Planning Specialist – National Infrastructure Team
Environment Agency | Lateral, 8 City Walk, Leeds, LS11 9AT

[redacted]@environment-agency.gov.uk
Tel: [redacted]

From: [redacted]@bwbconsulting.com>
Sent: 10 April 2025 16:56
To: [redacted]@environment-agency.gov.uk>; [redacted]@fairhurst.co.uk>
Cc: [redacted]@environment-agency.gov.uk>; [redacted]@segro.com>
Subject: East Midland Gateway 2 - Ground Conditions (BC0410001)

Hi [redacted]

I trust this email finds you well. [redacted] at Fairhurst (copied into this email) is looking at the ground conditions at the EMG2 DCO. She has asked to be introduced to start a dialogue around addressing the EA comments on this topic. Are you happy to receive emails from [redacted]?

Kind regards

[redacted]
Associate Director | Flood Risk & Water Environment | BWB Consulting Limited
Livery Place, 35 Livery Street, Birmingham B3 2PB
M [redacted] | **W:** bwbconsulting.com

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ANNEXURE 11A

Q11.0.15 – Schedule of heritage impact assessment

			Construction Phase						Operation Phase					
Asset Name	**NHLE Ref**	**Category of Designation**	**Scheme Component**	**Magnitude of Impact**	**Significance of Effect**	**Residual Effects**	**Policy**	**Mitigation**	**Scheme Component**	**Magnitude of Impact**	**Significance of Effect**	**Residual Effect**	**Policy**	**Mitigation**
The Bulwarks (Earthworks)	1003606	Scheduled Monument	DCO Scheme	Negligible (ES Chapter 12 DCO/MCO6.12 - 12.5.59)	Negligible (ES Chapter 12 DCO/MCO6.12 - 12.5.59)	Negligible (ES Chapter 12 DCO/MCO6.12 - Table 12.8)	NNNPS 5.222/NPPF 215	N/A	DCO Scheme	Low Adverse (ES Chapter 12 DCO/MCO6.12 - 12.5.63)	Moderate to Minor adverse (ES Chapter 12 DCO/MCO6.12 - 12.5.63)	Negligible (ES Chapter 12 DCO/MCO6.12 - Table 12.8)	NNNPS 5.222/NPPF 215	Parameters Plan (DCO 2.5)
Church of St Michael and All Angels	1068865	Grade II* Listed Building	DCO Scheme	Negligible (ES Chapter 12 DCO/MCO6.12 - 12.5.59)	Negligible (ES Chapter 12 DCO/MCO6.12 - 12.5.59)	Negligible (ES Chapter 12 DCO/MCO6.12 - Table 12.8)	NNNPS 5.222/NPPF 215	N/A	DCO Scheme	Moderate Adverse (ES Chapter 12 DCO/MCO6.12 - 12.5.66)	Moderate Adverse (ES Chapter 12 DCO/MCO6.12 - 12.5.66)	Moderate to Minor Adverse (ES Chapter 12 DCO/MCO6.12 - Table 12.8)	NNNPS 5.222/NPPF 215	Parameters Plan (DCO 2.5)
Church of St Andrew	1084364	Grade II* Listed Building	MCO Scheme	Negligible (ES Chapter 12 DCO/MCO6.12 - 12.6.28)	Negligible (ES Chapter 12 DCO/MCO6.12 - 12.6.28)	Negligible (ES Chapter 12 DCO/MCO6.12 - Table 12.10)	NNNPS 5.222/NPPF 215	N/A	MCO Scheme	No Impact (ES Chapter 12 DCO/MCO6.12 - 12.6.30)	No Effect (ES Chapter 12 DCO/MCO6.12 - 12.6.30)	Negligible (ES Chapter 12 DCO/MCO6.12 - Table 12.10)	NNNPS 5.222/NPPF 215	N/A
Diseworth Conservation Area	N/A	Conservation Area	DCO Scheme	Negligible (ES Chapter 12 DCO/MCO6.12 - 12.5.59)	Negligible (ES Chapter 12 DCO/MCO6.12 - 12.5.59)	Negligible (ES Chapter 12 DCO/MCO6.12 - Table 12.8)	NNNPS 5.222/NPPF 215	N/A	DCO Scheme	Low Adverse (ES Chapter 12 DCO/MCO6.12 - 12.5.69)	Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.5.69)	Minor to Negligible (ES Chapter 12 DCO/MCO6.12 - Table 12.8)	NNNPS 5.222/NPPF 215	Parameters Plan (DCO 2.5)
Asset Name	**NHLE Ref**	**Category of Designation**	**Scheme Component**	**Magnitude of Impact (Isley Woodhouse)**	**Significance of Effect (Isley Woodhouse)**	**Cumulative Impact**	**Policy**	**Mitigation**	**Scheme Component**	**Magnitude of Impact (Isley Woodhouse)**	**Significance of Effect (Isley Woodhouse)**	**Residual Effect**	**Policy**	**Mitigation**
The Bulwarks (Earthworks)	1003606	Scheduled Monument	Cumulative	Low Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.6)	Moderate to Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.6)	Moderate to Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.7)	NNNPS 5.222/NPPF 215	N/A	Cumulative	Low Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.11)	Moderate to Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.11)	Moderate to Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.12)	NNNPS 5.222/NPPF 215	Parameters Plan (DCO 2.5)
Diseworth Conservation Area	N/A	Conservation Area	Cumulative	Low Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.4)	Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.4)	Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.5)	NNNPS 5.222/NPPF 215	N/A	Cumulative	Low Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.9)	Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.9)	Minor Adverse (ES Chapter 12 DCO/MCO6.12 - 12.8.10)	NNNPS 5.222/NPPF 215	Parameters Plan (DCO 2.5)

ANNEXURE 12A

Q12.0.1 – Figure 16 Landscape Character (Regional)

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N

0 500 1,000 1,500 2,000 m

KEY

- DRAFT order limits EMG1 MCO
- DRAFT order limits EMG2 DCO

East Midlands Regional Landscape Character Assessment (2010)

- 3a: Floodplain Valleys
- 5a: Village Farmlands
- 5b: Wooded Village Farmlands
- 8a: Clay Wolds
- Built up Area

date 24/03/26

drwn/chkd HT/TRJ

client
SEGRO

project
East Midlands Gateway 2

title
Landscape Character (Regional)

scale 1:40,000 @ A3

number
FIGURE 16

rev -

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ANNEXURE 13A

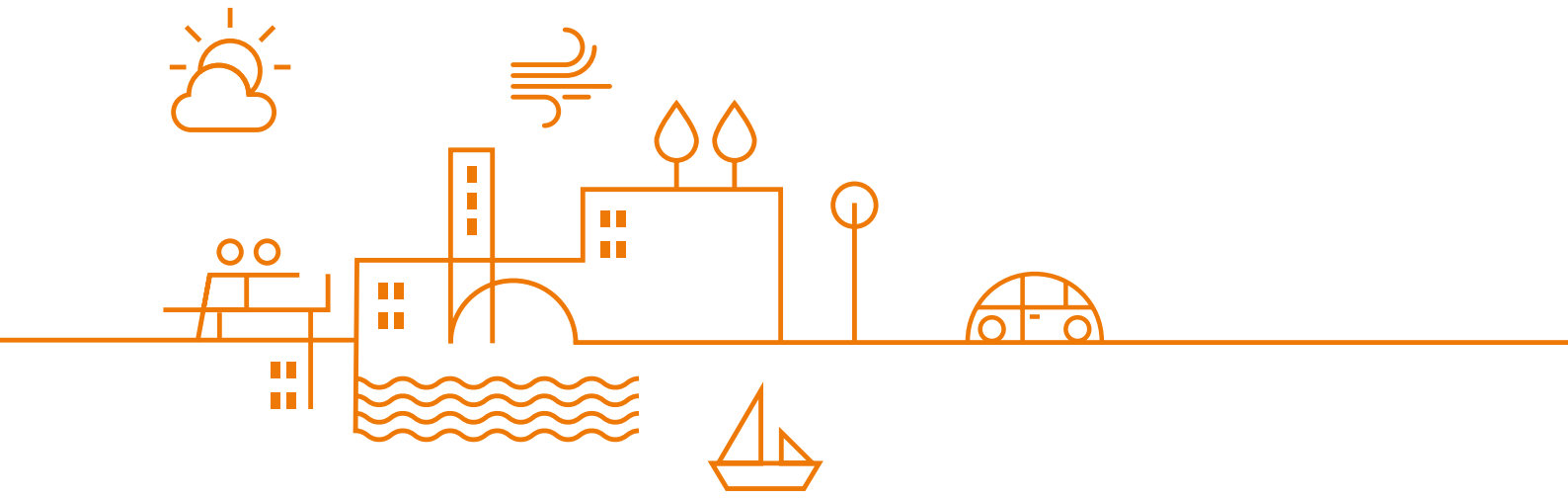
Q13.0.8 – IEMA Major Accidents and Disasters in EIA: A Primer

IEMA Transforming the world to sustainability

ARUP

Major Accidents and Disasters in EIA: A Primer

September 2020



Contents

Contents 2

Context, aims and audience 3

Key terminology 4

Introduction 7

Background 8

Structure of the remaining document 9

Screening for EIA 10

Scoping for EIA 11

- Scoped in or out? 11
- Scoped in – defining the scope 12

Assessment 17

- Setting out the baseline – hazard identification and receptor tagging 17
- Assessment – identifying reasonable worst-case impact 18
- Assessment – Selecting the grouped Risk Events that need further assessment 18
- Assessment – understanding the likelihood of a Risk Event occurring 19
- Mitigation – Identifying the requirements for secondary mitigation 19
- Mitigation – Risk management options 20
- Residual assessment 20

Final words 21

Appendix A – Supplementary terminology 22

Appendix B – Useful legislation 27

Appendix C – Case studies 29

Appendix D – Hazard identification record template 34

Appendix E – FAQs 35

Appendix F – References 36

Context, aims and audience

What is a major accidents and/or disasters assessment?

- The topic was introduced into the UK Environmental Impact Assessment (EIA) Regulations as a result of EU Directive 2014/52/EU (the EIA Directive).
- It covers the assessment of potentially significant adverse effects of a development on the environment deriving from its vulnerability to risks of relevant major accidents and/or disasters.
- A major accident is an event (for instance, train derailment or major road traffic accident) that threatens immediate or delayed serious environmental effects to human health, welfare and/or the environment and requires the use of resources beyond those of the client or its appointed representatives (i.e. contractors) to manage.
- Major accidents can be caused by disasters resulting from both man-made and natural hazards.
- A disaster is a man-made/external hazard (such as an act of terrorism) or a natural hazard (such as an earthquake) with the potential to cause an event or situation that meets the definition of a major accident.
- In general, major accidents and/or disasters should be considered as part of an assessment where the development has the potential to cause the loss of life, permanent injury and/or temporary or permanent destruction of an environmental receptor which cannot be restored through minor clean-up and restoration.

What does this primer aim to provide?

- This primer aims to increase awareness of the major accidents and/or disasters EIA topic and its application.
- It offers an assessment methodology based on known current practice within the UK to date and identifies key terminology that can be used.
- It has been structured around a typical assessment approach and offers a proportionate method for considering major accidents and/or disasters through screening, scoping and assessment.
- It has been developed to generate comment and discussion, from which future guidance and institutional and regulatory change can evolve over time.

Who is this primer aimed at?

- The intended audience of this primer is impact assessment practitioners and those with an interest in improving working practice and awareness across impact assessment.
- It is assumed that the reader has basic knowledge of EIA in the UK. Further information on EIA more generally can be found within IEMA's resources.

Key terminology

Key terms used in this primer are set out below. Supplementary terminology, including sources from which the below has been drawn, is presented in Appendix A.

Key term	Definition
Adaptive capacity	The capacity of receptors to adjust to potential damage, to take advantage of opportunities, or to respond to consequences.
As low as reasonably practicable (ALARP)	Involves weighing a risk against the trouble, time and money needed to control it. Thus, ALARP describes the level to which we expect to see risks controlled.
Disaster	May be a natural hazard (e.g. earthquake) or a man-made/external hazard (e.g. act of terrorism) with the potential to cause an event or situation that meets the definition of a major accident.
Reasonable worst-case scenario	A challenging manifestation of the scenario after highly implausible scenarios are excluded[1].
Magnitude of impact	The magnitude of an impact is typically defined by the following factors: extent – the area over which an effect occurs; duration – the time for which the effect occurs; frequency – how often the effect occurs; severity – the degree of change relative to existing environmental conditions.
Major accident	Events that threaten immediate or delayed serious environmental effects to human health, welfare and/or the environment and require the use of resources beyond those of the client or its appointed representatives to manage. Whilst malicious intent is not accidental, the outcome (e.g. train derailment) may be the same and therefore many mitigation measures will apply to both deliberate and accidental events.

1 As defined in: www.gov.uk/government/publications/national-risk-register-for-civil-emergencies-2015-edition/national-risk-register-of-civil-emergencies-chapter-1-main-types-of-civil-emergency

Key term	Definition
Man-made hazards	For example (but not limited to): structural collapse building collapse human error/management failure design error sabotage/arson aircraft/rail/road/sea or river vessel disaster (crash/derailment/ collision/overloading/hull failure) terrorism cyber-attack industrial/ technological accident explosion (chemical, nuclear or other) pollution (oil, chemical or other) fire conflict displaced population crowd violence and disorder.
Natural hazards	For example (but not limited to): earthquake flooding dam collapse volcanic eruption avalanche extreme temperature (heat wave, cold snap) fire ground subsidence tropical storm storm surge landslide animal/insect infestation sandstorm high winds/storm wildfire tsunami/tidal wave drought biological hazard – epidemic, pandemic.
Pathway	The route by which the source can reach the receptor.

Key term	Definition
Receptor	The specific component of the environment that could be adversely affected if the source reaches it. Environmental receptor is specifically defined as: features of the environment that are subject to assessment under Article 3 of the EIA Directive, namely population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and landscape.
Risk	The likelihood of an impact occurring, combined with the effect or consequence(s) of the impact on a receptor if it does occur.
Risk Event	An identified, unplanned event, which is considered relevant to the development and has the potential to result in a major accident and/or disaster, subject to assessment of its potential to result in a significant adverse effect on an environmental receptor.
Sensitivity	The sensitivity of a receptor is a function of its value, and capacity to accommodate change reflecting its ability to recover if it is affected. It is typically defined by the following factors: Adaptability – the degree to which a receptor can avoid, adapt to or recover from an effect. Tolerance – the ability of a receptor to accommodate temporary or permanent change. Recoverability – the temporal scale over and extent to which a receptor will recover following an effect.
Significant environmental effect (in relation to a major accidents and/or disasters assessment)	Could include the loss of life, permanent injury and temporary or permanent destruction of an environmental receptor which cannot be restored through minor clean-up and restoration.
Source	The original cause of the hazard, which has the potential to cause harm.
Source-pathway-receptor linkage	For a risk to arise there must be hazard that consists of a 'source' (e.g. high rainfall); a 'receptor' (e.g. people, property, environment); and a pathway between the source and the receptor (e.g. flood routes).
Vulnerability	Describes the potential for harm as a result of an event, for example due to sensitivity or value of receptors. In the context of the EIA Directive, the term refers to the 'exposure and resilience' of the development to the risk of a major accident and/or disaster. Vulnerability is influenced by sensitivity, adaptive capacity and magnitude of impact.

Introduction

Major accidents and/or disasters was a new EIA topic introduced by the 2014/52/EU EIA Directive (the EIA Directive). The objective of this primer is to present learning from existing development within the UK where the topic has been assessed, to share best practice and to promote a consistent approach across the general network of EIA professionals. It is not intended to be an introduction to risk management itself, rather to give impact assessment practitioners an introductory working knowledge of the topic and its application, and to stimulate further discussion and debate as the topic evolves.

As this is an emerging topic, this document is intended as a primer only to introduce the concept of the topic and offer an initial appreciation on methodology that could be adopted. It will prompt discussion upon which future guidance, and therefore practice, can evolve. The primer is intended to be updated as experience of the topic develops, and as the methodology is advanced and more widely agreed. There is a huge variance in the scope and extent of development that falls under EIA, and this primer is not intended to mandate a 'one size fits all' approach, nor to suggest one would be appropriate.

This primer aims to communicate the positive process of hazard identification, and avoidance, reduction or mitigation through the EIA process. The methodology outlined offers a transparent platform to communicate to stakeholders how development vulnerabilities to major accidents and/or disasters have been reduced to an acceptable level. As with any topic, the earlier in the process vulnerabilities to major accidents and/or disasters are identified and appraised the greater the likelihood of residual risks being appropriately controlled, and the scope of the EIA remaining proportionate.

Background

The EIA Directive was transposed into UK legislation in 2017, including but not limited to the Town and Country Planning (EIA) Regulations 2017 (devolved between England, Wales, Scotland and Northern Ireland), and the Infrastructure Planning (EIA) Regulations 2017 (collectively referred to as the EIA Regulations from here).

The EIA Regulations require:

> *'A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters...' (Schedule 4, Paragraph 8)*

The underlying objective of the assessment is to ensure that appropriate precautionary actions are taken for those developments which:

> *'...because of their vulnerability to major accidents and/or natural disasters (such as flooding, sea level rise, or earthquakes), are likely to have significant adverse effects on the environment.' (Paragraph 15 of Directive 2014/52/EU)*

A key aim of the EIA Directive update was to ensure efforts are not duplicated, reinforcing the need for proportionality. It further states:

> *'In order to avoid duplications, it should be possible to use any relevant information available and obtained through risk assessments carried out pursuant to Union legislation, such as Directive 2012/18/EU of the European Parliament and the Council (13) and Council Directive 2009/71/Euratom (14), or through relevant assessments carried out pursuant to national legislation provided that the requirements of this Directive are met.' (Paragraph 15 of Directive 2014/52/EU)*

The UK already has a structured framework of risk management legislation in place. This guidance therefore suggests a 'sign-posting' approach to assessment, making efficient use of existing and available risk assessments rather than duplicating any risk quantification and management already undertaken on developments as part of the assessment approach.

This primer recognises that primary and tertiary mitigation (refer to Appendix A for definitions) of a development's vulnerability to major accidents and/or disasters, for infrastructure and other built environment developments, is covered by a wide range of other safety and non-safety-related legislation. This mitigation is generally sufficient to manage vulnerabilities to major accidents and/or disasters without the need for secondary mitigation in most circumstances. The guidance within this primer aims to help developments communicate this process to stakeholders through the Environmental Statement[2] to demonstrate how a development's vulnerability to major accidents is adequately managed to prevent or reduce potential significant adverse effects to environmental receptors.

2 Also known as an Environmental Report under the Scottish EIA Regulations. The term 'Environmental Statement' is used for the purpose of this primer to refer to any written output of the EIA process.

Structure of the remaining document

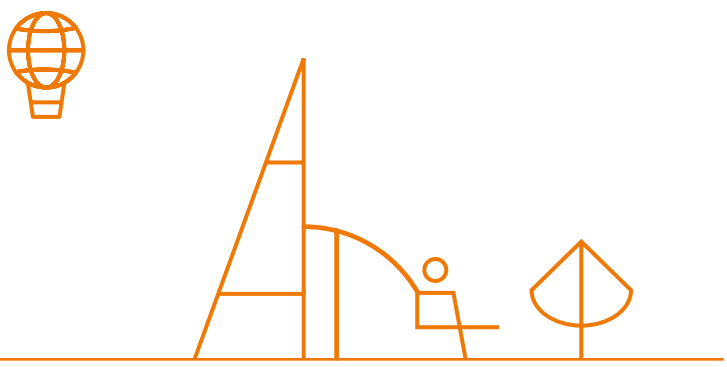
The remainder of this primer presents an assessment approach that can be adopted by impact assessment practitioners undertaking a major accident and/or disasters assessment. This can act as a basis for methodology to evolve as experience in the field grows.

The following steps are covered:

- Screening
  - Identifying if a development falls within the definition of EIA development under the EIA Regulations, by virtue of the likelihood of significant environmental effects from major accidents and/or disasters.
- Scoping
  - Deciding if a major accidents and/or disasters assessment should be scoped in or out of the EIA.
  - If scoped in, how to set out a proposed methodology as part of a scoping report.
- Assessment
  - Key steps to enable practitioners to undertake an assessment and identify any potential significant effects that require further mitigation.
  - Understanding risk management options as part of the process.

Further detail is included within the following appendices:

- **Appendix A –** supplementary terminology drawn from existing sources providing a background appreciation of current definitions that have informed key terminology for this topic.
- **Appendix B –** references to the broader legislative context surrounding the topic.
- **Appendix C –** a sample of existing case studies to demonstrate how this assessment approach can be applied.
- **Appendix D –** a hazard identification record template to support the assessment process.
- **Appendix E –** a selection of frequently asked questions that have arisen as the methodology for this topic has evolved.
- **Appendix F –** references that have informed this primer.



Screening for EIA

The level of effort required at the screening stage for major accidents and/or disasters is likely to be minimal. During screening it should be sufficient to *identify if a development has a vulnerability to major accidents and/or disasters* and to consider whether a development could lead to a significant effect.

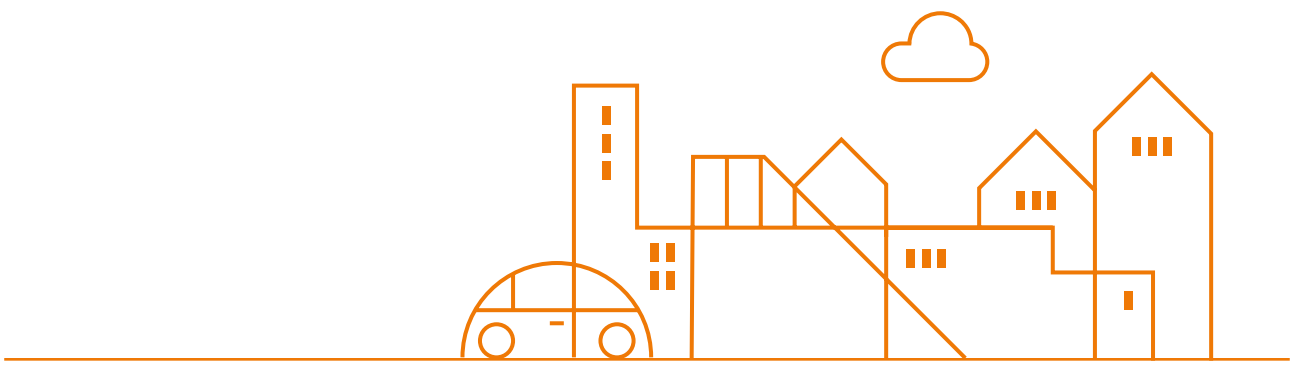
High-level questions to consider (which will be considered in more detail at the scoping stage if screened in) could include:

- Is the development a source of hazard itself that could result in a major accident and/or disaster occurring?
- Does the development interact with any sources of external hazards that may make it vulnerable to a major accident and/or disaster?
- If an external major accident and/or disaster occurred, would the existence of the development increase the risk of a significant effect to an environmental receptor occurring?

Considering these at a high level, without necessarily providing evidence at this stage, should help guide whether the development has the potential to be vulnerable to major accidents and/or disasters, or to increase vulnerability elsewhere.

It is valid to consider and identify proposed mitigation at the screening stage. If it is possible to demonstrate that proposed design measures, existing legal requirements, and codes and standards are likely to adequately control any potential vulnerability to a major accident and/or disaster then this should be factored into the conclusion.

If a development is not vulnerable to major accidents and/or disasters and is not likely to increase vulnerability elsewhere, it is unlikely to lead to an event that would cause a significant environmental effect upon a receptor. In these circumstances, it should be valid to propose that the requirement for EIA is not triggered in relation to major accidents and/or disasters risks.



Scoping for EIA

The aim of the scoping stage is to determine in more detail whether there is potential for significant effects as a result of major accidents and/or disasters associated with a development, and the resulting scope of and approach to the assessment if required.

Scoped in or out?

To guide the scoping decision, think carefully about what is relevant to the development specifically, such as its location, type, context, existing and future constraints, and likely receptors. A major accidents and/or disasters assessment will be relevant to some developments more than others, and for many developments it is likely to be scoped out of the assessment.

Figure 1 provides a process flow that can be used to help guide a scoping decision:

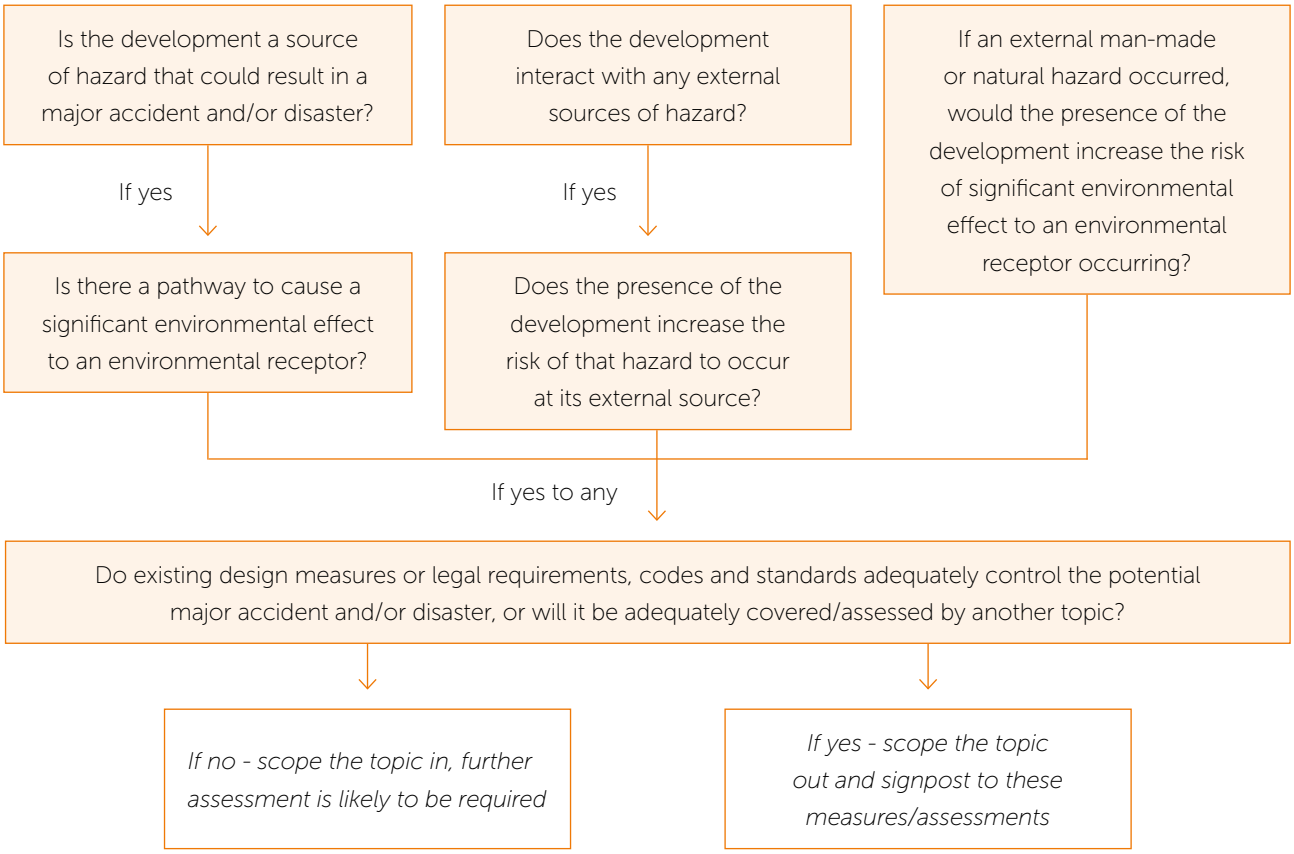


Figure 1 - scoping decision process flow

Major accidents and/or disasters can be scoped out of the assessment if you can clearly demonstrate that:

1. *there is no source-pathway-receptor linkage of a hazard that could trigger a major accident and/or disaster or potential for the scheme to lead to a significant environmental effect; or*

2. *all possible major accidents and/or disasters are adequately covered elsewhere in the assessment or covered by existing design measures[3] or compliance with legislation and best practice.*

The Scoping Report can be used to signpost to the evidence that justifies scoping the topic out.

However, if there is any uncertainty, a major accidents and/or disasters assessment should be scoped in. This is likely to require discussion with clients or other stakeholders to explain the benefits of the assessment with reference to the need for clarity in the communication of development risks and how they will be managed.

Examples of scoping decisions for this topic on a variety of developments are provided in Appendix C.

- Scoped in – defining the scope

Even in circumstances when the topic is scoped into the assessment, it is likely that it can be limited to specific elements of the development or the baseline environment and therefore remain limited in scope. This needs to be clearly set out in the scoping report to manage expectations at an early stage, with a focus on proportionality and likely significant effects.

The scoping report should set out the following:

Baseline

In line with the EIA Directive, this will be existing sources of risk assessment or other relevant studies, rather than collecting survey data (as might typically be the case for other EIA topics for receptors that the major accidents and/or disasters topic may impact upon)[4]. Duplication of data gathering and risk assessment should be avoided, and standalone risk assessments for the topic should only be undertaken if the information is not available from existing sources.

Sources of risk assessment might include the developments Construction Design Management (CDM) risk register, relevant development studies such as geotechnical desk-based assessments, and System Safety Hazard Records. Other sources of information such as the UK's current National Risk Register[5], and its associated local community risk registers[6], may also provide useful prompts for any risks not captured in development-specific documentation. Data from the Health and Safety Executive, Environment Agency, and their counterparts in Scotland (Scottish Environment Protection Agency) and Wales (Natural Resource Wales), as well as local authorities, on adjacent Control of Major Accident Hazards (COMAH) and other potentially hazardous sites or installations should also be set out within the baseline.

You will need to consult with your development team, client and stakeholders to fully agree the extent of baseline information available and to be used. This will differ development to development.

3 For instance, altering the internal spatial layout of a scheme to simply avoid a hazard could be embedded as a primary mitigation measure at the scoping stage.

4 This is in accordance with Paragraph 15 of the EIA Directive 2014 to avoid duplication.

5 www.gov.uk/government/collections/national-risk-register-of-civil-emergencies

6 www.gov.uk/guidance/local-resilience-forums-contact-details

The above information will provide the list of hazards (the source part of the source-pathway-receptor linkage) that will then be collected and considered further in the assessment.

At the scoping stage, this data does not need to be collected or reported in full. The list of sources that will be used in the assessment should be set out in the scoping report for agreement with stakeholders, along with a request for any other sources of information they may wish to draw attention to.

Receptors

Receptors are features of the environment that are subject to assessment under Article 3 of the EIA Directive, namely population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and landscape.

Relevant receptors can be identified through a review of base mapping and aerial photography, as well as through consultation with the development team and other EIA topic leads that may have identified receptors specific to their environmental topic.

For smaller developments, this might involve identifying, for instance, certain designated sites/areas that will be assessed as part of your assessment.

For larger-scale developments, this might instead focus on identifying groups of receptor types and focus on a more development-wide approach.

An environmental receptor that could be vulnerable to a major accidents and/or disasters risk, but is outside the scope of the wider EIA, is very unlikely so it is important to ensure these receptors align with the other topics considered under the EIA.

Deciding on a proportionate assessment

Not all potential events will fall into the scope of a major accidents and/or disasters assessment. The level of risk therefore needs to be defined to inform what types of events are within the scope of the major accidents and/or disasters assessment.

Events that have a high likelihood of occurring and would be of high consequence are a **high risk** and would be unacceptable for any development. These should already be managed or designed-out by a development. These might include, for example, an element of highway design that did not comply with standards leading to a major road traffic collision. These are therefore likely to be outside the scope of the assessment.

At the other end of the scale, low-impact events whatever the likelihood, such as minor spills, are **low risk** and are unlikely to be considered a major accidents and/or disasters risk. These events would not threaten immediate or delayed serious environmental effects to human health, welfare and/or the environment that require the use of resources beyond those of the client or its appointed representatives to manage. These are also therefore likely to be outside the scope of the assessment.

The assessment will typically focus on *low likelihood but potentially high consequence events,* refer to Figure 2.

Risks that are likely to lead to an event occurring, such as effects knowingly caused by a development like noise and vibration, are already assumed to be accounted for in other topics of the EIA and are not replicated. These impacts are a known impact, rather than an unplanned event, that would knowingly occur as the result of a development and would be specifically mitigated for. For example, the risk of irreversible impacts to human health caused by noise could meet the definition of a major accident and/or disaster, but the assessment and mitigation is covered elsewhere, in this instance under the EIA topic of noise.

The definition of a low likelihood event may be shaped through further practice. For the purposes of this primer it is considered to be an event that could occur but is unlikely to. Specific time definitions for a development could be defined as part of scoping, recognising the likely timescales of construction and operation. For example, no more than once in X years for the construction phase, and no more than once in Y years for the operational phase. If a development risk matrix is available, reference can be made to this to define risk categories that are within the scope of the assessment.

Alternatively, professional judgement can be used when categorising events into their respective categories, provided there is a clear justification for the judgement made.

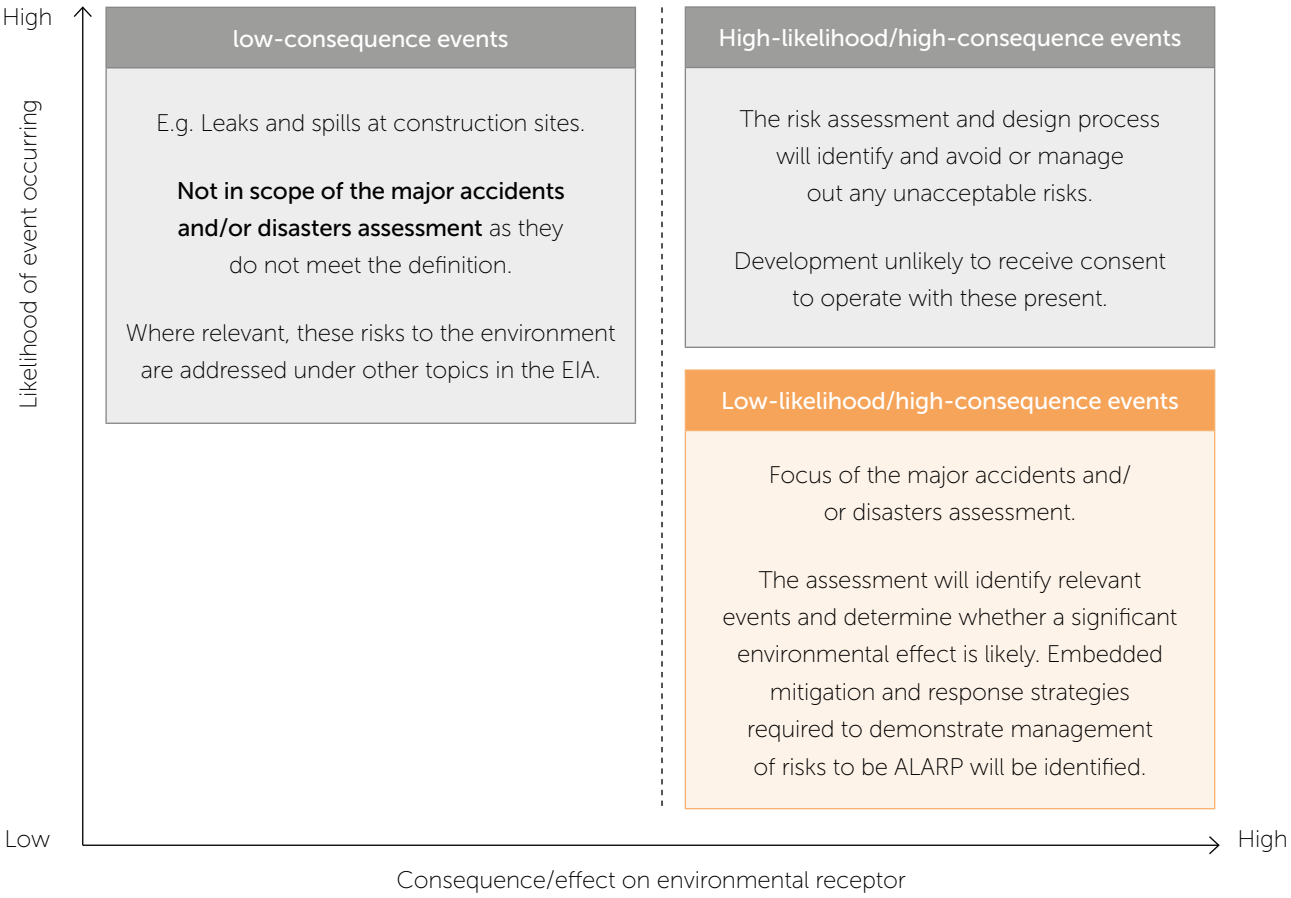


Figure 2 - Summary of Risk Events considered in the scope of the assessment for major accidents and disasters

Setting the spatial scope

This should include external features that may present a hazard to the development, even if these are beyond the scheme boundaries. For instance, the presence of a particular hazardous site may be beyond the development's construction and operational boundary, but still have the potential to interact with the development.

The assessment can be undertaken at a development (rather than receptor) level, depending on the nature of the scheme. However, where relevant, any locations considered more vulnerable to a major accident and/or disaster and/or sensitive to significant adverse effect, should be clearly identified.

Defining significance

As part of scoping, it will be important to agree what the definition of a significant effect will be. Factors that can be considered include:

- the geographic extent of the effects. Effects beyond the development boundaries are more likely to be considered significant;
- the duration of the effects. Effects which are permanent (i.e. irreversible) or long-lasting are more likely to be considered significant;
- the severity of the effects in terms of number, degree of harm to those affected and the response effort required. Effects which trigger the mobilisation of substantial civil emergency response effort are more likely to be considered significant;
- the sensitivity of the identified receptors; and
- the effort required to restore the affected environment. Effects requiring substantial clean-up or restoration efforts are more likely to be considered significant.

Drawing from criteria within Annex VI of the Seveso III Directive, a significant adverse effect can be specified (see Appendix B).

As an example, the significance threshold could be set at anything that causes the loss of life or permanent injury, and/or permanent or long-lasting damage to an environmental receptor. However, this is just one example and the threshold set will differ depending on multiple factors on different developments. Significance criteria are also likely to be shaped through further practice.

Defining exclusions

It is important to define conditions to which vulnerabilities to major accidents and/or disasters do not apply, and any elements scoped out of the assessment as a result, subject to detailed consideration by the development team (including any legal advisors) and agreement with stakeholders. These should be clearly communicated in the scoping report and might include, for example:

- low-consequence (regardless of likelihood) events – the EIA Regulations focus on major accidents and/or disasters, both of which terms imply significant harm. So, for example, likely construction-related accidents such as slips, trips and falls should not fall within the scope;
- high-likelihood, high-consequence events – these should be addressed elsewhere, and being unacceptable by definition, are implicitly outside scope;
- any hazards for which there is no credible source-pathway-receptor linkage;
- this will be a development-specific decision, but it may be appropriate to consider excluding effects on members of the public who wilfully trespass. If the development takes appropriate measures to provide a secure boundary to reduce likelihood of trespass, those ignoring these measures might not be considered valid receptors. It could be considered that a development will already have mitigated for trespass as far as reasonably practicable, so there would be no further mitigation available to mitigate further;

- also dependent on individual development decisions, but it may be appropriate to consider excluding effects on employees working on-site, as they are protected by existing health and safety legislation, although this should be agreed on a development-by-development basis to ensure this is the case; and
- hazards associated with other topics, for example, damage or contamination of aquifer or borehole which would typically fall under a water/flood risk/land quality assessment.

Agreeing how the assessment will be reported

There are several options for reporting the major accidents and/or disasters assessment. This should be agreed as part of the scoping process. Options include:

- within existing chapters, i.e. under an additional section heading, describing these as unplanned events, during construction and/or operation. This may involve a description of methodology in the upfront text describing this approach, and then for each EIA topic a section under construction and operation that deals with abnormal circumstances (major accidents and/or disasters);
- within a standalone major accidents and/or disasters chapter, which cross-references to other EIA topics where necessary; or
- as a risk assessment which is an appendix to the scoping report or the Environmental Statement and referred to as part of the 'Description of the development' or 'Scope of the Assessment' sections.

The decision should be made on a development-by-development basis and included in the scoping report for agreement with stakeholders.

Summary

To recap, the following factors should be agreed with stakeholders at the scoping stage:

- the reasons for either scoping the topic in or out;
- if scoped in:
    - the sources of information to be used for the baseline to inform the assessment;
    - the receptors that will be considered as part of the assessment;
    - the spatial scope of the assessment;
    - how significance will be defined;
    - the inclusions and exclusions within the assessment; and
    - any unknowns or uncertainties that are inherent in the data or the assessment.

Assessment

If major accidents and/or disasters has been scoped into the assessment, the methodology for undertaking the assessment might follow the example provided in this section. However, methodologies may vary between developments and is likely to evolve with practice.

A robust record of all steps should be kept. As with any EIA topic it is possible that during consultation, some major accidents and/or disasters hazards are queried, and it should be possible to refer to how or why these were screened out or assessed further.

- **Setting out the baseline – hazard identification and receptor tagging**

Using the baseline sources agreed through scoping, commence the analysis to identify hazards that will be assessed.

Risk registers are typically live documents and will need to be frozen at set times so they can be used to inform the assessment. This may align with particular design freeze points in the programme or happen at other times. For the avoidance of any doubt, the version of any data used should be clearly stated in the assessment assumptions.

The multiple sources of information you analyse should be collated and presented consistently in one hazard identification record, an example template for which is presented in Appendix D. This collated hazard identification record will provide the evidence base for the assessment.

Depending on the scale of the development, identified hazards may be grouped into high-level 'Risk Events' which have the same potential consequence. This can help to keep the assessment proportionate. For example, all hazards, sources and pathways that could lead to a major road traffic accident could be combined, since it is the traffic accident that has the potential to cause harm to an environmental receptor, regardless of the cause.

The grouped Risk Events should then be reviewed and assigned to relevant environmental receptors that may experience an impact (noting the scope you agreed during scoping). This may be specific, such as a river at a certain location, or more general, such as members of the public in the vicinity. This tagging can be added to the hazard identification record template. It is unlikely that your existing baseline data will have categorised hazards against receptors, and therefore this is an important step. This may require further consultation with EIA topic leads to inform an understanding of what receptors are present within the location that a grouped Risk Event could occur.

If you have a Risk Event with no valid receptor tagged against it then this Risk Event will not require further assessment as there is no valid source-pathway-receptor linkage. This can be reported in the hazard identification record template and discounted from any further reference in the assessment.

Assessment – identifying reasonable worst-case impact

As you move into assessing major accidents and/or disasters impacts, the reasonable worst-case environmental impact should be identified for each grouped Risk Event with a valid receptor.

This is likely to be done qualitatively, using professional judgement and consultation with other EIA topic specialists to understand what a reasonable worst-case impact might be for that receptor. If there is any uncertainty around what the reasonable worst-case impact might be, then a realistic level of caution is recommended. Generally, it will be possible to demonstrate later in the assessment that the reasonable worst-case impact has been mitigated despite the inherent uncertainty.

The following question may assist at this point in the process:

'Could the grouped Risk Event reasonably constitute a major accident and/or natural disaster in terms of the definitions provided?'

For example, if the grouped Risk Event has the potential to harm a member of the public, the important consideration is whether that harm could constitute a fatality, multiple fatalities or permanent injury – all of which are likely to classify it as a major accident and/or disaster (noting any exclusions your assessment may make, such as trespassers).

Similarly, the impact on the natural environment should be considered in terms of widespread or irreversible harm.

The hazard identification record template (Appendix D) provides further examples of reasonable worst-case impacts.

The hazard identification record template should set out the results of the review process undertaken, recording consultations with other EIA topics as an evidence trail, and providing any other comments that will assist in demonstrating how an outcome was reached.

Assessment – Selecting the grouped Risk Events that need further assessment

It is expected that the collated and grouped hazard identification record will hold some information that may not be relevant to the overall assessment. At this stage you can consolidate your hazard identification record by screening out any Risk Events that meet the following criteria:

- there is no source-pathway-receptor linkage;
- the receptor is not within scope, as defined through scoping;
- the consequence does not meet the criteria of a significant environmental effect, and therefore the grouped Risk Event is not a potential major accident and/or disaster; or
- the consequence and likelihood of the risk is high, to the extent that it is considered unacceptable to the development and has therefore been designed-out or otherwise managed.

The reasons for screening these out of further detailed assessment should be recorded in the hazard identification record.

Remaining grouped Risk Events should then be assessed further as described in the following sections. This will determine whether potential significant effects on receptors are already managed and/or mitigated to an acceptable level (i.e. perhaps using the term as low as reasonably practicable [ALARP]) or whether there are gaps in mitigation that need to be addressed through secondary mitigation.

○ Assessment – understanding the likelihood of a Risk Event occurring

The possibility of the reasonable worst-case environmental impact occurring should be evaluated considering:

- the likelihood of the grouped Risk Event occurring considering the measures already embedded into the design and best practice (primary and tertiary mitigation); and
- the likelihood that an environmental receptor is affected by the reasonable worst-case grouped Risk Event following primary and tertiary mitigation.

Likelihood assessments need not be quantitative but should evaluate and report as part of the hazard identification risk record whether the reasonable worst-case impact you have identified is a realistic outcome of the grouped Risk Event therefore requiring further mitigation, or whether this outcome has already been adequately addressed by embedded and best practice mitigation measures.

This evaluation can refer to existing risk assessments as well as consultation with relevant EIA topic and non-EIA (i.e. members of the design team) specialists, with reference to the definition of low likelihood.

Non-technical consultees, such as affected residents, will understand a description around the chance of fatality due to explosion, for example, better than a probability such as 'less than 1 in 1,000'. Therefore, careful consideration should be given to the communication of likelihood in simple terms. For instance, a development may use terms such as a development has 'x' chance of an event happening over the next 10 years.

○ Mitigation – identifying the requirements for secondary mitigation

The outcome of the above activity will highlight risks for which existing primary and tertiary (embedded and best practice) measures do not provide sufficient mitigation to reduce the risk to an acceptable level, and therefore significant effects could occur. Where this is the case, secondary (additional) measures will be required.

In consultation with relevant topic leads, secondary mitigation must be developed to manage the risk to an acceptable level, most likely below the significance criteria for a major accident and/or disaster.

Mitigation – risk management options

Risk management options for major accidents and/or disasters will fall into one of the following categories, consistent with the mitigation hierarchy used for EIA generally:

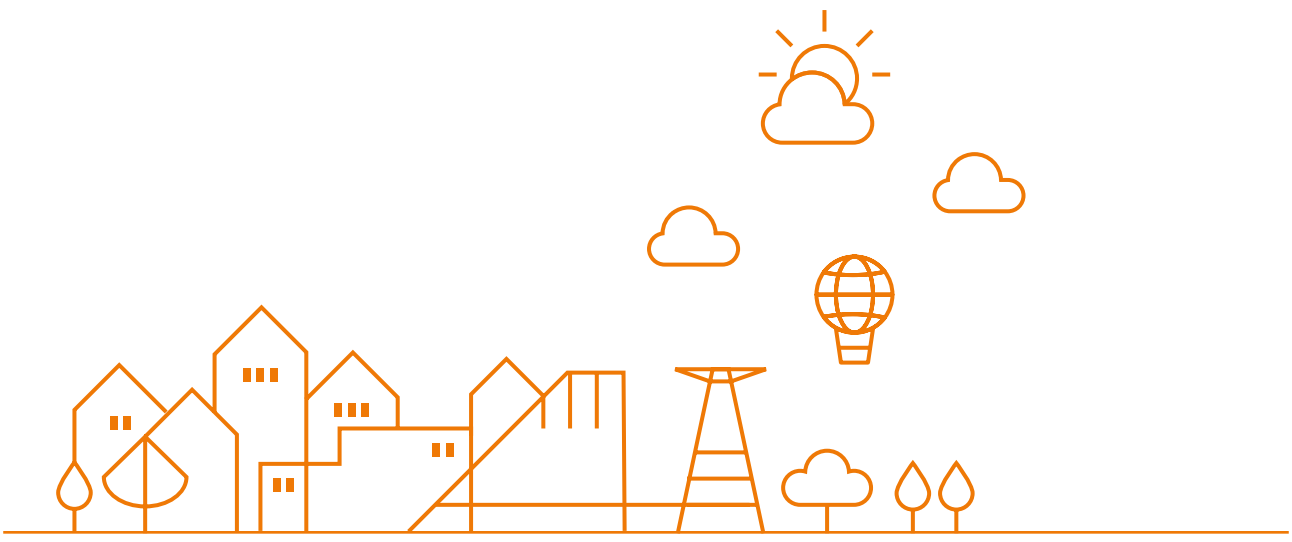
- eliminate (or 'avoid') the risk, by adopting alternative processes to eliminate the source of the hazard or remove the receptor.
- reduce the risk by adapting proposed processes such that either the likelihood or the impact of the Risk Event can be reduced.
- isolate the risk, by using physical measures to ensure that should the Risk Event occur, it can be effectively isolated such that there is no pathway.
- control the risk, by ensuring that appropriate control measures are in place (e.g. emergency response) so that should a Risk Event occur, it can be controlled and managed appropriately. The EIA mitigation hierarchy of repair and compensate for any significant damage to environmental receptors may then apply following a control measure; and
- exploit the risk, if it presents potential benefits or new opportunities, for instance moving an existing asset to which a development relates further from a potential source of hazard, such as a hazardous site.

Residual assessment

As the impact of safety risks must be adequately addressed within the regulatory framework of a development it is not anticipated that significant residual effects will be identified following assessment, although further practice will inform this further.

Importantly, the above process should focus on demonstrating how secondary mitigation reduces the likelihood and/or significance of the reasonable worst-case impact occurring to an acceptable level. The hazard identification risk record can be used to report this process and demonstrate the following flow of assessment:

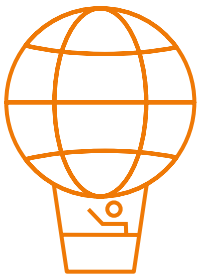
- Risk event leads to reasonable worst-case impact upon receptor.
- Reasonable worst-case impact identified as not adequately mitigated via primary and tertiary mitigation, and as such, significant adverse effect likely to occur.
- Secondary mitigation options explored.
- Reasonable worst-case impact adequately mitigated to acceptable limits, or reasons for not doing so clearly justified.



Final words

The major accidents and/or disasters topic requires consultation and collaboration over and above specialist EIA topic-specific skills. Where specialist risk assessments are required, it is expected that this expertise would generally already exist within the client or the development team, and the role of the major accidents and/or disasters topic team is to consult with these specialists and connect their work to the EIA.

The guidance presented in this primer will evolve as practice in the field emerges. The primer offers an example approach and does not stipulate that this method should be followed. Instead the content should be used as a basis to help build awareness and a platform from which to evolve the approach. As practice evolves, this primer will be updated and a move towards an agreed uniform approach – preferably in the form of a practical guidance note – may be issued.



Appendix A – Supplementary terminology

Definition	Source	Comment
Accident: 'Something that happens by chance or without expectation'. **Disaster:** 'A sudden accident or a natural catastrophe that causes great damage or loss of life'.	Oxford English Dictionary	
'Serious accident' means any train collision or derailment of trains, resulting in death of at least one person or serious injury to five or more persons, or extensive damage to rolling stock, the infrastructure, or the environment, and any other similar accident with an obvious impact on railway safety regulation or the management of safety. 'Extensive damage' means damage that can immediately be assessed by the investigating body to cost at least £2 million in total.	Railway Safety Directive (Directive 2004/49/EC)	The definition applies to a wider scope of impacts than required under the EIA Directive (refer to section 4 above)
To satisfy the definition of 'emergency' under the Act, the event or situation must threaten serious damage to human welfare in, or the environment of, a place in the United Kingdom. Additionally, to constitute an emergency, an incident or situation must also pose a considerable test for an organisation's ability to perform its functions. The common themes of an emergency are the scale of the impact of the event or situation; the demands it is likely to make of local responders; and the exceptional deployment of resources.	Civil Contingencies Act 2004 and Her Majesty's Government's accompanying non-statutory guidance[7]	This Act provides an overarching framework for preparing for and responding to civil emergencies within the United Kingdom
'An occurrence such as a major emission, fire, or explosion resulting from uncontrolled developments in the course of the operation of any establishment covered by this Directive and leading to serious danger to human health or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances.'	The Seveso III Directive (Directive 2012/18/EU)	Relates to the COMAH involving dangerous substances

7 HM Government (2013) Emergency Response and Recovery – Non-statutory guidance accompanying the Civil Contingencies Act 2004, Cabinet Office, 28 October 2013.

Definition	Source	Comment
Events with the potential to result in: • the death or adverse effects on local populations of species or organisms, with lower thresholds for high-value or protected species; • contamination of drinking water supplies, ground or groundwater; • damage to designated areas, habitats or populations of species within the areas; • damage to listed buildings; • damage to widespread habitats; and • damage to the marine or aquatic environment.	The Control of Major Accident Hazards (COMAH) regulations, 2015 and the HSE guidance on implementing them[8]	The requirements of the Seveso III Directive are transposed into UK legislation via the COMAH regulations
'Major accident' is defined as an occurrence on-site [...] leading to a loss of life or serious danger to human health and/or the environment, whether immediately or over time, on-site or off-site. 'Serious danger to human health' relates to people present permanently or for prolonged periods of time in the potentially affected area but excludes workers operating at the facility. Injuries leading to disability or prolonged states of ill health shall count as serious dangers to human health. 'Serious danger to the environment' relates to: • a contaminant source strength that does not decrease significantly within a short time; • permanent or long-lasting environmental damage; and • the affected environment not being restored through minor clean-up and restoration efforts.	Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009[9]	These regulations implement the provisions of the Mining Waste Directive (Directive 2006/21/EC)

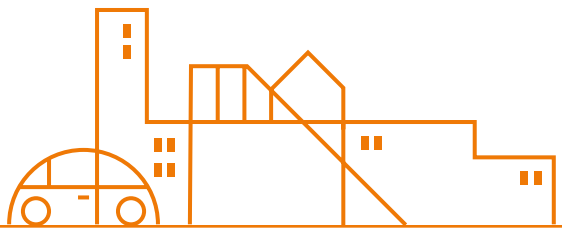
8 Health and Safety Executive (2015) The Control of Major Accident Hazards Regulations 2015: Guidance on Regulations, L111, Third Edition, June 2015

9 Department of Environment, Food and Rural Affairs (2011) Guidance: Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009 Mining Waste Directive: Article 6 Category 'A' Waste Facilities. Department of Environment, Food and Rural Affairs, August 2011.

Definition	Source	Comment
Refer to Section 3.2 of the CDOIF guidelines for thresholds to be used when determining the potential for a Major Accident to the Environment (MATTE) to a variety of defined environmental receptors. The thresholds outlined must be exceeded for the scenario to be considered a potential MATTE.	Chemical and Downstream Oil Industries Forum (CDOIF) – Guideline Environmental Risk Tolerability for COMAH Establishments	
Hazard – something with the potential to cause harm.	Institution of Occupational Safety and Health (IOSH)	IOSH is the Chartered body for health and safety professionals
Likelihood – chance of something happening. Note 1: In risk management terminology, the word 'likelihood' is used to refer to the chance of something happening, whether defined, measured or determined objectively or subjectively, qualitatively or quantitatively, and described using general terms or mathematically (such as a probability or a frequency over a given time period). Note 2: The English term 'likelihood' does not have a direct equivalent in some languages; instead, the equivalent of the term 'probability' is often used. However, in English, 'probability' is often narrowly interpreted as a mathematical term. Therefore, in risk management terminology, 'likelihood' is used with the intent that it should have the same broad interpretation as the term 'probability' has in many languages other than English. Risk – effect of uncertainty on objectives. Note 1 – An effect is a deviation from the expected. It can be positive, negative or both, and can address, create or result in opportunities and threats. Note 2 – Objectives can have different aspects and categories and can be applied at different levels. Note 3 – Risk is usually expressed in terms of risk sources, potential events, their consequences and their likelihood.	ISO 31000:2018	ISO 31000 is a family of standards relating to risk management codified by the International Organization for Standardization. The purpose of ISO 31000:2009 is to provide principles and generic guidelines on risk management

Definition	Source	Comment
Selected criteria for notification of a major accident to the European Commission under Article 18(1) of Directive 2012/18/EU and Regulation 26 of the COMAH Regulations 2015. A major accident meets the criteria for notifying the European Commission, if it has at least one of the consequences described in Paragraphs 1 to 4 below: Injury to persons and damage to property: a. a death; b. six persons injured within the establishment and hospitalised for at least 24 hours; c. one person outside the establishment hospitalised for at least 24 hours; d. a dwelling outside the establishment damaged and unusable as a result of the accident; e. the evacuation or confinement of persons for more than 2 hours where the value (persons × hours) is at least 500; or f. the interruption of drinking water, electricity, gas or telephone services for more than 2 hours where the value (persons × hours) is at least 1,000. Immediate damage to the environment: a. Permanent or long-term damage to terrestrial habitats: i. 0.5 hectares or more of a habitat of environmental or conservation importance protected by legislation; or ii. 10 or more hectares of more widespread habitat, including agricultural land; b. Significant or long-term damage to freshwater and marine habitats: i. 10 km or more of river or canal; ii. 1 hectare or more of a lake or pond; iii. 2 hectares or more of delta; or iv. 2 hectares or more of a coastline or open sea; or c. Significant damage to an aquifer or underground water: 1 hectare or more. Damage to property: a. damage to property in the establishment, to the value of at least EUR 2,000,000; or b. damage to property outside the establishment, to the value of at least EUR 500,000. Cross-border damage: any major accident directly involving a dangerous substance giving rise to consequences outside the territory of the Member State concerned.		

Definition	Source	Comment
Mitigation – means primary (inherent design), secondary (foreseeable) and tertiary (inexorable) measures. Primary – Modifications to the location or design of the development made during the pre-application phase that are an inherent part of the development, and do not require additional action to be taken. Secondary – Actions that will require further activity to achieve the anticipated outcome. These may be imposed as part of the planning consent, or through inclusion in the ES. Tertiary – Actions that would occur with or without input from the EIA feeding into the design process. These include actions that will be undertaken to meet other existing legislative requirements, or actions that are considered standard practices used to manage commonly occurring environmental effects.	IEMA (2016), Environmental Impact Assessment Guide to Delivering Quality Development	Mitigation considered in the following order: Primary = Embedded mitigation Tertiary = Good practice Both above are considered when initially predicting environmental effects. If significant effects remain following this initial assessment, consideration of secondary mitigation is made. Secondary = Additional mitigation

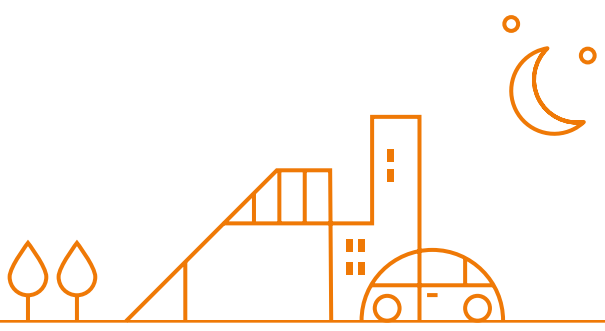


Appendix B – Useful legislation

The below is a selection of some of the legislative background surrounding developments but is not comprehensive. A full review of all relevant legislation should be undertaken for each individual development.

Legislation	Description
Health and Safety at Work etc. Act 1974 (HSWA)	This legislation places general duties on employers, people in control of premises, manufacturers and employees. Health and safety regulations made under this Act contain more detailed provisions. The Act provides the framework for the regulation of industrial health and safety in the UK. The overriding principle is that foreseeable risks to persons in workplaces shall be reduced so far as is reasonably practicable and that adequate evidence shall be produced to demonstrate that this has been done.
Construction (Design and Management) Regulations 2015 (CDM Regulations)	These regulations place specific duties on clients, designers and contractors so that health and safety is considered throughout the life of a construction development from its inception to its subsequent final demolition and removal. Under the CDM Regulations, designers are required to avoid foreseeable risks so far as reasonably practicable by eliminating hazards from the construction, cleaning, maintenance, and proposed use and demolition of a structure, reducing risks from any remaining hazard, and giving collective safety measures priority over individual measures.
The Management of Health and Safety at Work Regulations 1999	These regulations generally make more explicit what employers are required to do to manage health and safety under the HSWA.
Electricity at Work Regulations (1989 No. 635)	The purpose of the Regulations is to require precautions to be taken against the risk of death or personal injury from electricity in work activities.

Legislation	Description
EU Regulation 402/2013 on the Common Safety Method on Risk Evaluation and Assessment (CSM-RA) (as amended by Regulation EU 2015/1136)	An EU Regulation that describes the methods required to be used to assess compliance with safety levels and safety requirements.
The Planning (Hazardous Substances) Regulations 2015	The Planning (Hazardous Substances) Regulations 2015 implement land-use planning requirements under the Seveso III Directive (2012/18/EU) on the COMAH. Hazardous substances consent is required for the presence of certain hazardous substances at or above controlled quantities specified.
Control Of Major Accident Hazards (COMAH) Regulations 2015	The COMAH Regulations aim to prevent and mitigate the effects of major accidents involving dangerous substances which can cause serious damage/harm to people and/or the environment. COMAH treats risks to the environment as seriously as those to people.
Seveso III Directive	Main EU legislation dealing specifically with the control of onshore major accident hazards involving dangerous substances.



Appendix C – Case studies

Development	Scoped in or out?	Link	Comments/Planning Inspectorate (PINS) feedback
High Speed 2 (HS2) Phase 2a	In	www.gov.uk/government/collections/hs2-phase-2a-environmental-statement www.gov.uk/government/consultations/hs2-phase-2b-draft-environmental-impact-assessment-scope-and-methodology-report	For High Speed Two Phase 2a, a significant adverse effect was considered to mean the loss of life or permanent injury, and/or permanent or long-lasting damage to an environmental receptor. Note: this may be considered a low threshold within the health and safety discipline; however, given the sensitivity of the consultation, it was found to be difficult to support anything else.
Expansion of London Luton Airport	In	infrastructure.planninginspectorate.gov.uk/projects/eastern/expansion-of-london-luton-airport/?ipcsection=docs&stage=1&filter1=Environmental+Impact+Assessment+Scoping	At the scoping stage, PINS commented that insufficient information had been provided on measures already in place to scope out some risk items. The Environmental Statement (ES) should include a definition of these and the current systems in place to address impacts for these matters. On-site safety of Airport staff should be taken into consideration, in addition to the on-site safety of members of the public. The ES should establish a baseline in respect of natural disasters, for example setting out the current susceptibility of the site to seismic movement, extreme storms, tornadoes, snow and fog. Any risk registers relied upon must be made public. The ES should clearly demonstrate how significance factors are taken into consideration and combined to determine the overall significance of effects. The ES must clearly set out the risk tolerability criteria referred to and contain an explanation as to how it has been taken into consideration within the assessment in concluding on likely significant effects.

Development	Scoped in or out?	Link	Comments/Planning Inspectorate (PINS) feedback
A30 Chiverton to Carland Cross	Out	infrastructure.planninginspectorate.gov.uk/projects/south-west/a30-chiverton-to-carland-cross-scheme/?ipcsection=docs&stage=1&filter1=Environmental+Impact+Assessment	High-level screening undertaken as part of scoping. This showed that the volume and type of traffic using the development would not change significantly from that using the current road alignment, and therefore it was reasonable to conclude that there was no general increase in risk of a major accident and/or disaster.
Cuadrilla Shale Gas Exploration	Considered	cuadrillaresources.uk/wp-content/uploads/simple-file-list/PNR-Planning-/Environmental-Risk-Assessment.pdf	In the form of an Environmental Risk Assessment, prior to 2017 EIA Regulations. Mandated by Royal Society, and sensible given potential hazards associated with, and high-profile nature, of development. Document to provide assurance to the Department for Energy and Climate Change (DECC), that an appropriate risk management structure is in place, and that environmental risks to human health and the environment have been robustly identified and will be managed appropriately or controlled. The focus of the risk assessment was on identifying and assessing the unplanned outcomes from the proposed activities of construction, operation and restoration of the proposed shale gas exploration development. Risks identified were broken down into source; pathway; receptor; development phase; embedded mitigation measures; likelihood; consequence; risk score; justification for risk score; and comments for clarity. The document was provided ahead of the EIA for the development.

Development	Scoped in or out?	Link	Comments/Planning Inspectorate (PINS) feedback
Expansion of Heathrow Airport (Third Runway)	In	infrastructure.planninginspectorate.gov.uk/projects/london/expansion-of-heathrow-airport-third-runway/?ipcsection=docs&stage=1&filter1=Environmental+Impact+Assessment+Scoping	Although scoped in, the scoping report proposes to scope several matters out. However, the scoping opinion from PINS requests a number of these to be scoped back in or provide further justification and baseline for scoping out. The ES should establish a baseline in respect of natural disasters, for example setting out the current susceptibility of the site to seismic movement, extreme storms, tornadoes, snow and fog. Study area needs to be agreed with the Civil Aviation Authority (CAA), Heathrow Strategic Planning Group (HSPG) and other affected local authorities. ES should take account of the major accident hazard sites and major accident hazard pipelines identified by the Health and Safety Executive.
Gatwick Airport Northern Runway	In	infrastructure.planninginspectorate.gov.uk/projects/south-east/gatwick-airport-northern-runway/?ipcsection=docs&stage=1&filter1=Environmental+Impact+Assessment+Scoping	PINS commented: Public Safety Zones (PSZ) to be considered. Not enough detail presented to presently scope out risks that will not increase risk compared to existing situation, and those perceived to already be mitigated by existing protocols. Little justification for the study areas selected (10km for "wider events" related to airspace and 1km for ground based/on-site events) beyond the use of expert judgement. PINS do not consider arbitrary distances should be applied and instead be based on individual Risk Events. Approach to be agreed with relevant consultation bodies.

Development	Scoped in or out?	Link	Comments/Planning Inspectorate (PINS) feedback
Drax Re-power	In	infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-re-power/?ipcsection=docs&stage=app&filter1=Environmental+Statement	No topic chapter proposed in scoping. PINS considered that the description of the development should address the risk of major accidents and/or disasters relevant to the development concerned. If risks are identified that have the potential to result in a likely significant environmental effect, these should be assessed within the ES along with the likely measures that will be employed to prevent and control such matters.
Sizewell C New Nuclear Power Station	In (as part of other topics)	infrastructure.planninginspectorate.gov.uk/projects/eastern/the-sizewell-c-project/?ipcsection=docs&stage=app&filter1=Environmental+Statement	PINS commented that information presented within other technical assessments may not be enough to undertake the assessment of major accidents and disasters. ES should include criteria against which impacts will be assessed to establish the worst-case scenario for each risk. Significance criteria to be agreed with relevant consultation bodies. ZoI [zone of influence] may need to broaden beyond just surrounding land. ES should consider incidents and accidents at relevant similar facilities that have occurred both in the UK and abroad.

Development	Scoped in or out?	Link	Comments/Planning Inspectorate (PINS) feedback
Brent Field Decommissioning	Considered	assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/590278/Brent_Field_Environmental_Statement.pdf	Oil rig decommissioning in the North Sea. EIA carried out prior to 2017 EIA Regulations, therefore not a full assessment, but consideration for major accidents and disasters. Each decommissioning option was broken down into activities/end points, which were then evaluated against a range of environmental and socioeconomic categories including: onshore, resource use, hazardous substances, waste, physical, marine, environmental risk from accidents, employment, legacy, fisheries, shipping, energy and emissions) to identify the environmental impacts (spillages of oil/chemicals, broken vessels/pipelines, misplaced disposal. A system for emergency preparedness and response is maintained by Shell to ensure that the correct action is taken in the event of an incident or accident that could affect the environment. Arrangements covering the Brent Decommissioning development activities, and in particular oil spill or release contingency planning arrangements were made. E.g. the response strategy incorporates areas such as trans- boundary arrangements, the resources available (onshore and offshore) to deal with releases, dispersants available on the standby vessel, and membership of Oil Spill Response Limited (OSRL).

Appendix D – Hazard identification record template

Text					Are cross-disciplinary impacts likely?											Text			
Grouped Risk Event	**Source and/ or pathways**	**Receptor**	**Source document**	**Reasonable worst consequence if event did occur**	**Agriculture, forestry and soils**	**Air quality**	**Community**	**Cultural heritage**	**Ecology**	**Health**	**Land quality**	**Landscape and visual**	**Socioeconomics**	**Sound, noise and vibration**	**Traffic and transportation**	**Water resources and flood risk**	**Primary/tertiary mitigation**	**Could this lead to a major accident and/or natural disaster with existing mitigation in place?**	**Is the reasonable worst consequence managed to an acceptable level with existing mitigation in place?**	**If no, what secondary mitigation is required to reach an acceptable level?**
Ground Collapse	Tunnelling	Various	CDM Risk Register	Ground settlement reaches surface resulting in subsidence and structural damage to buildings immediately above.	Y		Y			Y		Y					Managed via CDM: tunnel design and construction methods include risk assessment for overlying structures and monitoring or mitigation if required.	No	Yes	
Major road traffic accident	Working over or adjacent to existing highways. Movement of construction vehicles along public roads and adjacent to public rights of way.	Various	CDM Risk Register	Death and/ or injury to a member of the public. Delays and congestion in surrounding area.			Y			Y			Y		Y		Risks identified and managed via CDM, construction planning, draft Code of Construction Practice (CoCP) and method statements etc. Risks to public road users assessed and managed in the ES and then as part of construction planning. Overarching controls addressed via draft CoCP and implemented through method statements, traffic management plan etc.	Yes	Yes	

Appendix E – FAQs

Below is a selection of frequently asked questions that arose in drafting this primer that may offer some further guidance.

How to consider malicious threats, wilful harm or terrorism?

The focus of the assessment is the impact of a major accident and/or disaster on the environment, regardless of the specific cause, for example, explosion rather than bombing, or obstacle in road rather than specifically a deer or a fly-tipped fridge.

The correct security measures specific to the nature and scale of the development should always be in place prior to operation to prevent such threats if they are relevant.

What about residual risks?

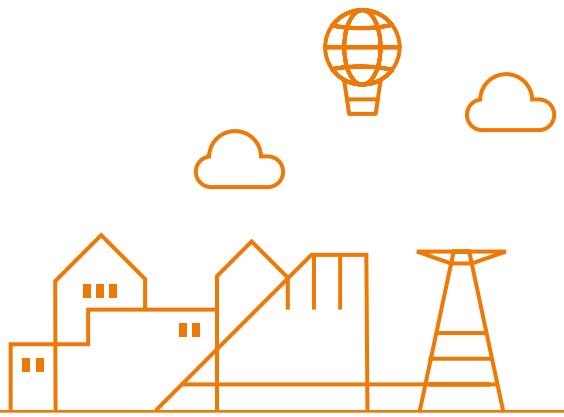
There needs to be a general acceptance when conducting a major accidents and/or disasters assessment that some risks, however unlikely, may still occur. Mitigation should be identified pre-event and post-event to reduce the effects to an acceptable level. For those risks that cannot be completely designed-out, emergency plans are available to deal with the response in order to minimise the significance of any impacts.

Are the EIA Regulations the correct vector for this topic?

We are all aware of the environmental consequences of events such as Deepwater Horizon, Fukushima, Seveso and Chernobyl. The process within the assessment offers a cross- disciplinary and alternative environmental lens of focus to development risk which may lead to previously unconsidered risks. The major accidents and/or disasters assessment is also an opportunity to provide the public and decision-makers with a clear and logical approach to hazard identification and mitigation. It does not seek to replace or duplicate health and safety regulations that are in place to manage risks, rather to add to the available information on the potential major accidents and/or disasters risks of a development from an environmental perspective.

Will this not just become a tick box exercise?

Every development is unique. Each client and legal team will have their own issues and concerns, and each local authority is likely to develop its own approach to this assessment. Therefore, the scope of and approach to major accidents and/or disasters assessment is likely to differ greatly between developments. With time, there may be standard approaches to certain common risks events.



Appendix F – References

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ANNEXURE 15A

Q15.0.8 – Use of Rail Freight Terminal

2019

2020	No of Containers		Q1 Train PD	Q2 Trains PD	Q3 Trains PD	Q4 Trains PD
Felixstowe Import	6,335					
Felixstowe Exports	5,280		1	1	1	1
London Gateway Imports	871					
London Gateway Exports	1,568					1
Southampton Imports	1,702					
Southampton Exports	1,941					1
Total	17,697		*2	*2	*2	*4

2021	No of Containers	Trains Ran	Q1 Train PD	Q2 Trains PD	Q3 Trains PD	Q4 Trains PD
Felixstowe Import	11,142	425	2	2	2	2
Felixstowe Exports	9,253					
Southampton Imports	5,079	129	1	1	1	1
Southampton Exports	5,255					
Total	30,729	554	*4	*4	*5	*5

2022	No of Containers	Trains Ran	Q1 Train PD	Q2 Trains PD	Q3 Trains PD	Q4 Trains PD
Felixstowe Import	9,585	408	2	2	2	2
Felixstowe Exports	10,064					
London Gateway Imports	328	6	0	0	1	0
London Gateway Exports	334					
Southampton Imports	3,667	239	1	1	1	1
Southampton Exports	5,739					
Total	29,717	653	*5	*5	*6	*5

2023	No of Containers	Trains Ran	Q1 Train PD	Q2 Trains PD	Q3 Trains PD	Q4 Trains PD
Felixstowe Import	12,957	478	2	2	2	2
Felixstowe Export	13,029					
Southampton Import	3,374	234	1	1	1	1
Southampton Export	6,850					
Total	36,210	712	*5	*5	*5	*5

2024	No of Containers	Trains Ran	Q1 Train PD	Q2 Trains PD	Q3 Trains PD	Q4 Trains PD
Felixstowe Imports	14,831	587	2	2	3	3
Felixstowe Export	14,064					
Southampton Imports	7,454	221	1	1	1	1
Southampton Exports	6,134					
Total	42,483	808	3	3	4	4

2025	No of Containers	Trains Ran	Q1 Train PD	Q2 Trains PD	Q3 Trains PD	Q4 Trains PD
Felixstowe Imports	11,733	339	3	3	1	1
Felixstowe Exports	10,037					
London Gateway Imports	9,777	208	0	0	1	1
London Gateway Exports	9,592					
Southampton Imports	5,704	104	1	1	0	0
Southampton Exports	5,928					
Total	52,771	651	4	4	2	2

2026 Q1	No of Containers	Trains Ran	Q1 Train PD	Q2 Trains PD	Q3 Trains PD	Q4 Trains PD
Felixstowe Imports	1,889	110	1	2	2	2
Felixstowe Exports	1,591					
London Gateway Imports	3,372	134	1	2	2	2
London Gateway Exports	3,181					
Total	10,033	244	2	4	4	4

GRAND TOTAL	**219,640**	**3622**

* Include 3rd Party Rail Services - For which MTL do not hold the data and is excluded from the above movement data

Building Practial Completion Date

Plot 1 Amazon
Plot 2 GXO
Plot 3 Very
Plot 4 K+N
Rail terminal Phase One - end 2019
Plot 6 Games Workshop

Plot 7 DHL
Plot 8 Amazon
Plot 9 Arvarto
Plot 12 DHL

Plot 11 Ceva

Rail Terminal Phase 2
Plot 5 Maersk

Plot 13 DHL Yard Extension
Plot 14 Maersk Container Store

ANNEXURE 18A

Q18.0.13 - Table 5.37

Table 5.37a – Labour Force Availability for the Cumulative Effects Assessment (Amended)

Standard Occupation Category	Census Labour Force Availability	Labour Availability: Number of JSA Claimants	Labour Need: of **EMG2 Project** + Cumulative Schemes based on Census SOC Split	Difference between Census Labour Force Availability Need vs **EMG2 Project** + Cumulative Schemes	Difference between JSA Clamant Availability Need vs **EMG2 Project** + Cumulative Schemes	Labour Demand as a Proportion of Supply (Census Labour Force)	Labour Demand as a Proportion of Supply (JSA Labour Force)
1) Managers, Directors and Senior Officials	3,087	2,597	3,080	7	-483	100%	119%
2) Professional	4,654	179	6,960	-2,306	-6,781	150%	3888%
3) Associate, Professional and Technical	5,347	448	4,100	1,247	-3,652	77%	915%
4) Administrative and Technical	4,572	1,075	2,840	1,732	-1,765	62%	264%
5) Skilled Trades	5,078	627	2,760	2,318	-2,133	54%	440%
6) Caring, Leisure and Other Services	6,005	358	2,380	3,625	-2,022	40%	665%
7) Sales and Customer Services	9,669	13,882	1,770	7,899	12,112	18%	13%
8) Process, Plant and Machine Operatives	5,423	537	2,150	3,273	-1,613	40%	400%
9) Elementary Occupations	19,665	43,796	2,960	16,705	40,836	15%	7%
Total	63,500	63,500	29,000	34,500	34,500	46%	46%

Source: Savills (2025) using ONS data from the Census (2021) and Job Seeker's Allowance Claimant Count (2024)

ANNEXURE 19A

Q19.0.11 – Need for a Strategic Approach to Mitigations at M1 Junctions 23a and 24

THE NEED FOR A STRATEGIC APPROACH TO MITIGATION AT M1 JUNCTIONS 23a AND 24

1. Background and issues with piecemeal development

1.1 From its work promoting and delivering the EMG1 SRFI scheme, the Applicant and its professional team have developed a comprehensive understanding of the operation of the strategic and local road network on and around M1 Junctions 23a and 24. The team understand that the M1 motorway and Junction network in the area is at times operating over capacity and that, without significant highway interventions, traffic on the network will encounter increased difficulty as natural traffic growth occurs.

1.2 Through the early engagement with the Local Planning Authority and Local and National Highway Authorities, the Applicant became aware of other planned and proposed development in the area which could have an effect on the operation of the strategic road network. It became clear that a piecemeal approach to highway improvements would be sub-optimal given the form and function of the strategic road network and scale of growth being proposed. It was established that a strategic solution to the capacity issues would be required.

1.3 Importantly, concerns were expressed that a piecemeal approach would be likely to prejudice the delivery of future growth in the area, in effect burdening future growth plans with delivering a strategic solution and rendering those schemes unviable. The issue being that piecemeal improvements would, given the form of the junctions, simply need to be 'dug up' and replaced.

2 Committed and Planned Growth in the Area

2.1 The EMG2 Context Analysis Plan Appendix One to this Note (also found at Appendix 4 of the Planning Statement Doc ref 5.4) helps to show the extent of existing and planned growth in the immediate area around EMG2. As well as the EMG2 Main site, the following sites are proposed to be allocated in the emerging North West Leicestershire Local Plan:

- Isley Woodhouse – A 4250 home new settlement, west of Diseworth Village – draft Local Plan allocation (Policy IW1)
- Land West of Castle Donington – around 1000 homes – draft Local Plan allocation (Policy CD10)

- Land north of Derby Road, Kegworth & Land north of Remembrance Way, Kegworth (known locally as Coaker Land) – commercial development – draft Local Plan allocation (Policy EMP73).

2.2 In addition to these proposals there is the Ratcliffe on Soar Power Station (Uniper) site which lies in Rushcliffe, and is one of the Freeport sites. It has approval under a Local Development Order (LDO) for significant commercial development, with the potential to create 8000 new jobs. Importantly, however, conditions attached to the Order restrict the amount of development on the site until improvements to M1 Junction 24 are secured.

2.3 In response to the constraint caused by Junctions 23a and 24, a consortium of developers (including the applicant, the owner of the Power Station, the proposed developers of the new village and other landowners) has been working on a strategic solution to J24. To this end a significant amount of work has been done, in conjunction with National Highways, Leicestershire County Council Highways Authority, the East Midlands Freeport and other bodies.

2.4 The consortium has identified a combination of highway upgrades which the consortium considers together provide a solution to the capacity issues at Junction 23a and 24. That solution is the subject of detailed discussion with National Highways and others. The general arrangement of that solution is shown on the plan at Appendix Two of this Note.

3 A Strategic Approach to Mitigation

3.1 The works proposed by the Applicant in the DCO are based on one of those upgrades – known as “the green package” which comprises Works No 8-10 in Schedule 1 of the draft DCO, being a new freeflow link from the M1 Northbound to the A50 Westbound.

3.2 The Applicant has included this package as part of its highway mitigation and has assessed it as mitigation in the Environmental Assessment and Transport Assessment. Importantly, whilst the mitigation put forward by the DCO Applicant is consistent with the remainder of the highway upgrades proposed by the consortium, it is not reliant upon it.

4 The Agreed Position Statement with National Highways

4.1 A Joint Position Statement (doc ref DCO 8.1) has been agreed with National Highways. It outlines the need for and the agreements reached on, the approach to a strategic solution at M1 J24. Whilst the consortium's work is ongoing in relation to modelling work to demonstrate the suitability of the proposed solution to mitigate the impacts of all planned growth in the area, National Highways recognise that 'the green package' addresses forecast capacity constraints on the western side of Junction 24 and that this can be augmented by intervention on the eastern side of the Junction. They agree that the early delivery of 'the green package', provided such delivery is secured, will be beneficial to the future operation of the SRN and can be expected to enable the junction – in conjunction with improvements to the eastern side of the gyratory – to accommodate transformational growth in the region.

4.2 The Joint Position Statement identifies some of the benefits of the mitigation proposed as part of the DCO Application. It notes that the modelling work, validated by National Highways, demonstrates that the proposed highway mitigation works provide wider benefits than simply mitigating the impact of the EMG2 development. They also eliminate forecast mainline congestion on the M1 northbound mainline on the approach to J24 and remove substantial traffic from J23a Finger farm roundabout and the A453, enabling additional capacity to accommodate the traffic arising from the planned growth / development. Without these works being implemented, safety and congestion concerns will persist on the M1 mainline and at J24.

5 Discounting Other (piecemeal) Mitigation Options

5.1 The early delivery of the 'green package' is particularly important given these known issues at M1 Junction 24. The traffic modelling that has been undertaken assesses how the road network around M1 Junction 24, A453/A42 Finger Farm Roundabout and the EMG1/EMG2 area is expected to perform in future years, both with and without the proposed EMG2 development. The first stage of modelling (Stage 1A), which does not include for EMG2 but includes traffic from committed developments and draft Local Plan allocated sites (without any associated mitigation), indicates that traffic conditions are forecast to worsen significantly by 2028 and further by 2038. In particular, the M1 Junction 24 northbound exit slip road is predicted to experience severe congestion, with queues extending beyond M1 Junction 23A, approximately 3 km upstream.

5.2 In the very initial stages of the development of the EMG2 project, consideration was given to the potential for mitigation focused on the A453/A42 Finger Farm

roundabout and the A453 along the northern frontage of the Main Site. However, it quickly became apparent (aside from the issues set out above associated with piecemeal improvements) that such mitigation would not address problems on the M1 mainline (including the M1 junction 24 northbound exit slip road). When EMG2 development traffic was added, delays, queues and journey times increased further across several key junctions, confirming that a different approach to mitigation measures was required.

5.3 Accordingly, iterative testing was undertaken to determine whether mitigation measures at M1 Junction 24 could alleviate the queues. This indicated that smaller scale schemes, such as additional flares at the junction primarily provided extra stacking capacity, but significant queues remained on both the A453 and the M1 northbound. Initial iterative testing did not therefore provide a robust solution, as they would primarily rebalance traffic flows between the M1 and the A453 towards M1 Junction 24, further impacting all junctions along the A453 corridor.

6 The Wider Benefits of the Mitigation Package

6.1 The proposed development and associated strategic mitigation would result in the following improvements in terms of the operation of the SRN in the vicinity of the EMG2 development in the future 2038 year assessment worst case AM peak hour. The Table below presents the benefits based on the second stage of traffic modelling (Stage 2A and 2B), which included the proposed mitigation package[1] :

2038 AM	**Stage 2A**	**Stage 2B**
Reduction in Average Delay	34s	71s
Increase in Speed	2.4mph	7.1mph
Additional Vehicles able to Enter Network	765	1656
Reduction in Queue M1 NB at J24	Without development: 3.4km reduced to 371m with EMG2 including mitigation	Without development 3.6km reduced to 93m with EMG2 including mitigation

[1] Stage 2A = committed development plus local plan proposed allocations, plus Ratcliffe Power Station plus EMG2 mitigation, but no other mitigation apart from that known for committed sites
Stage 2B = committed development plus EMG2 and EMG2 mitigation

7 Conclusions

7.1 Having regard to the above it is the Applicant's view that the mitigation included in the DCO Application is an essential element in any solution for Junction 24 and its early delivery as part of the DCO works will be beneficial to the operation and safety of the SRN and support transformational growth in the region.

Appendix One: EMG2 Context Analysis Plan

Appendix Two: General Arrangement Drawing – M1 Junctions 23A & 24 Improvements

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Appendix One
EMG2 Context Analysis Plan

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KEY

East Midlands Gateway Phase 2

Committed Schemes

Employment

1. **East Midlands Airport** (Continued growth proposed)
2. **East Midlands Gateway** (Substantial complete)
3. **Ratcliffe Power Station** (LDO in place for comprehensive redevelopment)
4. **Netherfield Lane** (Consent for regional logistics)
5. **Aldi Distribution Centre** (Consent for additional major logistics unit)
6. **Land South of Junction 1, A50** (Consent for regional logistics)
7. **Castle Donington Power Station** (logistics scheme largely complete)

Housing

8. **Housing West of Castle Donington** (largely complete)
9. **Housing West of Kegworth** (consent for housing)

Proposed Schemes

- **A** **Land at Northwest Kegworth** (proposed allocation for logistics)
- **B** **Isley Woodhouse** (proposed allocation for a new settlement)
- **C** **Land North and South of Park Lane, Castle Donington** (proposed allocation for housing)

M1 Motorway

A-Roads (A453, A50, A42, A6)

Strategic Rail Network

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number: 10666-FPCR-XX-XX-DR-L-0008 | status: S3 | rev: P02

client: SEGRO

project: East Midlands Gateway Phase 2

title: EMG2 CONTEXT ANALYSIS PLAN

SEGRO FPCR | environment & design

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Appendix Two
General Arrangement Drawing – M1
Junctions 23A & 24 Improvements

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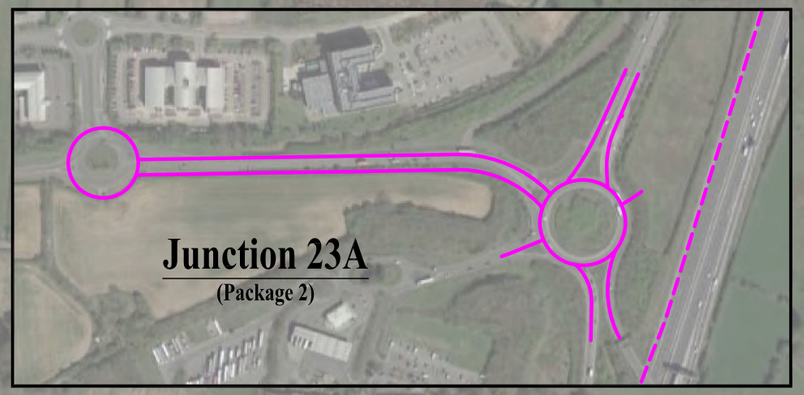

Junction 23A
(Package 2)

Package 2 - Finger Farm Roundabout & N/B M1 Management
(See Junction 23A Inset Above for Details)
At-Grade Signalisation & Enlargement of Roundabout
Dualling of A453 to Pegasus Business Park Roundabout
Installation of M1 N/B "Smart" Weaving Monitoring System

0m 250m

Package 3 - M1/A50 North to A453 East DLT
Construction of A453 Underbridge
Diversion of Quarry Signalised Site Exit Road
Provision of Additional M1/A50 to A453 Lane
Connection to Derby Road Roundabout or Housing Access

Junction 24
(Packages 1, 3 & 4)

Weaving Alterations to Exit Slip
Quarry Traffic Diverted
Future Development Access
Extended Merge
M1/A50 to A453 East Additional Lane
A453 Underbridge & Derby Link Road Quarry Access
A453 to M1 South Dedicated Left-Turn Free-Flow Lane
Development Access
Derby Link Road Quarry Access
Derby Road Roundabout
Development Access
Housing Access (Consented) Signalised Cross-Roads
Kegworth Link Road
Existing A453 to A50 West Dedicated Left-Turn Lane at Junction 24 Roundabout Retained in All Packages
Existing A453 to A50 West Dedicated Left-Turn Lane Extended in Package 4
M1 to A50 West Slip Road
M1 Overbridge
A453 Signalised T-Junction

Note
HS2 Safeguarding Requires Canceling in order to Build Improvement Packages 3 & 4

Package 1 - M1 South to A50 West Slip Road
Construction of New A50 Slip Road & Underbridge
Retention of Existing A50 DLT at Junction 24 Roundabout
Provisions for Extension of A50 DLT at Underbridge
Weaving Alterations to M1 S/B Exit Slip

Package 4 - A453 East to M1 South DLT
Construction of Kegwworth Link Road & Overbridge
Closure of Derby Road & S/B Entry Slip at M1 Junction 24
Provision of A453 Dedicated Left-Turn onto M1
Extension of Existing A50 DLT to Junction 24 Roundabout

Lawrence Walker Ltd
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Key
- Proposed Package 1 Improvement Scheme
- Proposed Package 2 Improvement Scheme
- Proposed Package 3 Improvement Scheme
- Proposed Package 4 Improvement Scheme
- Site Access Works (Consented Housing Development)
- Rationalisation Works to M1 Junction 24 Roundabout
- Existing Road Closed within Each Respective Phase

Project
East Midlands Growth Area
Caesarea / SEGRO / Harworth / Uniper

Drn.	Chkd.	App.	Date
SPJ			21/11/24

Scales: As Noted

Title
M1 Junction 23A & 24 Improvements
Improvement Packages 1 to 4

Drg. No.	CAD Ref	Plot	Rev
Figure 1			**P17**

ANNEXURE 21A

Q21.0.5 – Greenfield runoff rates

Return period / event	Greenfield Runoff (l/s)			Proposed Discharge rate	
	North of Hyam's Lane (to Hall Brook)	South of Hyam's Lane (to A42 culvert)	Total	Discharge Rate (l/s)	Change from existing runoff rates
Q1	72.1	114.4	186.5	114.4	-39%
QBAR	88.2	139.8	228.0	114.4	-50%
Q30	176.4	279.7	455.9	114.4	-75%
Q100	224.4	355.8	580.3	114.4	-80%