



## Hearing Transcript

<b>Project:</b>	East Midlands Gateway Phase 2
<b>Hearing:</b>	Recording of Issue Specific Hearing 3 (ISH3) – Day 1 – Part 3
<b>Date:</b>	13 May 2026

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# Issue Specific Hearing 3 - 13\_5\_26 - 13\_50

Wed, May 13, 2026 1:49PM 1:10:08

## SUMMARY KEYWORDS

Sustainable transport, free bus pass, six months, one week, travel plan, mode share, funding mechanism, public right of way, cycle access, Highhams Lane, visual impact assessment, heritage statement, archaeological mitigation, conservation area, setting contribution, ecological management plan.

## SPEAKERS

Speaker 16, Speaker 18, Speaker 14, Speaker 17, Speaker 11, Speaker 21, Speaker 2, Speaker 15, Speaker 6, Speaker 20, Speaker 9, Speaker 5, Speaker 3, Speaker 10, Speaker 13, Speaker 4, Speaker 1, Speaker 12, Eventurous AV Team, Speaker 8, Speaker 19, Speaker 7

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 00:49

It's 10 to two, so the hearing is resumed. Can I just confirm that the recording and the live stream have recommenced? Thank

 00:58

you.

 01:01

I'm getting a thumb think getting a thumbs up in the background. Yes, good. Okay, Mr. Philpott, we had left over that one point on what the various matters were, the high, the highways relation to the joint application, a reflection. I think we'll do that if it's all right with you in writing. So if you could submit that in that deadline for I hope that doesn't cause any inconvenience, having dragged somebody here, not to them, them not to be required,

 01:24

not at all. So Mr. Taley would be here anyway to listen, if necessary, to participate, so it's not a wasted journey to deal with that in the way you suggested. Thank

 01:32

you.

 01:33

Right. We've got to on number 4.6 on the agenda, which relates to sustainable transport options. There's been a debate about how long any free bus pass should be provided for, with the applicant preferring offering one week, and the district and county council is looking for six months. We've got responses on your prospective periods, so I don't need to go through those in details. But and what's up? And you can give me a very quick flavour if you want to, want to, but what we're interested in is whether you like to lead to an agreed compromise on this, or whether we're going to have to report to the Secretary of State on this and leave the Secretary of State to adjudicate. We'll start with the applicant.

 02:15

Isabella Tafur for the applicant, thank you, sir. I would like to introduce please, Stephanie Mayers of integrated transport planning to deal with this item.

 02:26

Stephanie Mayers, on behalf of the applicant, I know you mentioned at the start that you didn't necessarily want to go into the detail of exactly what's being offered, because that's been in the written statements. We do have a meeting scheduled now for Friday, the 29th of May, to discuss the bus tickets in detail with Leicestershire County Council, to hopefully understand a little bit better the evidence base for a six month ticket from our kind of understanding and monitoring at EMG one we feel that a one week ticket would be sufficient. It has achieved a 16% bus mode share, which is 10% above the end year targets for the travel plan, and we do have a few concerns about potentially offering a longer term ticket, the impact that that would have on on the availability of funds in the travel plan fund to be made available to other measures, but also in supporting those end employees to get to work After the free period ends, is a kind of the perspective that perhaps offering a trial ticket so that they can test the bus and make sure that it is usable, and then support them on to an operator led season ticket discount could equally help sustain that mode share for bus use, but hopefully in that meeting on the 29th we can discuss those matters in in more detail.

 04:06

Thank you Leicestershire County Council.

 04:10

Thank you Leicester. Leicester county Councillor Harry Horsley, I think Miss Mayers makes a very good point in terms of the understanding of the two ring fence pots of money, because my understanding from the submitted strategy and travel plan is that the fund is to provide the matters that are set out in table. I think it's 5.1 now the travel plan fund is based on a calculation that was taken from a per head count contribution at EMG, one, which is a way of calculating that requirement. But it could be argued that that was relevant at that time, for that development with the network at that time, whereas what might possibly be expected is for a development now with taking account of existing provision. What is the sustainable transport strategy requirements now, and how are they funded? So rather than necessarily dwell on the only the bus pass element of this, I think we'd like to understand perhaps, how that contribution could work in its entirety. Because, from an LCC perspective, our planning obligations policy would would would require six month bus passes. But equally, perhaps our expectation in a travel plan might be that it would commit to a range of measures, but wouldn't necessarily be saying that they would be funded from a single pot of funding. So I think it's a case of understanding, given the mechanism that's presented, that they would all be funded from this singular pot and the table 5.1 for those measures, I think it's understanding what in reality will that lead to? And the other point just to mention on that is, in terms of the existing EMG one site that's relied upon through the strategy, I believe that had a five year funding period, which probably culminates in 2028 so in terms of the strategy that's developed for EMG two, the funding within the proposed strategy will need to take account of the fact that actually some of those services might fall away somewhat than what's currently there, because in a commercial market, those services might not continue with the regularity and extent that they currently are. So a very simple answer to the question was, we would expect six months, but I think it needs to be considered in the round. But as Miss Mayers pointed out, we can dive into that at the meeting in due course,

 06:25

super and obviously, if you can't get to agreement, so much the better. The one thing I was like, if it does end up being the secretary of state having to adjudicate, and came down in favour of a longer period. That was than there was the set out in the sustainable transport Saturday, as it stands at the moment, doesn't necessarily have to be six months. We just could say longer than just longer. How, how that would be secured? Would the Secretary did have to write a requirement, or would there be some something else, I'm just wondering, a mechanism

 07:04

Isabella Tafur for the applicant. Well, currently the mechanism provided for is that contained within the DCO, which requires adherence to the framework travel plan and sustainable travel strategy. Obviously

 07:21

got one week in it. So that's that's getting that changed in some way, shape or form. Yes,

 07:26

I can certainly see that we could introduce some, you know, without prejudice, wording to be included, if that would be helpful.

 07:35

So I think that would be useful, because then, if then it's available, anybody can do. Wishes to have a comment on it seems to do. Thank you. Next, I'd like to move on to discuss the targets, and as understood, they've been pulled through from EMG one, and we've seen from the figures for that with 2025 heading in the right direction, rather than having gone backwards in 24 and 20 from 23 what I'd like to ask is whether the light of the success so far and the fact we're 10 years further on, as was mentioned by the county council a few seconds ago, is whether those targets should be made or more ambitious, and whether perhaps even stretch targets should be sought as well as those which would need to intervention in the fact in the effect they were not being met. I'll start with the applicant.

 08:24

Stephanie Mayers, on behalf of the applicant, it might just be helpful me to set out the protests that we've been to for agreeing those targets. So they've been discussed at length with both national highways and Leicestershire county council, through the EMG, through transport working group, and that target of 56% was agreed through that process, and then, as such, included in the framework travel plan. Our view is that the 56% is already a stretch target when considered alongside the available evidence. So just to briefly summarise that the Census travel to work data for wards around EMG to show around 81% single occupancy vehicle trips for the commute to work the EMG two transport assessment models an 80% SOV baseline compared which is consistent with EMG One, and data from comparable b8 warehouse developments across the East Midlands, taken from the Trix database, shows an sav mode share of around 75% So taken together, those data sets indicate that around 75 to 80% is typical for these types of development of this nature, and in this location, by comparison, at EMG one, it was agreed with stakeholders during the planning stage that 68% should be achieved by the end of the travel plan period. So that's a 12 percentage point reduction from the assessment baseline, given the the stakeholders requested the same 80% to be modelled at EMG two, perhaps a similar reduction of 68% could have been considered reasonable and proportionate. Notwithstanding this, through discussions with the transport working group, it was agreed that stretch targets should be considered where there could be some justified, real world evidence. And in that case, that's where we drew in the data from the recent 2024 employee travel surveys, and that's where we got the 56% observed mode share from. I thought it would just be worth reiterating that that 56% is then a 24 percentage point reduction from the 80% baseline modelled in the transport assessment for typical developments of this nature. So within that context, we feel that 56% is already a step change from the established baseline, and goes well beyond the local and regional benchmarks, and it's grounded in observed performance from EMG one Thank

 11:12

you.

 11:14

Does the county council have a response or comment on that?

 11:18

Leicestershire county councillor, Harry Horsley, I think probably in terms of agreement to that we can pick it up through the wider mechanism, how the funding, etc is played out. The only other point I just wanted to make was, in fairness, the applicant team, the transport assessment and the methodology for coming up with the strategic impacts is done on the basis of no deductions for this sort of activity. So whilst, as an authority, would certainly support the endeavours of trying to encourage greater levels of mode shift, it's not something that's required or upon for the level of impact that's mitigated on the SRN and our network.

 11:57

Does national highways have any comments on this particular point?

 12:00

Fiona Ahmed on behalf of National Highways, so we've raised no objection to the framework travel plan or drafts sustainable travel strategy. And baseline data is going to be collected upon first line occupation anyway, and then as part of the working group these this can be reviewed at that point of which national highways is going to participate in any way. So it can our position is that it can be agreed through this.

 12:25

Thank you. Does the district council have anything? Because obviously it was essentially supporting the county council, but that all that's that all, thank you. There are a couple of independent and slightly contradictory points I'd like to take on sustainable transport working group, the first being predicated on the individual travel plans having a defined life, and secondly, whether that life should be on the first point, as I understand, there's a 10 year post about stretch targets, because, if it's Not quickly, please, because we've got a lot to get through.

 13:04

Thank you, sir Bruce Bamber protect diseworth, I'm looking at table three of the transport assessment, which which sets out the achieved mode share for EMG one. And I think most people would agree that EMG one is is the closest comparable with this site in 2021 single occupancy vehicle was 43% that went down to 42% in 2022 then went up to 51% in 2023 and then It went up to 56% in 2024 two points to make. First of all, this seems to suggest to me that EMG one

 13:47

looking at the out of date figure, because they were updated. Since those figures were issued

 13:52

between

 13:53

the 25 figures, I

 13:54

haven't seen the 20

 13:55

they have been published in the exam library.

 13:58

Okay, so. But the point, the point I want to make is, first of all, these figures seem to suggest there was something going wrong with EMG one travel plan, and secondly, to have a target that is 14% higher than the best single occupancy mode share that's been achieved for EMG One seems to me to be not ambitious at all.

 14:23

It's not for me to make the applicant's case any way, shape or form. But the 2025, figures show that it's gone round and dropping again. The point about that what the target is a slightly different

 14:36

point, the point I want to I'm supported if this was the target and it wasn't a flexible, sliding target, then I would feel that this is not ambitious enough. That's the point I want to make.

 14:48

That's fine. That's taken upon. Thank you. Right, going back to the solo travel Working Group on I'll repeat what I said. The first been predicated on the individual travel plans, having a defined life, and secondly, that the life where there should be a life, I understand there is a 10 year post occupation life. However, I'd like some clarifications how that's defined, given the representations we've received on what is substantial completion and whether it relates, relates to an individual buildings and or the whole development, because the representations we received on substantial completion which related to the MCO application, the general implication was that it was by individual building, and obviously We're looking at the whole site. Could you clarify? I

 15:43

Stephanie Mayers on behalf of the applicant, if it's helpful, I can explain how it operates at EMG one currently, as that's being mirrored at EMG two. So the working group was set up six months prior to the first building being occupied. All of the stakeholders, the voting members were involved in that initial discussion to set out exactly what the purpose of the working group would be going forwards in practice, not just what was in the DCO documents. And then the group meets every six months after that to review performance, check in on the targets and agree any allocation of funds from both the travel plan Fund and the public transport fund. The current lifetime of that group will conclude at the end of the site wide travel plan period. That would be 2028 and that would have meant that it run for 10 years. I

 16:44

10 years from its from its first meeting. So it's a 10 year life rather than a 10 year following substantial completion.

 16:50

Yeah, it's 10 years from the point of first occupation

 16:55

of the first building, of the first building, notwithstanding your client's position about the need for the development and the rate at which they anticipate let's to take place. Let's could be staggered over a considerable period of time. And you know, it could be some years down the line before the last occupation, meaning the last the last occupation would only have a three or four years, or even less, potential being affected by the working group, which may mean that it doesn't become fully that last last unit, open bracket s closed bracket, don't become Fully brought into the umbrella with their working as best as possible. So they take a bit of time to bed in

 17:47

Stephanie. Mayers on behalf of the applicant, I think East Midlands gateway. One the way that is operated is that over the first perhaps five years of the development, a lot of the new measures were introduced so the diversions of bus services to serve the site, the kind of delivery of campaigns, the offer of the taster tickets when those new recruits were first on site. The rationale for, I guess, the lessening need for that group towards the end of the travel plan period is because a lot of the measures are already in place. So even those occupiers who might be coming to the site at a later stage, actually, the support for those employees to travel sustainably would already be in place.

 18:40

The next one was a mark point for Prologis, courtesy of the Trent Barton letter we discussed yesterday. I'm assuming you haven't yet found where that was. It's not if it happens to be in the exam library, wonderful. We can go. We can find it. But if it isn't, then,

 18:59

sorry. Mark Taylor, on behalf of Prologis. The letter is available. I don't believe it's been submitted yet, but we will do so at deadline four

 19:06

Thank you. And obviously I'd ask, could you expedite that going to the county council in the meantime? So because obviously we, we were going to ask for the county council, local transport authority for its comments on it, because obviously they have a slightly different, different hat, as it were, to the local highway authority. And then we'll have a secondary obviously, we'll look at that in due course, I guess. And there's, there's been a discussion about the funds relating to the sustainable transport working group. And I think the point that one of the points that the county council is making, I suspect, may well be shared by the District Council and national highways, is not that of the funds themselves, but rather the funding of those bodies who will be required to attend the county council is seeking funds through a section 106 planning obligation for their for the essentially, for their funding, for their staff who would attend. Whilst my understanding is as the way it's been set out, is that the working group would be able to allocate some of its funds so as to support the attendance by the county council, the District Council and national highways, which of course, depletes the funds, which is sort of counterproductive. Leicestershire county council. Have I got that right? So does the applicant have a response to that?

 20:39

Isabella Tafur for the applicants, certainly the way that the system is operated at EMG, one is that the county council is not paid to attend the transport working group. They attend voluntarily, as do the other stake, nor are national highways or any of the other stakeholders. They attend voluntarily, we would hope that that would be an arrangement that could continue so that funds didn't have to specifically be allocated from the ring fence funds to secure their attendance.

 21:14

Do you wish to respond to that?

 21:18

Mrs. Rebecca Henson, Leicestershire County Council, as I'm sure you can appreciate, so local government funding and resource allocation is in a very different position now as it was when we committed to attendance at the sustainable transport working group for EMG one, and so we would expect the cost of Officer attendance to be covered by the applicant,

 21:45

highways

 21:46

Jeremy Bloom, representing national highways. I think the first point to make is that, to date, national highways hasn't been a member of the sustainable transport or the group that we're talking about will be in the future for EMG one. Traditionally, national highways hasn't charged for its attendance at such meetings. However, since the legislation was brought in in 2024 enabling national highways to recover its costs relating to DCOs, and this would be a requirement the DCO the national highways policy is to charge for its time and recover its costs on all activities relating to DCO. So I couldn't not in a position to say that national highways would be prepared to deviate from that position. That is the current policy. And

 22:31

I'm

 22:31

assuming the District Council is in the same position,

 22:32

Jessica Allen North West Leicestershire District Council. I think I'd need to take more instructions on this point, because it is something that I'm not in a position, I suppose, to give a for firm view on at this point.

 22:49

Thank you. The applicant. Heard those positions and things have changed, I would ask you to take it away and have a think about it, please, and come back with a response at d4 as to whether or not you would be willing to pay for those funds. There's been plenty of changes in central government, in the legislation on these sorts of things, throughout the whole planning sphere at the moment. So you may want to consider the director of champ travel, of the government on that. And finally, on a very small point in your response to ex q1 19, zero, 24 the Act which is do with the shuttle bus service within site, the shuttle bus will be open for the public to use and is free to use. However, paragraph 730, of the sustainable transport strategy says the service will quote, be free for employees, unquote and doesn't secure free third party use, for example, for the residents of disworth, I'm assuming you meet that destin area, it hasn't happened. And the sustainable transport strategy became amended to include allowing for third party free use, as appropriate.

 23:57

Stephanie Mayers on behalf of the applicant. Yes, I can update that and resubmit it.

 24:02

I now want to move on to rights of way matters. I'd like to discuss the issue of the right public right of way that runs immediately to the south of Highhams Lane. My understanding for the proposal is effectively the right of way and Highhams Lane are to be consolidated into the route of Highhams Lane. The county council has raised concerns over the mechanism to allow cycle access in conjunction with the public right of way, to ensure no loss of public right of way from the definitive map, I'm trying to understand whether that means that the county council wants the right of way to continue along the route to the south of Highhams Lane, as well as the upgraded Highhams Lane, or whether it's something else, can you help

 24:49

Leicester county Council Harry Horsley, we'd discussed this with the applicant team in the context of initially thinking of it as a legal issue in terms of its mechanism, how you could preserve a public right of way, but also dedicate cycle use of it, which were indicated that that would be explored. It's also relevant just to say this applies to other public rights of way within the proposals such as I 57 where previously within the MG one proposal, that was to be an upgraded public right of way, whereas it's now to become a cycle track as well. So I suppose our interests, I guess, is in terms of what that mechanism will look like, such that cycle track provision could be enabled, as well as retention as a prowl. Because if it, if it cannot be done, then we'd like to know that, such that we could consider our position on it?

 25:44

Can the applicant help on that? Isabella

 25:45

Tafur, for the applicant, I understand that has been a matter of ongoing discussion that's still being explored, so we don't have a definitive answer to give you now, but can at deadline four.

 25:56

And similarly, the county council has indicated it's not willing to adopt the footpath along the eastern edge of the site. And I'm going back to some settled planning law relating to Section 106, agreements to the effect, there's an obligation to place a piece of infrastructure cannot be passed unwillingly onto an onto an authority, and where, rather than end safe examinations, when that's been an issue, I've noticed the applicant's comments that to their mind it was an expectation that there was going to be a right of way they've set up. I'm just wondering that it will be a path. I'm just wondering, rather than a public right of way, is there another way that that expectation that you have set up could be delivered? It's right.

 26:50

Isabella Tafur for the applicants. So I have taken a very brief instruction on that, but I confess I'm not all over it, and I think probably it would be sensible if I come commit to coming back and writing on that

 27:04

deadline four if you could, I'm just thinking there might be an alternative way, so it isn't the public right away, so the county council, who doesn't want it with the licence of great in due respect, at least we're at least bit all inside, in the dry way we think of that, that benefit, okay. Is there anything else on of on high traffic and transport matters before we move on to Item five, landscaping? Yes. A couple couple of questions. Yeah.

 27:41

Thanks, sir Bruce Bamber on behalf of protect Diseworth. Just one final point. This relates to the active travel provision for the site the toucan crossing on the A453, that's proposed to be provided is modelled with a 242nd cycle time, which means that pedestrians and cyclists will essentially be able to cross every four minutes. Now, if that were the case, then that would be a highway safety problem, because people will not wait four minutes. They will seek to find a gap in the traffic, and as you're probably aware, this road is going to be very busy. The amount of time that's been allocated for pedestrians and cyclists is also just eight seconds, which doesn't meet any standards. So it is not possible to safely cross with a break in the green of of eight seconds in the signals for traffic. So first of all, my concern is that the provision for active travellers is inadequate, and that undermines the effectiveness of the travel plan. And then secondly, if the two can crossing were to be correctly modelled in the visim model, then I think there is a risk that it is going to push that link over capacity, because it's already, I think, shown to be At about 91% so I would like to see, or at least have some confidence that that toucan crossing can be operated safely and effectively and will support the travel plan.

 29:34

Does the applicant? We have any comments they wish to make on that?

 29:35

Simon Hillditch for the applicant, so we believe it has been modelled correctly, but we'll take that point away and give the away and give the relevant response back for the outer point.

 29:45

Very much. And the gentleman at the back, can we have a Can we have a mic? Please, brought forward. If good, I was gonna say, if you are able, could you are able, could you stand it? Obviously, if not?

 30:04

Ray Sutton, resident and elected representative, I'm trying to continue where Chris Kane of strategic aviation special interest group had been able to continue yesterday, had I not crowded him out of time. And I've tried to adapt this for the substantial progress that has been made this morning in identifying important questions. And I've shortened it, what we seek is a comprehensive transport Impact Assessment agreed by all parties and suitable for submission to the Secretary of State that demonstrates that either the local and wider network impacts can be accommodated on the existing road and public transport networks, or identifies exactly what improvements are needed, what form those should take and at what cost, certification of the outcome from national highways and the County Highway authorities plural is required, no ifs, no buts. Our reading of the situation is that the scale of works required to ensure acceptable levels of service and to avoid over saturation, especially the improvements to the wider highway and trunk road network. There's an old term for you, is substantial and likely to run into many hundreds of millions of pounds, if an acceptable solution can be found at all. I'm thinking particularly of junction 24 that almost held me up getting here just now, the point has been well made that we do not have a clear, comprehensive and definitive set of proposals and costings to consider for the whole problem to take one practical point we have not heard from Nottinghamshire County Council highways or the East Midlands mayor, all Derbyshire county council highways, all of whom have a strong strategic interest in the A453, the A50 and the M1 and I might say on that last point 4.6, on the sustainable transport plan issues notwithstanding Trent Barton's promised submission, the cost element is important. If the applicant is to pick up the costs of its proposals, then it is important that a financial appraisal is submitted demonstrating that the EMG to DCO development can absorb these costs and remain commercially viable. If it needs public sector intervention, then that alone must raise serious doubts about whether a development consent order should be granted for the site. If, however, an underpinning assumption is that a public contribution will be made to the cost of the relevant work, two further consequential questions are raised. First is the funding available within national and local road and infrastructure budgets? Second, where is the transport economic assessment that demonstrates that any such spending offers optimum value for money in the view of key partners, national highways, county council, highways authorities and the East Midlands mayor, finally, sir, Surely these matters should have been dealt with at the application stage and available for detailed scrutiny during this examination, which we're well into now, we would argue, from a local and representative point of view that their absence is sufficient reason to dismiss the DCO application or invite the promoters to resubmit when they are fully able to address all highways and public transport matters.

 34:07

Thank you, Mr. Sutton, I'm assuming the does the applicant wish to respond, or what was essentially better, yes, to bit more the FH,

 34:16

just, just very briefly, Isabella Tafor for the applicant. So we have submitted a comprehensive transport assessment that demonstrates that the impacts can be accommodated and or mitigated to an acceptable degree, agreed with national highways, largely agreed with the county council, subject to the two points raised earlier, we are not reliant on public funding, and We have submitted viability information. Thank you.

 34:42

Thank you very much. Which brings us to the end of item four,

 34:46

sir, if I may,

 34:47

sorry, East Midlands Airport. Sorry, yes.

 34:50

John Reilly, Pinsent Masons for East Midlands Airport. There's just a number of points I'd like to stress before we move on, about the provision of information. If you'd hear

 35:02

me, we have got, obviously, it's predominantly writing, and we've got what you've written in writing already, and we I don't need to hear it again.

 35:11

There are two specific requests I'd like to make. If that's possible, I'll keep them brief, if I may. The first is that to give the airport confidence that it will receive the information it needs to inform its position. Please, could we respectfully request the panel to have regard to the list of missing information on traffic and transport identified in our deadline three submission and use it as the basis for requesting information from the applicant in its next round of written questions, so that that information is available for the benefit not just of the airport, but for all parties to the examination. And the second request, which I'll keep even briefer, is that the panel consider holding an issue specific hearing on traffic and transport in August to allow more than the hour or so we spent this morning for any outstanding matters relating to impacts on the airport to be examined in the round. Thank you.

 36:07

Thank you. In relation to D4 we're expecting the applicant's response at D4 to the deadline. Ex q2 has come out before then there is room for any third round of questions. I'm just trying to try to remember at the dates. I think it's in July, it might be very early August as well. So it's late July, early August, and we haven't put our minds to whether there will be hearings in August, let alone what they might be about. And we won't be in a position to do that for at least another month, if not a bit more than that. So, but we can go from there that

 36:41

is understood in relation to the hearings, in relation to the information, you'll understand our position that we are looking for information that we say should have been provided with the application, and we will be disappointed if it was something that was left to use the request in your third round of written questions when it should have been available. At the outset of the examination,

 36:59

we will see what the applicant produces a deadline

 37:01

for

 37:01

Thank you,

 37:02

right? So that leads to end of item four, traffic and transport. So I'm now going to hand over to Dr Joshi for Item five, landscape and visual light, landscape and visual and lighting.

 37:16

Thank you, Mr. Jackson, in item five, landscape, visual and lighting, we have a four small items. It would be good to have the examining panels first written question in hand for first three items. And it would be good to have a brief and straight answers to my questions, as those are small and straight, straightforward points to start with, 5.1 in examining panels first recent questions, 12 point 0.5 the examining panel asked for clarity on which Lvia points, a viewpoints were survey verified, and which were not, and how The positional accuracy was assured. And we ask about the evidential basis for the visualisation, clear or not, on the face of appendix 10 A and 10 B, we note that the applicant updated the appendix 10 B, part three and Part Four at deadline three. So can I ask the applicant to provide the full list of appendix 10 B viewpoints with types that were not topographically surveyed, including the nighttime viewpoints, perhaps in a table format, in writing a default rather than going through now, I hope that is acceptable, having regard to the applicant's explanation of type three versus type four. Viewpoints in response to ex q1 12 point 0.5, the end approach to night time Viewpoints is the North West Leicestershire District Council contend that the evidence basis for the visualisation is clear and is sufficient for the examination

 38:58

Jessica Allen North West Leicester District Council. So if I could please invite the council's landscape consultant, Miss Helen Johnson, who's online and joining online, if I could pass over to her to answer you on this question, please?

 39:15

Yeah, sure. Miss Johnson, we can't hear you.

 39:21

Oh, sorry, hello. Can you hear me?

 39:23

Yes, go ahead.

 39:23

Sorry, yep. Helen Johnson, North West Leicestershire Council, and yes, we're content that the submissions now include the invite information regarding the the positional accuracy of the visualisations. I would just point out that there are type three and type four. They they are all in line with the landscape Institute technical guidance note, over 619, which would be the standard guidance. And yes, we're happy that that's that's sufficient.

 39:52

Thank you. Miss Johnson for confirmation. Now turning to 5.2 which is the examining authorities question. 12 point 0.6, at the examining panel asked about the landscape and visual impact assessment provides assessment for the sequential views for users travelling Highhams Lane and approach routes is to North West Leicestershire District Council, having regard to the applicant's response in ref 1054, and the reliance on the updated appendix 10 F visual effects table at deadline three, route based narrative specifically referencing f1 and v7 and the representative viewpoints agreed at the scoping. Are you content that the lbia sufficiently captures the sequential approach on the Highhams lane and a 42 Kells school Lane approach. Jessica

 40:46

Allen,

 40:48

North West Leicestershire District Council, if I can, please invite Helen again to respond to you on that point.

 40:55

Yep. Helen Johnson for North West Leicestershire Council, yes. We agreed the viewpoint locations quite early on in the process with the applicant. We've got the three viewpoints for highham Lane. I don't think adding any additional viewpoints would obviously not change the assessment, which identifies a significant effect. So yes, we're content that the viewpoints and the the assessment, cover, cover, everything appropriately, Yep,

 41:26

thank you. Miss Johnson, then I'll turn to the protect Diseworth about the request which they made in your relevant representations. And so I would like specifically to protect as well to cover. I have read your comments at d2 rep 2057, on the same questions, and I'm sure the applicant also will respond at the next deadline on that one. But if you have anything else to add on that particular point,

 41:56

sir, thank you. Simon Bets, on behalf of protect Diseworth with I just start by saying qualifying that, as per our comment this morning, I'm not a landscape consultant, I'm a planning consultant. So please, please forgive any deviations from guidance, etc. You've already covered. The fact we made specific comments in writing on viewpoints. I think, as an overall point, our position is that we do not agree at this stage that the sequential experience is addressed. I think we feel that Highhams Lane is the central public route through the order limits area. It has historic residence shown on the first edition maps, and is part of what would have been connecting the connecting foot route between Diseworth and Kegworth historically. So, just to continue briefly on that, I think the question should be considered, considered by way of the representative viewpoints, or indeed, whether the viewpoints we have are appropriately representative. I think approach, I think the views are selected to stand in for a group of visual receptors eg sort of residents along the streets or use of foot bath. We share broadly similar views, and the montages should be proportionate to the development and the sensitivity of the receptor. So to add to that, I think the narrative through the assessment should explain the full experience for those receptors, referencing the representative viewpoints to support to support that description and assessment, the narrative should also describe any sequential experiences. So sequential views, eg, along a road of path, are particularly important when a receptor moves through the landscape, so static montages alone may not adequately capture that experience, and it's that's really what's driving our specific requests for additional viewpoints.

 43:51

Thank you for that. I'm sure you the applicant, will respond at the next deadline, but if you have anything to say on response to that right now,

 44:00

Isabella Tafur, for the applicants. I'll just ask and introduce first Mr. Tim Jackson from fprc, and ask him to briefly respond.

 44:19

Tim Jackson for the applicant, yes, I mean in terms of the sequential views, and Highhams Lane in particular, as far as we're concerned. I mean, there's sufficient narrative and explanation within the assessment as it stands at the moment. I do have specific references for the ES chapter in terms of chapter 10 in the landscape visual impact assessment. So specific references at 10.5 point 182, and 10 point well, through to 10.5 point 185, and then also in Appendix 10 F, visual receptor f1, and again, I think, in terms of just reinforcing, probably what Miss Johnson said on behalf of the council, again, in terms of being proportionate and appropriate for the consideration of those sequential views, we think we've covered that adequately, certainly in terms of what's been provided to date.

 45:12

Thank you, Mr. Jackson, so moving on to the next question, which is ex Q, 1q 12 point 0.7, on nighttime visual effects, which references the North West Leicestershire District Council's requests about the nighttime effect to be set out in more details in the visual effects table. And the applicant has updated the appendix 10 F at deadline three and the requirement 14 of draft development consent order to to reflect this, having regard to the updated this, both things on the stated facade lighting position is the council content that this point is has been addressed now. I

 46:03

Sorry. Adam maller North West Leicestershire Council, as far as we're aware, obviously reviewing the revised requirements, the requirement 14 now includes the wording that the council suggests in our local impact report. So I guess on that basis, we would be satisfied that it is secured.

 46:20

Okay. Thank you very much. So moving on to the question 12 point 0.3 about where the examining panel sought the critical review of the landscape and ecology, ecological management plan from the from the council, and thank you for submitting your review on that and raised the number of drafting and enforceability points and implementation points. So I'm going to applicant about that which there the applicant have updated the LEMP at deadline, three in rep, 3044, to respond to those review comments. And the first point is about the council requested the clearer definition of the responsibilities period, and including whether the immediately after construction period covers the defects periods and defining the operational phase years in revised lamp lamp, the paragraph one point 14 and one point 15 now state that the construction period includes the defects liability period, and that the operational phase covers the years two to 30. So could you please confirm that this is the intended committed positions from your side?

 47:39

Isabella Tafur for the applicants, excuse me, yes, an updated LEMP was submitted at deadline, three, rep, 3043, and the purpose of the updates were to acknowledge and respond to the comments that have been raised by the District Council, as well as some of the matters that were raised in written questions from the panel, and our position is that we've addressed the had been raised. I'm not sure, given it went in at deadline three that the district council have yet had the opportunity to review and comment on the updates that we've made. We remain open to discussions with them. We hope they're now satisfied, but I'm not. I'm not sure of

 48:24

Thank you.

 48:24

Thank

 48:25

you, Miss Tafur. I'll ask if the council have any comments on that particular point, rather than going the overall LEMP the one point 14 and one point 15, paragraph,

 48:37

so we're just obviously going to reflect on that. I think the the issue we've got say here is that I think the focus is on ecological matters within the landscape and ecological management plan, which questions have been directed to the District Council on or the county council or the ecological advisors to the District Council, so we've answered questions on their behalf, as they are our advisors. I think from a landscaping perspective, we're fine with what's obviously been done, but I guess we might need to reflect on discussing it with the county council further and their ecological advisors before we can probably comment on ecological matters.

 49:22

Thank you. So I assume that you will be coming back at next deadline on that.

 49:27

Yes, yeah,

 49:33

the next is about the paragraph 3.2 in LEMP review about the longer replacement period may be justified for screening areas, and the council suggested a 15 year requirement could be limited to areas essential for screening and the revised LEMP paragraph 4.66 now includes the replacement of specimen trees in court up to the at least, up to at least 15 years. So could you plan on what areas or plantings which applies to and how that commitment allies within the draft development consent order requirements to secure the delivery?

 50:17

Isabella Tafur for the applicants. So I think I'm going to have to come back to you in writing on that. Our understanding was that the local authority had requested that the replanting provision be extended from five to 15 years. We have made that amendment to the LEMP, and we understood, or had hoped and anticipated, that that would satisfy the District Council in respect to replanting. Maybe, I think that is a landscape matter, so it may be worth just double checking with them their position,

 50:52

Jessica Allen North West Leicestershire Council. That's my understanding. But I'll ask Mrs. Johnson, who's on the call as well, just to confirm the position in terms of landscaping, I

 51:03

Mrs. Johnson,

 51:05

yeah. Can you hear me?

 51:06

Yes,

 51:08

Helen Johnson, North West Leicestershire District Council, yeah, I've have had time to review the resubmitted document from deadline three, and with the additions into paragraph 4.6 and under 4.72 and also the Additional replacement of orchard trees under 4.37 I think we're content that that is enough in the LEMP to cure that 15 years replacement. There's also been amendments in the requirements by, I believe, you're discussing that one tomorrow, but the requirement 10 has also been amended to state the 15 years as well.

 51:50

Thank you. Thank you for the update on those points. So to conclude on this, is there any other points, which is as you, as you mentioned, the council mentioned that the LEMP review is still not finished from your end, so there might be some more comments which will be coming forward from your experts on ecology for the specific to LEMP. So as is, there any other points which is still pending on the review of LEMP for the updated version of the applicants position at deadline three.

 52:25

Sorry. Adam Mellor, North West District Council, I think the county council might well comment on ecological matters as part of the ecology section. But as I say, I think from a landscape Henson perspective, we're

 52:39

content. Thank you very much. Is there anyone else who would like to raise anything on landscape, visual and lighting? No, I don't see any hands. So that completes the Agenda Item five, and would like to think. So I think we'll move on to the next agenda item, which is cultural heritage. So before we turn to the individual heritage questions, can we take a brief update on the statement of common ground? The applicant was expected to update further progress on heritage and archaeological statement of ground by deadline two, however, there were no updated versions. Was submitted at deadline two from the applicant, but there were few updates in the statement of commonalities which we have noted. So can I ask the applicant for an update specifically on item 4.24 and 4.25 of the Heritage statement of common ground with North West Leicestershire District Council,

 54:02

Isabella Tafur, for the applicant, I understand that amended or revised version of the statement of common ground has been agreed with the local authority that in with In terms of Historic England. Historic England have recently began to engage with us substantively, and so a meeting has been held, and we received a response from them just on Friday of last week. So we are hoping to progress the statement of common ground, but we have struggled to get them to engage

 54:43

thank you for that. Could you update the item number 4.24 and 4.25 specifically in the statement of common ground, which is the matters under discussion with the North West Leicestershire District Council?

 54:57

Yes, we can certainly do that. Sorry. Would you like us to do it

 55:01

now.

 55:01

Yes, okay. Isabella Tafur for the applicants, so I'm going to introduce the heritage team. That's Janine dykes and Chris Clark of Tetra Tech. Janine deals, sorry, Miss dykes deals with built heritage and Mr. Clark with archaeology and scheduled monuments. So in terms of the outstanding areas under discussion with the District Council, I'll ask Miss Dykes to address you on that

 55:43

Janine dykes for the applicant, there are two matters that are not agreed in terms of favs who are acting for the local authority, and that is the contribution that the site makes to the significance of the Conservation Area. And the other matter is the level of less than substantial harm arising from the proposals to the Diseworth Conservation Area. At present, we've concluded that the level of harm is at the low level of less than substantial and the Council have concluded that it's medium level of less than substantial

 56:21

harm.

 56:27

Thank you for that. Update is, is that the correct position from the council point of view?

 56:33

Jessica Allen North West Leicestershire District Council, I think, just to be comprehensive, if I could just ask our heritage consultant, Nikki Toup, who is on the call now, if she could just provide you with an update from the council's perspective, but broadly that is correct.

 56:49

Hi. Nicola Toup for North West Leicestershire District Council. That is the case. The previous two issues that were under discussion are now not agreed, and they relate to the level of contribution of the site to the significance of Diseworth conservation area and the level of impact, the level of less than substantial harm.

 57:08

Thank you for that. Now, turning to archaeology, I understand that from the LCCs comments in rep 2046, that the LCC submitted their comments before deadline. 233, statement of common entry states that a response was received on 20th April, indicating no changes at this stage. Understanding of the applicant is the only outstanding issue is agreement on scope of further detail trenching works. I'm aware that the draft archaeological mitigation strategy reference under matter 4.1 of the statement of common ground relating to archaeology is conduct on under discussion. Aside from that point, could I ask the Leicestershire county council to update on the status of the archaeology. Statement of common ground. Is there anything else which is under discussion?

 58:09

Thank you. Rebecca Henson, Leicestershire county council, so we've continued as an authority to engage with the applicants. Archaeological consultant. The only outstanding matter did relate to the detail of the archaeological mitigation programme covered by this archaeological mitigation strategy. We have now seen a revised version of that programme from the applicant which we are content with, and the statement of common ground can be updated to reflect that, but we are aware that is yet to be submitted into the examination.

 58:48

Thank you for that. So in relation to that, I would like to make a brief observation in for the statement of common grounds, based on the submitted documents, the examining panel notes that a number of relevant statement of common ground were provided shortly before deadline two, and subsequently submitted selected statement of common ground with comments at deadline two, sorry, the first one was deadline one, and the submitted comments at deadline two, indicating that that The certain statement of common ground provided at deadline one did not accurately reflect the position of the parties, and the examining panel also notes that not all the updated statement of common ground were submitted at deadline two, notwithstanding the expectation set out in the rule eight later. So in light of these submissions, the examining panel would encourage all relevant interested party to engage openly and proactively in the preparation and submission of the statement of common ground and to ensure that the documents were provided clearly, transparently and in a timely manner. This approach will assist the efficient progress of the examination and supports the panel in clearly understanding the issues arising and the extent to which the matters are agreed or remain outstanding. And the panel is also likely to issue a procedural decision or a rule 17 later, likely next week, for the improvements to the format and the content of the statement of common ground, this will assist the panel in efficiently understanding the important matters which are in dispute between the parties. So I just wanted to make observation on that. So moving on to the questions the ex q1, in 11, point 0.1, where the examining panel asked about the setting assessment is correctly scoped in Appendix 12, a uses a lack of current inter visibility as a basis for excluding the effects the North West Leicestershire District Council agrees with the applicants approach, but the Historic England asked for the further consideration of the approach from the hams lane and a more holistic assessment. Now my question is for the applicant, can you please explain how the appendix 12 a the built held a statement treats the setting contribution where inter visibility is absent, and whether the applicant's approach also accounts for the kinetic experience and a group value as part of the setting, which The historic England's make a comment on. That one

 1:01:42

Isabella, Tafur for the applicants. Could I just check, sir, that you're asking about the setting to the Diseworth Conservation Area. That's the specific point you're asking about now.

 1:01:53


Yes, Bill 111, 01,

 1:01:57


yes. Thank you. I will ask Miss Dykes to address you on that matter.

 1:02:05

Janine dykes for the applicant, the built heritage statement does consider not just indivisibility, but takes an understanding of the significance of the conservation area and uses that to assess the contribution the site makes to the conservation area, and the impacts from the proposals in terms of kinetic views, the route along Highhams Lane is considered, and the overall conclusion is that setting makes a secondary contribution to this conservation area's significance, and of that setting, the site makes a very small contribution. Therefore, we've concluded that the contribution from the site to the conservation area is minimal, and the level of impact is at the low level of less than substantial.

 1:03:04

Thank you for that. So in in your view, you will not require any further considerations for the assessment, as per the historic England's comments on that one,

 1:03:15


Janine Dykes for the applicant, no, we can certainly have discussions with Historic England now that they are engaging with us about that, but everything that they've asked for is already in the documentation that we've provided.

 1:03:29

Thank you for that. I had a questions for the Historic England, but, however, they are not here, so I would not be able to ask them. Maybe we can write in the ex q2 perhaps so. Now coming back to the council, the historic England's view and the applicant's response on that one, do you still agree on your statement and the applicant's approach, which you answered in the ex q1

 1:03:59

Jessica Allen North West Leicestershire District Council, if I could please invite Mrs. Toup back on to the call to answer your question.

 1:04:09


There. Hi, Nicky Toup for North West Leicestershire District Council. The the assessment that the applicants provided does include reference to Highhams Lane, but this is one of the issues where we suggest that it makes a greater contribution to setting in significance. Highhams Lane is a historic route through the landscape that connects the village

 1:04:30

to

 1:04:30

it to its fields and its agricultural setting, and as you move along, those kinetic views allow you to appreciate that that change from village to rural landscape, which is why we think it makes a greater contribution to setting.

 1:04:44

Thank you for that. So moving on to the next one. Yes, please. Sorry,

 1:04:57

sir. Piers Riley Smith for protect Diseworth, I think, and so I didn't introduce her earlier today. The teams heritage consultant is online, and I think she just wanted input into that question, if this is okay, so could I introduce Dr Ramona Usher, who I hope should appear on your screen momentarily, who I think wants to add or answer the question?

 1:05:27

Thank you, sir. I hope you can hear me.

 1:05:29

Yes, we can hear you.

 1:05:31

Thank you very much. I have a few queries to add. My name is Dr Ramon Usher. I'm acting on behalf of protect Diseworth on heritage matters. I'm very familiar with North West Leicestershire, having worked in that local authority several years ago, and I have a few queries about the methodology employed to assess heritage assets. And I'm there, there are things that have come up basically within the heritage statement that was provided. And then the environmental assessment, this describes the control tower has been recently built. I was built in 1999 the Conservation Area appraisal describes that as being that was dated 2001 that's a 25 year old Conservation Area appraisal. So obviously, the heritage statement is taking references to a 25 year old document. And I would also add that, in addition to that, you've got two wind turbines of 2011 I believe, and so we've got cumulative impact on heritage assets. And there's also references in the heritage statement of the Pevsner dated 1984 as part of the bibliography. And I will hold in front of you the latest one that I have for Leicestershire Pevsner architectural guides, which dates to 2003 so I really call into question the methodology that's employed. I'm looking at historic England's their conservation principles of 2008 there the heritage statement looks at ownership and ownership does not and the historical associations and that kind of disregard setting analysis of these heritage assets, it doesn't have to be historical. So if we go back to what Historic England says of evidential value and historic value, illustrative value, associative value, all of those things need to be considered. I am a full member of the ihbc. I actually am a consultant with the ihbc, so I'd ask who wrote this heritage assessment, and are they full member of the Institute of historic building conservation? And there we go. So they're my questions. I'll put them to you. Thank you.

 1:07:56


Thank you very much for giving those information. Does the applicant have any comments to make right now?

 1:08:08

Janine dykes, for the applicant, I am also a normal member of the ihbc, and I'm also very familiar with North West leciestershire. I was an inspector at Historic England for 13 years, covering Leicestershire in terms of the methodology, a colleague wrote the report. The fact that Pevsner is out of date doesn't mean that the information isn't relevant. Generally, Pevsner discusses historic buildings and gives details of the descriptions. That's what would have been put into this document. It's rarely changed. It's usually updated or expanded upon. The District Council have approved our statement of common ground and agreed our methodology as well, and that hasn't been brought into account by any other statutory consultee

 1:09:00

Well as a member, sorry, as a SAN.

 1:09:06

Sorry if you can speak when we ask, it would be helpful rather than interrupting. And if you have such information which you would like to submit, it would be helpful for the examining panel that information in the examination and the relevant parties, including the council and the applicants and others, and the examiner examining panel can assess those facts and the information in a timely manner, rather than discussing during the hearing. But thank you very much for your inputs and the information from your hand.

 1:09:41

Thank you, sir. And I didn't mean to interject, just passionate that.

 1:09:45

No, thank you very much. And I guess it's three o'clock, so we'll have a take a break for 15 minutes, and we'll come back at 315

 1:09:53

so.