



## Hearing Transcript

<b>Project:</b>	East Midlands Gateway Phase 2
<b>Hearing:</b>	Recording of Issue Specific Hearing 3 (ISH3) – Day 1 – Part 4
<b>Date:</b>	13 May 2026

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# Issue Specific Hearing 3 - 13\_5\_26 - 15\_15

Wed, May 13, 2026 3:14PM 30:50

## SUMMARY KEYWORDS

Langley priory, cultural heritage, historic association, setting assessment, conservation area, archaeological study, development impact, planning consent, environmental statement, historic England, North West Leicestershire District Council, Leicestershire County Council, construction phase, cumulative impacts, mitigation strategy.

## SPEAKERS

Speaker 9, Speaker 2, Speaker 3, Speaker 8, Speaker 1, Speaker 11, Speaker 5, Speaker 7, Speaker 6, Eventurous AV Team, Speaker 4, Speaker 10

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 00:49

Good afternoon, everybody. And the time is 315 and the issue specific hearing three is resumed. Can I just check the recording and the live stream his comments, please. Thank you. So continuing the item number 6.2, of cultural heritage, I'll turn to the ex Q 11, point 0.6, were asked the Historic England and North West Leicestershire District Council whether they agree with the applicant's assessment that there is no effect on the significance of Langley priory and the council agrees with the applicant's position. The District Council agrees with the applicant's position and explain why it says the association is not legible. I would like to question the applicant, please explain the whether an historic ownership and cultural association is legible and therefore capable of contributing to setting that means what evidence factors are relied upon for that one

 02:03

Janine Dykes for the applicant, we would look to see if there's any historic association between the asset and the site, so historic, historic function, which hasn't been found in our research for the document and in terms and then also we obviously look at indivisibility and experiential relationships between the site and Langley priory, which we didn't find any relationships.

 02:30

I was more looking at in terms of the evidence which you relied upon, for example, the narratives or the landscapes, survivals or maps or something like that. Have you relied on those evidence and how the judgement was made on

 02:46

it? Janine Dykes, for the applicant, Sorry, I misunderstood your question. We would look to look at historic maps, but we'd also be looking at tithe information to see if there's any relationships between tithes of the land and the site. So any historic Association in that sense as well.

 03:06

Okay. And could you also confirm the applicant setting assessment for Langly priory solely relies on the inter visibility or whether it also considers the historical cultural association as part of the setting.

 03:26

Janine Dykes, for the applicant, it considers all aspects of historic Association into visibility, in terms of experiential experience in setting. But it's not just into visibility.

 03:38

Would you please sign post where it is considered or addressed in the environment statement? We

 03:52

wouldn't necessarily put all of the information in the built heritage statement. If something's scoped out quite early, we would just say that it's scoped out. We can certainly put more information in the built heritage statement, or we can address information further to demonstrate that, but it's not necessarily in this document.

 04:12

I'm more interested in how you consider the historical and cultural association as part of the settings within the enrollment statement for the Langley priory, specifically

 04:24

Isabella Tafur for the applicants. Just while we look up the specific references, I would just note my understanding is it's agreed with the District Council that the site does not form part of the setting to Langley priory and historic England's position, as we understand it, is that the site makes a very limited contribution to the significance of Langley priory, and the proposed development would, in historic England's view, result in a negligible level of Less than substantial harm to the asset significance. So we appreciate the comments that have been raised about the assessment of setting, but ultimately, I'm not sure that there is much in terms of disagreement as to impacts on that asset, if any.

 05:16

Thank you for clarification on that the Historic England is unfortunately not there. But we will be asking the Historic England in writing as well, can I just confirm with the District Council that your position is unchanged on that one?

 05:29

Jessica Allen North West Leicestershire Council? Yes, the position is not, not changed.

 05:35

Thank you very much. My next question is about the 11 point 0.7, about the diceworth conservation area. So in the questions ask the Leicestershire county council to explain why it considered the environment statement under estimates the construction and operational impacts on the setting and character of Diseworth Conservation Area. Separately, the District Council's local impact report describes that the impact on diceworth conservation area and the St Michael are agreed as negative in the draft statement of common ground context, it also says that the discussion ongoing on the level of less than substantial harm for the conservation area. And I guess you updated on the both the position of the both the sides before to me. So can I ask the Leicestershire county council? Could you please identify specifically which part of the applicant's approach you consider as underestimation for that one?

 06:39

Thank you, sir. Rebecca Henson, Leicestershire county council, our cultural heritage officer has been in contact with North West Leicestershire District Council on this matter, and now defers to North West Leicestershire District Council.

 06:54

Okay, can I have done

 06:56

Jessica Allen North West Leicestershire District Council? If I could just ask Miss Toup Again, who's on the call, just to be more comprehensive in a response on this point, please.

 07:11

Hi there. Nicky Toup from north west Leicestershire District Council, yes, our assessment of the contribution to the setting character considers it makes a greater contribution than set out in the applicant's assessment. Diseworth is an agricultural village, historically, a discrete, standalone village, and the agricultural fields surrounding it from an important part of that setting, and so impact we consider to be greater when, when that area, that tract of land, is lost within the area. There's a two historic routes that we've talked about, Highhams Lane and long Holden, which runs along the south boundary of the DCO. These are historic routes that connected the village to its agricultural land and therefore contribute to setting. And another aspect of setting that the site contributes to is the longer distance views towards Diseworth, which the site appears in the background to as agricultural land. So we feel that it does play a greater part in the character of the historic agricultural village.

 08:15

Thank you for that. And could I also ask whether the primary concern is with the construction operation or both, when you say the correct level of harm or significance

 08:28

both, I think because it, because the loss of that land will will remain, there will be some mitigation in terms of the maturing of the trees, but, but it still represents the loss.

 08:37

Thank you very much. Could I turn to applicant to respond if you would like

 08:42

Isabella Tafur for the applicants, Thanks, Sarah. I'll turn to miss Dykes in a moment, just just to confirm it's agreed with the District Council that the impact of the conservation area, through impact to its setting, will be less than substantial harm. And the only outstanding dispute is whether it's low, within that range or medium, but as to the particular points about the contribution made by setting I'll ask Miss Dykes to address you on that

 09:12

Janine Dykes, for the applicant, in terms of the impact from the proposals, it comes down to the level of contribution that we think that the site makes to the significance of the conservation area, taking into account that the significance of the conservation area primarily lies in its morphology and the historic built form within the conservation area, secondary to that is the conservation areas. Setting of the Conservation Area setting and taken into account in the Conservation Area appraisal, there's a lot of views to the south and from the green which do contribute and are referenced within the Conservation Area appraisal, there are no views out towards the site that are referenced in the Conservation Area appraisal and the site, while it does have a historic route through it doesn't have has limited indivisibility with the conservation area itself. So in terms of that experience and shared experience, it's very limited. So our conclusion is that the site makes a very limited contribution to the conservation area's significance As a secondary element in terms of its setting.

 10:42

Yes, please go ahead.

 10:45

I noticed in the long the new emerging Neighbourhood Plan, part of the evidence base for the land of the landscape would put various views in that I appreciate in the landscape section of the Neighbourhood Plan relating to this site. I was wondering whether you would take any cognizance, though cognizance of that assessment in your assessment on the setting of the conservation area.

 11:14

Janine Dykes, for the applicant, we haven't referenced any of that within our assessment because we undertook our own site visit and our own assessment from the understanding of the Conservation Area and its significance and what we attributed to contribute to the setting, which contributes to the significance.

 11:35

Thank you. With reference to that about the legal framing in 11 point 0.9, written questions on conservation area. The exp notes that the yes chapter 12 states at paragraph 12, point 3.6, that section 22 of the planning listed buildings and conservation areas act 1990 is not engaged because no part of the proposed development lies within a conservation area. While the ES chapter nevertheless assesses the effects of Diseworth Conservation Area, the Exu also knows that the statutory duty applicable to development consent decisions in relation to the conservation area is contained in the regulation three of the infrastructure planning decision regulation 2010 in response to that at deadline one, the applicant confirmed that this was an error and the chapter 12 would be amended and resubmitted at deadline three. So could I ask the applicant if the position is remains the same for the paragraph 12, point 3.6, which you informed at deadline. One.

 12:44

Isabella Tafur for the applicant, our position remains, as set out in our response to that question, the impact on setting of the conservation area have already been considered because they've were always relevant from a policy perspective, and so they have already been considered. If you're asking a factual question, whether that update has taken place at deadline three, I'll just have to double check that and get back to you, if I may.

 13:17

Thank you for that. If you can get back on that one, the check that would be helpful in writing. And I would also like to ask a question to the applicant that what statutory duty you say applies to a Planning Act 2008 development consent decision in relation to conservation areas, and where that duty is now reflected in ES chapter 12.

 13:43

Isabella Tafur for the applicants, so I have just confirmed that the ES chapter 12 was amended at deadline three and paragraph 12, point 3.7, of the updated version now says section 72 of the 1990 act is engaged in this case, EMG two project has potential to impact on the conservation area through changes within its setting. So that update has taken place.

 14:11

So my question was the last one, which I asked the statutory duty you say applies to the development consent order in relation to conservation area, you say that this paragraph reflects that duty or not?

 14:30

Isabella Tafur, for the applicants, yes, we say that paragraph reflects the duty.

 14:34

Okay, thank you very much for the confirmation. So we'll follow up briefly on the ex Q, 11.0 point 10, regarding the archaeological built heritage study area of the setting effects, my question is to the applicant about the appendix 12 B, archaeological test based assessment, revision one, which was at deadline three. Rep 3051 which explains, at paragraph 1.5 that the two kilometre study area has been determined by site visits and professional opinion. Could you please confirm this is the full basis relied upon, and there is no additional criteria or guidance were applied, and that no further clarification is proposed on that the

 15:25

Isabella Tafur for the applicant, my understanding, but I'm sure I'll be corrected if I'm wrong about this is that the applicant's position is that that is what was taken account that is sufficient. There is agreement with the county council that sufficient primary secondary data has been collated to characterise the archaeological baseline environment for the purposes of the EIA, and that the potential impacts identified in chapter 12 represent a comprehensive list of potential impacts in relation to archaeology, and no significant adverse residual effects on below ground archaeology will arise as a result of the project. And I understand all of that is agreed with the County Council.

 16:15

Thank you for that. Further in Appendix 12 B,

 16:19

sorry.

 16:20

Sorry Sorry to interrupt. There's a hand up. We can't, we haven't actually got the team screen, so we can't tell when it's anybody's got a hand up, and we understand that Miss Ash has got a got a hand up. Just sorry to be so we just, we were saying we haven't got that in front of us, so it's reliant on somebody sending us a message from the back so I'm sure Miss Dr Joshi wouldn't have picked

 16:43

that

 16:45

up. That's no problem, sir. And doing these things virtually is always quite difficult. I do apologise for interrupting my esteemed colleague earlier. As you know, virtually is difficult. I'm my concern is the reliance on a document that is dated to 2001 the Diseworth Conservation Area appraisal. It's 25 years old, and there seems to be an overtly reliance on this document. And I am a heritage consultant, I'm professional, and I really do think that primary research is important and holds a lot of integrity when it comes to assessing such things. So I'm going to again express my concerns on an over alliance of a council document that is 25 years old, so that's what I wanted to raise. So thank you. I'll lower my hand. Okay?

 17:40

Thank you very much for sharing your concern. Does the applicant have anything to say on that?

 17:47

Isabella Tafur for the applicants, that is the latest Conservation Area appraisal, which has of course, been supplemented as Miss dykes explained with her own site visit and analysis of the significance of the conservation area and the contribution made by its setting.

 18:06

Thank you very much. So going, do you have

 18:13

I was going back to that comment on 12, three, seven, which relates to Section 72 of the 1990 Act, which is the in that context, is the planning conservation areas, conservation areas listed building state act, listed building consent is engaged. I'm wondering whether that is because this is a development consent, and whether section 72 does, in fact apply, because the the Planning Act 2008 isn't one of the planning access so defined so that whether and rather you should be referenced into regulation three of the other decision regulations.

 18:56

Isabella Tafur, for the applicants, you may well be right on that, sir, the duty is the same arising in statutory provision and policy, but you may well be correct and will will confirm that. Could

 19:11

you just, could you go and have a look at that? Because it's also the reference in the previous paragraph to it, with the whole of that section on stability and conservation areas Act, the 2008 Act, is somewhat different than the normal planning the TCPA and associated Planning Act that says it's a discrete regime, as you'll be aware, although It borrows across from each other quite a lot. It just the policy the legal tests and the policy tests are somewhat slightly different. And so just Could you Could that? Can we just ask you to have a review of that section please?

 19:56

Isabella Tafur, for the applicant, certainly sir and what we're obviously aware that the setting duty doesn't apply in respect to conservation areas under the planning and listed building acts and under the infrastructure it does, and that's what we've been attempting to capture. But I agree inaccurately, so we'll address that.

 20:15

Thank you, Mr. Jackson, so coming back to the appendix 12 B, you said about the criteria at paragraph 1.5 now I would like to say that appendix 12 B also includes the bulwarks outside the two kilometre study area because of its wider landscape prominence. So could you also say any other designate assets outside the two kilometre were considered on the same prominence or wider landscape basis, and if not, why Not?

 20:58

Chris Clark for the applicant, they say the the assessment took in the bulwarks, but we did not, or we did take in multiple additional schedule monuments that lay just outside the two kilometre study area, and they were duly assessed and scoped out of further assessment

 21:24

to say that it was scoped out based on the same premises of prominence and the Weiler landscape.

 21:31

Chris Clark, for the applicant, they were scoped out on the basis of either lack of indivisibility, lack of historic relationship to the site, or sort of combined, although there wouldn't be any disturbance in their setting due to existing built forms in the view.

 21:56

Thank you. I'll go back to the Leicestershire County Council and the district council if anyone have do consider that the explanation at appendix 12 B, paragraph 1.5 provides sufficient justification for the two kilometre study area.

 22:13

Rebecca Henson, Leicestershire County Council, as we outlined, we've got no outstanding matters. Thank you.

 22:23

Thank you very much. Now, moving on to the next about the 11.0 point 11 examining authorities written questions the applicants explains that the encroach part of the site a would be subject to monitoring, recording during groundwork, and Site B would be protected via fencing, signage and induction controls, and the field 40 would be excavated or recorded. And you state that these details are set out in the draft written scheme of investigation, which is under review with the LCC. Could you please confirm that this has been agreed in principle with the LCC, and if not, what are the remaining points to be agreed?

 23:11

Chris Clark, for the applicant, we have submitted an updated method statement to LCC and under in within recent correspondence, we have agreed that the scope set out within that document is agreeable.

 23:29

Is that the correct position

 23:34

Rebecca Henson Leicestershire County Council, that's correct, sir. We, just as I noted earlier, just note that that hasn't yet been submitted to the examination.

 23:45

Thank you. So the My next question is how the compliance will be evidence, particularly for site B, where you say that fencing, signage and induction control will be provided, then watching brief or exclamation elements. So how this will be controlled in the draft development consent order

 24:04

we secured under requirement 13.

 24:17

Thank you very much. So the My question is to the Leicestershire County Council, the wordings of requirement 13 is appropriate and agreed, and there were no matter of disagreement with scope and details of the mitigation strategy under further discussion, as per the statement of common ground, having heard the applicant's confirmation today, can the LCC content with the applicants approach to site A, Site B and the field 40, and whether the council requires any further plan or schedules to show the preserved in situ, extents and protection area for examination clarity,

 24:55

Mrs. Rebecca Henson Leicestershire County Council, I can confirm, sir, that we're content with all the information we've received, including the wording of the requirement as currently drafted in the draft. DCA, thank you.

 25:09

Thank you very much. Now turning to axe Q 11.0, point 14, on Isle wood house, the examining panel asked for the evidence basis for the assumption in ES, chapter 12, paragraph 12, point 8.4, that's the isle wood house construction is anticipated to be concurrent with and whether any sensitivity check has been undertaken. So please confirm whether any sensitivity check has been undertaken for non overlap of construction phases, as mentioned in the EXQ, and if not, could you explain why the applicants consider that chapter 12 cumulative conclusions remains robust without that check.

 25:56

Isabella Tafur for the applicants, the applicant's position is that if there is no overlap in construction, there will be no cumulative impacts to be assessed. We've assumed worst case overlap and assessed the cumulative impacts that would arise as a result of that.

 26:15

Thank you for that. Do you also assume there is no overlap between the Isla wood house occupation operation and the EMG two operation, given the build out and occupation timings.

 26:29

Isabella Tafur for the applicant, sorry, are you? What is the question whether we've assumed that people might move into the houses in the Harley Woodhouse scheme, and whether there would be an overlap of people moving into those homes with people moving into EMG, two, is that question. I think I may have to take instructions on that and come back and confirm,

 26:55

okay, that's fine. Can I turn turn to North West Leicestershire District Council to confirm the current position and timetable for the Isle of one house proposal and whether anything has been changed that affects the overlap with EMG two.

 27:12

Sorry, I think we'll probably have to come there's not really any update at this point in time, since that previously reported, obviously the application remains under consideration. A lot of matters still to be addressed as part of that application, but we can update at deadline four, whether or not there's any alteration to that timeline

 27:31

that would be helpful, I guess. Thank you very much. So turning briefly to St Andrew's church in Kegworth, the ex Q 11, point 0.5, the applicants indicated they can provide an updated assessment, including construction and operational effects, effects from vehicles on the motorway. Net proposal, link between the M1 and A50 and the increased height of the gantry cranes for the MCO proposal. And in combination and cumulative assessment, if required, could you please confirm you are committing to submit the updated assessment into the examination deadline four.

 28:13

Isabella Tafur for the applicants, yes, we committed to providing it if required. If you do require it, we will provide it.

 28:24

Thank you very much. Deadline four would be suitable for that. Thank you very much. So that's all question I have on the this agenda item, is there anyone else who would like to raise anything on the agenda item Six, cultural heritage. No, I don't see any hands. So

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of

 29:28

so. Thank you very much, given that the topics which we expected to cover today, as per our notification of hearings, I guess that covers for today, so we will start tomorrow. So and I adjourn this issue specific hearing three until tomorrow morning, 10 o'clock, and the arrangement conference will commence at 930 hours tomorrow morning. And the time is 1544, and this issue specific hearing three is at gym. Thank you.