



Hearing Transcript

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| Project: | East Midlands Gateway Phase 2 |
| Hearing: | Recording of Issue Specific Hearing 3 (ISH3) – Day 2 – Part 1 |
| Date: | 14 May 2026 |

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Issue Specific Hearing 3 - 14_5_26 - 10_00am

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East Midlands Gateway, ecology and biodiversity, statement of common ground, national highways, design review, transport modelling, severance effects, food banks, population and human health, complaint mechanism, environmental impact assessment, design approach, mitigation hierarchy, local community impact, government consultation.

SPEAKERS

Speaker 10, Speaker 7, Speaker 15, Speaker 1, Speaker 6, Speaker 12, Speaker 11, Speaker 9, Speaker 3, Speaker 13, Speaker 5, Speaker 14, Eventurous AV Team, Speaker 8, Speaker 4, Speaker 2

 00:00

 00:46

Good morning, ladies and gentlemen. It's now 10 o'clock and it's time for this hearing to ree. I'd like to welcome you back to the issue specific hearing three on in various environmental matters relating to the East Midlands gateway and highway project, and for an order seeking material change the previously approved East Midlands gateway, railfred interchange and Harley order 2016 which we will refer to the draft material change order. Can I just hear confirm that everybody can hear me clearly, and can I confirm with the case team that live streaming and recording is at Boston? Minister, thank you. My name is Robert Jackson, and I've been appointed to the Secretary State the member of the panel to exam these applications. I'm now going to ask my fellow panel members to introduce themselves.

 01:55

My name is Liam page, and I've also been appointed by the Secretary of State to be a member of the panel to examine these applications.

 01:55

My name is Gaurav Joshi, similarly, I have been appointed by the Secretary of State to be a member of the panel to examine this application. And I'm also going to keep keeping a list of action points, same as yesterday, and we can run through this at the end of this hearing. I guess we have a number of action points to go through today.

 02:15

Thank you. Together, we constitute the examining panel for these applications. Today's continuation of the issue specific hearing three, which took place yesterday, so we do not intend to repeat all those matters at the beginning of that hearing. Needless to say, we do need to do with a few housekeeping matters for those attending in person, in case they weren't here yesterday, many of you will be familiar with the arrangements. However, for those just who aren't, could you please ensure that all electronic devices, including watches and phones, are set to silent. There's no fire alarm scheduled for today, so if the alarm goes off, we should treat it as the real thing and exit through the various identified sign exits and follow the signage to the hotel for fire, fire point and for which is located opposite the main entrance hotel door. You can find the toilets on my left, your right, down the corridor, over that over that way, the meeting will follow the agenda published in the national infrastructure planning website on the fifth of May, 26 examination, Library Reference, EV eight, double 01, it probably would be helpful if you had a copy of that in front of you. We're continuing in blend in blended format today, with participants joining both here in the room and remotely via Microsoft Teams. Regardless of the chosen method of attendance, we will ensure everyone has a fair opportunity to participate in today's hearing, as with other previous hearings, a recording will be uploaded to the relevant project pages of the national infrastructure planning website. Shortly after we close, we will be using an AI generated transcript to assist with its accuracy. Please speak clearly into the microphone and introduce yourselves and your organisation each time before you do please, for those tables, please remember to push or slide the button to activate your microphone. A red light should be indicate it's live in it is live. If you're not at a table, we have a roving microphone available. Please wait for it to reach you before speaking. A link to the planning inspectors privacy notice was provided in our rule six letter. We assume that everyone here today has familiarised themselves with that document, which emphasises how the personal data of our customers is handled in accordance with the principles set out in data protection laws. If you have any queries regarding this, please raise them with the member of the case team who is sitting at the back. If anybody were here wasn't here yesterday, would like us to otherwise it was not our it was our intention not to go through the introductions again. Silence is wonderful. That's Mrs. Henson.

 04:56

Good morning. Mrs. Rebecca Henson Leicestershire county council. Just Mrs. Rebecca Henson Leicestershire county council, thank you. Just to say, Sir, today, I we do have an additional attendee online from Leicestershire County Council, which is Mrs. Natalie Howden, who is our strategic lead on wider determinants of health available to sequesters on population and human health. Thank you.

 05:33

Thank you. Thank you. We have got that in the section so we come a little later. Thank you. So before we move on. Is anybody else, anything else of an administrative nature that they wish to address before we move back into the main subject matter? Lovely, in which case we will resume where we were yesterday, which is ecology and biodiversity, of which I will hand over to Mr. Page.

 06:00

Thank you, Mr. Jackson, so moving on to agenda item seven, then regarding ecology and biodiversity, starting with gender. Item 7.1, which is up on screen. Can Leicestershire county council please provide us with an update regarding the statement of common ground particularly matters 4.11 to 4.14, and matter 5.10 and if matters are still not yet agreed with the applicants, please make clear your position, why that is the case. Furthermore, we asked a question in ex q1 reference q5, dot 0.12, about whether the ecological mitigation proposed by the applicants had been fully secured in the draft DCO and draft MCO, but it was deferred by yourselves via North West Leicestershire District Council due to outstanding matters. So it'd be good if you could update us on that as well, over to the county council. Please.

 07:05

Good morning. Rebecca Henson, Leicestershire county council, I can confirm that Leicestershire county council has continued to liaise with the applicant team in respect of ecology and biodiversity matters. And all outstanding matters have now been addressed, and we anticipate a revised statement of common ground to be produced and submitted into the examination. I am able to outline how we've moved forward, if you'd like to hear that. So there were four outstanding matters as we saw it, the first of which related to skylark mitigation. So the county council now understands that the loss of the arable habitat cannot be replaced within the main EMG to site, and so mitigation remains focused on providing foraging habitat and increasing the carrying capacity and having further discussion, and given that consideration, we now accept that position. In respect of bng matters, we had requested that the applicant provide us with a spreadsheet of reference numbers to allow us to cross reference those references within the bng report with the metric and condition forms that has now been provided to us, and we're content that we are now able to achieve those cross references. We also raised a concern about the lighting scheme and sensitivity and provision of back boxes, the applicants now confirm that that will be addressed, and the lighting scheme and back box locations will be provided in detail post any DCA being granted, and we're content that that is satisfactorily covered within the requirements in the DCA. In respect of veteran tree mitigation, we were concerned about the impact and proximity of a sustainable drainage feature on tree T 81 which is a veteran ash tree, the applicant has provided us with a detailed plan showing that the works will be without outside and beyond the root protection zone for that tree, which now addresses LCCs concern, there was a further matter on the agenda in respect of air quality and the impacts of EMG two on the lamp meadows, triple si and the Oakley wood, triple Si. LCC notes that there'll be a moderate, minor reverse effect on these locations, and we agree with the assessment of impacts carried out by the applicant team in respect of the DCO and MCO requirements, we are now content that they address our concerns.

 10:20

The in that the DCO and the MCO secure the necessary mitigation,

 10:27

secure the necessary, necessary submission of strategies, etc, which will address our concerns, yes

 10:39

or for the sorry for the triple si impacts.

 10:44

Oh, sorry for for cross

 10:46

wires. Sorry, sorry,

 10:47

we probably are talking at cross wires then so in terms, sorry,

 10:51

just to clarify, so that the question I asked first of all about the whether the DCO and the MCO secured the appropriate mitigation related to the ex q1 question that we asked that was deferred, so I was, is that what you're referring to, or is it you're referring to the triple si impacts?

 11:13

I was, wasn't referring to the triple si impacts at that point. I was referring to the DCO and MCO requirements. So apologies for my confusion.

 11:22

That's fine. Thank you for the clarification. Did you have any thing else to say on those topics before I move on?

 11:31

No. Thank you, sir.

 11:33

So I think one of the issues we've had with the statements of common ground is that some of them are quite lacking in detail in terms of where each party is at a particular stage. And it's something that I believe Dr Joshi referenced yesterday, and something we'll address, likely via rule 17. So as a point of clarification, now it would be helpful if, and this is directed to the applicants and anyone with a statement of common ground with them. It would be helpful if we could have essentially two columns, one with the position of the applicant and one with the position of the other party. So we can understand whether what the disagreement is at the time. Because at the moment, we're sort of flying in the dark in terms of, you know, understanding what the dispute might be at any given time. So that makes it difficult for us to probe that issue, understand whether it needs probing, whether we can leave it run. We're confident it might get resolved, etc, etc. So I think if that can be looked at like I say, we'll confirm it in writing. What what we anticipate the statements of common ground should be amended to look like, but just to make that point, now might be useful. So I think coming to the applicants then whether they have anything to add to what the county council has said.

 13:20

Isabella Tafur, for the applicants, we have nothing to add, sir, we understand all outstanding matters are agreed as well. We hear what you say about statements of common ground in this topic. Specifically, we're hopeful that the next version of the statement of Common Ground will reflect that agreement that you've just heard on all ecological matters.

 13:42

Thank you. Are there any interested parties who wish to make any comments on those agenda items?
Yes, East Midlands Airport,

 13:53

John Reilly, Pinsent Masons for the airport, I suspect that airport colleagues who aren't in the room today may be interested in the agreement on the skylight mitigation, and to that end, I suspect will may put something in writing at deadline four,

 14:10

so that that's another reason why we need the statements of common ground to be more informative, because obviously it informs us, but it also informs other interested party engagement on on on the issues. And so I think even if the statements of common ground have been agreed, it would be useful to understand the process of what has been agreed and why and what issues are overcome. I don't want to anticipate that we'll get the updated statement of common ground, and it's just going to be a single column with the matter in broad terms. And then green agreed, and then we're on the wiser as to the process that's happened to get to that point. Because obviously it might be something we want to probe further. The IPS might want to probe it further. We obviously need to report on a lot of this stuff, and so that would help us, then in reporting too. So just, just, I don't want to labour the point of it, just to make it clear,

 15:09

Rebecca Henson Leicestershire County Council, thank you. So we would welcome that too. You've noted in our deadline submissions of concerns with the statements of common ground. So yeah, it's something we will welcome and fully support. Thank you.

 15:23

Okay, so moving on then to agenda item 7.3 this is more of a point of process in terms of Leicestershire County Council's preparation for today's hearing. So I'll move on to agenda item 7.4 which is the next substantive item regarding national highways and biodiversity net gain. So firstly to national highways, then if the proposed development doesn't deliver 10% net gain on national highways land. Would you have to backfill that shortfall somewhere else on your land to meet your KPI at the public's expense? Or is it the case that the proposed development is being privately funded, and therefore the KPI should not be engaged further? Does the recent, recent government response to consultation about net gain and the content of paragraph 4.25 of the triple NPS, both of which support off site net gain delivery, so long as it is strategically coherent, mean that even if the proposed development doesn't deliver 10% net gain on national high rise land, the fact it would deliver it in proximity means it doesn't necessarily need to be backfilled by you on your own land at the public's expense

 16:55

before you, before you answer that, we might have to adjourn for a minute, because there seems to be a problem With the sound onto the teams getting out into the wider world. So we can we just have a before you answer that question, can we just have a hold while we while the the technicians at the back see if they can sort that issue out? Sorry, we'll just adjourn for how hopefully, a few minutes while they sort that out.

 19:57

that looks I've just been given the thumbs up from the back. So we'll just, we'll just, we'll give it 10 seconds, just in case somebody is online, and they're basically picking their f5 button to get themselves refreshed, to see if they get it work. So give it. Just give it 10 seconds before we restarting

 20:17

it.

 20:18

And whilst I'm sure national highways will have that the answer leap into their finger, leap into their lips, I'm going to ask Mr. Page to really answer the question, just in case, so that somebody following online will Lisa will be happy I hear what's going on before, before they get the answers. Thank you.

 20:36

Thank you.

 20:38

Mr. Jackson, so agenda item 7.4, question again, then for the benefit of those online who might have missed it, firstly, to national highways. If the proposed development doesn't deliver 10% net gain on national highways land, would you have to backfill that short fall somewhere else on your land to meet your KPI at the public expense, or is it the case that the proposed development is being privately funded, and therefore the KPI should not be engaged further? There's the recent, recent government response to consultation about net gain and the content of paragraph 4.25, of the triple NPS, which both support off site net gain delivery, so long as it is strategically coherent, mean that even if the proposed development doesn't deliver 10% net gain on national highways land, the fact it would deliver it in proximity means it doesn't necessarily need to be backfilled by you on your own land at the public's expense. Over to national highways, please.

 21:46

Fiona Ahmed, on behalf of National Highways, national highways are currently reviewing our position in terms of our biodiversity KPIs. We intend to respond in writing at the next deadline.

 22:01

Can you give us any more than that at today's hearing, just as a outline or just to make use at the time? Really,

 22:11

the question I really want to know is, is it being done locally, or is it a national review in light of the government statement,

 22:17

Jeremy bloom on behalf of national highways. So, yeah, it's a national position. At present, the KPI does place certain obligations on national highways against which its performance is measured by Orr, and the KPI is measuring the biodiversity and additional provision across the whole estate. So yes, if there's a loss, you can conclude from that, if there's a loss in one location, then the gain has to be made at some point somewhere else. But as I say, national highway is reviewing that in the context of third party schemes such as this, we will be able to respond in more detail in terms of the consultation national highways position is driven very much by the KPI rather than the legal position, but in in the context of that consultation, that position may be reconsidered or reviewed as we stand That is national highways policy, and which is why we have to take the stance that that we are doing, but we will be able to respond in more detail at the next deadline.

 23:47

Thank you. That's helpful. Does the applicant have anything to add?

 23:54

Isabella Tafur for the applicants, the applicant's position is summarised in the draft statement of common ground with national highways. That's rep 2037, we are in discussions with national highways. We understood their position to be as they've just outlined to you, and we have nothing further to add at this stage.

 24:14

Thank you. Any other interested parties? Don't see any hands, so I will move on to agenda item 7.5, regarding potential net loss of habitat on national highways land. So firstly to the applicants, can you please clarify whether there would be a net loss of habitat on national highways, land, and how the mitigation hierarchy has been satisfied in this respect. For example, if there would be a net loss, what was done to avoid it in the first instance, mitigate it in the second instance, and compensate for it as a last resort. So I think there's a distinction also between the bio, adversity, net gain and the mitigation hierarchy, trying to understand what that relationship is on national highway. Land over to the applicants. Please.

 25:06

Isabella Tafur for the applicant, so I'll pass over to and first introduce Peter hoy from fpcr.

 25:16

Peter hoy from fpcr, for the applicants, essentially, the biodiversity net gain approach that we've followed is to follow the statutory framework, and that is to assess the project as a whole, and that is to assess the entire Red Line boundary that delivers a gain in habitats, area habitats, linear habitats and water Course units. The the assessment of the highways area alone is problematic in that the pre development baseline and post development baseline areas are different, so there would almost certainly be a gain because the area increases, it doesn't fit within the statutory framework. Particularly it very difficult assessment to do,

 26:21

because, sorry, because at the moment, the net gain report sort of doesn't separate it out in terms of units. Is it possible to do that, to get a better understanding of the loss and the gain different parts of the red line.

 26:44

It would be possible to do that, but it would be, it wouldn't be a standard approach, because the areas post development, pre development change, if that makes sense.

 26:59

Isabella Tafur for the app, because I think the point is that what is currently national highways land will differ once the project is in place. So there will be different areas of national highways land with so. So do you do the assessment just on that which is currently national highways land. Or do you look at the you know that which will be national highways land, with the scheme in place?

 27:24

I think I understand the principle, but it would be helpful if you could set that out in a bit more detail in writing, so that we can mull it over effectively. There's national highways have any comments on it on this particular item?

 27:42

Jeremy bloom. On behalf of National Highways, I'm not an ecologist or an expert in biodiversity net gain, but I just make the observation that the situation that has been described by the applicant must apply to countless national highways enhancement schemes where its KPI obliges it to provide the net gain. So there must be a method by which that can be calculated. I would assume. I think it would be helpful for us to meet with the applicant to discuss how that could be done. I think it would be helpful for national highways to understand the overall position and whether there is a gain or a loss on what the situation is. So we'd be very happy to meet with the applicant to resolve it.

 28:34

I think that would be helpful, and if it could be sort of fleshed out in the statement of common ground. And then, as we've discussed, have both sides from each party, so we can determine where the disagreement lies. If there is any disagreement on this particular issue, back to the applicants. Please.

 28:55

Isabella Tafur, for the applicant, certainly we are happy to look into that, sir, every national highways DCO will assess the biodiversity net gain across the project as a whole, which is what we've done here. But we can certainly look to divide that up in respect of the highways, national highways, land,

 29:19

it might be hypothesising here, not knowing the detail. What do they do at Gatwick, for example, when clearly there was a reworking of a motorway junction and then the main body of the airfield, there must be some there must be some way in which it's been done in the past, which might be able to be replicated here.

 29:38

Isabella Tafur, for the applicants, certainly will look into that. As I said yesterday, the environmental statement for the Gatwick Airport, DCO looked at the project as a whole and didn't separately assess the impact of the highways NCIP and the airport works, but we'll look into it.

 29:58

Thank you. Any other interested parties have any comments? I don't see any hands, so I think that brings Agenda Item seven to an end. So I'll now hand back to Mr. Jackson, who will be dealing with Agenda Item eight on design. Thank you.

 30:21

Thank you. Thank you. Mr. Page. In our first written questions, we put forward the suggestion of external design, external design review to ensure good aesthetic design.

 30:32

Would you mind just giving

 30:33

us? We'll give you a few seconds. Well, we'll let the music play for a few seconds before, before then we can stop, stop it when everybody's sitting down. Okay, I'll repeat what I was saying in our first written questions, we put forward the suggestion of external design review to ensure good aesthetic design. Have we had pushed back from the applicants on this on the basis that industrial and logistic buildings are primarily functional in nature? To my mind, that misses the point and also doesn't address the issue of highway design, and particularly here, the question of the bridge we I have read the comments in both the design code and the highways works, design approach documents, understood them along with those rate delivery. That's fine. With great respect to the applicants. Can we refer thee to paragraph 4.32, of the triple NPS, which references a project board level design champion and a representative design panel used to maximise the value provided by provided by the infrastructure. Infrastructure in this context, obviously being the road, but not with the same equally apply to the business commercial the paragraph goes on quotes, applicants should also commission an independent design review of their proposed proposal prior to planning. UNQUOTE, while perhaps this should have been undertaken the pre application stage, we can debate that doesn't take any further. Could this now be reactivated at the post decision? State, I was wondering any comments on that?

 32:13

Isabella Tafur for the applicants the triple MPS discusses good design as being that which applies the mitigation hierarchy, improves operational conditions while minimising adverse impacts. And we say that the proposed development accords with the principles of good design. This is agreed with the District Council and with national highways, and, for example, the statement of common ground with the District Council, that's rep 1063 and I believe it's replicated in their response to first written questions. Rep 1106, it's agreed that the general approach to detailed design are set out in the design approach document is acceptable and represents good design, and that the design approach document provides an adequate level of detail about the approach that will be taken and key development principles are secured appropriately. And with national highways, that's the statement of common ground, rep, 2037, and their response to written questions. Rep 1233, they confirm that they're satisfied with the proposed approach, including sorry to mitigating the impact on the strategic road network, including how the principles of good design have been achieved. And the statement of common ground with LCC, my understanding is that highway design on the local road network is also agreed, and there are a number of controls in the DCO in the form both of requirements and also protected provisions with for the benefit of the highway authorities, which ensure that the principles of good design will be carried through to the delivery phase. So requirement five highway works must be carried out in accordance with details first submitted to and approved by the relevant Highway Authority, in accordance with the protected provisions in schedule 13, requirement seven, the details of each component of the authorised development on the main site, community park and substation, must be in accordance with the parameter plan and the principles set out in The design approach document, that of that document will be certified in schedule 16. It explains the design approach underpinning the proposals, how, how they've been developed, taking account of consultation and engagement with local community and also the local and highway authorities and the protective provisions for the benefit of national highways. So that's schedule 13, part one, paragraph seven, no phase of the specified works, which is defined to mean works undertaken on on the strategic road network, may commence until the detailed design of those works has been approved by national highways and for the local highway authority, that provision is replicated in part two of schedule 13, no works must commence on any phase of the County Highway works until detailed design information has been submitted to and approved by the local highway authority. So we say that the design proposals have been developed taking into account feedback and engagement and consultation, and they have been subject to careful design consideration, and that is secured appropriately through the provisions in schedule two and schedules 13 to

 36:00

the DCF.

 36:02

I hear all that. Can I just refer you to the recent development consent orders decision in relation to the Corry decarbonisation project on the River Thames, which was granted in November last year. Like your good selves. The applicants there had pushed back on design review. I strongly suggest you can have a look at the go and have a look at that. A paragraph, 4.53 and 4.6 for the Secretary of State's decision. Essentially, he put a design review into the into the now, I'm not saying you've got your case. I've got understand that, but I'm just thinking, before anything goes any further, please go and review that those paragraphs and then respond to them, because essentially, in Cory one, there was pushback, exactly the same as you've done here. Secretary of State, heard what they said and put one in and put it in anyway. I'm just giving the opportunity to set equally well if you want, if I'd be grateful in reviewing that if you, if you want to put some without prejudice, draft wording for what the secular estate could do if he did want to put a design review in. What countries is she? If they if they wanted to put one in, then Could you, could you do that as well?

 37:21

Is Isabella Tafur, for the applicant, we will certainly look at the core re DCO decision, which I understand is currently subject to challenge in the courts, but that's a separate matter. We'll certainly have a look at that and consider some without prejudice, drafting, if I might, sir, just one point, I think you summarised our response to your written question as well. These are sheds, and, you know, they're they. They need a functional appearance, but, but I would just say there was a specific question about the aspect of architectural delight, and our response to that. It does explain the measures that have been taken to break down the apparent massing of the larger buildings, including the use of facade treatment, variation in materials and colour, the incorporation of vertical and horizontal rhythms, entrance features, ancillary structures, etc, including the potential use of glazing and refined material palettes and focal points. So I don't think it's quite quite

 38:25

I fully appreciate that I was paraphrasing a lot. One I haven't seen is any in anything relates to whimsy.

 38:34

Okay, well, that's certainly something

 38:36

we can which design often does involve a degree of whimsy.

 38:39

Yeah, okay, and in respect of design review, specifically, we say that the approach will follow the EMG, one process where there wasn't a formal design review, but the applicant, SEGRO, worked very closely with the District Council and their design team, who are well placed and will ultimately have control through the conduct, through the requirements and protective provisions. And the design code is intended to frame, you know, the parameters of that, but we say that the District Council can be relied upon to exercise its functions in respect of secure and good design, sensibly and diligently, and that that process has worked very well on EMG one, and it's important that the process is as efficient as possible, and that any delays are minimised, especially in the context of the Freeport window, so anything that serves to delay that process we are keen to avoid given, given how well things have worked with the District Council previously,

 39:46

does the District Council wish to make any comments on this, the question of design review and some of the I'm going to ask national highways and the county council afterwards, and thank you, Jessica

 39:55

Allen North West Leicestershire district, Council, I think I don't have a we don't have a particular comment on whether, on the approach that the panel was just asking the applicants about in terms of a design review panel, to the extent it assists with the with that consideration, the I did mention yesterday that there is this new good design guide, SPD, that has been recently adopted. And what that SPD does do, which the previous good design guide didn't do in quite so much detail, is actually deal with matters that relate to industrial estate, business parks, such as this, I should say, for the avoidance of doubt, my understanding is I'll be correct if I'm wrong. Of course, the council serve and design officer has been commenting on the application, and knew that this was, you know, in the process of coming in. And so it's not the case that the adoption of this has suddenly changes things, and then asking needs to be a complete review of everything. The comments that the council has been making so far, we're obviously in line with the previous guide abroad. You know, any comments that need to be made in light of this will be, but it shouldn't be so such a sea change, but, but it's just to assure the panel that there is now within this new SPD, a lot more detail in terms of design, relating to that, to to to developments such as this. And of course, the council will be, will be able to bear all of that in mind and making its comments going further and any and discharging requirements and

 41:26

so on highways. Do you have any comments on the on the detail, on the aesthetic design of the highway elements

 41:33

Jeremy bloom on behalf of National Highways, national highways is satisfied with the preliminary design that's been submitted to this examination. National Highways does have a good design guide, which I would encourage the applicant to familiarise itself with before commencing detailed design, we'd be happy to discuss that as part of the detailed design process, and it will be part of national highways review of that detailed design.

 42:09

Thank you. And does the county council have any

 42:11

comment against the Leicestershire county council, just to confirm sir in respect of the protective provisions and the design check that Leicestershire county council will carry out, it will be against compliance with adopted highway design standards and will not consider aesthetic impact.

 42:53

I'm here. Sorry.

 42:57

Yes,

 42:57

Simon, Betz on behalf of protect Diseworth, if I may appreciate the point you just made was relative to national policy statement and national networks. But if I can just give a more general perspective on the commercial element and design briefly as an overview from the perspective of the local community, if you'll allow that.

 43:19

Have we got this in writing? It really anything you're saying, they should be supplementing what you've said previously, not bringing a new point to us.

 43:29

The outline will, I'm sure, be captured in previous written submissions, but I suppose we've heard a lot from the applicant about the design approach. You've raised the question in terms of a design review panel, I suppose from the perspective of the community, you have got a very large scale commercial element being brought very close to that community. So I would suggest that the perception of how the overall scale and massing and intensity of that development has been informed and reflects the community of Diseworth is very limited at this stage. And I think the concern that we have is that there's a limited as is the norm, limited amount of design information that would be made available during the examination, akin to an outline planning application. And therefore, there is a lot of there are a lot of detail that's carried forward into a requirement stage. Should the scheme be permitted? So I you know, we feel that the applicant perhaps should be pushed to justify the design approach parameters, the scale relative to the community of dies with more than they have done to date. And we have also picked up on comments of, yes, it's an isolated comment, but functional design of boxes, some of the comments we've heard today is more the external treatment, and, dare I say it, dressing of the buildings. What the community of dies with, is concerned with, is the scale and appearance of a building in that proximity with the separation,

 45:16

yeah, those are more their effect on the landscape and visual impact, which we were discussing yesterday. I think we are very conscious of the relationship of those buildings to the village and how they would create and obviously have that the effects of that, we will be taking into account this element of the discussion which we've been having relates more to say, the external opinions, but also does relate to the internal environment it will have been also in had we had any questions, because we were seen, we had various written questions about The open space and what the note and the ISIS, I said, isotones that set the equal sound level. So we was and gradient. So we're able to get information, information to ourselves as to how good an amenity that would be for for your good selves and and we are interested in the design of that as much as we are the design of the buildings. Well,

 46:16

one final quick points here, if I may. Obviously the landscape elements yesterday took more on methodology points, and you're aware our landscape consultant wasn't available yesterday. So can you give us some reassurance that landscape as an issue will feature more in a future discussion in a issue specific? Hearing,

 46:34

no, because we haven't decided what it whether or not we need to have additional issue specific hearings. The point being is that the NSIP Planning Act 2008 determination regime is predominantly written, and is it, and it is when we are seeking as a panel to seek further information, we determine what we need to talk about now, it may be that we want to talk about that again, may or not, but we just haven't got to that point in time yet, so I cannot give you any any assurance that it will or will not happen. Thank you, sir. Well, there's a statement of intent made anyway. Okay? So Mr. Page.

 47:14

Mr. Joe, Dr Joshi, my fault. Keep on rubbing. Who's doing which? Thank you. Mr. Jackson, so we'll now turn to the matters relating to population and human health the item 9.1 Firstly, in light of what Mr. Page said in item six about the statement of common ground, formatting and transparency, and what I said in yesterday, in my observation note relating to statement of common ground, the population and human health. Statement of common ground also does not help to understand the full process. I'll give you one example of that. The statement of common ground has the technical note stating time as February 26 and later, it was updated in March 2026 describing the engagement resolve the LCC commands from the county councils. So would you be able to also provide the comments which you received in a Track, track change mode on the technical notes, so that it becomes a transparent process, and the other parties can know how the updated technical note has been arrived.

 48:22

Isabella Tafur for the applicant. So just to be clear, that's the statement of common ground at deadline to rep 2035, you would like the technical note appended to that to show any track changes from the previous version

 48:39

that yes, the current rep two version has the technical note of February and March, but it doesn't show why you have updated the march version on what basis.

 48:49

And

 48:49

so you would like to see the track changes between the yes

 48:53

and would like to see the comments received from the county council on the February technical note, so that we can just the basis on which you have updated the technical note.

 49:03

Isabella Tafur for the applicant, what I'm not able to confirm at this precise moment is whether those were provided as written comments that we have or the changes were made as a result of discussions. But certainly, I can see no difficulty with providing a track change version, and if we do have a written record of all comments received on that technical note, then I'm sure there'll be no difficulty in providing those.

 49:26

Thank you very much. That would be helpful. Turning to the county council, would you like to update the current state of the statement of common ground? Is there any matters which is currently in discussion or outstanding?

 49:42

Sir Rebecca Henson Leicestershire county council, could I pass to my colleague, Mrs. Natalie Howden, who's available online to provide an update on where we're at on the population and human health matters? Thank you. Yeah,

 49:54

that's fine. Yes, Miss Howden. Yeah.

 49:57

Good morning, says, Thank you. Natalie Howden, strategic lead for wider determinants of health Leicestershire county council, yes, agree with the point in terms of further clarity and sign posting, including the discussions and the written notes that were provided around the February between the February and March, April updates at the time we provided our written and relevant representations, our concern was focused around the population and human health assessment and the equality statement at that point in time was reliant on transport model assumptions that were not agreed at that point in time, and given the key determinants that are covered within Chapter 17, such as access connectivity, road safety, traffic related, air quality and noise, all obviously direct, directly influenced by traffic flows and infrastructure that introduced some uncertainty on our point. So we welcome the applicants further clarification through the technical notes that they would be able to provide clearer articulation of the role of the transport modelling and a commitment to proportionate recheck of the assessment, both in the health chapter and the quality statement, potentially once that final modelling is available. So we find that clarification very helpful. Obviously, it reflects the core point that we've raised throughout, that transport modelling is a fundamental input to a number of health determinants, and that it's entirely reasonable to expect that changes in modelling would alter the significance of certain effects and the disagree the distribution of those effects across different population groups. So we welcome further clarity on those matters. Thank you.

 52:06

Thank you. Miss Allen, just coming back on that point to the applicant you have mentioned in your rap. 2032, the all modelling work based on both the prtm 2019 and 2023. Has been concluded, and there is no change were made. So I would like to respond to miss Howden, because Miss Howden series is still under consideration.

 52:30

Isabella Tafur for the applicants, my understanding is that LCC have now agreed that the flows from the additional modelling that's been carried out can be used, and that the applicants are now preparing a technical note on this issue to ascertain whether any updates to the ES chapter are chapter 17 that is are required in light of the latest transport modelling, so that, I think is accords with the position that LCC have just outlined.

 53:06

Thank you. Does my understanding correct? You are still in the process of updating the technical node. That means that the deadline to statement of yours. The transport modelling is completed and there were no changes made. Is going to be some changes in the chapter 17 based on the transport modelling.

 53:31

Isabella Tafur, for the applicants, it's correct to say that the transport modelling is now complete. It has now been agreed with LCC that those flows can be used to consider whether any changes are required to chapter 17. I can't say now that there will be changes required to chapter 17, because that work is ongoing. To be able to confirm that position.

 53:57

Mr Page has a question, has a question on in this vein.

 54:06

So in relation to the additional modelling that has been carried out, you've said you go into review Chapter 17, but I think it'd be helpful if you could review the entire yes to make sure that there aren't other chapters that also need to be updated. For example, chapter eight on air quality leave might be affected too. So we need to understand the implications for that. So just to bear that in mind as well, thank you.

 54:33

That then obviously have implications on the ecology one as well, because from air quality into ecology, they're all horribly interconnected.

 54:42

Yes, that includes noise and vibration as well. And just to just as a hypothesis, if there is a direction of change in the assessment of the chapter 17, specifically in light of the new transport modelling, we just want to make sure that the examining panel is not relying on the assessment which is later superseded with a new assessment. So do you have any plausible direction of change in terms of determinants?

 55:14

Isabella Tafur for the applicants, my understanding is that the 2023 modelling indicates that baseline traffic flows are currently below those that were previously assessed. And so the 2019 modelling is robust and conservative, such that, you know, the work hasn't yet been completed in respect of this chapter, but the direction of travel would not be to anticipate any likely significant effects beyond those that have already been assessed.

 55:46

Thank you, Miss Tafur, that is what I wanted to hear. Moving on to the next question about the diet and nutrition in ES chapter 17, specifically the treatment of access to the food banks through severance effects. The ES chapter 17 explains that the diet and nutrition assessment relates to the impact from changes in severance on access to food banks, and concludes that the population level impacts are negligible, with minor adverse effects reflecting vulnerability. We examining panel also ask in seven ex q1 17 point 0.5 an applicant explains that they use a phased screening approach, only if the significant severance is identified. Do then they check any food banks are affected, and because the Phase One didn't identify any significant severance, they conclude that there are no potential adverse impact on access to food banks. So could you please define what is significant severance? For me, I'll

 56:50

just introduce Tara Barrett of savilles to deal with that.

 56:56

Tara Barrett for the applicant, yes. So the severance effects are directly taken from the transport chapter. So severance is one of the several themes that the transport chapter assesses, and they will conclude whether each road link will have a significant severance effects, severance effect or not. And drawing from that and building upon that, we will then use that to inform our assessment of access to food banks or as a result.

 57:30

Thank you. So the definition has been directly derived from the transport chapter, rather than from for the population and human health. And you said the severance is defined there. But what my question was about the significant severance, so how do you define that?

 57:49

Isabella Tafur, for the applicant, I think the response, or as I understood it, is that the ES chapter on traffic and transport, like other es chapters assesses and reaching reaches a conclusion as to whether there are significant effects on various matters, including severance. And so the population and human health chapter looks to the transport chapter to see whether that has identified a significant impact on severance and adopts the conclusion from the transport assessment. So it's only where the transport chapter identifies significant severance that that would be a matter relevant to population

 58:30

and human

 58:33


health. So my next question would be, could you explain why the severance changes that are not significant under your screening cannot nevertheless have a material impact on access for vulnerable users, particularly where changes are discussed along the A, 453, across The EMG to main site frontage.

 58:55

Tara Barrett. Tara Barrett, for the applicant, generally speaking, quite a lot of the road links that are affected do not have many kind of reasons to cross, or pedestrian infrastructure or cyclist infrastructure. Also, it may be the case that people are accessing by public transport or car, and the proposed development does not is, is not considered to impact those materially.

 59:30

Just to make my point more clear, your assessment says that if changes in access do not meet your threshold, which is significant severance, and then they are screened out and non and not taken forward for further consideration. However, your ES chapter recognises that people who rely on the food banks are a vulnerable group, so they might be even uses relatively small change can have a slightly longer routes or more difficult crossings, or reduce perceived safety, could make a harder for them to reach and access those services. So the question is, why does your methodology assume that these small or non significant changes would not have the meaningful impact on those vulnerable users.

 1:00:19

Tara Barrett, for the applicant, generally speaking, the severance effects that were reported in the traffic and transport chapter from memory were either negligible or minor adverse and it's considered that that also applies to the vulnerable receptor groups,

 1:00:40


I'll turn to the county council. Is the explanation of the applicant correct on these matters? Do you agree with that?

 1:00:46

Rebecca Henson, Leicestershire county council, I'll defer to my colleague Natalie Howden, shortly, but ultimately, I think what we need to see is the revised assessment as a consequence of the transport modelling. I think two of the things that we picked up previously were the impact that the local road network modelling is showing through the centre of the villages of Castle Donnington and Kegworth and I do think that needs taking into consideration in terms of reviewing the assessment and indeed, any every any severance that those additional flows may pose, perceived or otherwise.

 1:01:31


Thank you for that. One more questions, are you satisfied with the approach which the applicant has taken for screening criteria, phase one and phase two specifically, and does that also cover your construction and operation related activities?

 1:01:54

Thank you, sir. Rebecca Henson, Leicestershire county council, if we can just defer to my colleague, Mrs. Natalie Howden, who's online? Thank you.

 1:02:02

Thank you, sir. Natalie Howden, Leicestershire county council, yes, we agree in principle to the HIA screening approach, on the condition that obviously all of those stand alone considerations were made throughout the health chapter and the screening chapter. So we would just expect, as Mrs. Henson alluded to, that those considerations would be revisited on the basis of the now agreed transport data.

 1:02:37


Thank you, Miss Horsley for that. So moving on. I also want to understand how the ES requirement for signage, setting out details on how to register a complaint is secured. So the question is in paragraph 17.5, point 29 of Yes, chapter 17 says that the phase specific construction and environmental management plans will include the advisory signage at public access points, including details on how to register a complaint. So could you please confirm the complaint route, which will be sign posted there, whether it will be phone, email, web, and whether this mechanism applies across all construction activities and not just the highway works.

 1:03:26

Isabella Tafur, the applicant,

 1:03:29

best

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question is whether the means by which they can register their complaint is going to be by telephone, letter, email. Is that correct?

 1:03:38

Yes, what will you be sign posting on that?

 1:03:41

I think I may have to come back to you on that. I'm afraid I don't know top of my head.

 1:03:48


And the second question was, the mechanism applies across all relevant construction activities, or not just the highway works. Is that correct?

 1:03:58

Isabella Tafur, for the applicants each phase specific construction Environmental Management Plan will set out the details of signage to be provided at each public access point.

 1:04:14

Thank you. With reference to the the updated CEMP at deadline two, which includes the complaints and inquiries logging and tracking process within the public communication and traffic management protocol for highway works so could you please explain whether an equivalent logging and trend review process will operate for complaints relating to non highway construction activities?

 1:04:49


Isabella Tafur for the applicants. So would you mind just giving me the examination reference for the document you're asking that the specific questions on the updated

 1:04:59

hemp

 1:05:02

I don't have in hand, right?

 1:05:03


Don't worry, I will have it. I just don't have it on this particular piece of paper. Just bear with me. Thank you. Just so I can have it

 1:05:16


up.

 1:05:19


Rep two zero 16.

 1:05:25

Meanwhile, can I turn to the county council on that one about the register a complaint mechanism, which has been provided as part of the CEMP, which is structured traffic management protocol for highway works. Do you consider that mechanism and is sufficiently secured and scoped across the works?

 1:05:49

So Rebecca Henson Leicestershire county council, we will need to take that away and review and come back with a commented deadline for if possible we have with a wider concerns in respect of that document as well.

 1:06:03

Yeah, that's fine. Thank you.

 1:06:04

We are also going to be coming to the wording of the requirement later, when we get to the DCO itself. Anyway.

 1:06:12

Thank you very much. Isabella Tafur, for the applicants. Thank you for your patience so we now have the updated management plan before us. Would you mind just repeating the specific point you were asking us about on that

 1:06:24

what I was asked. What I was asking was, do you consider a register a complaint mechanism, and let the logging and the trend review is sufficiently secured and scoped across the works.

 1:06:41

Isabella Tafur, for the applicants, our position is that it is sufficiently secured and there will be a phase specific constructions Environmental Management Plan that will be controlled and approved

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so that will include the non highway construction activities as well.

 1:07:10


Yeah, the answer to that question is yes, the contractors will have a complaints procedure which will relate not just to highway works, but to all of the works.

 1:07:21


Thanks for confirmation on that. Next. Moving on, one more question I have regarding the refer to the examining authorities. Question 17, point 0.4, would you please display the table six of appendix 17, C, A, pp1, 83, You go to the receptor LCC one and LCC three. It's the document page number five, I'm not sure the PDF page number the table six, just further down. Five page number, yes, there. So in response to the ex Q, 17.04 the applicant said that in combination effects for equality receptors, LCC one to LCC three have been considered in these rows. And so I just want to know which specific rows talks about the in combination effects, which you signed posted in your response.

 1:09:13

Tara Barratt, for the applicant, the in combination effects are simply the consideration of both air quality and noise impacts at these receptors, which are described in both cases to be negligible.

 1:09:30

So what I was more curious to know is about how or where you have signed posted in combination conclusion for this LCC one and LCC three,

 1:09:44

Tara Barratt, for the applicant, is it simply that you need reference to in combination effects Within this table itself or within the chapter

 1:09:54

the both. Board,

 1:09:55

Tara Barrett for the applicant, that's not something that has been provided. I don't think, I think the in combination effects were not signposted specifically because of the negligible, negligible nature of them. However, if that's something that needs to be done, I'm sure an update could be completed to show that, specifically,

 1:10:22

yes, that might be helpful for us to know. And coming back to the county council. Is the county council happy with the assessment of GPC and traveller receptor, LCC one to LCC three, or the in combination effects

 1:10:48

Mrs. Rebecca Henson Leicestershire, county council, could I please defer to Mrs. Natalie Howden online, thank you.

 1:10:56

Thank you. Nestle Howard and Leicestershire county council, I think this issue, we would expect it to be revisited on the basis of the now agreed transport model data, as Mrs. Henson covered earlier, that will have particular impacts on locations including Castle Donnington and Kegworth, so we would need to establish whether or not those impacts would have a more of a significant impact on gypsy traveller sites that are located in those particular areas. So we would expect that to be potentially revisited by the applicant.

 1:11:36

Thank you, Miss Horton for that. The Lastly, I want to ask about the health impact assessment transparency. So we did ask the question 17 point 0.7 where we asked to explain how the HIA components are now presented within the ES 17 chapter. So could you please either in writing, it would be helpful to know how the HIA has been Ahmed within the ES chapter 17, so that similar comment was made by the county council as well

 1:12:16

Tara Barrett for the applicant, yes, we'd be more than happy to put that in writing how and where all of those elements have been addressed within the ES chapter to ensure that nothing's lost between the previously drafted Health Impact Assessment appendix that was supporting the US chapter

 1:12:38

and turning to county council. Would that be sufficient for you to know that all the component of the HIA has been embedded within the US chapter, or you are still considering further than that?

 1:12:54

Rebecca Henson, Leicestershire county council, I think so we'd welcome that cross referencing. That's something we have been asking the applicant to do, and ultimately, when that exercise is undertaken, it will identify if everything indeed has been considered within the assessment. I think so we'll we'd comment further once we've seen that cross referencing. Thank you, sir.

 1:13:17

Thank you, Miss Henson. Thank you for that. Is there any other party would like to raise anything on population and human health? No, I don't see any hands. And I guess it's time to take a short break here. It's 1114 we'll come back at 1130 Thank you. This hearing is adjourned.