



Hearing Transcript

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

Please note: This document is intended to assist Interested Parties.

It is not a verbatim text of what was said at the above hearing. The content was produced using artificial intelligence voice to text software. It may, therefore, include errors and should be assumed to be unedited.

The video recording published on the Planning Inspectorate project page is the primary record of the hearing.

Issue Specific Hearing 3 - 14_5_26 - 12_09

📅 Thu, May 14, 2026 12:09PM ⌚ 18:04

SUMMARY KEYWORDS

landscaping requirement, operational environmental management, protection provisions, Highways Act 1980, environmental impact, draft requirement, future proofing, applicant response, district council, county council, National Highways, insurance requirement, bonding, Highway Design Guide, statutory nuisance, meeting adjournment

SPEAKERS

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

 00:00

That's the same whether it's a building or whether it's landscape, the same test, if it would, or might realistically have that effect, the requirement simply would not achieve the desired objective, because the duelling might be thwarted because the permitted activities have been exempted from control. Wouldn't protect dual but if it wouldn't have that effect, if it wouldn't potentially prejudice or adversely affect the ability of it to be used for an A453, with duelling scheme, that necessarily means the landscaping proposed development would continue to be acceptable without what's proposed on that land. Either it doesn't serve the purpose, or it demonstrates that you don't need all of that land permanently for landscaping effectively. Therefore, the very structure, the first two parts of the drum requirement, demonstrates its fundamental flow. So that was pretty similar.

 01:07

Does the applicant must respond to that? Isabella Tafur

 01:20

for for the applicant. So you'll have seen in the state of reasons that that land subject to this draft requirement is required for landscaping to adequately landscape the impacts of the development and there is nothing in requirement 31 which requires the applicants to convey that land to Leicestershire county council or to anybody else to deliver any highway work schemes. If a highway scheme did come forward in the future, plainly, it would be necessary to establish that that could be appropriately mitigated. The impact of that scheme would be appropriately mitigated, which is plainly not something we can decide or understand at this stage. I The intention of the applicants has never been to put any built form on that safeguarded land we have sought to and then explain that to LCC. They felt that additional comfort was required. The permitted this requirement wouldn't prevent the landscaping that we propose on the scheme.

 02:51

Thank you.

 03:02

What

 03:17

if I move I think, does anybody else want to make any other comments on 31

 03:26


can we move on to requirement 33

 03:31

which is for the Operational Environmental Management. This is at the moment, and I appreciate it. Takes, often into almost into nothing, as much as you, away from the environment. I was just wondering whether or not there will be matters which the district council and also would be included the OEMP

 04:05

Jessica Allen North West Leicestershire District Council

 04:19

Council's response, there's nothing at this stage. So there's no anything going in this, as it were, on of District Council responsibilities that you would wish to see in operation, environmental management. Just final

 04:40

question to District Council that is currently the decisions, and is that also

 04:45

the case for the county council? Mrs. Rebecca Henson Leicestershire County Council

 04:51

council. I think we need to take a look at the recording.

 04:58

Yeah, we haven't

 04:59

been involved in the draft.

 05:00

No, I appreciate it. Part of the problem is because we haven't gotten that a draft outline Environmental Management Plan as yet, which we need which? But it's just I was thinking, if there was anything we would like it to include, such and such, it would be best to try and get it in in the original drafting, rather than having to, having to try, having to add it later, when we're further down, when we're running into less time towards the end of the exam, where we still in the first just a journey, just gone past the first third, we ended up in the last month. It was the last thing. So he was just thinking trying to future proof anything, rather than necessarily.

 05:46

So John Ridley of the airport, we consider this may have some implications for safeguarding matters or maybe safeguarding interest in the content of this. Just like to put a marker down, and also not wish to have to scramble, as we might do with some of the other items towards the end.

 06:08

So could I ask that the applicant is with the airport over it over, in case there is anything that they would like to see put into this plan, except this appears in the first draft rather than have to be in the second. I

 06:22

believe we're still waiting to hear from the Environment Agency about exactly what they want to see in the plan. So I think once we have a better understanding of that, we obviously share the revised requirement with everybody else. Do you

 06:37

know when the last couple responses between yourselves? And the agency was?

 06:47

It was this morning.

 06:50

Was that just it wasn't that a chase from your good self, so it was something from the agency.

 06:55

We're

 06:56

trying to get a meeting. I

 06:59

do understand the difficulties achieving that, but they obviously, obviously want to try and move that move is not, if at all, contentious. Lastly, for the DCO of before we come to protect provisions, schedule 14, which is dealing with miscellaneous controls we had, there's a council where, which Business Academy Council indicated it did not agree to this application of two of the provisions, namely, section 141 of the Highways Act 1980 section 55 one, a of new works and street works acts. Well response from the applicants was to these ones was sitting out, was essentially they had precedent. They needed to provide, minimise future consent. I can hear from both participant today on this, but actually, I'd much prefer due to both book or four cases in writing as to why, in your case, the accurate case, they are necessary, and the county council cancels why they will be inappropriate, so we can report on them now, clearly, in the meantime, if you're able to find a halfway measure or one of these exemptions would apply in these circumstances, but not in others which which satisfy both then so much that would be so much better, because in the end of the day, if you can't come to an agreement, we're going to have to report to the Secretary of State, is everybody content? There? It now moving on to protection provisions. And there are three main classes here. Yes, protect Diseworth

 08:53

So Simon Westman, to take. I just before we moved on, I just wanted to touch briefly on requirement 20, so I didn't make a comment previously. I know you asked the comments from both the applicant and local authorities on this point, but from from the perspective to protect Diseworth was the wording within requirement 20, in construction rules and 21 operational routes is on is of significant concern. So we have a very high on first component of that, which refers to justified complaints, whatever that is, which could expect all the noise green, if that wording continued, then there is an action to talk about something producer in fourth, and then, as it stands, do nothing. But I just make that point, because this is all wrapped up in the issue of optimal theatre seven, in terms of defensive proceedings in respect of statute nuisance, neutralising that normal legislative power, but also our representations upon construction working hours as well. Now appreciate that slightly spilling every decision talking about nice initiative. This is DCA drafting. I just wanted to reaffirm.

 10:04

Thank you. I'm sure requirements will take that on board. So moving to the protected provisions, the three in the room will do them in the order that they're in the order, in the order, as it were. So national highways. Could you give us your position as to where you've got to protect the just

 11:03

Thank you, sir, national highways, sir, as it stands, the protection provisions sit in the applicant. So we review them and give them outcomes to the applicant. You would have seen our key issues summarised in our Delmond submission. It has been some progress since then. We're waiting now for a meeting,

 11:15

if you'd like that particular briefly, if you have, if you could give me just the headlines of them. I don't want the detailed drafting I just could do with what the headline point

 11:22

is. Okay? National Highways. So the key are, starting points are, is a discussion of the current guidance or standards that should apply. And that's one potential so that we're expecting that to be agreed the parties we understand the original deemed consent national highways are seeking control of certain DCO powers. I won't go into detail here, but the point there is that while national highways land is generally excluded from the scope of power, there are still DCO articles that were applied to national Highlands land. We also have a bond and a commuted sum. The figures are still under negotiation between parties. And insurance requirement is also still under negotiation. That's

 12:13

a figure that seems as far as the applicant is concerned with efficiency.

 12:17

Tony Westman from the applicant, I agree with that summary of the current position, and we hope to get a meeting with national highways next week, County Council.

 12:27

Thank you, sir, my council,

 12:30

national county council, similar position to national highways. We await contact from the applicant teams to have concerns that the county council. County council raised in respect of

 12:51

protective provisions in each group without submissions are to be

 12:54

addressed again, who are headlines rather than visa? So I guess the main headline is that protective provisions don't affect the LCC standards or section two. Standards. They don't reflect the bonding requirements, the fees. They don't reflect our adopted Highway Design Guide, concerned about some definitions and submissions, and there's in respect of our information, the payment of the timing of the community. The

 13:36

timing of the community. Simon is also a consent in authority. We are in the seat of LCC comments, which we think there may be some kind of issues of formatting and style over substance, because I think we can probably agree some of those points that have been raised. So we'll take that away and engage

 13:54

directly now, East Midlands Airport, and this relates to the DC I will come to the material agenda.

 14:01

John riding Pinsent Masons for the airport. As with the active travelling, we've had constructive discussions with the applicant on protective provisions. There's been a little back and forth. The draft is currently back with us last week, as we were preparing for this week's hearings, I think it's fair to say we've got a month to deadline for and we're cautiously confident we can make good progress in that time. Those looking at the detail aren't in the room, so I won't even give you headlines, but it's moving in the right

 14:41

direction. Thank you. That leads that thing leaves the end of all the points, 10 of the main consent order, unless there's anything anybody else raise. Now moving on from serial change order again, I haven't got this. Haven't got any queries about text. I wasn't. We are obviously still points about the projected provisions. Obviously, some of them, it's was agreed at the last hearing that they may, they, they may need to be updated from where we were 10 years ago. Things have moved on. The biggest one in this context was probably the most contentious one was the airport. So I'll start with you and just where you

 15:30

are. John Harley from the airport, I think where we are is trying to reach a position on the substance of protective provisions for the DCO, which once agreed, we will discuss in the context of the

 15:47

MCO. Yes, I'd agree with that. I think it's important to both, and possibly so this one is the National Network brain. Obviously have come in an interesting party into this, into DC, appointing the examination full stop. I'm assuming there's going to be protection, provision for living in one or both of the applicant.

 16:13

Very possibly not. Tony Westman for the applicant? Very possibly, not actually. So we are in receipt of network Wales letter. We have made some inquiries. We don't agree with their concerns. We don't think they're affected in quite the way they say they are. And we have gone back to them, and we're waiting a response.

 16:40

Okay, thank you. Just because, obviously it will, unless the unless we get something from them, we will have to assume that it is still extend right. What, what I think we now need to have is an adjournment for us to go to go away for 20 I think I said 20 minutes till about quarter two, then with a bit like we will be able to get through them by lunchtime. We might be going, it might be five minutes past current number, but just to go through them all so that we to hopefully then get all cut off. We'll adjourn now, actually until 1250.

 17:30

thank you. You.