

ExQ2	Question to:	Question:
1.	General and cross-topic questions	
1.0	Consideration of application – general matters	
Q1.0.1	The applicants	<p>Change log for application documents</p> <p>Please can the applicants provide a change log for each application document at each deadline hereafter. The change log should comprise three columns. The first column should list the documents, with hyperlinked examination library reference numbers, that have been changed since the previous deadline. The second column should provide a summary that is proportionate but still of sufficient substance to fully understand what was changed and why it was changed. The third column should identify the catalyst for the change and use hyperlinked examination library reference numbers accordingly.</p> <p>For example, if the LEMP was changed to include new requirements in relation to ecology surveys in response to interested party comments, the first column would list the LEMP, the second column would summarise the new requirements and why they were necessary in light of the interested party comments, and the third column would identify the document within which the interested party comments were made.</p> <p>The change log should be proportionate and focus on substantive changes that affect how likely significant effects are assessed and that might be important and relevant to the Secretary of State’s decision. It does not need to include every minor change made to every document. The ExP is content for the change log information to be incorporated into the application documents tracker for the DCO application [REP3-004D] and MCO application [REP3-004D], if this is a workable solution.</p>
Q1.0.2	The applicants	<p>Areas of individual Works</p> <p>Could the applicants’ please set out a table showing the areas in square metres of each of the individual works as set out in schedule 1 of the draft DCO.</p>
Q1.0.3	The applicants	<p>Examination Issues Tracker</p> <p>Appendix 7 and 8 of the applicants’ response to relevant representations [REP1-051D] sets out responses to “other interested parties” and the “local community” respectively. It is not clear to the ExP whether these are fully addressed in the Examination Issues Tracker [REP2-028]. Please can the applicants review and update if necessary.</p> <p>Furthermore, to make the Examination Issues Tracker a more efficient and effective tool, please could the applicants hyperlink the examination library reference numbers, and also expand the summaries so that they provide more useful detail.</p> <p>For example, under issue 3 it would be useful to see more of what Kegworth Parish Council said about the nature and extent of natural environment losses. Furthermore, it would be useful to see more of the applicants’ rebuttal position – instead of a vague signpost to the ecology and biodiversity assessment in the Environmental Statement.</p>
Q1.0.4	The applicants	<p>20% advanced manufacturing floorspace</p> <p>The applicants responded to Q1.2.8 of ExQ1 [REP1-054] and subsequently responded to NWLDC’s response to the same question [REP2-032], stating that a 20% limitation was not necessary because B2 trip rates have been assessed as a worst case scenario in the Environmental Statement. For clarity, what percentage of trips were assigned to B2 in the Environmental Statement, and should this percentage be secured as a limitation in the dDCO?</p> <p>For example, if the Environmental Statement assessed trip rates based on 20% B2, without limitation could the proposed development come forward with 40% B2 and thereby have greater significant effects than those assessed in the Environmental Statement? Consequently, does it follow that B2 should be limited to 20% in the dDCO?</p>
Q1.0.5	The applicants Prologis EMIA	<p>Section 35 direction</p> <p>The ExP appreciates that this matter was discussed during CAH2 and that associated action points will be addressed accordingly. Supplemental to those, please can the parties explain whether the SoS has discretion to allow the development secured by the DCO to deviate from the wording of the s35 direction provided that it would be sufficiently similar in nature and scale to remain nationally significant? As such, would it be open to the SoS to consider the matter in terms of “fact and degree” during their decision or would they be bound by the exact wording of the s35 direction?</p>
Q1.0.6	The applicants	<p>Operational and Environmental Management Plan</p> <p>Please can the applicants provide an update on the progress toward defining “operational environmental management plan” in consultation with the Environment Agency, and potentially North West Leicestershire District Council (NWLDC), for which there is a placeholder in the dDCO [REP2-008D] under requirement 33(2).</p>

ExQ2	Question to:	Question:
1.1 Other applications in vicinity		
Q1.1.1	Prologis	<p>Section 35 direction</p> <p>In the 'Applicants' Response to Deadline 1 Submissions' [REP2-032] in responding to the written representation from Prologis, in reference 5.7, there is a reference to "Prologis's current s35 Direction which they applied for". Could Prologis confirm whether or not it has made such an application for land on or in the vicinity of the application site, and if so, provide both a copy of the application, including any accompanying plan(s), and any subsequent direction issued by the Secretary of State.</p>
1.2 Community matters		
Q1.2.1	The applicants	<p>Community park</p> <p>In light of annexure 1G in the responses to the ExP's written questions [REP1-054] the applicants have provided a plan showing the areas across the site where gradients are greater than 1 in 8. Given the extent of this across the northern part of the open space area, could the applicants explain how this would be made accessible for all, and particularly how those requiring lesser gradients travelling across the open space to the north and the A453 so that they would be able to access this.</p> <p><i>Protect Diseworth (PD) Response: PD notes and agree with the challenge of 'accessibility'. Steep slopes would preclude people in wheelchairs, young families and those with accessibility issues using the park. The community park plans highlight that it would not be inclusive to all. Given the inclusion of such high bunds, PD would question whether such areas could be meaningfully used as part of the community park, given it is assumed that the bunds are a noise mitigation measure and serve an alternate purpose. In any event PD would continue to question whether a community park so close to the A453, associated with HGV movements and associated noise, would be an attractive and therefore well utilised space.</i></p>
Q1.2.2	The applicants	<p>Community Park Plan</p> <p>The issue of competing usage across the community park has been raised in relation to several issues. In this context, please can the applicants provide a community park plan that shows all the relevant components and the associated space requirements of each, including any buffer zones or design standards required by policy or guidance. The role of the plan is to demonstrate to the ExP whether all the proposed components therein can be accommodated without any unacceptable spatial conflicts or tensions.</p>
2. Design, parameters and other details of the proposed development		
Q2.0.1	The applicants NWLDC NH	<p>Design review</p> <p>In its response to ExQ1 2.0.5 [REP1-054] the applicants have resisted the inclusion of Design Review within the detail of the design, considering that the Design Code provides sufficient protections. The response only refers to buildings and does not address the question of highway structures, which were referenced in the question.</p> <p>The applicants are asked to respond to the original question in respect of highway structures.</p> <p>NWLDC and NH are asked for their views as to whether Design Review should be a mandatory requirement within the design process.</p> <p><i>PD Response: As noted in our verbal submissions at ISH3, PD are of the view that design issues relating to the Part 2 works (Commercial Development) have thus far been given limited consideration, in the application submission documentation and in any questions and/or discussions during the examination process. PD considers that the Applicant is seeking to do the minimum possible at this stage. Whilst noting that a Design Code is proposed, as presented within the Design Approach document, this appears to have a narrow remit, focusses more on the internal aspects of the site and buildings and gives less consideration to the wider impacts of the scale and height of development. A design review panel would provide more flexibility and to ensure 'challenge' is presented to how any development would integrate into the surrounding local landscape, reflecting the sensitivity of Diseworth, as a residential conservation area village, lying in proximity to the Order Limits. As an alternative, the Design Code, could be revised to enable a more iterative process, that includes a commitment to putting the scheme before a Design Review Panel.</i></p>
Q2.0.2	The applicants	<p>Work no. 19</p> <p>In the 'Applicants' Post Hearing Submissions (PM, CAH1, ISH1 and ISH2)' [REP1-052] item 6, when discussing Work No. 19 it is stated the works "relate to an upgrade of the existing footpath L57 running westwards from EMG1 to Castle Donington to deliver commuter cycle connectivity. The most direct route from Castle Donington to EMG2 is via footpath L57".</p> <p>Could the applicants' please explain how it is intended to facilitate access across the bund for cyclists to the west of Plot 16 given the current steps over the bund and the existing gradients, particularly as it is said that the "route from L57 ties in with the wider cycle improvements on the A453 between EMG1 and EMG2".</p>



3. Agriculture and soils		
Q3.0.1	The applicants	<p>Topsoil reuse and control (BMV land)</p> <p>With reference to the applicants' response to ExQ1 Q3.0.2 [REP1-054] and Protect Diseworth's comments on the ExQ1 responses [REP2-057], please provide a concise statement of the expected proportion (%) of stripped topsoil from Grades 1, 2 and Subgrade 3a that will be reused on site and that exported off site. Please also identify where this outcome will be secured and/ or recorded.</p>
Q3.0.2	The applicants	<p>BMV cumulative effects technical note</p> <p>In response to ExQ1 Q3.0.5 [REP1-054] (cumulative effects on BMV land), the applicants stated that a technical note would be prepared and submitted at deadline 2. Please confirm whether this technical note has been submitted into the Examination and, if so, provide the relevant Examination Library reference; and if it has not been submitted, explain why and confirm when it will be submitted.</p>
4. Air quality and emissions		
The EXP has no further questions on this topic at this time.		

ExQ2	Question to:	Question:
5.	Biodiversity, ecology and natural environment (including Habitats Regulations Assessment)	
5.0	Non-Habitats Regulations matters	
Q5.0.1	The applicants	<p>Final Landscape and Ecological Management Plan</p> <p>Requirement 10 was updated in the latest dDCO [REP2-008D] and is said to secure a final LEMP. However, does the wording make sense as written, and does it actually require a final LEMP to be submitted and approved?</p> <p>Moreover, it is not clear why the trigger point for the final LEMP is tied to the occupation of the final warehouse within the authorised development. The final LEMP would manage the implementation of the landscaping scheme, including ecological mitigation, secured by requirement 9. Therefore, logically, should the final LEMP be submitted and approved before components of the authorised development involving landscaping and ecological mitigation are commenced? Otherwise, the authorised development involving landscaping and ecological mitigation could be commenced and implemented in accordance with the existing LEMP, which may not reflect the details subsequently approved under requirement 9.</p> <p>The ExP notes the applicants' contention in its submission [REP2-032] in response to question 5.0.26 of ExQ1 that the LEMP is not in outline. However, further detailed design information would arise through the discharge of requirements, including requirement 9. It would require updating so that it remained consistent with whatever further detailed design information came forward. Consequently, the LEMP as provided is not final, and whilst it may not strictly be outline in detail, it is interim in function.</p> <p>Please can the applicants review and amend the wording and structure of requirement 10 in light of the above.</p>
Q5.0.2	NWLDC	<p>Replanting regimes</p> <p>Is NWLDC satisfied with the applicants' updated LEMP [REP3-043] and that the replanting regimes would ensure the long-term success of the proposed habitat creation together with enhancement?</p>
Q5.0.3	The applicants	<p>Standing advice</p> <p>Natural England has responded with standing advice on a number of issues and the ExP is not clear if the Environmental Statement accords with this standing advice. For example, standing advice on veteran trees includes specific buffer distances to veteran trees and ancient woodland because they are more vulnerable to disturbance and damage. However, we have been unable to determine what buffer distances have been applied and whether they accord with the relevant standing advice. Please can the applicants review all of the standing advice identified by Natural England and demonstrate accordance with it or justify departure from it.</p>
Q5.0.4	Natural England The applicants	<p>Yellow items</p> <p>The Statement of Common Ground [REP2-039] and the Risk and Issues Log [REP1-234] include a number of yellow items requiring further information. For example, NE25 requires details and justification of the SuDS in relation to any badger setts. However, it is not clear whether this information must be submitted during the examination and then incorporated into the subsequent license application, or, whether this information is a matter for the license application alone. The ExP presumes the former, on the basis that the effect of the SuDS on the badgers etc. would need to be assessed pursuant to the EIA Regulations as a likely significant effect and any other relevant legislation and policy requirements engaged as part of a DCO application decision making process under the PA2008.</p> <p>Consequently, unless Natural England provide targeted reasons to the contrary, please can the applicants review the issues where further information has been identified as being necessary and update the Environmental Statement, and any other relevant application documents, accordingly.</p> <p>Additionally, can both parties review the Statement of Common Ground [REP2-039] to ensure it accurately reflects the Risk and Issues Log [REP1-234] and that there are no gaps in coverage.</p>
6.	Climate change and energy	
The ExP has no further questions on this topic at this time.		
7.	Compulsory acquisition, temporary possession and other land rights considerations	
Q7.0.1	Prologis	<p>'Ransom' value</p> <p>In the report in Annex A of [REP3-061], in footnote 13 to paragraph 4.13 the author provides a list of cases. Could these please be fully referenced and provided as a single document.</p>

ExQ2	Question to:	Question:
Q7.0.2	The applicants Prologis EMIA	<p>Alternatives</p> <p>Can the applicants provide further information about the negotiations they have had with affected persons (principally East Midlands Airport and Prologis) about entering into a joint venture to develop both northern and southern parcels of land subject to the EMG2 main site?</p> <p>For example, whilst the ExP acknowledges the applicants have provided some high level chronology of engagement, is there any further information about the details of the joint venture that was discussed, options for how the land might be jointly developed and any other alternatives to compulsory acquisition duly explored?</p> <p>For clarity, does East Midlands Airport or Prologis dispute as a matter of fact whether the negotiations took place as set out in the applicants' response to relevant representations [REP1-051D], or do their objections principally relate to the substance of negotiations that took place?</p>
Q7.0.3	The applicants	<p>Timing of when alternatives were explored</p> <p>In light of the Prologis submissions [REP2-050D] relating to the timing of when alternatives should have been explored, please can the applicants explain the importance of timing and evidence how this was taken into account during their exploration of alternatives?</p>
Q7.0.4	The applicants Prologis EMIA	<p>Exercise of compulsory acquisition powers</p> <p>Paragraph 1.19 of Prologis's submission in response to action point 2 [REP1-258D] sets out that if compulsory acquisition powers were exercised and the scheme then became undeliverable, there would be no mechanism to restore Prologis' position as there was in Morpeth. Please can the parties explain whether there are any remedies that could be secured in the dDCO, or that already exist in legislation, to restore the position of affected persons in the event compulsory acquisition powers were exercised but the scheme was not then delivered? For example, whilst the Crichel Down Rules apply to public sector bodies, could a version of those rules be tailored to the private developer context and secured by provisions in the dDCO?</p> <p>If a potential remedy could be secured or otherwise exists, how might this affect the assessment of private loss when determining whether compulsory acquisition is justified? For example, would the existence of a remedy mean private loss would be temporary and would this limit the resulting harm compared to permanent private loss?</p>
Q7.0.5	The applicants	<p>Private loss</p> <p>Paragraphs 17 to 21 of EMIA's submission [REP1-220] sets out that private loss has not been sufficiently assessed. Please can the applicants direct the ExP to where they have explicitly assessed the nature and extent of private loss that would be felt by affected persons.</p>
8. The draft Development Consent Order (dDCO) [REP2-008D]		
Q8.0.1	Leicestershire County Council (LCC) The applicants	<p>Draft DCO (general)</p> <p>In its 'Post hearing submissions for ISH2, including written summaries of oral cases' [REP1-087] LCC set out various amendments to the dDCO which it wished to see.</p> <p>Could LCC please go through the version of the dDCO submitted at D2 [REP2-008D] and respond to the changes made to confirm whether or not the applicants have made the requested changes.</p> <p>The applicants are expected to provide its response to the D2 submission at D4 which should include a provision-by-provision analysis.</p>
Q8.0.2	The applicants	<p>Detailed design and ecological mitigation</p> <p>The applicants responded to Q5.0.27 [REP1-054] confirming that "the dDCO [PDA-004D] will be updated to ensure that ecological mitigation outside the main site is secured as appropriate. As regards the Community Park, [requirements] 7(2) and 9[1] of the dDCO will be updated to include reference to it". However, it is not clear that all the necessary changes were made in the subsequent dDCO update [REP2-008D]. For example, whilst additional text for the community park has been included in requirement 7(2) it is still not clear that the detailed design and delivery of ecological mitigation outside the main site is robustly secured.</p> <p>For example, ecological mitigation does not seem to have been imported into the definition of "detailed design information" in schedule 13 to secure it as part of National Highways' and Leicestershire County Council's prior approval protective provisions.</p> <p>Additionally, requirement 3 states that no component of the authorised development on the main site is to commence until details of the phasing of that component have been submitted and approved. Should the community park and substation sites be included in the wording of requirement 3 to ensure they are suitably phased alongside the main site?</p> <p>Furthermore, requirement 9 states no component of the authorised development on the main site is to commence until a landscaping scheme for that component has been submitted to and approved by the local planning authority. Should the community park and substation sites be included in the wording of requirement 9 to ensure they are subject to the landscaping scheme?</p>

ExQ2	Question to:	Question:
		<p>Please can the applicants undertake a thorough review of the dDCO to ensure that the detailed design and ecological mitigation is adequately secured for each discrete area as defined within the dDCO. That is, land associated with the main site, the community park, the substation site, the strategic road network and the local road network. Please can the applicants update the dDCO accordingly.</p> <p>More broadly, please can the applicants also review their other responses to ExQ1, and responses to action points from hearings to date, to ensure that where they have committed to update the application, whether the provisions within the dDCO, sections within the Environmental Statement, or otherwise, that these updates have been actioned in full.</p> <p>To aid this review, the ExP has created a table (Annex 1) identifying some of the instances where updates are still pending. Please note, the applicants should still carry out a comprehensive review of their own, and it should not be limited to the instances identified in the ExP's table, which serves to illustrate the problem in outline.</p> <p>Any outstanding updates should be actioned and submitted by deadline 4.</p>
8.1 Articles		
Q8.1.1	The applicants	<p>Article 38</p> <p>In discussing whether any distance outside the application site the applicants should be permitted to fell or lop trees and remove hedgerows the revised explanatory memorandum submitted at D2 [REP2-012D], the applicants indicate that the 15m distance has been “carefully considered”.</p> <p>The ExP requests that the applicants set out the full justification for this distance setting out why it has been chosen.</p> <p>The applicants are also requested to explain how any distance outside the application site would comply with the Human Rights Act 1998, particularly with article 1 of the first protocol as set out in schedule 1 of the act, given that there is a strong possibility, if not a likelihood, that there will be some persons with interests in that land have not been notified under sections 42 and 44 of the PA2008.</p>
8.2 Schedule 1 – Authorised development		
Q8.2.1	The applicants	<p>Schedule 1</p> <p>At D2, in Works No 1 the applicants deleted the document number from part (b), however, it remains in part (c) of Works No. 3. Is there a reason for this, or should the latter be deleted?</p>
Q8.2.2	The applicants	<p>Prior notification and approval of further works</p> <p>Pursuant to the ExP's previous question Q8.2.1 during ExQ1, please can the applicants provide a without prejudice draft requirement securing prior notification and approval of further works?</p>
8.3 Schedule 2 – Requirements		
Q8.3.1	The applicants	<p>Requirement 11 – Construction environmental management plan</p> <p>In sub-paragraphs (1), (3) and (5) there are references to consultation with the Environment Agency. As set out it is ambiguous as to whether this consultation applies only to highways works or for all the authorised development. Could this be clarified.</p>
Q8.3.2	The applicants	<p>Requirement 19 – Construction hours</p> <p>In sub-paragraph (1) it is not clear whether the three permitted ‘out-of-hours’ exemptions fall as part of the “unless otherwise agreed by the local planning authority” or separately. Could this be clarified.</p> <p>In exception (c), the ExP considers that the word “significant” lacks precision and asks the applicants to consider alternative terminology.</p> <p><i>PD Response: PD would also welcome clarification on the out-of-hour exemptions, but repeats its ongoing concerns about construction working hours, the Applicant's proposal to invoke a defence to statutory proceedings relating to noise as part of the Draft DCO and the lack of justification behind the proposed construction working hours, given the potential significant noise effects during the construction stage.</i></p>
Q8.3.3	The applicants NWLDC LCC	<p>Requirement 26 – Community liaison group</p> <p>In light of potential changes in local government structure, should this requirement include a provision, similar to that utilised in schedule 15, paragraph 1, that in the event of unitary local government there would be both planning and highway representatives in the group.</p>
Q8.3.4	The applicants	<p>Requirement 30 – Electric hook up facilities</p> <p>The ExP wonders whether this requirement would be better drafted as a negative, rather than a positive. That is preventing servicing by HGVs with chiller units unless electric hook up facilities are available (see guidance on drafting planning conditions in the PPG).</p>



Q8.3.5	The applicants	<p>Requirement 31 – Safeguarded land</p> <p>In requirement 31(3)(b) there would appear to be a typographic issue with “umber”. If this should be a drawing number it may be easier to draft this by giving the drawing title, defining it in article 2, and including the drawing in schedule 16.</p>
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ExQ2	Question to:	Question:
8.4 Schedule 13 – Protective provisions		
Q8.4.1	The applicants All those who would benefit from protective provisions	Protective provisions Would the applicants please ensure that the next version of the dDCO to be submitted at D4 includes updated protective provisions as far as will have been agreed. Where disagreements remain could those who would benefit from protective provisions ensure that they submit alternative versions explaining why, by each specific provision, they hold that different drafting should be provided.
9. The draft Material Change Order (dMCO) [REP2-010M]		
Q9.0.1	The applicants EMIA	Protective provisions in favour of East Midlands Airport Would the applicants please ensure that the next version of the dDCO to be submitted at D4 includes updated protective provisions as far as will have been agreed. Where disagreements remain could EMA ensure that it submits an alternative version explaining why, by each specific provision, it holds that different drafting should be provided.
10. Ground Conditions		
The ExP has no further questions on this topic at this time.		
11. Historic environment		
Q11.0.1	The applicants	Preservation by record In their response to ExQ1 Q11.0.4 [REP1-054] the applicants have referred to the effects being “offset” by record. Of the various definitions of “offset” in the Concise Oxford English Dictionary, the relevant one is “a consideration or amount that diminishes or balance the effect of an opposite one”. Could the applicants please explain the difference between “mitigation” and “offset”, and reconsider the proposed changed paragraphs for chapter 12 of the ES.
Q11.0.2	The applicants	Hyam’s Lane sequential assessment Action Point 54 of ISH3 [EV08-016] requires the applicants to explain how appendix 12A assesses setting where intervisibility is absent, including consideration of approach (kinetic) experience and group value, and, if necessary, to provide a targeted addendum or update to appendix 12A. Historic England’s response to the Examining Panel’s rule 17 request [AS-081] identifies a sequential, route-based assessment along Hyam’s Lane, supported by a narrative and a sequence of images or visualisations, as a proportionate and appropriate approach. In light of this, can the applicants please confirm whether they will provide such a sequential Hyam’s Lane route-based assessment as part of their response to action point 54 by deadline 4. Please also confirm the proposed format of this material (for example, a targeted addendum or revision to appendix 12A, or a standalone note clearly signposted to it), and whether its inclusion would result in any change to the conclusions in ES chapter 12 or appendix 12A. <i>PD Response: Whilst noting that this question relates to heritage assessment, as per our submissions during ISH3 and as summarised in the written summary of verbal representations, Hyams Lane is considered important in understanding the sequential experience associated with the proposed development and resulting impacts in respect of landscape and visual, alongside heritage.</i>
12. Landscape and visual		
Q12.0.1	The applicants	Vehicle lights in operational lighting assessment Protect Diseworth queries [REP2-057] whether the on-site lighting (lux/ vertical illuminance) calculations include vehicle lighting. Please confirm whether the operational lighting assessment in ES chapter 11 includes vehicle-generated lighting (for example headlights and reversing lights) in addition to fixed external lighting. If such lighting has been excluded, please explain why this is considered appropriate for the purposes of the assessment and its conclusions, and whether any clarification or supplementary explanation to ES chapter 11 or the supporting calculation outputs is proposed.
13. Major accidents and disasters and other safety risks		



Q13.0.1	EMIA	<p>Aerodrome safeguarding protective provisions</p> <p>The ExP acknowledges EMIA's preference in their submission [REP2-049D] that the applicants should review and revise the community park design pursuant to aerodrome safeguarding. However, for the avoidance of doubt, can EMIA clarify whether securing its preferred set of protective provisions in the dDCO and dMCO would fully address its aerodrome safeguarding concerns, in the event no further review or revision of the community park design was forthcoming from the applicants?</p>
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ExQ2	Question to:	Question:
14.	Materials and waste	
The ExP has no further questions on this topic at this time.		
15.	Need and alternatives	
Q15.0.1	East Midlands Freeport	<p>Extent of designation</p> <p>In its response to the rule 17 letter [REP1-231D], the Ministry of Housing, Communities and Local Government referred to two different boundaries, one of which was rejected as the proposed extent for the Freeport. Could East Midlands Freeport provide us with plans showing the two different boundaries, making clear which relates to which.</p>
Q15.0.2	The applicants	<p>Associated development</p> <p>The post hearing submission from Prologis [REP1-249D] states it must be demonstrated that each highway intervention qualifies as associated development under section 115 of the PA2008, applying the tests in the relevant guidance. Please can the applicants direct the ExP to where in the application this assessment has been carried out. If it has not been carried out, please update the application accordingly.</p>
16.	Noise and vibration	
Q16.0.1	The applicants	<p>Construction noise thresholds</p> <p>With reference to the applicants' response to ExQ1 Q16.0.8 [REP1-054], ES chapter 7 paragraph 7.2.12 and table 7.5, and Protect Diseworth's comments [REP2-057], there remains a difference of view regarding how the BS 5228-1 Annex E criteria have been applied in defining LOAEL and SOAEL and in determining significant effects.</p> <p>For the avoidance of doubt, can the applicants please explain:</p> <ol style="list-style-type: none"> how the threshold values in table 7.5 have been derived from BS 5228-1 Annex E, including whether they correspond to the Annex E example "significant effect" criteria or another interpretation; whether those values have been treated as LOAEL, SOAEL, or another benchmark, and the justification; how the relationship between LOAEL and SOAEL has been established in the assessment, and whether this reflects the Annex E example criteria or a modified approach; how the assessment has taken account of Annex E Section E.5 for long-duration construction works; and whether this approach affects the identification of likely significant effects reported in ES chapter 7.
Q16.0.2	The applicants	<p>Construction noise response measures</p> <p>With reference to the applicants' response to ExQ1 Q16.0.9 [REP1-054], which states that specific response measures for exceedances of the thresholds in table 7.5 will be defined within the relevant P-CEMP (secured via requirement 11), further clarification is sought.</p> <p>Please can the applicants explain:</p> <ol style="list-style-type: none"> what response measures are envisaged where exceedances of the construction noise thresholds are predicted or identified (beyond monitoring and the application of BPM), including how such measures would be triggered, how affected properties would be identified, and how impacts would be managed; whether any Annex E-type consequence measures (for example temporary noise insulation or alternative arrangements for affected receptors) are proposed, and if not, the reason for this; and where these response measures, including the decision-making and trigger mechanisms, would be secured.
Q16.0.3	The applicants	<p>Reversing alarms</p> <p>With reference to the applicants' response to ExQ1 Q16.0.13 [REP1-054], which confirms that tonal reversing alarms were included in the assessment and that any departure from broadband/ white-noise alarms would occur only in "very limited circumstances" for health and safety reasons, and to Protect Diseworth's comments [REP2-057], further clarification is sought.</p> <p>Please explain:</p> <ol style="list-style-type: none"> what specific circumstances the applicants consider would necessitate the use of tonal reversing alarms on health and safety grounds, including how such circumstances would be defined, documented and evidenced;

ExQ2	Question to:	Question:
		<p>b) how it would be ensured in practice that the use of broadband/ white-noise reversing alarms remains the default across the development, including how any exceptions would be identified, assessed and controlled; and</p> <p>c) whether the applicants will amend the relevant requirement(s) and/ or management documentation to ensure that:</p> <ul style="list-style-type: none"> • broadband/ white-noise alarms are secured as the default position; and • any exceptions are limited to clearly defined circumstances and subject to a transparent evidential and/or approval mechanism, so that the control is enforceable and consistent with the assumptions underpinning the operational noise assessment.
17. Population and Human Health		
The ExP has no further questions on this topic at this time.		
18. Socio-economic effects		
Q18.0.1	The applicants	<p>Community Development Fund</p> <p>In their response to ExQ1 Q1.2.11 [REP1-054] the applicants indicate that it is proposed to provide a community development fund in the sum of £200,000. The applicants have stated that “it is offered beyond and in addition to any required mitigation or other obligations and is voluntary on the part of the DCO Applicant”. Could the applicants explain whether this should have any weight in the planning balance bearing in mind paragraph 4.11 of the NNNPS? Using the same criteria, could the applicants explain what would be necessary to make it “required”, in the last sentence of the response.</p> <p><i>PD Response: PD consider that it should be afforded no weight whatsoever in the planning balance, given it is a voluntary suggestion, subject to change, there is no means to bind the Applicant to such a commitment as part of the Draft DCO and therefore the financial sum could be altered or withdrawn at any time.</i></p>
Q18.0.2	East Midlands Freeport	<p>Freeport effects</p> <p>In the letter in Annex 3 of the response to the Prologis RR [REP1-051D], Appendix 6] various figures are given as to a comparative ‘loss’ if only the northern part of the site were to be development in the application made by EMIA and Prologis. In their written representations [REP1-257D] queried these figures. In the ‘Applicants’ Response to Deadline 1 Submissions’ [REP2-032] (see pdf page 238) the applicants indicate these figures were provided by East Midlands Freeport.</p> <p>Could East Midlands Freeport please provide the ExP with confirmation of the figures and how they were derived.</p>
Q18.0.3	The applicants East Midlands Freeport	<p>20% advanced manufacturing floorspace</p> <p>Paragraphs 7.191 and 7.192 of NWLDC’s LIR [REP1-103] recognises the benefit of including a component of advanced manufacturing as part of the proposed development in the interests of socio-economic resilience. Furthermore, East Midlands Freeport in their response to ExQ1 [REP1-227] also recognise the benefits of securing a component of advanced manufacturing floorspace pursuant to the Freeport’s objectives and that they would seek to explore the detail with the applicants accordingly.</p> <p>Can the applicants and East Midlands Freeport please clarify whether any discussions have taken place and whether any agreement on the provision of advanced manufacturing floorspace has been reached and clarify how this might be secured in the dDCO?</p> <p>It would also be helpful if the applicants could provide the ExP with two draft requirements on a without prejudice basis:</p> <ol style="list-style-type: none"> a requirement securing 20% advanced manufacturing floorspace in perpetuity. a requirement securing a targeted marketing strategy, promoting 20% of the DCO scheme’s floorspace to prospective advanced manufacturing occupiers, to be submitted and approved by NWLDC, in consultation with East Midlands Freeport. The requirement should also reserve 20% of the DCO scheme’s floorspace for advanced manufacturing during the relevant marketing period, only releasing it for storage or distribution uses where it can be clearly evidenced to the satisfaction of NWLDC, in consultation with East Midlands Freeport, that there is insufficient demand from prospective advanced manufacturing occupiers and that this would likely endure over the medium term.
Q18.0.4	The applicants	<p>Modal split</p> <p>Following on from their response to action point 14 [REP1-053] can the applicants please expand on and quantify the extent to which operations at EMG2 would use the SRFI at EMG1 and also expand and quantify the extent to which operations at EMG2 would use the airport. For example, what would be the modal split (road/ rail/ air) for the movement of goods associated with EMG2?</p>
Q18.0.5	The applicants	<p>Litton (Donington) Ltd</p> <p>With reference to Litton (Donington) Ltd.’s submission [REP1-248D] please can the applicants clarify the extent to which the proposed development would have an effect on any of the existing planning permissions that have been cited.</p>



ExQ2	Question to:	Question:
Q18.0.6	The applicants	Employment Scheme Please can the applicants submit the employment scheme that was implemented for EMG1? The ExP is particularly interested in understanding how that scheme ensured employment opportunities were fairly distributed across the study area, and whether the benefits of additional employment opportunities were localised.
Q18.0.7	The applicants	Cumulative skills shortage In response to Q18.0.14 of ExQ1 [REP1-054] the applicants offered to update the Environmental Statement to include Census 2021 data. Please can the applicants update the Environmental Statement accordingly. Furthermore, the applicants should demonstrate how, even in the worst case JSA scenario, the employment scheme would be capable of upskilling employees to the extent required. It may be helpful to refer to EMG1 and the extent to which upskilling was required there, and how it was secured.
Q18.0.8	East Midlands Freeport The applicants NWLDC	Loss of business rates The applicants refer to loss of business rates from the failure to deliver the entire EMG2 site [REP2-032]. Please can the East Midlands Freeport confirm whether the applicants' figures are correct and provide more information on the potential losses. Can these potential losses be calibrated in relative terms to help understand the magnitude of impact? For example, how does £288 million compare to the total value of business rates currently collected within the local authority area, would it be a smaller proportion or a larger proportion?

19. Traffic and Transport

Q19.0.1	The applicants	Traffic modelling In their response to ExQ1 Q19.0.14 [REP1-054] the applicants refer to the IEMA Guidelines relating to the environmental effects. However, the point of the question was to ascertain the difference of AAWT with AADT and thus identify the traffic for the weekends. By then adding the traffic associated with the proposed development would allow an assessment of the effects at the weekend. While using the AADT may be robust in traffic modelling terms as to whether the network can accommodate the additional traffic, it does not identify the effect on local communities in the weekends when the base traffic is lower. The applicants are asked to undertake the sensitivity analysis set out in question ExQ1 Q19.0.4.
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Q19.0.2	LCC National Highways (NH)	<p>Traffic modelling</p> <p>Can both NH and LCC comment on the critique of the TA as provided by EMIA in [REP3-058]? If there are proposals for any of the specific junctions commented upon then could these be identified along with information as to whether they have been secured.</p> <p><i>PD Response: PD note that in respect of traffic modelling as referred to by EMIA (within REP3-059) there are assumptions made on aircraft movements being typically during the early hours and late hours of the day, which is not the experience of the local community. PD have undertaken an assessment of the number of aircraft that generate landside passenger movements (a departing aircraft generates landside movements 2 hours before take-off and an aircraft arrival generate landside movements one hour after landing). These are presented in the graph below:</i></p>
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		<p><i>It is evident that during the morning peak hour (08:00-09:00) airport related traffic is low but during the later afternoon period (16:00-17:00), the number of passenger movements is higher. This matches the experience of residents of Diseworth using the network. PD are also conscious that large B8 developments can also generate high levels of both light and heavy vehicle movements during the same 16:00-17:00 period; indeed, the B8 trip generation rates that have been used in the PM peak hour model are those for the 16:00-17:00 period (see Appendix 11 of the EMG2 TA). This may lead to a situation in the future when the combined trips of the airport and the proposed development lead to more traffic on the local network (A453 and Finger Farm roundabout) during the 16:00-17:00 period than has been assumed for the 17:00-18:00 period. This is a further reason for the Applicant to provide details of the traffic surveys that could be used to compare 16:00-17:00 existing flows with 17:00-18:00 existing flows, for transparency and so that the potential impacts of the proposed development can be fully understood.</i></p>
Q19.0.3	The applicants	<p>Traffic modelling</p> <p>In the 'PRTM 2023 Sensitivity Test Technical Note and Local Road Network Impact Assessment Note' [REP1-058] there are frequent references to 'average'. Could the applicants please clarify the use of this term, and whether it refers to the 'mode', 'median' or 'mean', identifying individually as necessary, and in each case identify over what time period such 'average' has been taken.</p>
Q19.0.4	The applicants	<p>Transport assessment</p> <p>Paragraph 12.1 of the TA [REP1-031] refers to three junctions, the last, A453/ The Green being designated as "Junction 7". However, on page 41 this is entitled "Junction 8". Could this be corrected, and the applicants check the document to ensure that there are no other similar errors.</p>
Q19.0.5	The applicants	<p>Potential mitigation</p> <p>In its D3 submission [REP3-058] LCC notes increases in traffic on the former A6 Derby Road, Kegworth and through the centre of the village of Castle Donington. The applicants are asked to explain its response to this comment in light of paragraph 5.283 of the NNNPS.</p> <p><i>PD Response: PD note that LCC comments on the increases in traffic flows on Derby Road, Kegworth and through Castle Donington resulting from a pro-rata uplift in flows associated with the mezzanine floor space. This question only identifies these two locations. However, the same source document (PRTM 2023 Sensitivity Test, REP1-058) also identifies significant increases on The Green (+107 vehicles in the PM peak) with the mezzanine floor space. PD consider that all relevant parts of the road network should be considered in the context of Para. 5.283 of the NNNPS ('The applicant should provide evidence that the development improves the operation of the network and assists with capacity issues'.)</i></p>
Q19.0.6	The applicants	<p>Local directional signage</p> <p>In response to ExQ1 Q19.0.5 [REP1-054] the applicant referred the ExP to article 18 of the dDCO [REP2-008D]. However, this only allows for additional signage, it does not mandate it when necessary.</p> <p>Given the changes in traffic identified in the 'PRTM 2023 Sensitivity Test Technical Note and Local Road Network Impact Assessment Note' [REP1-058] on the former A6 Derby Road, Kegworth and through the centre of the village of Castle Donington, and the comments from LCC in its D3 submission [REP3-058], the applicants are asked either to come forward with specific proposals, which should be secured, or to include a mechanism so that the local highway authority can require additional signage if, at its absolute discretion, it considers it necessary.</p> <p><i>PD Response: Whilst PD note the intentions of this question, we consider that additional signage is unlikely to prevent rat-running along Grimes Gate if there are long delays at the A453/The Green junction.</i></p>

ExQ2	Question to:	Question:
Q19.0.7	The applicants	<p>Road Safety Audit</p> <p>It is noted in paragraph 1.8 of the Road Safety Audit [REP1-056] that it is stated that no details of the structure of the bridge providing the link from the M1 to the A50 have been supplied meaning that the bridge has not been the subject of an audit.</p> <p>Could the applicants please ensure that an audit of the structure of the bridge is carried out, and any modifications considered.</p>
Q19.0.8	The applicants	<p>Road Safety Audit</p> <p>In discussing the proposed crossing at EMA signal controlled crossing, the applicants indicate that this was considered by those undertaking the Road Safety Audit [REP1-056]. However, this is not referred to by that report. To ensure that this has occurred, could the applicants please provide a copy of the brief, and a short statement from the auditors confirming that they considered this junction and outlining their response.</p>
Q19.0.9	The applicants	<p>Construction traffic</p> <p>Given the discussions at ISH3 regarding the nature of operations of the EMA, the applicants are asked to consider enlarging the Construction Traffic Management to ensure that it takes account not only of traffic travelling to and from the airport, but also other large scale events such as those taking place at the Donnington Park track site.</p>
Q19.0.10	NH LCC	<p>Highways construction</p> <p>In appendix 2 of the Applicants' Response to Hearing Action Points [REP1-053] the applicants' have set out a note on the EMG2 construction programme. Could both NH and LCC give their opinions based on their experiences as to whether the construction programme for highways works is realistic. The ExP is not concerned as to whether the start date is accurate, rather the time to undertake the works once commenced, noting in particular the propensity for construction works to extend.</p>
Q19.0.11	The applicants NH	<p>Joint Statement on Strategic Highway Works</p> <p>In paragraph 4.2 of the Joint Statement on Strategic Highway Works [REP1-060D] in discussing the proposed highway works as part of the proposed development it is stated: "They also eliminate forecast mainline congestion on the M1 northbound mainline on the approach to Junction 24 (without the planned growth / development) ...". Could the applicants and NH please explain further precisely what "without the planned growth / development" is referring to?</p> <p>Can, in due course, the final version either be signed on behalf of both parties, or appended within the relevant Statement of Common Ground?</p>
Q19.0.12	NH LCC NWLDC Prologis/ EMIA	<p>Work packages</p> <p>Other than the current proposals for the 'green' package of works, have the various packages of works shown for the area along the M1 shown on [REP1-054] been identified for other projects. If not, is there any information as to when and how that might occur. The ExP appreciates that this may be difficult to identify, since, for example, for the joint application, at this stage we identified what, if any, highway and transport mitigation works might be necessary.</p>
Q19.0.13	The applicants NWLDC	<p>'Fly-parking' of HGVs</p> <p>In discussing the lorry park in the LIR [REP1-103] in paragraph 7.154 NWLDC states it "welcomes the delivery of the lorry park, the impact is considered to be neutral given that it would only meet the needs of the developments and consequently is neither exacerbating nor improving the existing situation". The ExP's understanding is that on-plot HGV parking for the individual unit would be to meet LCC's standards and thus the parking would be in addition to that required by the development. Could the applicants please confirm the proposals in this regard and under what arrangements would drivers be allowed to park on site?</p> <p>Could NWLDC please provide any evidence it has of 'fly-parking' of HGVs in the vicinity, and how and why this information was secured.</p>
Q19.0.14	The applicants	<p>HGV parking demand</p> <p>NWLDC in its LIR [REP1-103] paragraph 7.152 states that the "applicants [indicate] that the National Highways 'Lorry Parking Demand Assessment' (2024) ('NH LPDA') establishes that [North West Leicestershire] has the most severe lorry parking issues of local authorities in England". Could the applicants please provide this assessment into the examination.</p>
Q19.0.15	The applicants	<p>Transport Assessment – Bus Services</p> <p>Paragraphs 5.21 to 5.23 and tables 15 and 16 in the TA [AS-032] set out the existing bus services in the vicinity. Could an additional column be included setting out the hours of operation (earliest and latest, or 24 hour).</p> <p>As the site would be likely be operating shift pattern changes, could the applicants set out, the frequency for 'off peak' services (those around 0600 hours and 2200 hours).</p>

ExQ2	Question to:	Question:
Q19.0.16	The applicants	<p>Transport Assessment – Rail/ Bus Services</p> <p>It is not clear from Figure 15 in the TA [AS-032] as to whether the Skyline Express includes a stop at East Midlands Parkway station. Could the applicants please clarify the situation and explain what approach it has taken to linking the Parkway station with the application site as a way of promoting sustainable transport choices.</p>
Q19.0.17	The applicants	<p>Transport Assessment – effects in local settlements</p> <p>In paragraph 12.33 the applicants have set out increases in traffic in 5 locations in the a.m. and p.m. peak hours. Could this please be set out as a table, additionally including the base flows, the ‘without development’ (in 2028 and 2038) and the percentage changes.</p>
Q19.0.18	NH	<p>Joint Application Mitigation Package</p> <p>Prologis submits [REP3-061] the mitigation package for the joint application focuses on improvements at the Finger Farm roundabout and provision for dualling on the A453, which is consistent with the wider strategic programme (the “purple” package) and represents an alternative, equally valid, contribution. Please can National Highways clarify how the joint application mitigation package compares to the EMG2 mitigation package in terms of facilitating enhancements to the SRN. For example, is any one package more important than any other and which would facilitate more significant enhancements to the SRN?</p>
20. Utilities		
Q20.0.1	The applicants Cadent Gas Networks	<p>Gas supply capacity and reinforcement</p> <p>ExQ1 Q20.0.3 sought a response from Cadent Gas Networks, but no response has been received. The applicants’ response [REP1-054] states that available capacity cannot be confirmed until a formal GT1 submission is made and that any reinforcement or diversionary works position therefore remains unconfirmed.</p> <p>Please confirm, based on the information currently available, whether reinforcement is likely to be required to supply EMG2 and, if so, the likely nature and extent of any reinforcement. The applicants are also requested to provide a brief status update on (i) whether and when a GT1 submission would be made and (ii) whether appendix 16A should be updated, as indicated in the ExQ1 response, to reflect the current position.</p>
Q20.0.2	The applicants Joint Radio Company National Grid Electricity Distribution	<p>Microwave/ radio link infrastructure</p> <p>ExQ1 20.0.5 sought responses from Joint Radio Company and National Grid Electricity Distribution on microwave and radio link constraints and mitigation, but no response has been received. The applicants’ response [REP1-054] indicates that only a desktop assessment has been undertaken to date and that the detailed mitigation solution remains subject to further line-of-sight survey work and agreement. Please confirm, based on the information currently available, the likely mitigation approach required to protect affected radio links (for example safeguarding clearances or easements, relocation parameters and timing) and whether this is agreed in principle. The applicants are also requested to provide a brief status update on (i) engagement undertaken with the Joint Radio Company and NGED since ExQ1, (ii) whether and when further survey or assessment will be carried out and (iii) how and where the required mitigation will be secured in the application documents, or what further submission will be provided to evidence the agreed mitigation and its securing mechanism.</p>
21. Water Environment		
Q21.0.1	LCC	<p>Drainage monitoring and remediation measures</p> <p>Given the uncertainty about what is causing the flooding in the vicinity of Kegworth Bypass, as set out in LCC’s response to Q21.0.3 [REP1-088], is it reasonable to strengthen the drainage monitoring and remediation measures in the dDCO [REP2-008D]?</p> <p>The EXP acknowledges there are already measures secured by requirement 17(3)(a). However, could further details be provided about the scope and extent of the measures that need to be submitted for approval?</p> <p>Furthermore, could there be a mechanism whereby abnormal local flood events trigger immediate investigation of the surface water drainage system to understand causation and whether it is operating as intended. If it is not operating as intended, does requirement 17(3)(a) need to establish a timescale for remediating action?</p> <p>Finally, where part of the surface water drainage system is subsequently adopted by a third party, does there need to be a development consent obligation, or a Grampian requirement securing a development consent obligation if one cannot be agreed prior to the close of the examination, to ensure the duty to comply with the monitoring and remediation measures secured under requirement 17(3)(a) would be transferred to the relevant third party and that there would be no gaps in monitoring and remediation jurisdiction?</p>

ExQ2	Question to:	Question:
Q21.0.2	The applicants	<p>Overland exceedance flows and use of weirs</p> <p>In response [REP1-051D] to Protect Diseworth on the routing of overland exceedance flows, the applicants set out that weirs would direct such flows to avoid sensitive receptors. Please can the applicants provide further information about the proposed use of weirs, and how their design and implementation to mitigate overland exceedance flows would be secured in the dDCO?</p> <p><i>PD Response: PD note this question and would highlight the importance of the exceedance routes and drainage infrastructure which control the routes to be maintained-in-perpetuity. Any mechanism within the dDCO should reflect this.</i></p>
Q21.0.3	The applicants STW	<p>Foul drainage capacity</p> <p>Please can STW clarify that the required upgrades would be deliverable and the flows from EMG2 could be accommodated as a matter of principle, that there are no systemwide constraints that would cast doubt over the likelihood of this being achieved and that no prior feasibility work is required in this respect?</p> <p>Please can the applicants review the dDCO [REP2-008D] to ensure that there are adequate provisions preventing the occupation of the proposed development before the required upgrades are completed.</p> <p>The ExP notes that requirement 18 deals with foul water drainage, and queries whether this could be updated to incorporate the pre-occupation provisions. Furthermore, should STW also be a consultee for the pre-commencement foul water drainage strategy?</p>
22. Construction Environmental Management Plan (CEMP) [REP2-026D]		
Q22.0.1	The applicants	<p>CEMP</p> <p>In its LIR [REP1-103] NWLDC suggest that, apart from Works 7a and 7b, all construction activity should be accessed from the A453. The applicants are asked to consider ensuring this, apart from Work 19, is secured within the CEMP.</p>
Q22.0.2	The applicants	<p>Construction Traffic Management Plan</p> <p>In response to ExQ1 19.0.28 [REP1-054] in dealing with breaches of the traffic volume thresholds it is stated “Where there are more than three breaches within a two-week period, the monitoring data will be provided to National Highways and a meeting convened within one week to agree mitigation actions and next steps.” However, this does not deal with the situation should mitigations not be agreed expeditiously or set a timetable for any agreed mitigations to take place or should further breaches occur. The applicants’ are asked to amend the Construction Traffic Management Plan to deal with all these eventualities.</p>

ANNEX 1: ExP identified outstanding applicants' commitments

ExQ1 question number	Topic area	Applicants' response	Outstanding matter(s)
Q1.2.5	Parameters Plan	<p>A copy of the Parameters Plan Key Layout relating to the EMG1 DCO is at Annexure 1B of this document.</p> <p>Plot 16 (comprising MCO Works Nos. 3A and 6A as described in dMCO [APP-015M]) was shown on the parameters plans for the EMG1 DCO as "landscape open space including landscape screen bunding". However, the land was only seeded, no bunding was provided. The works relating to Plot 16 will affect those parts of the EMG1 DCO works comprising the lower part of the southeast facing screen bunding but will not affect the overall height of the bunding or its function as mitigation to the village of Lockington and surrounding area.</p> <p>The proposed sub-station extension (comprising DCO Works No. 20 as described in dDCO [APP-012D]) is partly within the area shown on the original EMG1 DCO parameters plan as "landscape open space including landscape screen bunding" and partly within "Zone A development areas", specifically Zone 6. However, the land was only seeded, no bunding was provided. The EMG1 DCO, at Part 4 of Schedule 1 under "Further works" paragraph (2)(d) included for "primary ... substations" within any of Works Nos. 1 to 6 and 9. The landscaping open space and Zone A development area are Work Nos. 3 and 6 respectively.</p> <p>In the event, however, no landscaping works were undertaken to the land and consequently no replacement mitigation is required.</p>	Parameters Plan, as provided, does not identify the locations of Site 16 or the sub-station. The "landscape open space including landscape screen bunding" description covers a wide area to the north (and to a lesser extent, the south) of the Zones, but there is no indication of the location of Plot 16 or the sub-station within this area.
Q3.0.5	Cumulative effects on BMV land	The Applicants are preparing a technical note that will be submitted at Deadline 2.	No technical note has been submitted to date
Q4.0.4	Consistently describing modelling stages/ scenarios and using plain English	<p>The Applicants note that definitions are not provided in Chapter 8 of the ES [AS-037] for 'demand flow', 'actual flow' and 'green package'. The terms mean:</p> <ul style="list-style-type: none"> • Demand flow refers to the traffic that wishes to travel through a highway network. • Actual flow refers to traffic which is realized on the highway network. This may differ from 'demand flow' for reasons such as capacity constraints. • Green package refers to the EMG2 Project Mitigation proposals (and new link from the M1 south to A50 in particular) when considered with the wider Growth Point mitigation aspirations. <p>It should be noted that the reason for using 'demand flow' rather than 'actual flow' when considering construction traffic is since the construction traffic contribution to the highway network is relatively low, and hence model 'noise' can mask the construction traffic impacts.</p> <p>Chapter 8 of the ES can be updated to include these definitions if required.</p> <p>With regards to inconsistencies in references to stages / scenarios:</p> <ul style="list-style-type: none"> • Paragraph 8.2.58 states which scenarios were modelled for the EMG2 Project Operational Phase; no further clarification has been requested of this, and, on review, it is considered that the Chapter is clear in what is set out. • Paragraph 8.2.60 states which scenarios were modelled for the Construction Phase. However, it should be noted that, on review, there is a typographical error which may be misleading the reader. 	Para 8.2.60 of the ES Chapter 8 submitted at Deadline 3 [REP3-012]. Confirms that the ES has not yet been updated.

ExQ1 question number	Topic area	Applicants' response	Outstanding matter(s)
		<ul style="list-style-type: none"> ○ The bullet points in Paragraph 8.2.60 should read: <ul style="list-style-type: none"> · 2028 Stage 1a v 2028 Stage 1a + Construction Traffic (i.e. with all Freeport and Local Plan sites) – Demand Flow ○ 2028 Stage 1b v 2028 Stage 1b + Construction Traffic (i.e. without Local Plan Sites) – Demand Flow <p>This may be causing the majority of confusion when reviewing the naming conventions.</p> <p>Notwithstanding the above, it is noted that the above does not match exactly with the naming conventions used in Paragraph 8.2.55. Therefore, for additional clarity, the following scenarios were compared:</p> <ul style="list-style-type: none"> • Stage 1a Modelling 2028 forecast year (demand flow) (with all Freeport and Local Plan sites) • 2028 forecast year (demand flow) with construction traffic (with all Freeport and Local Plan sites) • Stage 1b Modelling: 2028 forecast year (demand flow) (without Local Plan sites) • 2028 forecast year (demand flow) with construction traffic <p>Chapter 8 of the ES and relevant appendices are being reviewed and will be updated where necessary and will then be resubmitted.</p>	
Q4.0.5	Baseline pollutant concentrations	Chapter 8 of the ES [AS-037] is being updated and will be resubmitted at Deadline 3.	Para 8.2.60 of the ES update at Deadline 3 (see above comment). It is different to the January 2026 text, but is not the same as that noted in the applicant's response to Q4.0.4 (bold text)
Q4.0.8	Non-Road mobile machinery	The Applicants confirm that the CEMP, in respect of the DCO Scheme, the CEMP [APP-206D] will be updated to secure this. The CEMP relating to EMG1 DCO already includes appropriate controls and measures, and has been operating successfully during construction of EMG1.	Does not answer the question of whether the dDCO will secure NRMM limits as it refers to the CEMP. The CEMP [REP2-026D] includes section 8 Control of Emissions from Non-Road Mobile Machinery (NRMM). The dDCO [REP2-008D] includes a Part 1 requirement for a phase specific CEMP to be approved in writing based on the CEMP.
Q4.0.16	Model verification preamble	The Applicants confirm that four of the five local authorities where monitoring data was used for the verification processes have now released a 2025 Air Quality Annual Status Report, containing 2024 data. Erewash Borough Council have yet to release a report containing 2024 data. Appendix 8A [APP-098] will be updated to provide clarification and will be submitted at Deadline 3.	It is not clear that the preamble/ introduction to Appendix 8A has been updated to provide the clarity requested at Deadline 3 [REP3-033] .
Q5.0.11	Pre-construction species surveys	The Applicants confirm that pre-construction surveys are necessary in relation to specific species rather than as a general blanket measure. The pre-construction survey requirements are set out in the CEMP for the DCO Scheme and will be detailed further within each P-CEMP. For the MCO Scheme, the construction management framework plan will inform the CEMP which will provide for preconstruction surveys.	This does not answer the question of whether surveys will be secured in the dDCO and dMCO. The CEMP is secured in the dDCO as a Part 1 requirement, but not the dMCO (as at Deadline 2). To date a Construction Management Framework Plan has not been submitted.
Q5.0.25	Securing compliance with protected species reports	The Applicants confirm that the dDCO [PDA-004D] (since updated to [REP2-008D]) and dMCO [PDA-006M] (since updated to [REP2-010M]) will be updated to secure compliance with the reports.	The applicants' response does not set a timeframe for updating the dDCO and dMCO.

ExQ1 question number	Topic area	Applicants' response	Outstanding matter(s)
			<p>Protected Species Licences and letters of no impediment [APP-119] reference badgers and bats. Bats require mitigation from artificial lighting [APP-110], and the badger report [APP-109] is confidential.</p> <p>Authorised development must be carried out in accordance with the LEMP.</p> <p>The draft LEMP [REP3-043] provided at Deadline 3 references faunal enhancements for bats and badgers.</p> <p>There is no reference to species reports in the dDCO provided at Deadline 2 [REP2-008D] or the dMCO [REP2-010M], only references to ecological reports in the dDCO.</p>
Q5.0.27	Detailed design and delivery of ecological mitigation outside of the EMG2 main site	<p>The Applicants confirm that the dDCO [PDA-004D] (since updated to [REP2-008D]) will be updated to ensure that ecological mitigation outside the main site is secured as appropriate.</p> <p>As regards the Community Park, article 7(2) and 9(2) of the dDCO will be updated to include reference to it.</p>	<p>There is no time commitment from the applicant on when the dDCO will be updated so the dDCO update submitted at Deadline 2 [REP2-008D] was reviewed.</p> <p>Requirement 7(2) references "authorised development on the main site or community park", but requirement 9(1) does not.</p> <p>Requirement 9(2) referenced by the applicant in its response to ExQ1 does not contain reference to either the main site or community park.</p> <p>The track changed version of the dDCO at Deadline 2 [REP2-009D] shows only non-substantive changes have made to Schedule 13.</p>
Q6.0.4	Mitigating greenhouse gas emissions	<p>Whilst the measures are secured in the Commitments Register relating to the DCO and MCO [APP-226D] and [APP-227M], the Applicants are content to update the dDCO [PDA-004D] (since updated to [REP2-008D]) and the dMCO [PDA-006M] (since updated to [REP2-010M]) to secure these items and to be resubmitted at Deadline 2.</p>	<p>The EXP has been unable to locate any reference to carbon management (other than the site being carbon neutral), greenhouse gas, or energy using a word search on the Deadline 2 dDCO [REP2-008D].</p>
Q15.0.4	Calculation errors	<p>The calculation in the footnote should be amended to: $(2.21-1)*(1-0.18)+1$</p>	<p>The footnote has not been updated.</p>
Q17.0.2	Complaints monitoring	<p>The Applicants confirm that the dDCO [PDA-004D] (since updated to [REP2-008D]) will be updated to provide a mechanism to deal with complaints which is consistent with the EMG1 DCO.</p>	<p>Relevant text included under requirements for construction noise and noise during the operational phase. However, it does not state that any recommended remedial measures shall be implemented, who whom, in what timescales.</p>