East Midlands Gateway Phase 2 ISH 3 Wednesday 13th May and Thursday 14th May 2026

Summary of Verbal Representations from Protect Diseworth (PD)

The following comprises a summary of the verbal representations of PD at ISH3 on the 13th and 14th of May 2026. It is supplemented by additional comments as appropriate, where PD had further points to raise, but insufficient time was available within the hearings.

Legal basis of determination of the DCO application and the relationship to the environmental statement (Item 3 of the Agenda):

1. PD made detailed verbal representations via Counsel, setting out PD's position on the legal basis of determination of the application and the adequacy of the current version of the Environmental Statement in reporting coherently the impacts of and mitigation associated with the proposed development.

2. On the basis of the letter dated 2.6.26 from the ExP, we note that the ExP agree with the verbal submissions made by PD and other IP's in relation to the importance of disaggregating effects relating to Part 1 and Part of the Draft DCO. Given that conclusion and as the verbal submissions from PD are a matter of public record, we do not repeat those detailed points within this written summary document.

Traffic and Transport (Item 4 of the Agenda)

Item 4.1 of Agenda

3. PD raised the concern that the decision had been made to adopt *actual* rather than *demand* flows from the strategic modelling (see para. 6.4 on pdf p.381 of APP-082). The implication of this is that if parts of the network being modelled are over capacity in one or more of the modelled scenarios, the modelled flows would only include the trips that are able to enter the network (if any trips were unable to enter the network they would be identified as *unreleased* trips). Once the flows are extracted from the strategic model for input to the VISSIM model, there is no further opportunity for any *demand* trips that are not included in *actual* trips to enter the network. This is likely to occur when additional highway capacity is provided in the form of the proposed mitigation.

4. A very similar concern has been raised by National Highways' consultants, JSJV. The VISSIM 2019 EMFM Sensitivity Test Modelling Technical Note (REP1-059) deals with a number of concerns raised by NH including Substantive issue 5 that states:

> *'JSJV believes that a constrained network in the EMFM is either holding significant volumes of traffic up in queues or distorting natural traffic routing (possibly both), especially in the longer term (i.e. 2038) resulting in varying rather than comparable traffic flow changes across the network'.* (REP1-059 para. 2.1)

5. BWB's response is as follows:

> *'6.22 With regards to substantive issue 5, It appears that in general there is an increase in flows between 2028 and 2038 at the points shown in the diagram at section 3.6 of NH's Technical Note included in Appendix 2* [points on the M1 northbound and southbound]. *Even though there may be a capacity constraint between locations 1* [M1 northbound south of A50] *and 6* [M1 southbound south of Junction 23A] *of said diagram on the M1 in EMFM, the updated 2019 EMFM sensitivity test Stage 2A VISSIM modelling utilises flows from the extents of the network, primarily from locations 2* [M1 southbound north of Junction 24] *and 5* [M1 northbound south of Junction 23A] *for M1 southbound and northbound movement respectively. These appear to operate at a reasonable VoC. Furthermore, any distortion in routing along the M1 is assumed to be routing via the A453 instead. Because the VISSIM model utilises dynamic assignment, it can take into account such routing choices.*
>
> *6.23 A review of the forecast flow change between Stage 2a and Stage 1A indicates that there is a reduction in traffic flows on the A453 between Finger Farm and M1J24, with a similar increase noted on the M1. As a result, whist there is a constraint on the M1, there is sufficient capacity on the A453 to allow an equilibrium to be achieved in terms of traffic flows. Given that there is this route choice within the EMFM model, it should have allowed for all traffic wanting to route through the network to be accounted for, either via the M1 or A453'.* (REP1-059 paras. 6.22 and 6.23)

6. The response is couched in general terms, focuses on the M1 and concludes that the model '***should***' have allowed for all traffic.
7. PD met with BWB highways consultants outside of the Hearing and have subsequently exchanged information in pursuit of agreement on this matter. PD remains concerned that the modelling results are not consistent. Summary data tables based on the most recent modelling have been sent to BWB. The concerns that have been raised comprise the following:

   - The numbers of additional trips within the model that result from the addition of the proposed EMG2 development are not consistent. In the AM peak hour, the number of additional trips ranges from 609 trips to 1,516 whereas in all cases it would be expected that the number would be in the region of 900-1,000;
   - The effect of the proposed mitigation works is shown in most modelling scenarios to increase the number of trips within the area. However, in the 2038 PM situation the number of trips is seen to reduce. This is not logical;

- The effect of adding Local Plan growth should be to increase the number of trips within the model but in the 2028 situation, trips are shown to decrease. Again, this is not logical.

8. A request for clarification has been forwarded to BWB and the outcome of discussions will be reported in due course.

Item 4.4 of Agenda

9. PD raised the concern that the modelling of the A453/The Green junction was showing long queues and delays in the *with development* situations and there is a risk that drivers will seek to avoid these delays by using the alternative route through the sensitive Diseworth village (Conservation Area and primary school) via Grimes Gate that provides an alternative route that is only 100m longer than the route via the A453/The Green junction.
10. This issue was discussed at the meeting between PD and BWB and there has been subsequent correspondence.
11. BWB suggests that the potential adverse impacts on Diseworth resulting from rat-running will be mitigated by the proposed improvements to the strategic road network (SRN). A further assessment has been undertaken by BWB comparing free flow travel times between areas to the south and east of the site via Diseworth and via the SRN. The assessment is not, however, compelling since drivers will not be operating in a *free flow* situation. The route from the south-east (Shepshed, Hathern, Loughborough) via the SRN would make use of the Kegworth Bypass. The modelling shows that the Kegworth Bypass approach to the A453 (EMG1 roundabout) is, and will remain, subject to long queues. The modelling shows that with development and mitigation, the queues at this point in the network get longer in most situations. Queues at the Finger Farm roundabout A453 southbound approach are also shown to increase, even with the proposed mitigation.
12. The evidence therefore suggests that the proposed mitigation will not lead to a reduction in rat-running through Diseworth. It is also pertinent to note that from the south-east direction, if drivers choose to route via The Green, they are much more likely to access the A453 via Grimes Gate and therefore impact directly on the most sensitive part of the village, rather than continue further to access the A453 via The Green.
13. This concern has been reported back to BWB. If further evidence is produced, it will be reported in due course.

Item 4.6 of Agenda

14. **Travel Plan Targets**: PD raised a concern that the Travel Plan targets are not ambitious because the historic mode share of single occupancy car users at the EMG1 site has been shown to be 42% (2022) whereas the 10 year target for EMG2 is proposed to be 56%. It was suggested that more recent EMG1 Travel Plan monitoring survey results have shown that the EMG1 Travel Plan is 'back on track'.

15. Information relating to the results of the EMG1 2025 Travel Plan monitoring surveys are now available in Appendix 5 (*ISH1 Action Point 23 – Note on car sharing and operation of the sustainable Transport Strategy for EMG2*) of Document DCO7.4/MCO7.4 *Applicant's Response to Hearing Action Points*. This shows the single occupancy vehicle (SOV) mode share in 2025 as 47% and compares this with the average of the previous 5 years (48%). In the five paragraphs of text the fact that the SOV mode share is below target (68%) is referred to five times. The applicant states, '*Whilst fluctuations in SOV were identified in 2023 and 2024* [SOV mode shares of 51% and 56%]*, the Applicant would reiterate that in these years the site was still ahead of target* [68%] *and no further interventions were requested by the Sustainable Transport Working Group*' (3rd para.). The applicant therefore confirms that the target (68%) is the main driver for further interventions. This confirms SD's concern that an unambitious target for the EMG2 Travel Plan would be inappropriate.
16. PD has also received clarification from Haskoning (the author of the Travel Plan). This makes the point three times that funding of the EMG1 Travel Plan has continued ***despite*** targets having been met. Although this could be taken as a welcome approach, it also emphasises the fact that if targets are not set at a challenging level, there is a risk that funding will end as soon as targets are achieved.
17. **A453 Toucan Crossing**: PD expressed concern that the A453 Toucan crossing has been modelled as if it is called once every 4 minutes and drivers are faced with only an 8 second red time, insufficient to allow pedestrians and cyclists to safely cross (see REP1-058 pdf p.100).
18. PD has liaised with BWB to clarify this matter. BWB has stated that the Toucan crossing has been modelled with a pedestrian/cyclist green time of 8 seconds and an intergreen time of 13 seconds giving a total vehicle red time of 21 seconds.
19. PD has raised concern that this is not consistent with the statement (see REP1-058 pdf p.100) that the crossing reduces the capacity of the A453 from 1,700 vehicles to 1,650 vehicles, consistent with an assumption that drivers are held back for 8 seconds out of every 240 seconds (a 3.3% decrease in capacity). If vehicles were faced with a 21 second delay every 240 seconds the capacity of the A453 should reduce to around 1,550 vehicles. PD has requested evidence of the modelling inputs to establish the precise specification that has been used.
20. At the meeting with BWB it was suggested that the Travel Plan targets rely on a *reduction* in pedestrians and cyclists. The Travel Plan targets, however, show active travel (pedestrians and cyclists) mode share *doubling* from 1% in the opening year and year 3 to 2% in years 7 and 10 (see Table 4-1 of APP-085).
21. BWB has responded to PD's initial concerns by stating that pedestrians and cyclists are expected to originate in Diseworth and Castle Donington rather than Kegworth. This is not a

convincing argument since pedestrians and cyclists from Castle Donington would use the crossing and Kegworth is closer to the site than Castle Donington.

22. The applicant is proposing to provide pedestrian and cycle routes within the site, a new 3.0m shared use pedestrian/cycleway along the southern side of the A453 from the Hunter Road roundabout to the proposed A453 Toucan crossing, the crossing itself, a widened existing footway/cycleway on the northern side of the A453 between the Hunter Road and Finger Farm roundabout and a new 3.0m shared use facility following the alignment of the former A453 on the western side of the existing A453 north to the EMG1 access roundabout to link with existing pedestrian and cycle crossing facilities that provide access to a route into Kegworth. The TA shows that Kegworth and part of Castle Donington lie within a convenient cycling distance of the site. The Toucan crossing would also cater for potential walk trips between the EMG1 and EMG2 sites (~2km) and would, presumably, be available for residents within Diseworth who may wish to access the airport or EMG1 or Kegworth and people who may wish to access the motorway service area from the north. The significant investment in facilities for active travel modes indicates that the number of journeys on foot or by bicycle is not expected to be trivial.
23. The EMG2 development is expected to employ around 4,000 people. To suggest that the level of pedestrian and cycle movement between the site and areas to the north of the A453 would be extremely limited is difficult to sustain.
24. The following table summarises the predicted traffic flows on the A453 between the Hunter Road and Finger Farm roundabouts in the various scenarios. The applicant has provided the information. The data are referenced in the EMFM 2019 Forecasting Report (paras. 3.7.2 of Appendix 41 of TA – APP-082) but are not included in the document:

Table 4: Modelled Traffic Flows on A453 East of Site Access/passenger car units (pcu)

Scenario	Year	WoD/WD	AM Peak		PM Peak	
			EB	WB	EB	WB
1A	2022	WoD	767	1,110	985	720
	2023	WoD	800	1,156	1,035	659
	2024	WoD	807	2,303	1,046	1,270
	2028	WoD	890	1,157	1,098	706
	2038	WoD	818	1,192	1,406	796
	2028	WD	1,026	1,431	1,634	985
	2038	WD	882	1,393	1,704	1,031
1B	2028	WoD	828	1,190	1,085	656
	2038	WoD	918	1,328	1,180	868
	2028	WD	1,007	1,461	1,643	930
	2038	WD	986	1,421	1,642	1,107
2A	2028	WD	1,098	1,655	1,657	1,012
	2038	WD	1,165	1,666	1,712	1,065
2B	2028	WD	1,051	1,674	1,627	983
	2038	WD	1,094	1,700	1,662	1,140

Red Shading: over capacity assuming 8 second red time every 240 seconds

Orange Shading: over capacity assuming 21 second red time every 240 seconds

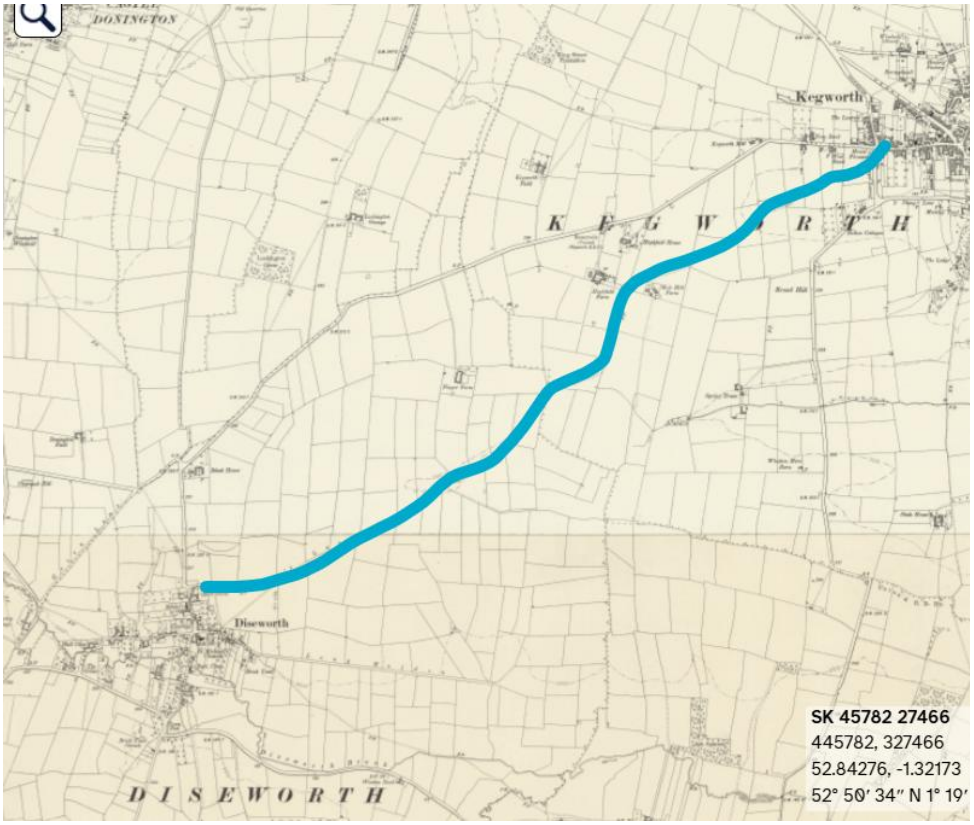
25. The red shaded cells identify where the predicted flow on the A453 exceeds the saturation flow (1,650 pcu – see pdf p.100 of REP1-058) assuming vehicles face a red signal at the crossing for 8 seconds every 240 seconds. The orange shaded cells show further situation where the link would be over capacity if vehicles were stopped for 21 seconds every 240 seconds. It is clear that in many scenarios the A453 is predicted to operate above maximum capacity (flows in excess of 1,550 or 1,650 vehicles). If the crossing were to be called more frequently than once every 4 minutes, there would be a further reduction in capacity.
26. It is concluded that the modelling, predicated on a very low level of pedestrian and cycle movement, is incorrectly accounted for in the traffic modelling. The modelling that has been undertaken indicates that the A453 would operate over capacity in several of the modelled scenarios. If the operation of the Toucan crossing were to be properly accounted for in the modelling and the frequency of use of the crossing increased, the degree and frequency of the A453 operating over capacity would further increase.
27. Traffic flows on the section of the A453 between the site access and the Finger Farm roundabout are expected to be at (or above) the limit of what a single carriageway is able to accommodate assuming free-flow conditions. The introduction of a Toucan crossing interrupts this flow and will lead to a rapid build-up of queuing that has the potential to lead

to safety concerns at the Beverley Road and Finger Farm roundabouts. If the modelling has underestimated the time that traffic would need to be stopped, potential serious safety implications may have been overlooked. If it proves impossible to provide sufficient crossing time for pedestrians and cyclists, these vulnerable groups could be put at risk and the Travel Plan undermined.

28. As stated above, PD has requested evidence from BWB of the assumptions that have been made regarding the modelling of the Toucan crossing. This will be reported in due course.

Landscape and Visual and Lighting (Item 5 of the Agenda)

29. PD did not have the opportunity to comment on the distinction between 'surveyed and non-surveyed' viewpoints and positional accuracy during the hearing. However, PD has sought expert advice on 'verifiable views' and would wish to point out the following potential errors within the methodology, which the Applicant should address or seek to clarify:
    - The section heading (Paragraph 3.0 of Appendix 10a) says 'Type 4 Photomontages' but the text (Paras 3.1 and others) and the summary table (paragraph 3.14) both classify them as Type 3 under TGN 06/19.
    - As such, it would appear to PD that the montages are not Type 4 they are in fact Type 3.
    - Paragraph 3.8 says surrounding context modelled from 'LIDAR DSM 1m' but the summary table says 'LIDAR DTM 1m'. There is the same error in the night-time section.
    - DTM is **Digital Terrain Model** and DSM is **Digital Surface Model.**
      Digital Surface Models (DSM) capture the elevation of all features above ground, while Digital Terrain Models (DTM) represent the bare earth surface without any objects. As such, it would be helpful for the Applicant to clarify what they have used.
30. As such, based on the potential errors indicated above, PD have the following views:
    - For a DCO project you would normally expect Type 4 for sensitive receptors – which is surveyed with Global Navigation Satellite System for accuracy.
    - EMG1e and all the night-time VPs are sub-3m accuracy (using a phone). They are noted as that, but none could be argued to meet Type 4. **So, in summary they are not Type 4.**
    - In order to have confidence in the reliability of the methodology which informs the assessment, the Applicant should address all apparent errors and deploy the use of type 4 visualisations, rather than type 3.
31. On the issue of whether the LVIA adequately addresses the sequential experience, PD noted that fundamentally we do not agree it addresses the sequential experience. PD referred to Hyams Lane being the central public route through the OL area and its historic resonance, as shown on the 1ST Addition Maps (See Figure 1 below) and is part of what would have been the connecting foot route between Diseworth and Keyworth.



32. PD made the following additional points on sequential views.

Viewpoint locations

- This question should be considered by way of the representative views, photomontages, and the narrative in the text.
- Representative views are selected to stand in for a group of visual receptors (e.g. residents along a street, or users of a footpath) who share broadly similar views.
- The montages should be proportionate to the development and the sensitivity of the receptor.

Narrative

33. The narrative of the assessment should explain the full experience for these receptors, referencing the representative views to support that description and assessment. The narrative should describe any sequential experiences. Sequential views (e.g. along a road or path) are particularly important where a receptor moves through the landscape. Static montages alone may not adequately capture that experience.

34. PD concluded its comments on sequential views by confirming that it does not consider the viewpoints are representative, so as to inform the sequential experience and do not capture locally important views.

35. With regard to night time visual effects, again PD were not afforded the opportunity to comment and as such, would make the following points. With reference to Paragraph 9 of this document, we would repeat that there is a question mark over the night time viewpoints. In this regard, PD consider that a confident conclusion can be reached on the accuracy of the assessment. PD would also make a further point that proposed buildings have not been presented to their full height in the photomontages, again undermining confidence in interpreting the full extent of the scale and height buildings and now they impact upon the village of Diseworth.

Cultural Heritage

36. PD noted during the hearing that the Applicant to be overly reliant on older data to inform their heritage assessment and to determine the impact upon heritage assets within the village of Diseworth.

37. Further to this, whilst not being present at the hearing PD note that Historic England (HE) made representations to the ExP in an email dated 12.5.26, which confirms there is no current agreement between HE and the Applicant on the impacts upon the Diseworth Conservation Area and the assets contained therein.

Design (Item 8 of the Agenda)

38. PD noted that much of the design discussion relating to the highway elements and associated infrastructure associated with the proposed development. PD expressed concern that there was no discussion relating to the commercial elements, that will directly and demonstrably effects the local community. PD noted that there had been no discussion and challenge on the Applicant's approach to design development for the new proposed commercial buildings, with much of the written narrative relating to the 'functional' nature of 'big shed' buildings, but little evidence as to how the design concepts had been informed and influenced by the scale and form of the existing village of Diseworth, in respect of height, scale and design of buildings and façade treatments proposed, amounted to no more than 'window dressing.'

Draft Development Consent Order (Item 10 of the Agenda)

39. PD set out their concerns pertaining to noise impacts and the control of noise, particularly during the construction period. Reference was made to the RR's of PD (Ref: RR-025D) and its previous suggestion that the ExP remove the provision relating to the protection from statutory nuisance as currently contained within the Draft DCO (Article 37). PD further expressed concerns relating to requirements (19 and 20) confirming the outstanding concerns relating to construction working hours, the impacts of noise during construction and the suitability of controls within the DCO to ensure residential amenity is safeguarded. PD confirmed they looked forward to the opportunity to discuss matters of noise in any further ISH's.