

EXAMINING PANEL SECOND WRITTEN SET OF QUESTIONS FOR EAST MIDLANDS GATEWAY PHASE 2 (PLANNING INSPECTORATE REFERENCE: BC041001) AND MATERIAL CHANGE ORDER TO THE EAST MIDLANDS GATEWAY RAIL FREIGHT INTERCHANGE AND HIGHWAY ORDER 2016 (S.I. 2016/17) (PLANNING INSPECTORATE REFERENCE: TR051002).

The response from North West Leicestershire District Council ('NWLDC - the Council') (Interested Party Reference Number ('IPRN'): FCB2E7A1E) to the Examining Panel's ('ExPs') second written set of questions are as follows.

Examining Panel (ExP) Question Number	Question To	<u>ExP Question</u>
2. Design, parameters and other details of the proposed development		
Q2.0.1	The applicants North West Leicestershire District Council ('NWLDC') National Highways ('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>
Response	NWLDC notes that East Midlands Gateway 1 ('EMG1') was not subject to a design review, nor does NWLDC carry out design reviews of employment schemes delivered within the District that are the subject of planning applications (such as Mercia Park at Junction 11 of the A42, which represents a strategic scale employment development).	

	<p>NWLDC acknowledges that employment development is functional and utilitarian in nature, which limits opportunities to deliver development of architectural significance or merit. In that way, it differs from residential development and new settlements where there is greater scope to influence the design process.</p> <p>NWLDC is continuing to work with the applicants on the Design Approach Document ('DAD'), and in particular the Design Codes of the DAD, so that it aligns with the design aspirations of the District as outlined in the newly adopted North West Leicestershire Good Design Guide ('GDG') Supplementary Planning Document ('SPD') which was supplied with NWLDC's LIR at Examination Deadline 1 [REP1-105]. Further information on the adoption of the GDG SPD is being provided as part of NWLDC's response to the action points from Issue Specific Hearing 3 ('ISH3'). NWLDC considers that securing the DAD and its alignment with the GDG SPD as part of the DCO will enable an appropriately designed form of employment development to be delivered at the EMG2 DCO main site.</p> <p>On this basis, NWLDC does not consider that a design review should be a mandatory requirement within the design process.</p>
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5. Biodiversity, ecology and natural environment (including Habitats Regulations Assessment)

5.0 Non-Habitats Regulations matters

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>
Response	<p>The only comment made by NWLDC that has not been addressed in the applicants' updated Landscape and Ecological Management Plan ('LEMP') is that, in the bullet points following paragraph 4.36 of the LEMP, Glyphosate is referred to as a contact herbicide when it is not. If the applicants mean to refer to a contact herbicide (i.e. one that kills off the leaves), then the example should be changed (e.g. Glufosinate or similar approved herbicide). If the applicants mean to refer to Glyphosate, then it should be referred to as a non-residential translocated or systemic herbicide (i.e. one that travels through the plant to the roots). These herbicides work in different ways. If the applicants did not want to be prescriptive, then NWLDC considers that the LEMP could instead refer to the following: <i>"Spot treatment with a herbicide such as Glyphosate, or similar approved herbicide."</i></p>	

	<p>LCC, as the ecological advisors to NWLDC, has explained that they are also largely satisfied with the management regimes within the LEMP. The only concern that LCC has raised is in respect of the use of herbicides within and adjacent to the ponds, bioswale / Sustainable Drainage System ('SuDS') and ditches. In this respect, NWLDC notes that Section 4.78 specifically mentions controlling the use of herbicides within and adjacent to the stream to prevent pollution and / or adverse ecological effects. A similar statement is not made in relation to the ponds, bioswale / SuDS and ditches, but should be included in order to avoid any potential adverse effects.</p> <p>NWLDC considers that the applicants' updated LEMP is otherwise acceptable as other comments and concerns have now been appropriately addressed. NWLDC will review any further LEMP should the above amendments be made.</p>		
8. The draft Development Consent Order (dDCO) [REP2-008D]			
8.3 Schedule 2 - Requirements			
Q8.3.3	<table border="1"> <tr> <td data-bbox="376 679 600 863"> The applicants NWLDC LCC </td> <td data-bbox="600 679 2045 863"> Requirement 26 – Community liaison group 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. </td> </tr> </table>	The applicants NWLDC LCC	Requirement 26 – Community liaison group 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.
The applicants NWLDC LCC	Requirement 26 – Community liaison group 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.		
Response	<p>NWLDC would agree with the ExP that there ought to be consistency between the provisions of the DCO and that Requirement 26 should therefore be re-worded to include reference to the representatives being from a unitary authority as and when this is finalised as part of local government reorganisation.</p>		
18. Socio-economic effects			
Q18.0.8	<table border="1"> <tr> <td data-bbox="376 1126 600 1300"> East Midlands Freeport ('EMF') The applicants NWLDC </td> <td data-bbox="600 1126 2045 1300"> 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. </td> </tr> </table>	East Midlands Freeport ('EMF') 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.
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		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?
Response	<p>The collectable rates for NWLDC as per the National Non-Domestic Rates Return ('NNDR') was £113,546,599.00.</p> <p>NWLDC's share of this is £45,418,640.00, however NWLDC does not get to keep all of this. NWLDC's tariff is £44,053,866.00, then there are other adjustments for the levy paid to the government and Section 31 income NWLDC receives and designated areas allowance. The total of this as per the pixel model was £11,171,735.00. However, a lot of the designated areas £5.65 million will be paid over to the Freeport, Leicestershire County Council and Leicestershire Fire and Rescue, with some of the Section 31 income also paid over to the Freeport.</p> <p>Based on the above, £288 million would be a large proportion of the business rates collected in the administrative area of NWLDC.</p>	
19. Traffic and Transport		
Q19.0.12	NH LCC NWLDC Prologis / East Midlands International Airport ('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>
Response	<p>From NWLDC's perspective, the various packages of works for the area along the M1 shown on [REP1-054] have no planning status and remain the private ambition of the referenced development consortium which continues to consider and develop these.</p>	
Q19.0.13	The applicants	'Fly-parking' of HGVs

	<p>NWLDC</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>
<p>Response</p>	<p>Q19.0.14 of the 2nd Written Questions of the ExP requires the applicants to submit into the examination the NH ‘Lorry Parking Demand Assessment’ (‘NH LPDA’). It is the NH LPDA which NWLDC had relied upon in producing its LIR [REP1-103] as evidencing the ‘fly-parking’ of HGVs not only within the vicinity of the EMG2 DCO main site but within the District as a whole.</p> <p>In particular, Table 6.1 of the NH LPDA, and the subsequent bullet point on page 33, specify that:</p> <p><i>“North West Leicestershire: North West Leicestershire achieved the highest score of 19.1 in the analysis. North West Leicestershire is in the golden triangle and has a well-connected SRN, including the M1, which converges with the A42, A453 and A50, linking Birmingham, Nottingham and Derby, leading to substantial freight movement and activity. During the survey, Moto Donington Park was 155% utilised, resulting in extensive off-site parking on the A42 and local major road network (MRN), notably along the A511 near Bardon Hill and Coalville.</i></p> <p><i>Summary: reason for lorry parking issues:</i></p> <ul style="list-style-type: none"> - <i>Transitory SRN routes (responsibility of National Highways)</i> - <i>Operating centre (responsibility of the LPA).”</i> <p>It is clear from the survey undertaken by AECOM on behalf of NH for the purposes of the LPDA that there has been extensive off-site parking within the vicinity of the Moto Donington Park service area which lies to the immediate east of the EMG2 DCO main site.</p> <p>In addition, the emerging Local Plan, and in particular the Proposed Policies document provided by NWLDC at Examination Deadline 1 [REP1-103], specifies at Paragraph 9.59 that there “are three broad reasons why off site freight vehicle parking is</p>	

needed: a) to enable drivers to take rest breaks; b) to wait for allocated delivery / collection time slots; and c) for drivers' welfare e.g. refreshments, washing facilities etc. Dedicated lorry parking is needed for the successful operation of the road freight industry and is also important in terms of road safety and preserving local amenities."

At Paragraph 9.60, it is indicated that a specific piece of work would be required to quantify the scale of the need for HGV parking in Leicester and Leicestershire, but that NWLDC expects that such facilities will be needed.

Policy IF8 (Parking and New Development) of the emerging Local Plan is associated with Paragraphs 9.59 and 9.60 and outlines in Part (4) the circumstances in which lorry parking facilities, including for over-night stays, will be supported.

NWLDC notes that the ExP has invited the applicants to confirm the lorry park proposals and the arrangements to be put in place which would allow drivers to park on the EMG2 DCO main site. NWLDC will reserve their position on such proposals and arrangements until such time as the applicants have provided a response to this question.