

Your Reference Numbers: BC041001 and
TR051002

Date: 16th June 2026

To whom it may concern,

**ISSUE SPECIFIC HEARING THREE – EXAMINING PANEL ACTION POINTS
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 responses from North West Leicestershire District Council ('NWLDC' – the Council) (Interested Party Reference Number ('IPRN') – FCB2E7A1E) in relation to the action points of the Examining Panel ('Exp') from Issue Specific Hearing 3 ('ISH3') are as follows.

Action Point No. 45 – Without prejudice to its position, the applicants to provide a mechanism / wording to require a longer period for free-bus tickets for employees at the site.

NWLDC understands from Leicestershire County Council ('LCC') that LCC met with the applicants on 29th May 2026 and advised that the free bus tickets should be secured by an obligation that is separate to the bus fund, as well as that the Travel Plan and / or the Sustainable Transport Strategy ('STS') should commit to the provision of one six-month bus pass per eligible employee.

NWLDC further understands that the applicants have committed to updating the proposals and providing a further breakdown of the costs and commitments to support the funding proposed. The applicants have also agreed to consider further using a Section 106 agreement (DCO Obligation) to secure the necessary obligations. LCC await this further submission which has not yet been received.

Action Point No. 51 – To provide comments on the updated Landscape and Ecological Management Plan [REP3-043] confirming whether it is content with the revisions or identifying any outstanding matters or areas of disagreement.

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: "Spot treatment with a herbicide such as Glyphosate, or similar approved herbicide."

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.

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.

Action Point No. 57 (Second Paragraph Only specific to NWLDC) – To provide an update on the current timetable and status of the Isley Woodhouse proposal, including whether any changes affect the likelihood of temporal overlap with EMG2 (construction and / or operation)

NWLDC would refer the ExP to the response provided to Q1.3.3 of the 1st Written Questions of the ExP [REP1-106] in which it was explained that there is currently no timescale for determination of the Isley Woodhouse application.

At this time, there are matters that need to be addressed in consultation with technical consultees, as well as wider highway modelling work which would need to be finalised, before such time as NWLDC can comment on potential conditions / trigger points for the delivery of any highway mitigation, as well as a timescale for determination.

The application is also in outline form and therefore, should outline planning permission be granted, there would be a requirement for any reserved matters application(s) to be submitted and approved before any development can be undertaken on the Isley Woodhouse site. Although the planning statement associated with the Isley Woodhouse application suggested that work could commence in 2027 (with the first dwellings occupied in 2029), this timeframe would now appear optimistic to NWLDC given the matters still to be addressed as part of the outline planning application.

Supposing that the Isley Woodhouse application and the DCO are consented, it is conceivable to NWLDC that works could commence on the EMG2 DCO site in the later stages of 2027, subject to the discharge of relevant Requirements. If development were also to commence on the Isley Woodhouse site in 2027, then there would be an overlap between the construction phases of each development. Alternatively, if Isley Woodhouse were not to commence development until 2028, which NWLDC considers to be more realistic for the reasons set out above, then there is still likely to be overlap with the construction phase of EMG2 given the significance of the project and the time that it will take to be constructed. Moreover, once construction has been completed for each development, there would be an overlap between the operation of the two developments at the point in time they both come 'online'.

Should development consent be granted for EMG2 prior to a decision being made on the Isley Woodhouse application, then the Environmental Statement associated with Isley Woodhouse would need to be updated in order to assess its cumulative impact with EMG2 given that EMG2 would become a committed development.

Action Point No. 65 – To reconsider the article 5 and requirement 32 in relation to “a campus / headquarters including co-located head office functions” (Post Hearing Note: see also action point 30 from CAH2)

Action Point No. 32 from CAH2 – Further explanation of “substantial” in relation to the carbon neutral campus / headquarters including co-located head office which was part of the SoS's s35 direction for the business and commercial NSIP, in particular, when properly understood, whether the s35 direction requires a head office under Class E rather than merely ancillary office space and whether the environmental statement addresses this and the dDCO is drafted in such a way that enables this to be delivered (Post Hearing Note: See also Action Point 65 from ISH3).

NWLDC notes the ExP's observations that the s35 direction refers to the proposal for a “substantial carbon neutral campus / headquarters including co-located head office functions” and that this raises further questions relating to the nature of that use and whether it is appropriately secured in the dDCO. The ExP has made particular reference to an apparent inconsistency between article 5 and requirement 32 of the dDCO.

NWLDC understands from the responses provided in CAH2 that the applicants had also identified an inconsistency between article 5 and requirement 32 of the dDCO and will be proposing alternative wording for those provisions. The applicants have not approached NWLDC with alternative wording to consider. NWLDC will therefore need to review the response from the applicants (and others) to action point no. 65 from ISH3 and action point no. 32 from CAH2 before it can comment.

Action Point 66 – Due to the number and nature of the points discussed during agenda item 10 (dDCO) and 11 (dMCO), all parties including the applicants, local planning authority, LCC and National Highways are requested to refer to their notes and / or the recording of the hearing and provide written submissions

addressing the matters raised in relation to the articles and schedules of the draft Development Consent Order and / or draft MCO

In terms of the dDCO [REP2-008D], NWLDC would have the following comments to make:

Schedule 1 – Authorised Development – Part 3 Associated Development – Further Works

Q8.2.1 of the 1st Written Questions of the ExP commented on Part 3 of Schedule 1 and required NWLDC to comment on whether prior approval should be granted by NWLDC for any further works which result in materially new or materially different significant effects. Comments were provided by NWLDC in its response to the 1st Written Questions of the ExP [REP1-106]. The applicants also provided their own response to this question [REP1-054].

NWLDC notes that the applicants have stated in their response that the carrying out of any further works would be regulated by the DCO and would need to adhere to the other terms set out in the DCO. For example, the applicants have commented that:

“Any further works must be within the parameters approved and any deviation outside of those parameters which might give rise to any materially new or materially different significant effects on the environment must be approved by the local planning authority pursuant to article 4 of the DCO and

The detailed design of any further works would still need to be approved by the local planning authority pursuant to requirement 7 of Schedule 2 of the DCO. The local planning authority is entitled to request further information pursuant to Part 2 of Schedule 2 of the DCO if it does not agree with the undertaker that the further works do not give rise to any materially new or materially different significant effects on the environment.”

NWLDC notes that Article 4(2) (Parameters of authorised development) of the dDCO specifies that:

“The maximum limits described in paragraph (1)(a) to (f) do not apply to constrain the authorised development when it is demonstrated by the undertaker, on application, to the local planning authority’s satisfaction, and the local planning authority certifies accordingly, that a deviation in excess of these limits would not be likely to give rise to any materially new or materially different significant effects on the environment that have not been assessed in the environmental statement.”

Having considered this matter further, NWLDC is content that Article 4(2) of the dDCO, along with Requirement 7, provide an appropriate mechanism for NWLDC to consider any further works that the applicants may undertake to assess whether they may result in any materially new or different significant effects to those assessed within the Environmental Statement.

Schedule 2 – Requirements – Part 1 Requirements

Requirement 10 – Landscape and Ecological Management Plan

Part (3) of the Requirement 10 needs to be altered so that approval of the final LEMP is given by NWLDC (as ‘the local planning authority’). NWLDC would suggest amending the Requirement as follows (with additional wording in **bold**):

*Prior to the occupation of the final warehouse within the authorised development, a final landscape and ecological management plan which shall include an update on any landscape and ecological management plan(s) previously agreed with the local planning authority pursuant to sub paragraph (2) and the landscape and ecological management plan for the overall authorised development **must be agreed with the local planning authority**. The agreed final landscape and ecological management plan shall be implemented and adhered to for the life of the authorised development.*

Requirement 11 – Construction Environmental Management Plan

Paragraphs 8.117 and 8.118 of NWLDC’s LIR [REP1-103] indicated that it was unclear why any Construction Environmental Management Plan (‘CEMP’) associated with the highway works, as outlined within Part (3) of Requirement 11, would not be subject to the same level of control as those associated with any other phase of the development. In this respect, Section 13.0 of the overarching CEMP [REP2-026D] refers to the fact that temporary

lighting would likely be required in connection with the highway works (which have the potential to be undertaken in the hours of darkness), but as drafted Part (3) of Requirement 11 does not specify that temporary construction lighting would be subject to control by any phase specific CEMP for the highway works.

NWLDC considers that the applicants should amend the dDCO accordingly to include such a control.

Requirement 20 – Construction Noise

Part (2) of Requirement 20 needs to be amended so that there is a requirement for appropriate remedial measures to be agreed with NWLDC (as ‘the local planning authority’) and then implemented. NWLDC would suggest amending the Requirement as follows (with additional wording in **bold**):

*In the event that justified complaints regarding alleged noise nuisance are received by the local planning authority during the construction phase(s), the undertaker must, unless otherwise agreed with the local planning authority, at its own expense, employ a consultant approved by the local planning authority to carry out an assessment of the noise which is the subject of the complaint. The assessment must be carried out according to an appropriate methodology agreed with the local planning authority and the results of the assessment must be submitted to the local planning authority within 28 days of the assessment being completed. If it is found that the effect of noise from the authorised development is greater than was anticipated **and assessed in the environmental statement**, recommendations for appropriate remedial measures (**including an implementation programme**) must be made **and agreed with the local planning authority. The appropriate remedial measures agreed shall subsequently be implemented in accordance with the approved details and implementation programme.***

Requirement 21 – Operational Noise

Part (5) of Requirement 21 needs to be altered so that there is a requirement for appropriate remedial measures to be agreed with NWLDC (as ‘the local planning authority’) and then implemented. NWLDC would suggest amending the Requirement as follows (with additional wording in **bold**):

*In the event that justified complaints regarding alleged noise nuisance are received by the local planning authority during the operational phase(s), the undertaker must, unless otherwise agreed with the local planning authority, at its own expense, employ a consultant approved by the local planning authority to carry out an assessment of the noise which is the subject of the complaint. The assessment must be carried out according to an appropriate methodology agreed with the local planning authority and the results of the assessment must be submitted to the local planning authority within 28 days of the assessment being completed. If it found that the effect of noise from the authorised development is greater than was anticipated **and assessed in the environmental statement**, recommendations for appropriate remedial measures (**including an implementation programme**) must be made **and agreed with the local planning authority. The appropriate remedial measures agreed shall subsequently be implemented in accordance with the approved details and implementation programme.***

Requirement 22 – Contamination Risk and Requirement 23 - Verification

Requirement 22 refers to the Land Contamination Risk Management (‘LCRM’) as the guidance that should be used for assessing risk. However, the LCRM is not a technical document: it is only guidance on how a risk assessment should be carried out. Indeed, the LCRM states (with **emphasis**):

*“Local authorities are the lead regulators for the planning system and the contaminated land Part 2A regime. These regimes underpin most use of LCRM. They may decide to use or direct you to use LCRM. Where the word ‘regulator’ is used it can also mean local authorities or other regulators such as Natural England. You must always check with the local authority and other regulators that the use of this guidance is acceptable. **Local authorities and other regulators may also provide additional guidance.**”*

The applicants have stated in their response to NWLDC’s LIR [\[REP2-031\]](#) that:

“Many of the proposed documents listed by NWLDC effectively sit alongside LCRM. Therefore, if all are expressly embedded into the requirement, then there is a risk of duplication and overlapping obligations which may result in complication and inconsistencies, particularly where there are guidance updates with the passage of time.”

NWLDC considers that this statement equally applies to the LCRM, which itself replaced the Model Procedures for the Management of Land Contamination ('CLR11').

NWLDC requires the inclusion of additional guidance within the Requirement to further specify the level of detail and standards required. Requirement 22(2) should therefore include:

- (i) *British Standard (BS) 10175:2011+A2:2017 – 'Investigation of Potentially Contaminated Sites Code of Practice'; and*
- (ii) *BS: 8576:2013 – 'Guidance on Investigations for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs)'*

Requirement 22(3) should in turn include:

- (i) *BS 8485:2015+A1:2019 – 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings'; and*
- (ii) *Construction Industry Research and Information Association ('CIRIA') C735 – 'Good Practice on the Testing and Verification of Protection Systems for Buildings and against Hazardous Ground Gases' Construction CIRIA 2014.*

The inclusion of these additional technical documents is justified in order to clarify the standards that need to be met in the submissions. For example, consultants often refer to CIRIA C685 when designing gas protection measures, but the level of detail in CIRIA C685 does not meet the detail required by BS 8485.

As drafted, Requirements 22 and 23 also require consultation with the Environment Agency ('EA'), even though land contamination is not a matter for the EA except insofar as it relates to the protection of 'controlled waters' (being ground water and major surface water features). No other regulators are mentioned.

NWLDC would highlight that the LCRM states clearly that the local authority is the lead regulator in relation to planning and contaminated land, not the EA. Other regulators which may also have a regulatory function or interest in the event of land contamination include:

- Severn Trent Water ('STW'), which may have an interest where contamination affects the selection of water pipes in order to protect the water supply to buildings; and
- The appointed building inspector, who may need to be consulted given that contamination can affect decisions on the type of concrete used in building foundations.

Given the nature of the site and the findings of the Geotechnical Preliminary Risk Assessment for EMG2 [[APP-153](#)] and [[APP-154](#)], NWLDC considers that a requirement for continuous consultation with the EA is unreasonable and disproportionate and should be removed. If any significant risks to controlled waters are identified, then the EA would be consulted as a matter of course, as would NE if risks to any protected environment(s) / species are identified.

Requirement 25 – Employment

Paragraph 8.167 of NWLDC's LIR [[REP1-103](#)] proposed alternative wording for Part (2) of Requirement 25. Whilst the amended dDCO has largely responded to that proposal, NWLDC considers that the following wording (in **bold**) should also be included:

*Prior to any warehouse or other buildings (excluding ancillary buildings) within the main site first being brought into use, and any subsequent change in the use of any warehouse **or other building**, an employment scheme in respect of employees to be employed in that warehouse or other building, must be submitted to and approved by the local planning authority.*

Requirement 27 – Mezzanines

The applicants are yet to approach NWLDC with alternative wording for Requirement 27. NWLDC remain of the view that Requirement 27, as currently drafted, is unenforceable.

Requirement 30 – Electric Hook Up Facilities

NWLDC consider that a timeframe for the delivery of the electric hook up facilities and a requirement that they are retained for the lifetime of the development following installation should be included within Requirement 30. NWLDC would suggest amending the Requirement as follows (with additional wording in **bold**):

*Any warehouse provided as part of the authorised development which will be served by HGVs with chiller units must provide electric hook up facilities for use by those vehicles. **The electric hook up facilities shall be provided before the relevant warehouse is first occupied and shall thereafter be retained for the lifetime of the development.***

20% Advanced Manufacturing Floorspace

In NWLDC's LIR [[REP1-103](#)], NWLDC observed in Paragraph 8.170 that 'advanced manufacturing' is identified as being part of the proposed mix of uses and is understood to be one of the requirements for development on the East Midlands Airport and Gateway Industrial Cluster ('EMAGIC') freeport site. Presently, the dDCO does not include a Requirement which secures the delivery of a specific quantum of advanced manufacturing floorspace.

The applicants' response to Q1.2.8 of the 1st Written Questions of the ExP [[REP1-054](#)] simply stated that the dDCO does not require the delivery of advanced manufacturing at all.

NWLDC notes that Q18.0.3 of the 2nd Written Questions of the ExP requires the applicants to provide wording for a Requirement, on a without prejudice basis, which seeks to address the delivery of 20% advanced manufacturing floorspace as part of EMG2.

NWLDC welcomes this request from the ExP and will review any wording supplied by the applicants at Examination Deadline 4.

For reference, in Paragraph 8.172 of NWLDC's LIR, NWLDC proposed the following wording for such a Requirement:

"A minimum of 20% of the 300,000 square metres of floorspace to be erected shall be used for advanced manufacturing purposes."

Additional wording could be added to the above to specify that such floorspace should be retained in perpetuity, as recommended by the ExP.

Schedule 2 – Requirements – Part 2 – Procedure for Approvals Etc. Under Requirements

Q8.3.6 of the 1st Written Questions of the ExP focused on Part 2 of Schedule 2 and asked NWLDC to comment on the procedure for approvals. Comments were provided by NWLDC in its response to the 1st Written Questions of the ExP [[REP1-106](#)]. The applicants also provided their own response to this question [[REP1-054](#)].

The applicants' Response to Deadline 1 Submissions [[REP2-032](#)] submitted at Examination Deadline 2 indicated that the comments of NWLDC were noted, and that the *"wording of the dDCO [PDA-004D] has been updated and will be submitted at Deadline 2."*

In fact, the dDCO has not been amended to address NWLDC's comments, nor has any clarification been provided by the applicants in relation to Paragraph 2(2).

OTHER MATTERS

In addition to the responses above, NWLDC has set out below written responses to certain questions asked by the ExP at ISH3, as well as further updates on several matters that were discussed.

NWLDC comments on the Design Approach Document ('DAD') [[REP2-022](#)]

On 9th June 2026, NWLDC provided the applicants with the following comments on the revised DAD:

"The DAD does make some positive changes to the wording, replacing a lot of 'should' to 'will' to offer greater certainty. This is not throughout, however, and there are areas where the change has not been made and where

it should be. This needs to be reviewed in the round. For example, on Page 79 the Design Principle states: “Consideration **should** be given to the layout of the development to ensure personal safety.”

The Bus Interchange and HGV Facilities Building pages could refer in more detail to the scale of the materials proposed. There will be a need, recognised in the narrative on pages 63 / 64 for the pedestrian nature of this building to be different and to have a more human scale. This needs to also be represented in the unit size of the materials and how they will be put together, which needs to reflect the fact that they will be viewed close up at walking pace.

On page 72 KDO4 is referred to twice. It does not appear that the KDO being referred to is correct. The additional text here in the Design Principle reads ‘should’ instead of ‘must’ or ‘will’.

More description, detail and narrative in the images that are used within the DAD should be provided, along with how they ‘marry’ with the expectation of what is intended. There could be some useful cross correlation, for example, between the text and the images, so that they reinforce one another.”

The ‘Frontage: car parking & office wellbeing’ section does not specify within the text how landscaping within hard surfacing, and particularly within the car parking areas, would be protected. Information in this respect should be provided along with image examples to support the text. This request is as specified within the LIR by NWLDC at paragraph 8.181.

In addition, it is not clear whether ‘communal space’ would be delivered within the boundary of each plot, or whether this is specific to a separate area outside the plots which would be dedicated for these purposes. NWLDC is of the view that communal space should be delivered within the plots themselves as a means of providing convenient space for employees to gather if their period break is not sufficient to enable access to any wider communal space. Precedent images of how such communal space would appear should also be provided given that page 69 of the DAD does not provide clarity in this respect.

Roof top gardens to office / warehouse office space could be considered an appropriate means of delivering communal space within the plots, notwithstanding the provision of separate soft landscaped areas with seating / canopies.”

NWLDC further notes that the applicants’ response to NWLDC’s LIR [[REP2-031](#)] indicated, in relation to Paragraph 8.186 [[REP1-103](#)], that additional details of the approach to wayfinding, including a plan, are provided within the revised DAD. Upon review, there does not appear to be any such plan.

In addition, the DAD will now need to demonstrate how it is compliant with NWLDC’s newly adopted Good Design Guide (‘GDG’) Supplementary Planning Document (‘SPD’) by reference to relevant paragraphs.

NWLDC will continue to work with the applicants to agree the format and contents of the DAD before the end of the Examination.

Progress of the East Midlands Freeport Strategic Infrastructure & Contributions SPD

In ISH3, the ExP asked NWLDC for an update on the progress of the East Midlands Freeport (‘EMF’) Strategic Infrastructure & Contributions SPD. So that the ExP has this update in writing, NWLDC can confirm that the EMF SPD is to be reported to NWLDC’s Cabinet on 23rd June 2026 and NWLDC’s Local Plan Committee (‘LPC’) on 29th June 2026. NWLDC will provide a further update on the progress of the EMF SPD at Examination Deadline 5 (30th June 2026).

Adoption of the North West Leicestershire Good Design Guide SPD

It was explained at IHS3 that NWLDC had recently adopted the new North West Leicestershire Good Design Guide (‘GDG’) SPD. For the ExP’s information, NWLDC includes in Appendix 1 to this response the minutes of the LPC meeting of 22nd April 2026 which confirms the adoption of the GDG SPD as well as the adopted version.

NWLDC’s position on the timetable provided by Prologis for the determination of planning application reference 24/00727/OUTM.

In ISH3, the ExP asked NWLDC for its view on Prologis' indication that the joint application could be determined in summer 2026. By way of update, NWLDC can confirm that:

- (a) An amended Environmental Statement was submitted to NWLDC on 21st May 2026 which incorporated an amended transport assessment, an amended framework travel plan, an amended sustainable transport strategy and amended air quality, noise and vibration and greenhouse gas emissions technical notes.
- (b) A response to comments provided by NWLDC's Planning Policy team was also submitted to NWLDC on 21st May 2026.
- (c) The amended documents are currently undergoing further consultation, with the consultation period expiring on 3rd July 2026.
- (d) The applicants remain in discussion with LCC (as the highways authority) and National Highways ('NH') in relation to the highway impacts of the development, with NH providing further comments on the 10th June 2026 which were subsequently replaced by comments of the 16th June 2026.
- (e) Comments on landscaping have now been resolved.

Subject to a resolution being reached with LCC and NH in relation to the highway impacts and mitigation, NWLDC anticipates that the joint application could be reported to NWLDC's Planning Committee in late summer.

I trust that this information is of assistance to you.

Yours sincerely


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