East Midlands Gateway - Deadline 5 Submissions on behalf of Protect Diseworth

This document comprises the D5 submissions on behalf of PD. The response primarily relates to the Applicant responses to ExQ2 (as submitted at D4) but also include related submissions on Traffic and Transport following direct engagement with the Applicant and as previously referred to within PD's Written Summary of Verbal Representations as submitted at D4.

Applicant Responses to ExQ2

Q1.04 (20% Advanced Manufacturing Floorspace) – *PD note that the Applicant appears to have elected to not answer this question. This is the second time that the ExP have sought clarity on the environmental assessment work relating to advanced manufacturing and whether any limitations should be placed on the B2 element of the use. PD consider it essential that there is a clear understanding of the environmental effects of the proposed development and any necessary mitigation measures.*

Q1.2.1 (Community Park) – *PD note the Applicant's comments on this question and would offer the following additional comments. As such, PD consider that Accessibility should be demonstrated across the 'community park' as a whole, including access to viewing areas, landscaped spaces, biodiversity features and other attractions, rather than only along designated Rights of Way.*

PD consider that the steeper gradients are being driven by the need to accommodating large attenuation basins required for the development's Sustainable Drainage System. This reinforces concerns that the site's primary function is drainage infrastructure rather than recreational open space, with accessibility necessarily constrained by engineering requirements.

In PD's view, the Community Park was designed as an area of mitigation for the development, rather than a functional and accessible open space, that could be actively used by the community, which is why these issues of conflict between public use and delivery of mitigation have arisen. Furthermore, the Applicant fails to address maintenance issues, including areas of standing water, and muddy areas, that may impede access during inclement weather. This will have direct implications for people with mobility issues and simply highlighting acceptable gradients does not demonstrate that the scheme delivers inclusive access in accordance with good design principles.

Q1.2.2 (Community Park Plan) – PD have reviewed the updated 'Community Park Plan and supplemental Community Park Typologies Plan (attached at Annex 1C) and would offer the following additional comments.

- *As already noted above the 'Community Park' will primarily exist and function as a SuDS drainage system, with the bulk of land area assigned to large drainage basins which are*

inaccessible to humans (and a safety risk for children). PD consider that public access was an 'afterthought.'

- *In this respect, the current design of the Community Park is considered to conflict with Paragraphs 96 (b) and 103 of the NPPF, which collectively seek to encourage access to 'high quality open spaces' which encourage the active and continual use of public areas.*

- *If most of the 'park' consists of attenuation basins that are inaccessible or fenced off, there is a legitimate question whether it can properly be described as community open space. The applicant should distinguish between land provided primarily as engineering infrastructure/mitigation and land providing genuine recreational benefit.*

- *The Applicant should explain how this drainage system will be managed, including regimes of inspection and maintenance, and how these are secured in the DCO. Both the NPPF and national SuDS policy require that drainage systems remain effective for the lifetime of the development.*

Q3.0.2 (BMV Cumulative effects and Technical Note – *PD have read the Technical Note produced by the Applicant. Whilst the specific question relates to cumulative loss of BMV land, PD consider it important that this be set within the context of BMV land loss more generally. The value of BMV land is noted within the NPPF at Paragraph 187 b) which confirms the importance of the 'economic and other benefits of the best and most versatile agricultural land'. Moreover, this should be set within the context of the NPSNN which notes at Paragraph 5.1.89 that:*

'Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality.'

Paragraph 5.1.89 goes on to state that:

'Applicants should also identify any effects, and seek to minimise impacts, on soil health and protect and improve soils, taking into account any mitigation measures proposed. Soil is an important natural capital resource, providing many essential services such as storing carbon (also known as a carbon sink), reducing the risk of flooding, providing wildlife habitats and delivering global food supplies.'

PD note that the 'tone' of the TN has been prepared on a 'begrudging' basis. It seeks to question and create distance from the level of assessment undertaken for other topic areas on cumulative effects, including seeking to downplay the importance of cumulative BMV loss stating at Paragraph 1.3 that '*The land loss effect of multiple developments is a simple the sum of their areas. This differs for example from an assessment of pollution or habitat loss effects, where there is a wider potential receptor area, including areas outside the sites.'*

Whilst PD agree that cumulative effects are easier to predict for this topic, it does not make the consequences of cumulative effects any less significant. In the overall sense, PD continue to be of the view that the Applicant has not demonstrated how they have sought to use poorer quality land, as an alternative to higher quality and more valuable BMV land. The reality is (as confirmed

by the TN) the resulting effects are a permanent loss of BMV land, unlike other renewable NSIP projects, where there is an ongoing potential use of BMV land and not a permanent loss.

As such, the contribution of the BMV land and its economic and other benefits (as noted by national planning policy) will be permanently and irreversibly lost. In this regard, specific consideration must be given to the consequences of this 'loss.'

Whilst the tone of the TN seeks to 'push back' against the expert statutory consultee (Natural England) for its very reasonable assertions that cumulative effects should be considered, it is important and necessary that this matter is very carefully considered.

Whilst the Applicant again seeks to downplay the consequences of the permanent loss of BMV land within the wider context and set within the context of national availability of BMV land. Paragraph 1.12 makes the position clear stating that *'the development of the site represents a relatively large loss of BMV land at a local scale, representing a significant increase in estimated rates of BMV land loss. This is regarded as significant.' In addition, Paragraph 1.13 sets the consequences of the loss, which is why PD consider it should be afforded careful and very special consideration stating that 'The proposed Development site is a very large greenfield site, a scale of development which occurs very rarely within the local authority area.'*

PD consider that the permanent loss of BMV land is significant, locally important and the Applicant has failed to qualify the consequences of the permanent loss of this land and demonstrate why it is acceptable.

Q16.0.1 (Construction Noise Thresholds) – *PD have considered the response of the Applicant on this question and would make the following comments:*

- *PD accept that Annex E of BS 5228 is informative. However, we would point out that in common with all British Standards,(as indicated in BS0 the standard for standards) British Standards are not mandatory and simply reflect the consensus of expert opinion which is reviewed and updated on a regular cycle. Hence, the contents of British Standards can be seen to generally represent the consensus of expert opinion at the time, whether it be in the main document or the appendices.*

- *The Applicant states that the thresholds have been selected based on Section E2, however it is noted that they have selected a criterion of 75dB. This is suggested in E.2 for "urban areas near main roads in heavy industrial areas". We do not believe that this is a description of the environment in Diseworth. We contend that Diseworth is already affected by noise from the M1 and airport and disagree that this is equivalent to "urban areas near main roads in heavy industrial areas". We consider that the 70dB criterion for "rural, suburban and urban areas away from main road traffic and industrial noise" would be more appropriate.*

- *Reading the whole of Section E.2, we can see that it is presented as largely a historical method of controlling noise which has now largely been superseded. Paragraph 2 of the E.2 states:*

> The above principle has been expanded over time to include a suite of noise levels covering the whole day/week period taking into account the varying sensitivities through these periods. An example is provided in **E.3** and these levels are also often used as limits above which noise insulation would be provided if the temporal criteria are also exceeded.

- *Whilst the final paragraph of Section E2 states:*

> The above principle has been expanded over time to include a suite of noise levels covering the whole day/week period taking into account the varying sensitivities through these periods. An example is provided in **E.3** and these levels are also often used as limits above which noise insulation would be provided if the temporal criteria are also exceeded.

- *As such, paragraph E.2 presents some historical levels used then points to the more prevalent approach detailed in E.3.*

- *The Applicants response goes on to discuss E.5 and fails to give a reason why this should not be adopted other than to suggest that the creation of the bunds will be louder than this limit but will only happen for a limited period. The Applicant then go on to cite the Minerals Guidance of the NPPF which allows short term noise limits to be increased to 70 dB LAeq,1h for periods of up to 8 weeks a year, whilst the remaining time the Minerals Guidance states that during standard operations noise should not exceed the background level by more than 10 dB, with an upper limit of 55 dBLAeq,1h (excepting those 8 weeks per year of higher noise levels).*

- *Having taken advice on this issue, PD consider that this (the minerals guidance referred to by the Applicant) could potentially be a reasonable approach if the scheme were to go ahead (without prejudice to PD's overall opposition to the scheme). This is on the basis that at the moment the Applicant has taken the maximum value from the 1963 Wilson report (75 dB) "for urban areas near main roads in heavy industrial areas." which is designed to give a limit above which "which conversation in the nearest building would be difficult with the windows shut" (see quote in Section E.2).*

- *PD would suggest that this is far too high for the whole of the construction works and consider that adopting the minerals guidance referred to in the NPPF (as an alternative to the former minerals guidance referred to in E.5) would be more appropriate for these construction activities, and indeed is consistent with the approach set out in E.3 of BS 5228), thus allowing a louder level (up to a maximum of 70 dB(LAeq,1h), not 75) for up to 8 weeks per year, for such activities as the construction of bunds etc, then the remaining period (for works lasting more than 6 months) should be no more than the measured background + 10dB up to a maximum of 55 dB LAeq,1h.*

Q16.0.2 (Construction Noise Response Measures) – *PD have reviewed the Applicant's response on this issue and consider it less than satisfactory, providing a 'wordy' explanation. The summary of the response appears to be that the Applicant do not wish to detail what the consequences would be of them exceeding the construction noise criteria at this stage. The reasons they give are that "the assessment concludes that significant effects would be controlled through the application of BPM..."; "... the P-CEMP provides a more proportionate mechanism..."; " the nature, duration, location and cause of any exceedance can vary considerably and therefore the appropriateness ... can only be determined on a case by case basis". We do consider this to be satisfactory as:*

- *If the Applicant are confident there won't be any exceedances, there should be no problem committing to compensation if these occur.*

- *The statement that the P-CEMP is 'more proportionate' is disputed. PD do not see how it can be more proportionate than something which has not yet been defined. If the Applicant have a suggestion of a more proportionate response than that given in BS 5228 then they should include it now so that all stakeholders can review and as appropriate agree that it is more proportionate.*

- *The Applicant appear to be stating that they can't actually predict or control the noise exceedances. This contradicts the first reason given which suggests there won't be a problem. This reason gives significant weight to why there should be an agreed package of off-site mitigation or compensation if the thresholds agreed are exceeded.*

Q16.0.3 (Reversing Alarms) –*The Applicants answer indicates why tonal reversing alarms might need to be used where "there is an absence of a banksman or an alternative safe system of work". The question asks what would necessitate the use of tonal reversing alarms. PD would not consider the lack of providing a banksman or alternative safe system of work as a necessity for the Applicant. It would, no doubt, be a cost saving not to employ a banksman, but not a necessity.*

The Applicant fails then fails to answer question j), instead describing about how they modelled the noise. Are they therefore stating that tonal reversing alarms are acceptable for all vehicles after all?

Update on Transport Matters discussed between Protect Diseworth (PD) and BWB (Applicant) following ISH3 13 May 2026

The following table summarises the current situation with regards to matters that were discussed at the meeting between PD and BWB following the ISH on 13 May. The highlighted text identifies outstanding concerns and as PD are failing to receive satisfactory responses from the Applicant (or a response at all in some cases) we are submitting these areas of ongoing concern into the examination.

Issue	*BWB Response*	*PD Comment*	*Current Position*
Red time for vehicles at proposed Toucan crossing on A453	*'The Toucan crossing has been modelled with a total intergreen period of 13 seconds and a pedestrian/cycle green time of 8 seconds, resulting in an overall vehicle red time of 21 seconds. Forecasts indicate approximately 30 pedestrian and cyclist movements generated by the proposed EMG2 development based on modal share. Considering walking and cycling catchment areas of 2 km and 5 km respectively, these users are expected to originate from either Castle Donington or Diseworth, neither of which would necessarily use the crossing. However, we hope that there is some connectivity to and from EMA, EMG1 and Kegworth and we considered it important to provide a safe crossing facility even if it may not be used that frequently.* *A crossing frequency of once every 4 minutes has therefore been assumed, equating to around 15 activations, and incorporates a longer-than minimum green time for pedestrians and cyclists. On this basis, the assumption of a 4-minute crossing interval is considered robust for modelling purposes'. (BWB email to PD 09 June 2026)*	*'A reduction in link capacity from 1,700 to 1,650 pcus [Minutes of Meeting 08 January 2026] is consistent with an 8 second red time. If the red time were 21 seconds the reduction in link capacity should be to around 1,550 pcus. Could you please forward an extract or screen shot of the VISSIM input file that identifies the specification of the red time to confirm this point?' (PD email dated 11 June 2026)*	*BWB has yet to respond to this query. The issue is therefore still under discussion.* *Without confirmation that the Toucan crossing has been correctly modelled, the risk is that the predicted future year flows on the A453 will exceed capacity. Traffic queuing back onto the Finger Farm roundabout would lead to unacceptable highway safety impacts.*
Area of land safeguarded for A453	*A quick response to acknowledge your email, albeit we can quickly deal with Point 2 – please see Document 2.17 [REP1-024D]: https://nsip-documents.planninginspectorate.gov.uk/published-*	*This plan shows the safeguarded land between the Beverley Road and Finger Farm roundabouts.*	*No further query*

dualling	*documents/BC0410001-001007-DCO%202.17%20A453%20Safeguarded%20Land%20Plan%20Deadline%201.pdf (BWB email dated 22 May 2026)*		
Total trips within model	*'The numbers provided in the worksheet appear to be from an older version of the report. The lates outputs can be found in Appendix 50 of the TA (MCO 6.6A Transport Assessment Part 7 of 10 (Clean) (Revision 1)). In the 2038 'With Mitigation' PM modelling scenario, a reduction in trips is observed when compared to the 2038 'With Development' scenario. This reduction primarily originates from the A50 and the M1 southbound off slip, as some vehicles reroute due to more vehicles being able to access the gyratory from M1 NB off slip.* *However, it should be noted that, when compared with the 2038 'Without Development' scenario, the 'With Mitigation' scenario allows a greater number of vehicles to utilise the highway network. This results in an overall improvement in network operation and capacity which shows the benefits of the proposed mitigation measures.' (BWB email 09 June 2026)*	*'Thank you for clarifying the most up-to-date VISSIM modelling. I have repeated the exercise using the most recent data (see attached). I'm afraid I am not following the points in your response. The effect of adding mitigation in the 2038 PM period is to reduce the number of trips in the model. This is contrary to your statement that there is benefit in the increased capacity with mitigation. There are further inconsistencies in that the effect of adding the EMG2 development in the AM peak is to increase trips by only 600-700 in most situations but by over 1,500 trips in the 2028 AM situation. There remain illogical outcomes when Local Plan development traffic is added (1A, 2A situation) since overall trips decrease when they should increase. Please explain how these results arise since they cast doubt on the reliability of the modelling process.' (email to BWB 11 June 2026)*	*BWB has yet to respond to these queries. The modelling results are not logical and throw doubt on the reliability of the results.*
Delays at The Green/A453 junction (rat-running through Diseworth)	*'Paragraphs 13.22 to 13.29 of the TA sets out that the strategic modelling shows that A453/The Green junction operate within capacity and therefore attracts traffic along said route. However, it should be noted strategic models are not always that well suited to assess detailed operational impacts at individual junctions. Therefore, a standalone junction assessment was undertaken which showed that the A453/The Green junction would actually operate over capacity. As a result, in reality, not all of the*	*'Your assessment of the relative attractiveness of the routes to the site via Diseworth and via the Kegworth Bypass is not compelling. You have used free flow conditions to arrive at relative journey times as it 'provides a simple, consistent way of assessing matters'. However, this ignores the fact that drivers' decisions are based on*	*This matter is not agreed as the modelling results suggest that rat-running through Diseworth is likely to increase as a result of the proposed*

	development traffic included for in the strategic traffic modelling work will head east towards the site via The Green and use alternative means instead. These 'long delays' are not shown in PRTM with or without the proposed mitigation in place; PRTM assumes that the A453/The Green junction operates within capacity throughout. *All development traffic routing along Grimes Gate (38 vehicles) originates from, or route via, Shepshed/Long Whatton area in the Strategic model. An alternative route for development traffic is via the Kegworth Bypass, which has a comparable journey time but avoids the congestion on the primary route, making it a potentially a more attractive option for drivers. However, we have never denied that some development traffic will route via Diseworth; the plan of course being limiting this as far as practically possible, by focusing mitigation on the SRN.* *A review of the development flows via 'The Green' (74 vehicles) indicates that these trips primarily originate from, or are located in close proximity to, the following areas:* *Shepshed* *Thringstone* *Peggs Green* *Worthington* *Breedon on the Hill* *As a result, an assessment has been undertaken to determine the journey times of drivers routing from these areas, to determine how long it would take drivers to access EMG2, using the Holiday Inn EMA as a proxy, via the following routes. It should be noted that we have undertaken this assessment based on standard free flowing conditions, because if it is undertaken in a standard AM*	*delays and congestion rather than on free flow conditions. The latest VISSIM report shows that the Kegworth Bypass approach to the A453 is, and will be in future, subject to long queues in both peak hours and with mitigation the queues still increase compared with the without development situation in many cases. Queues are also seen to increase in many cases on the A453 approach to the Finger Farm roundabout with development and mitigation compared with the without development situation. You state that it is the intention to provide additional capacity on the SRN in order to reduce the likelihood of rat-running through sensitive villages but the modelling shows quite clearly that in this case (alternatives to using the Kegworth Bypass), development plus mitigation will increase the likelihood of rat-running.* *This remains a significant concern, particularly given that the most likely source of rat-running traffic is from areas to the south-east that could be deterred from using the Kegworth Bypass and instead approach westbound along The Green where the sensitive route via Grimes Gate is significantly shorter than the route continuing along The Green to the A453'. (PD email to BWB 11 June 2026)*	*development and this would not be alleviated by the improvements to the SRN.*

	peak hour a range of approximate times is provided, hence this provides a simple, consistent way of assessing matters: *The Green* *Grimes Gate* *A453 west (via Isley Walton)* *A453 east (via Finger Farm)* *The results of this assessment are tabulated below.* *In summary, the above table shows that it would be quicker travelling from the places including Shepshed, Breedon on the Hill and Worthington via A453 West/East compared with the 'The Green' and 'Grimes Gate'. The journey time routes from Peggs Green and Thringstone via A453 E or W are also within minutes compared with 'The Green' and 'Grimes Gate. Furthermore, the mitigation proposals free up capacity at Finger Farm, which has been suitably modelled in PRTM, but the operation of The Green has not, for the reasons set out in the TA. Hence The Green would not be as an attractive route as suggested in PRTM, and whilst some traffic could well transfer to Grimes Gate, it would be quicker for them to route via the A453, avoiding Diseworth entirely instead, together with the right turn movements out of the village into the A453, which those who do not live in the village have the ability to avoid. This is therefore what is likely to happen in reality, as set out in the TA, and verbally to you when we met.* *The above should hopefully provide you with sufficient comfort that, whilst we have gone on record to query how The Green has been modelled in PRTM, if drivers were to avoid turning right onto the A453 via The Green they would far be more likely to re-route to access the site via the A453, than travel through Diseworth and turn right onto the A453 via Grimes Gate instead.' (BWB email to PD 09 June 2026)*		
Latest EMG1	*'In the context of the Issue Specific Hearing response, the*	*The current (2025) single occupancy car mode*	*PD supports a flexible*

Travel Plan monitoring survey	*reference to ESG was intended to provide background to SEGRO's continued investment in Travel Plan and Public Transport Strategy measures. This investment is being maintained despite sustainable mode share targets having already been surpassed during the first seven years of site occupation. The EMG1 Travel Plan Fund and Bus Fund were originally established to support delivery of these targets. While this could have allowed for a reduction in funding at this stage (as the targets are being met), SEGRO and the EMG1 Sustainable Transport Working Group have instead chosen to continue using the Bus Fund for the remainder of the Travel Plan period. This is enabling further enhancements to local bus services serving EMG1'. (BWB email to PD 29 May 2026)*	*share is 47% and was 43% in 2021.* *There is a risk that if targets are set at the suggested level (68% single occupancy car in 2029 reducing to 56% single occupancy car in 2038), the applicant would be allowed to withdraw funding for key elements of the Travel Plan such as bus subsidies.* *PD supports a more flexible approach to setting Travel Plan targets that ensures that Travel Plan measures are implemented and maintained.*	*approach to setting Travel Plan targets to ensure effective Travel Plan implementation.*