

EXAMINING PANEL FIRST 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'): [REDACTED]) to the Examining Panel's ('ExPs') first written set of questions are as follows.

Examining Panel (ExP) Question Number	Question To	ExP Question
1.0 Planning and Infrastructure Act 2025		
Q1.0	All Interested Parties	Planning and Infrastructure Act 2025 The Planning and Infrastructure Act received Royal Assent on Thursday 18 December 2025. All IPs, including the applicants, are invited to submit comments on the new Act in relation to any implications for the examination of this application.
Response	NWLDC notes that a number of the provisions of the Planning and Infrastructure Act 2025 which would affect NWLDC's participation in the examination as an interested party are not yet in force, such as section 8 (local impact reports and representations).	
1.1 Development Plans		
Q1.1	North West Leicestershire District Council (NWLDC)	Development Plan Could the identified interested parties please provide copies of the development plan for which they are responsible along with any associated policy maps.

	Leicestershire County Council (LCC) Neighbourhood Plan Bodies	<p>Where a development plan is under review, could the identified interested party, also provide information as to the stage of review that the plan has reached, along with a timetable through to adoption / making. This should be updated throughout the examination should it change.</p> <p>Where a draft development plan document exists, please could a copy also be provided (along with any associated maps). Again, this should be updated throughout the examination.</p>
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Response	<p>A copy of the adopted North West Leicestershire Local Plan ('NWLLP') is submitted for the Exp's information along with the relevant policy maps.</p> <p>The emerging (new) Local Plan (2024 – 2042) is under preparation. To date there have been four Regulation 18 stage consultations in 2018, 2022, 2024 and 2025.</p> <p>As confirmed at the meeting of the Local Plan Committee on 18th March 2026, the timetable to submission is as follows:</p> <table border="1" data-bbox="472 810 1249 1305"> <thead> <tr> <th data-bbox="472 818 875 847">Date/Month</th> <th data-bbox="875 818 1249 847">Stage</th> </tr> </thead> <tbody> <tr> <td data-bbox="472 847 875 895">22 April 2026 – Local Plan Committee</td> <td data-bbox="875 847 1249 895">Report on outstanding policy areas</td> </tr> <tr> <td data-bbox="472 895 875 943">April 2026 (Date TBC)</td> <td data-bbox="875 895 1249 943">Member briefing on Local Plan</td> </tr> <tr> <td data-bbox="472 943 875 991">20 May 2026 – Local Plan Committee</td> <td data-bbox="875 943 1249 991">Seek approval to consult on the Regulation 19 Local Plan and to submit the plan following consultation</td> </tr> <tr> <td data-bbox="472 991 875 1038">June/July 2026 – Cabinet and Council</td> <td data-bbox="875 991 1249 1038"></td> </tr> <tr> <td data-bbox="472 1038 875 1150">July – September 2026</td> <td data-bbox="875 1038 1249 1150">Regulation 19 Consultation (minimum of 6 weeks but intend to extend to account for summer/school holidays)</td> </tr> <tr> <td data-bbox="472 1150 875 1246">October 2026</td> <td data-bbox="875 1150 1249 1246">Process representations received and collate all the documentation for submission</td> </tr> <tr> <td data-bbox="472 1246 875 1294">November/December 2026</td> <td data-bbox="875 1246 1249 1294">Formal Submission of the Local Plan</td> </tr> </tbody> </table>	Date/Month	Stage	22 April 2026 – Local Plan Committee	Report on outstanding policy areas	April 2026 (Date TBC)	Member briefing on Local Plan	20 May 2026 – Local Plan Committee	Seek approval to consult on the Regulation 19 Local Plan and to submit the plan following consultation	June/July 2026 – Cabinet and Council		July – September 2026	Regulation 19 Consultation (minimum of 6 weeks but intend to extend to account for summer/school holidays)	October 2026	Process representations received and collate all the documentation for submission	November/December 2026	Formal Submission of the Local Plan
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	<p>Thereafter the timetable is in the hands of the Planning Inspectorate. Assuming an examination of between 12 to 18 months, the new Local Plan could be adopted in early/mid-2028.</p> <p>The 2024 Regulation 18 consultation comprised four separate consultation documents:</p> <ul style="list-style-type: none"> - Proposed Policies; - Proposed Housing and Employment Allocations (see page 79 onwards with respect to the East Midlands Freeport site); - Proposed Limits to Development; and - Draft Policies Map. <p>Copies of the above documents are also submitted for the Exp's information.</p>	
Q1.2	NWLDC	<p>Development plan</p> <p>In paragraphs 4.64 to 4.77 of the Planning Statement [AS-018] the applicants set out various policies they consider important and relevant in the consideration of the proposed development. Does NWLDC agree with this? If not, could NWLDC please set out those policies it considers to be important and relevant along with a reasoning as to their (non-) applicability where a difference occurs.</p>
Response	<p>NWLDC's Local Impact Report ('LIR'), submitted separately, outlines the local planning policies which NWLDC consider to be relevant in the determination of the application.</p> <p>In addition, NWLDC is in the process of negotiating a Statement of Common Ground ('SoCG') on 'Planning Policy' with the applicants.</p> <p>NWLDC's position on the important and relevant local planning policies will therefore be set out in the LIR and Planning Policy SoCG.</p>	
<p>1.2 Consideration of application – general matters</p>		
Q1.2.1	The applicants	Planning Statement

	<p>NWLDC</p>	<p>In paragraphs 4.48 and 6.6 of the Planning Statement [AS-018] the applicants set out the effect of paragraph 11 of the Framework. However, it is not clear whether the applicants consider:</p> <ul style="list-style-type: none"> (a) the proposed development accords with an up-to-date development plan, (b) the so-called ‘tilted balance’ should apply to this proposed development, or (c) any other position. <p>The applicants are asked to clearly set out their position and explain their reasoning.</p> <p>NWLDC is also asked to give its views on this topic.</p>
<p>Response</p>	<p>Policy Ec2(2) (New Employment Sites) of the adopted Local Plan states that “where evidence indicate an immediate need or demand for additional employment land (B1, B2, B8) in North West Leicestershire that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations.” This is subject to proposals meeting three further criteria (a – c).</p> <p>NWLDC interprets the wording of the policy as follows:</p> <ul style="list-style-type: none"> - ‘Immediate’ in this context is interpreted as ‘arising now.’ - ‘Need’ correlates to a policy requirement identified through the plan-making process to ensure that the future needs of an area are adequately addressed. - ‘Demand’ could be in the form of a request from potential future users or could be to address a gap in the supply of premises in the D. In other words, it relates to ‘market demand.’ <p>The policy requires immediate need <u>or</u> demand to be demonstrated; it is not necessary to demonstrate both.</p> <p><i>Need</i></p> <p>Please refer to NWLDC’s response to Q15.0.1 below. In summary, NWLDC agrees that there is a future need for additional industry and warehousing (including strategic scale warehousing). NWLDC does not agree with the applicants conclusion about the <u>quantum</u> of that future need.</p>	

Immediacy

Policy Ec2(2) also states that any need that is identified must be immediate.

The emerging Local Plan covers the period 2024 to 2042 (18 years). The proposed employment site allocations contained in the emerging Local Plan (which include the application site) will contribute significantly towards the evidenced need for both strategic warehousing and smaller scale industry / warehousing throughout that time period, if confirmed. (Details of the former are set out in a report to the Local Plan Committee for its meeting on 19th November 2025. Details of the latter are set out in the report to the Local Plan Committee for its meeting on 24th September 2025. These two reports are submitted for the information of the ExP.)

In NWLDC's view, there is a process in place to address the evidenced need, namely the Local Plan process. The quantum of need identified in the evidence base for the emerging Local Plan covers a period of 18 years; it does not all arise now. Accordingly, the need identified in the evidence base is not 'immediate.'

Demand

The applicants have submitted an Industrial and Logistics Need Assessment [APP-123] ('ILNA') prepared by Savills. Section 5 of this document assesses market signals in North West Leicestershire ('NWL'), the Functional Economic Area ('FEMA') and the East Midlands Gateway ('EMG') market area.

NWLDC considers that the ILNA provides a general picture of demand but is not sufficiently specific to demonstrate demand for the amount and type of floorspace being proposed in the application. In NWLDC's view, information that would demonstrate a specific and current demand for the business and commercial development being proposed could include:

- confirmed end users for the site;
- evidence of a specific gap in the District's portfolio of sites; and/or
- evidence of operators' specific interest in the development as a result of marketing.

More specific information could also demonstrate the timescale of demand (i.e. whether it is genuinely 'immediate').

Also relevant to the consideration of the immediacy of demand is that there is circa 219,000 sqm of B2 / B8 floorspace with planning permission in the vicinity of Junction 24 of the M1 in NWL. The details of the planning permissions are as follows:

- **24/00074/REMM – Land South of Junction 1 of the A50, Station Road, Castle Donington.**
Development of up to 92,500 sqm GIA of storage and distribution units (B8), industrial units (B2) and light industrial units (B1c).
The illustrative reserved matters masterplan shows 5 units of between circa 6.900 sqm and circa 39,900 sqm (GIA) for B2 / B8 – Total GIA = circa 81,400 sqm
Not started.
- **22/00954/REMM – Land Opposite the Cottage, Netherfields Lane, Hemington.**
Erection of 4 no. units for storage or distribution use with ancillary offices and associated works.
4 units of between circa 8,800 sqm and 31,800 sqm (GIA) – Total GIA = circa 77.500 sqm.
Under construction.
- **24/01200/FULM – Land at Sawley Interchange adjacent to Aldi Distribution Centre, Tamworth Road.**
Development of the site to provide unit for employment purposes within use classes B2 / B8 with ancillary offices etc.
One unit of 59,910 sqm (of which 57,125 sqm would be B2 / B8).
Under construction.

The site location plans and site layouts for the above applications have been submitted for the EXP's information.

There is a pipeline supply of B2 / B8 floorspace available for demand arising in the shorter term.

Policy Ec2(2) also states that the immediate need or demand (if identified) must not be capable of being met on land allocated in the adopted Local Plan.

It is broadly accepted by NWLDC that benefits of Junction 24 of the M1 location would not necessarily be satisfied at:

- Money Hill, Ashby de la Zouch (allocated under Policy Ec2(1));
- the ex-Lounge site at Ashby de la Zouch (allocated under Policy Ec1a); or
- the land to the rear of Charnwood Arms, Bardon, Coalville (allocated under Policy Ec1b).

	<p>The M / A42 corridor and Coalville fall in different Areas of Opportunity ('AoO') in the Leicester and Leicestershire Strategic Distribution Need and Apportionment Study (October 2025) ('the L&L Study') (see Figure 2.1 on Page 29 of the L&L Study – as submitted).</p> <p>The Sawley Crossroads site (allocated under Policy Ec1c) is within the same AoO (Area 3) as the application site. This site is the site described above with planning permission for 59.910 sqm B2 / B8 (24/01200/FULM). NWLDC considers that his site could make a contribution towards any immediate need or demand, although it could not accommodate the full extent of the development proposed in the application.</p> <p>It follows that NWLDC does not consider that the information submitted by the applicants demonstrates compliance with the immediate need / demand test of Policy Ec2(2).</p>	
Q1.2.6	NWLDC	<p>Plot 16</p> <p>Could NWLDC please confirm that any safeguarding direction for High Speed 2 has been withdrawn providing a copy of that withdrawal. If a direction remains in place, could NWLDC please provide a copy and set out any implications that may flow from it.</p>
Response	<p>NWLDC received written confirmation from the Department for Transport ('DfT') on 18th July 2025 that the safeguarding direction for Phase 2b of High Speed Rail 2 ('HS2') which applied to land within NWL had been removed.</p> <p>A copy of this correspondence is submitted to the ExP for their information.</p>	
Q1.2.7	NWLDC	<p>Planning permission relating to heights of stacked containers</p> <p>Could NWLDC please provide a copy of the planning permission which purportedly permits the raising of the height of the container stacks to 15m. This should include the decision notice and all associated documents to allow the ExP to understand it properly.</p>
Response	<p>Please find submitted the planning decision notices associated with application references 18/01527/FULM and 22/00867/FULM, along with relevant plans / documents, which permitted the increase in the container stacks within the</p>	

	rail terminal associated with the East Midlands Gateway Rail Freight Interchange and Highway Order 2016 ('the 2016 DCO').	
Q1.2.8	The applicants NWLDC LCC National Highways (NH)	20% advanced manufacturing floorspace Paragraph 3.2.7 of chapter 3 of the ES [AS-025] states that the development would primarily comprise logistics buildings with up to 20% of the floorspace capable of being used for 'advanced manufacturing'. Please can the applicants clarify how this 20% limitation is secured in the draft Development Consent Order (dDCO) and explain the environmental effects in the event this 20% limitation is exceeded. For example, why is the limitation important, does advanced manufacturing generate different environmental effects in relation to traffic, noise and disturbance compared to storage and distribution?
Response	NWLDC would invite the applicants: <ul style="list-style-type: none"> - to demonstrate that the nature of the advanced manufacturing (if increased) would not alter the conclusions reached in relation to Chapters 7 [AS-035] and 8 [AS-037] of the ES; and - confirm that the trip rates applied (which are based on those adopted for the 2016 DCO) allow for 20% advanced manufacturing floorspace. 	
1.3 Other planning applications in the vicinity		
Q1.3.1	NWLDC Prologis East Midlands International Airport Limited and / or East Midlands Airport Property Investments (Industrial)	Planning application on northern part of EMG2 site Could NWLDC provide a copy of the 24/00727/OUTM application. This should consist of the application form, drawings showing any land proposed for development and (indicative) layouts and/ or parameters plans, together with details of any off-site infrastructure which it is intended to secure as part of that development. In addition, could NWLDC provide information, so far as it has it, as to the timetable for consideration of the application and for any subsequent legal agreements, if necessary, to be completed. Could Prologis / EMIA please set out its intentions for the consideration of the application.

	Limited as appropriate (EMIA)	If the application is amended so that any of the above details change, can we please be provided with that information.
Response	<p>Please find submitted a copy of the requested information associated with application reference 24/00727/OUTM.</p> <p>In terms of an update on the application, the applicants have provided the requested clarification and technical updates to support NWLDC’s assessment and address queries from consultees. There are limited outstanding matters which remain under review or require final clarification, principally relating to:</p> <ul style="list-style-type: none"> - highway modelling and mitigation, the review of which is ongoing by National Highways and LCC with an aim to conclude in April 2026; and - the compliance of the development with Policy Ec2(2) of the adopted Local Plan. <p>NWLDC expects that the application will be in a position to be considered by committee in June or July 2026. Subject to any progress prior to committee, the conclusion of a section 106 agreement would likely take between one to two months to be completed following a positive determination.</p> <p>NWLDC will keep the ExP updated with any progress in relation to this application as the Examination progresses and will also provide relevant updated information as and when it is submitted to NWLDC.</p>	
Q1.3.3	NWLDC	<p>Isley Woodhouse development</p> <p>Could NWLDC advise as to the current situation on the planning application for Isley Woodhouse, and provide details of the proposal, a location plan and details of any off-site works, particularly highway works, which it is intended to secure as part of that development, or any triggers that would prevent implementation or occupation unless a particular piece of infrastructure had been provided?</p> <p>Does NWLDC have any date for its determination?</p> <p>Could NWLDC please ensure that the examination is kept updated in this regard.</p>
Response		

	<p>Please find submitted a copy of the requested information associated with the Isley Woodhouse development (NWLDC application reference 25/00865/OUTM).</p> <p>At this time NWLDC does not have a timescale for the determination of this application given that it is still out for consultation, and a large number of technical consultee responses are awaited. Most notably, neither LCC nor NH has provided substantial responses on highway matters and therefore NWLDC is not in a position to make any comments on potential conditions / trigger points for delivery of any highway mitigation.</p> <p>Moreover, there is still a substantial amount of other highway work ongoing in the background in relation to modelling the impacts of the various other schemes in the area (which includes the application site). There is unlikely to be any progress on highway matters relating to Isley Woodhouse until this work has been completed.</p> <p>NWLDC will keep the ExP up-to-date should any progress be made with this application as the Examination progresses.</p>	
<p>1.4 Community Matters</p>		
<p>Q1.4.3</p>	<p>NWLDC</p>	<p>Community Park</p> <p>Is the size of the community park sufficient to create a meaningful buffer between the EMG2 main site and neighbouring residential development, whilst delivering the multitude of proposed functions (recreation, landscape and ecological mitigation etc.)? To this end, could the community park be made bigger, at the expense of industrial and logistics floorspace, if it was determined that its current size would place unworkable constraints on its intended functions?</p> <p>The ExP also invites comments from NWLDC on this matter.</p>
<p>Response</p>	<p>NWLDC considers that it is for the applicants to demonstrate that the proposed plot sizes are necessary to make the development viable.</p> <p>Provided that such need can be demonstrated, NWLDC considers that the Community Park as proposed provides a meaningful buffer. Whilst NWLDC would prefer to see an increase in the size of the park, NWLDC recognises that this needs to be balanced with the viability of the development overall. NWLDC recognises that the development provides a separation of 150 metres between the proposed plots and the closest residential property, and this would be</p>	

	<p>significantly better than other schemes within the district comprising similar development which have been granted approval.</p> <p>In terms of “<i>delivering the multitude of proposed functions (recreation, landscape and ecological mitigation etc)</i>”, NWLDC consider that these functions are not mutually exclusive and that it is possible to create a space which has all of these functions. The Community Park is 14.3 hectares, which makes it around 10% of the total site area, and which does not include all of the bunds and landscaping between the Community Park and development plots. It is therefore not of a size which would place “unworkable constraints on its intended functions” in the view of NWLDC.</p>	
<p>2. Design, parameters and other details of the proposed development</p>		
<p>Q2.0.4</p>	<p>The applicants NWLDC</p>	<p>Design</p> <p>In section 7 of the Design Approach Document [APP-220] dealing with the Design Code sets out the Key Design Objectives. One of these is “<i>creating places with a strong sense of identity</i>”. Could the applicants please explain why this does not include an aspect relating to the external appearance of the buildings to provide signposting and place-making within the proposed development.</p> <p>NWLDC is also asked to comment.</p>
<p>Response</p>	<p>The referenced Design Objective states [with emphasis added]:</p> <p><i>“Creating a sense of place and identify for Segro through developing a common architectural language and orientating buildings to provide legible wayfinding around the site.”</i></p> <p>NWLDC considers that this additional wording provides some clarity as to how the overarching objective is intended to be achieved.</p> <p>That being said, NWLDC notes that the wording used throughout the Design Approach Document is quite general and non-prescriptive. Whilst it is referred to as a ‘Design Code’, it uses the term “should” almost without exception, whereas best practice is that Design Codes should use the term “must”. This approach means that it is consequently difficult to determine or measure what needs to be done, or to discriminate between the respective importance of</p>	

	<p>different components. Similarly, the diagrams (such as on Page 57) indicate a range of things, but it should be clear what is mandatory to deliver the objective.</p> <p>NWLDC notes that Page 70 refers to “Public Areas” and considers that more could be said here about the experiential qualities of the environment that are intended. Wayfinding could be mentioned. In relation to place making, it appears to NWLDC that there is little in relation to where people should meet, whether they can and what they might do.</p> <p>Accordingly, NWLDC considers that it would be useful for the applicants to highlight on a plan, and cross reference to it within the Design Code, where public areas are proposed.</p>	
Q2.0.8	The applicants NWLDC LCC	<p>Parking space size</p> <p>Paragraph 6.31 of the TA [APP-080] sets out parking sizes. The ExP is aware that many local planning authorities are seeking larger spaces (generally to the width) to accommodate the larger cars that are being produced compared to those when the standards were originally drawn up. Does the applicant, NWLDC or LCC have any comment as to whether larger spaces should be included within the parking areas?</p>
Response	NWLDC defers a response to this question to LCC as the Highways Authority.	
<p>4. Air Quality and Emissions</p>		
Q4.0.2	The applicants NWLDC	<p>Monitoring data</p> <p>Paragraph 8.2.8 of chapter 8 of the Environmental Statement (ES) [AS-037] states that as of June 2025, the 2024 monitoring data had not been verified by the Department for Environment, Food and Rural Affairs (DEFRA). Please can the applicants’ and NWLDC confirm whether the latest verified monitoring data is now available and whether the air quality assessment needs to be updated accordingly?</p>
Response	NWLDC’s Environmental Protection Team has advised that paragraph 8.2.8 within chapter 8 of the ES [AS-037] states:	

	<p><i>“A further email was sent to NWLDC on 10th June 2025 to understand if their 2024 monitoring data is available, and it has been confirmed (at the time of writing) that the monitoring data has not been verified by the Department for Environment, Food and Rural Affairs (‘DEFRA’).”</i></p> <p>It is advised by NWLDC’s Environmental Protection Team that NWLDC’s monitoring data does not get verified by DEFRA, and that in June 2025 the bias adjustment factors for the 2024 data would have been published.</p> <p>NWLDC’s 2025 Annual Status Report to DEFRA was submitted at the end of June 2025 and the report was accepted by DEFRA on 15th August 2025.</p> <p>The applicants have used 2023 data for their model verification, but the relevant question is how closely the model matches reality and not how new the data is. As a result, the fact that the 2024 data has not been utilised is somewhat immaterial.</p> <p>Whilst NWLDC would not require the air quality assessment (‘AQA’) to be revised based on the monitoring data, in light of the above, an update to the AQA may still be required when accounting for the further transport modelling work which is being undertaken in accordance with LCC’s Pan Regional Transport Model (‘PRTM’).</p>	
Q4.0.3	The applicants NWLDC LCC NH	<p>Reasonable worst case scenario complexity</p> <p>Paragraph 8.2.58 of chapter 8 of the ES [AS-037] establishes four scenarios considered as part of the traffic modelling that underpins the air quality assessment. These modelling scenarios were broken down into sub scenarios in paragraph 8.2.55. What is the rationale for conducting such a multitude of scenarios? Does it present an overly complex approach, and could it be streamlined by adopting one definitive reasonable worst case scenario for each of the following:</p> <ol style="list-style-type: none"> 1) Baseline traffic; 2) EMG2 project traffic (with Development Consent Order (DCO) and Material Change Order (MCO) assessed discretely); 3) EMG2 project traffic (with DCO and MCO assessed discretely) + mitigation; and 4) EMG2 project traffic (with DCO and MCO assessed discretely) + mitigation + cumulative project traffic.

<p>Response</p>	<p>NWLDC’s Environmental Protection Team considers that all modelling scenarios are necessary. In this respect, air quality modelling is inherently inaccurate as it relies on traffic predictions. Those predictions are reliant on both the proposal being submitted and other proposals and Local Plan allocations coming into use. To assume all other Local Plan allocations and other submitted applications will come into use, and that their actual traffic will match the prediction, is overly conservative. Consequently, by modelling different scenarios (in addition to the baseline), it is possible to visualise the impact that the proposed development will have and how it compares with other cumulative impacts. This in turn allows for an assessment of the significance of the impact of the development to be properly understood.</p>	
<p>Q4.0.7</p>	<p>NWLDC</p>	<p>Mitigation NWLDC in its RR [RR-003] states that mitigation measures identified within appendix 8I [APP-106] would need to be appropriately secured within the dDCO. Please can NWLDC confirm whether it thinks the identified mitigation measures have been appropriately secured or not. If not, please suggest a draft requirement for the ExP’s consideration.</p>
<p>Response</p>	<p>For the purposes of air quality, in relation to the construction phase, NWLDC considers that the incorporation of a Dust Management Plan (‘DMP’) would respond to the details outlined in appendix 8I [APP-106]. However, to be more specific, the overarching Construction Environmental Management Plan (‘CEMP’) [AS-027D] should be amended so that it refers to the mitigation measures stated within Table 8i.1 of appendix 8I [APP-106] to ensure that they are appropriately secured as part of Requirement 10, which makes specific reference to the overarching CEMP.</p> <p>The above would also be necessary notwithstanding the further transport modelling work undertaken in accordance with LCC’s PRTM, which may also alter the current conclusions of the AQA.</p>	
<p>Q4.0.9</p>	<p>The applicants NWLDC</p>	<p>Statutory targets In relation to paragraph 8.7.106 of chapter 8 of the ES [AS-037], is the PM2.5 target to be achieved in 2028 statutory? Is the Secretary of State (SoS) under a statutory duty to ensure that it is met? Furthermore, please can the applicants elaborate on the potential implications of exceeding this target at Castle Donington. If the PM2.5 target is exceeded without the EMG2 project, how much does the EMG2 project add to this exceedance in percentage terms?</p>

		<p>More generally, it would be helpful if the applicants could provide a summary note or table outlining the SoS's statutory obligations regarding air quality targets and whether these would be met in the event the SoS took the decision to make the DCO.</p> <p>The ExP also invites comments from NWLDC on this matter.</p>
<p>Response</p>	<p>NWLDC understands that the interim Particulate Matter ('PM') 2.5 targets are taken from DEFRA's Environmental Improvement Plans ('EIP') of both 2023 and 2025 and are not statutory targets.</p> <p>However, given their status as targets in documents approved by the Government, NWLDC considers that it is reasonable to classify the exceedance of the interim targets as an indicator of an 'unacceptable level of air pollution' when having regard to criterion (e) of Paragraph 187 of the National Planning Policy Framework ('NPPF'), which specifies that new development should be prevented from contributing to unacceptable levels of air pollution and that development should, wherever possible, help to improve local environmental conditions such as air quality.</p> <p>Appendix 8G (Human Receptor Concentrations and Impacts) [APP-104] of Chapter 8 of the ES has assessed the impacts of PM2.5 against the 2020 air quality standard (as outlined on Pages 60 to 67) and establishes that only one receptor modelled would have a <u>slight negative</u> air quality impact.</p> <p>If the impacts are assessed against the EIP 2023 target (of 12µg·m⁻³ by 2028), then:</p> <ul style="list-style-type: none"> (i) 26 receptors have a <u>slight negative impact</u>; (ii) 4 have a <u>moderate negative impact</u>; and (iii) 9 have a <u>substantial negative impact</u>. <p>This would require some form of mitigation to be implemented to reduce the impact.</p> <p>If the impacts are assessed against the EIP 2025 target (of 10µg·m⁻³ by 2030), then:</p> <ul style="list-style-type: none"> (i) 13 receptors have a <u>slight negative impact</u>; 	

(ii) 19 have a moderate negative impact; and

(iii) 14 have a substantial negative impact.

This again would require some form of mitigation to be implemented to reduce the impact.

The submitted spreadsheet should also be considered by the ExP, which provides an assessment against each receptor as outlined within Appendix 8G of Chapter 8 of the ES.

NWLDC considers that it would be appropriate for the ExP to consider the terms of the guidance within the EIP 2023 and the EIP 2025 and apply that in the context of criterion (e) of Paragraph 187 of the NPPF. The ExP may conclude that it is appropriate for further work(s) / assessment(s) to be undertaken by the applicants to devise measures to mitigate the impacts of PM2.5 on the receptors identified within Appendix 8G of Chapter 8 of the ES.

NWLDC would also refer the ExP to the interim guidance on PM2.5 that was published by DEFRA in 2024 titled '*PM2.5 Targets: Interim Planning Guidance*'. This guidance does not reference the interim targets in the EIP 2023 or the EIP 2025 but does refer to the 2040 air quality target of $10\mu\text{g}\cdot\text{m}^{-3}$ as outlined in the Environmental Targets (Fine Particulate Matter) (England) Regulations 2023. Such guidance does not provide definitive guidance on how PM2.5 should be addressed. However, it does state that:

"The new approach moves away from a requirement to assess solely whether a scheme is likely to lead to an exceedance of a legal limit and instead ensures that appropriate mitigation measures are implemented from the design stage, streamlining the process for planning and ensuring the minimum amount of pollution is emitted and that exposure is minimised.

Applicants are advised to provide evidence in their planning applications that they have identified key sources of air pollution within their schemes and taken appropriate action to minimise emissions of PM2.5 and its precursors as far as is reasonably practicable."

NWLDC accepts that modelling of PM2.5 can be limited, flawed and/or inaccurate due to the chemistry, particle size, and vast range of sources of PM2.5, with differences in concentrations that are significantly less than the margin of error

	<p>on the model. Therefore, NWLDC considers that further modelling is unlikely to provide any greater clarity on the impacts.</p> <p>To an extent, NWLDC considers that traffic data collected in Castle Donington as a basis on which to project future models may also be unreliable due to the fact that various highway works have been undertaken within this settlement (including the delivery of the Castle Donington bypass and traffic calming measures on the main thoroughfare within the settlement). Therefore, the nature of vehicle movements in and around the settlement following such works is not yet fully understood.</p>	
Q4.0.10	<p>The applicants NH NWLDC</p>	<p>Modelling NH [RR-022] raised concern about the large magnitude of some of the modelling adjustment factors. On the other hand, NWLDC [RR-003] confirm that a range of matters in relation to the modelling have been agreed. For clarity, and subject to any Pan Regional Transport Model (PRTM) 2023 updates, please can NH and NWLDC, in conjunction with the applicants', work together and coordinate a response on whether the modelling and subsequent conclusions are acceptable.</p>
Response	<p>At the time of submitting this response, NWLDC has received no information from the applicants or NH in order to coordinate a response on this matter.</p>	
Q4.0.21	NWLDC	<p>Air Quality in Castle Donington Could NWLDC please comment on the air quality issues, and particularly whether it agrees with the applicants' assessment in relation to the Castle Donington area. That is, whether conclusions need to be considered in relation to the localised dispersion / previous monitored NO2 concentrations at receptors within this location?</p>
Response	<p>NWLDC's Environmental Protection Team consider that the applicants' assessment of NO2 in Castle Donington is acceptable.</p>	
<p>5. Biodiversity, ecology and natural environment (including Habitats Regulations Assessment)</p>		

Q5.0.3	The applicants NWLDC Natural England (NE)	<p>Skylarks</p> <p>Prologis [RR-024D] raised concerns about the delivery of key mitigation, especially for skylarks displaced by the DCO scheme. Please can the applicants provide more details about any mitigation for skylark. The ExP are particularly interested how any such mitigation located on the community park would be effective in the context of the park’s multifunctional use. For example, among other things, would recreational users of the community park have the potential to disturb skylarks and diminish the effectiveness of skylark mitigation (see ExQ1.4.2)? Please can NWLDC and NE provide an updated position in relation to protected species and in doing so comment on the issue of skylark mitigation, and farmland bird species more generally.</p>
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“The bird report included information on the previous bird surveys undertaken at the site, and the results of the breeding and wintering bird surveys between 2024 – 2025. Skylark were confirmed as breeding and a ‘common resident’, along with other Priority Species. The ES Chapter 9 outlines the provision of grassland to provide alternative habitat and to support the carrying capacity of surrounding habitats, however suitable breeding habitat provision has not been provided for Skylarks. Furthermore, ‘moderate to high’ numbers of breeding Yellow Wagtail were recorded, which is an ‘uncommon summer migrant breeder’, such that further consideration of farmland birds is required.”</i></p>	
Q5.0.4	Forestry Commission NE NWLDC	<p>Veteran trees</p> <p>Please can the Forestry Commission, NE and NWLDC clarify whether they are satisfied with the applicant’s assessment of veteran trees, including their role as irreplaceable habitats, as set out in the LEMP [APP-117], and whether there is compliance with paragraph 5.63 of the National Networks National Policy Statement (NNNPS)?</p>
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“The LEMP [APP-117], which contains at Appendix B a Veteran Tree Strategy (VTS), of Chapter 9 of the ES [AS-039] notes that six of the veteran trees are retained, including the tree defined as veteran under the terms of criterion (c) of Paragraph 193 of the NPPF. Whilst the VTS is detailed, it is considered that it does not fully consider the guidance within</i></p>	

	<p><i>the NPPG (Ancient woodland, ancient trees and veteran trees: advice for making planning decisions) on ancient and veteran trees.</i></p> <p><i>At this time, therefore it is considered that compliance with Paragraph 5.63 of the NNNPS is not demonstrated, albeit the weight to be applied in connection with any ‘public benefits’ is for the decision maker.”</i></p>	
Q5.0.7	NE NWLDC	<p>Badgers</p> <p>Table 9.12 of chapter 9 of the ES [AS-039] states while badger welfare is protected under legislation they are common and widespread, and for planning purposes are not ascribed a particular conservation value and are considered to be of negligible importance. However, standing advice is clear that badgers should be protected for planning purposes. Are NE and NWLDC satisfied with the applicants’ approach to badgers and that they are of ‘negligible’ importance?</p>
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“A SoCG in relation to ‘Ecology and Biodiversity’ is being negotiated with LCC Ecology. It is currently confirmed within the draft SoCG that the approach in relation to badgers has been previously agreed.”</i></p>	
Q5.0.10	NWLDC NE	<p>Hedgerow loss</p> <p>Please can NWLDC and NE advise whether they are satisfied with the extent of hedgerow loss as part of the proposed development and that it is consistent with the mitigation hierarchy? For example, would the detailed design on the EMG2 main site provide opportunities to retain some of the hedgerows that are currently identified to be lost?</p>
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“The Council’s (being NWLDC and LCC) are largely satisfied that hedgerows have been retained where possible, with sections of hedgerow proposed for enhancement and new species-rich native hedgerow created. There may be some</i></p>	

	<i>scope to retain some sections of hedgerow, including within the EMG2 DCO main site, and this should be explored further by the applicants and whereby the Council's can provide appropriate advice as required.</i>	
Q5.0.11	NE NWLDC The applicants	Pre-Construction species surveys Are pre-construction species surveys necessary as a general measure, or are they only necessary in relation to specific species? In either case, have they been suitably secured in the dDCO and draft Material Change Order (dMCO)?
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“As per the SoCG which is being agreed with LCC Ecology, the scope, timing and methods approach for the ecology survey work was previously agreed. Additional updates / further survey work is likely to be required including, but not limited to, an assessment of trees to be removed / impacted for roosting bats.”</i></p>	
Q5.0.12	NE NWLDC	Securing ecological mitigation Ecological mitigation is contained in a number of documents, including the Environmental Statement (ES), Landscape Ecological Management Plan (LEMP), Construction Environmental Management Plan (CEMP), the Biodiversity Net Gain (BNG) Report and individual protected species reports. Are NE and NWLDC satisfied that these documents and the mitigation within them are suitably secured in the dDCO and dMCO? For example, is it clear that the habitat creation identified in the BNG Report [APP-116] is secured by the dDCO for the EMG2 works and the highway works, and by the dMCO for the EMG1 works?
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“Some matters remain outstanding regarding ecological mitigation and therefore an appropriate comment in relation to the securing of such measures within the dDCO and dMCO cannot be provided at this time.”</i></p>	
Q5.0.13	The applicants	Ecological traffic mitigation

	NE NWLDC	Paragraph 9.5.171 of chapter 9 of the ES [AS-039] discusses general mitigation to address traffic related harm. Is there scope within the detailed design to provide wildlife underpasses or wildlife crossings within the site, particularly for any protected species? If yes, how might this best be secured so that it is proportionate?
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“There is scope to provide additional ecological mitigation to address traffic related harm which is feasible and it is therefore requested that the applicants provide further information in this respect for review.”</i></p>	
Q5.0.20	NE NWLDC	<p>Age of surveys</p> <p>Are NE and NWLDC satisfied with the age of habitat and species surveys? If updates would be required prior to commencing development, have such updates been secured in the dMCO and dDCO?</p>
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“As per Q5.0.11 above, the scope, timing and methods approach for the ecology survey work was previously agreed within the draft SoCG. However, it may be prudent to undertake an update walkover to determine the current ecological status.”</i></p>	
Q5.0.21	The applicants NE NWLDC EMIA	<p>Farmland bird habitat</p> <p>Please can the applicants calculate the percentage of existing farmland bird habitat that would be lost as a result of the cumulative projects within the region and indicate what proportion of that loss would be generated by the EMG2 project itself.</p> <p>Does NE or NWLDC have any concerns about the cumulative effects on farmland bird habitat? For example, would farmland birds displaced by the EMG2 project have sufficient habitat elsewhere in the region?</p>

		Does EMIA have any concerns about the displacement of farmland birds in the immediate area surrounding the airport in regards bird strike risk?
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“The response to Q5.0.3 would apply.”</i></p>	
Q5.0.22	NE NWLDC	<p>Ecological zone of influence</p> <p>Are NE and NWLDC satisfied that Isley Woodhouse, and other such significant projects within the region, are outside the ecological zone of influence and would not have any impact pathways that would need to be considered cumulatively with the EMG2 project? Are the distances cited for the respective projects (2km - 5km) in table 9.34 of chapter 9 of the ES [AS-039] sufficient to draw such a conclusion in the context of the ecological receptors present within the region?</p>
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“The Council’s (LCC and NWLDC) note a number of the schemes within the area have been included within the potential for inter-project cumulative effects. However, potential impact pathways are ‘outside of the ecology zone of influence’ for Isley Woodhouse in the view of the applicants. Given the location of Isley Woodhouse in relation to the EMG2 DCO (which appears incorrect at 2 kilometres), the Council’s would require further clarification / rationale to be provided for this decision, in particular as we note East Midlands Airport and Gateway Industrial Cluster has been included which is located 1 – 2 kilometres west of the EMG2 DCO.”</i></p>	
Q5.0.24	The applicants NE NWLDC	<p>Badger setts</p> <p>Please can the applicants clarify whether the mitigation hierarchy has been followed in relation to the loss of any badger setts, in accordance with paragraph 5.48 of the NNNPS? For example, have opportunities been taken to minimise the footprint of the development to avoid any badger setts currently identified for closure, and could the illustrative layout be reduced in extent during detailed design. Is there sufficient</p>

		<p>evidence demonstrating that such avoidance is not possible, and is NE and NWLDC satisfied with the applicants' approach in this regard?</p> <p>The applicants should submit their answer to this question in a confidential report. The ExP would ask that the applicants send a copy of the confidential report direct to NE and NWLDC for their consideration.</p>
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“The consideration of badgers has previously been discussed with the applicants but at the time of the submission of this response the confidential report has not been received from the applicants. The Council’s (being LCC and NWLDC) will therefore review any response once it is made available and comment accordingly to the ExP if requested.”</i></p>	
Q5.0.26	NWLDC	<p>Approval of final LEMP</p> <p>Is NWLDC satisfied with the drafting of requirement 10 in the dDCO? Should requirement 10 make provision for the submission and approval of a final LEMP to ensure the measures within it are commensurate with the detailed design of the DCO scheme that would be approved under requirements 5, 7, 8 and 9? Indeed, paragraph 3.3 of the LEMP [APP-117] states it should be treated as a draft, and consequently does this further support the need for the submission and approval of a final LEMP?</p>
Response	<p>In response to Q12.0.3 below, NWLDC considers that the current LEMP should be titled as an ‘outline’ or ‘draft’ LEMP to make it clear that it is not a final document and that more detailed information would be added to the LEMP during the detailed design stages. Requirement 10 should therefore be altered so that NWLDC can sign off a final LEMP once such detailed information is available, particularly in relation to final planting schedules (including species and sizes).</p> <p>In addition, LCC Ecology has advised that Requirement 10 could include more detailed prescriptions including, but not limited to, increasing the period in which replacement planting is required beyond the proposed 5 years and on-going / remedial measures to ensure the long-term success of proposed habitat creation / enhancement.</p> <p>NWLDC considers that it would be appropriate to require the submission of a final LEMP which accords with the detailed design of the development.</p>	

6. Climate change and energy		
Q6.0.6	NWLDC	<p>Net zero carbon building standards</p> <p>In relation to paragraph 19.5.65 of chapter 19 of the ES [AS-069] is NWLDC satisfied with the applicants' reasoning about compliance with the Net Zero Carbon Building Standard? Does NWLDC have any views on whether additional requirements within the dDCO and dMCO could be used to create more certainty about building operational intensity and reduce operational emissions as far as possible?</p>
Response	<p>Notwithstanding the comments at Paragraph 19.5.65 of Chapter 19 of the ES [AS-069], NWLDC notes that Paragraph 5.1.8 of Appendix 19D [APP-195] indicates that the development is currently predicted to displace approximately 5,656 MWh of grid electricity per year.</p> <p>When calculated by reference to the built footprint of the development, this would equate to 18.6 kilowatts per metre squared (kWh / m²) per hour, which would not meet the target of 65 kWh/m² per year outlined within the pilot version of the UK Net Zero Carbon Building Standard ('NZCBS'). This is based on the development not utilising the roof space for electricity generation, however. If 100% of the available roof space is covered by solar panels, the ratio would increase to 93 kWh/m² and the development would be compliant.</p> <p>As a result, it would appear to NWLDC that there is potential for the development to be compliant with the NZCBS, albeit this would be reliant on the substantial use of solar panels, which may not be suitable given the proximity of the development to East Midlands Airport.</p> <p>In more general terms, NWLDC's comments in relation to energy and climate change are set out in the LIR, including suggested amendments to the Requirements in the dDCO [PD-004D].</p>	
8. The draft Development Consent Order (dDCO) [PDA-004D]		
Q8.1.4	NWLDC Highway authorities NE	<p>Article 38 – Felling or lopping of trees and removal of hedgerows</p> <p>Could the identified parties please comment on the distance from the Order limits of 25 metres set out to allow works to trees and hedgerows. The ExP notes that general advice from NE is that 15m is sufficient</p>

	<p>Affected persons Interested parties with land ownerships within 25 metres of the application site</p>	<p>buffer to ensure ancient woodland is not affected. Given there is no such resource here, any distance will need to be fully justified both in response to this question and in the EM.</p> <p>Could NWLDC confirm whether presently there are any trees protected by tree preservation orders within 25m of the Order limits? Should this situation change, could NWLDC ensure this information is submitted into the examination.</p> <p>Is any party aware of any hedgerow within 25m of the Order limits which would be defined as “important” for the purposes of The Hedgerows Regulations 1997 or an “important hedgerow” for the purposes of The Management of Hedgerows (England) Regulations 2024? If so, could this please be identified on a plan, along with the reasoning behind why the party holds that view.</p>
<p>Response</p>	<p>The following TPO trees exist within 25 metres of the Order limits associated with the EMG2 DCO:</p> <ol style="list-style-type: none"> 1) TPO211 (King Street Plantation, Lockington); 2) TPO260 (Lockington Park, Lockington – Woodland 1 and Group of Trees 2); and 3) TPO381 (A453 Pegasus Business Park, Castle Donington). <p>Information in connection with these TPO trees is submitted for reference by the ExP. NWLDC will update the ExP should any further TPOs be made which fall within 25 metres of the Order limits to the EMG2 DCO.</p> <p>In Article 38(6) of the dDCO, it is indicated that the prior approval of NWLDC (as the local planning authority) would be required if the tree or shrub to be felled, lopped or cut back is subject to a TPO. Consequently, there is a degree of control to ensure that those trees protected by a TPO would not be removed without any formal approval process.</p> <p>That being said, NWLDC is concerned that Article 38(7)(b) of the dDCO contains a blanket exclusion of the duty to provide a replacement tree under Section 206(1) of the Town and Country Planning Act 1990. NWLDC questions whether the exclusion of the duty would be justified in circumstances where a tree is removed to enable construction work and could in practice be replaced after such construction work had been completed, for example.</p> <p>In terms of distance, NWLDC notes that the DCO granted for the Northampton Gateway Rail Freight Interchange Order 2019 (for which SEGRO was the applicant) had a distance limitation of 15 metres associated with works to trees and</p>	

	<p>hedgerows, in circumstances where no ancient woodland was within 1 kilometre of the site. NWLDC considers that the applicants will need to justify the distance of 25 metres before such time as the appropriateness of this distance can be advised upon.</p> <p>The below response has also been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“A review of the ecology data is also being undertaken by LCC Ecology in relation to whether hedgerows within 25 metres of the Order limits would be defined as “important” but at this time confirmation cannot be provided in relation to this matter.”</i></p>	
8.2 Schedule 1 - Authorised development		
<p>Q8.2.1</p>	<p>The applicants NWLDC</p>	<p>Prior notification and approval of further works</p> <p>The dDCO would grant development consent for further works under part 3 of schedule 1 provided that such works were not 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 or in any updated environmental information supplied under the 2017 EIA Regulations.</p> <p>Please can the applicants explain how this would work in practice. Would the undertaker self-determine what constitutes materially new or materially different significant effects on the environment? Consequently, would it be self-enforcing, and would such an approach be reasonable?</p> <p>To ensure the objective assessment of materially new or materially different significant effects, should the dDCO include provisions requiring the undertaker to notify the local planning authority prior to undertaking further works so that they can consider this question and whether prior approval should be granted?</p>
<p>Response</p>	<p>As the relevant planning authority, NWLDC is the principal authority responsible for undertaking an environmental impact assessment in accordance with the 2017 EIA Regulations and therefore the assessment of whether any further works are likely to give rise to any materially new or materially different significant effects on the environment should be carried out by NWLDC; it should not be self-determining or self-regulating by the applicants.</p>	

	<p>A self-regulated approach would appear to be contrary to the 2017 EIA Regulations and may result in issues with the proper and public recording of the environmental effects of further works, with the potential consequences that it is not possible for the applicants' decision making to be audited by the NWLDC or other stakeholders, there is ambiguity over what is to be delivered, and there could be divergence between that the applicants' and the NWLDC's views as to what is "likely" to give rise to significant effects on the environment.</p> <p>Accordingly, NWLDC would request that they are given an appropriate opportunity to comment on any further works that the applicants may undertake to assess if they would result in any materially new or different significant effects, with the dDCO amended to make provision for this.</p>	
8.3 Schedule 2 - Requirements		
Q8.3.2	The applicants NWLDC NE	<p>Requirement 1</p> <p>The parties are asked for their comments as to whether the definition of “<i>ecological mitigation works</i>” is sufficiently and precisely defined?</p>
Response	<p>The below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“The scope of “ecological mitigation works” does not cover the full suite of mitigation required and therefore is not sufficiently or precisely defined.”</i></p>	
Q8.3.3	The applicants NWLDC NH LCC	<p>Requirement 4</p> <p>Could the applicants explain why the sustainable transport working group should only continue its duties for five years rather than in perpetuity, given the traffic generation figures for the life-time of the development are based on an effective travel plan? Furthermore, what arrangements should there be in place for a second and subsequent occupier of the buildings to ensure sustainable transport arrangements are continued?</p> <p>NWLDC, NH and LCC are all asked for their views on this.</p>

<p>Response</p>	<p>The Sustainable Transport Working Group ('STWG') for the EMG2 DCO is proposed to operate for 10 years from 2029, following the termination of the STWG under the 2016 Order in 2028. The Framework Travel Plan ('FTP') also references a 10-year period and sets out a high level of funding for the STWG and public transport improvements. NWLDC considers the proposed 10-year time period for the operation of the STWG to be reasonable and acceptable.</p> <p>NWLDC does, however, suggest that the FTP should be amended to require commitment from all subsequent occupiers of units within the 10-year period, and not only from the first occupier.</p> <p>NWLDC would also ask the applicants to produce an acceptable and appropriate legal mechanism and associated financial contribution to monitor and implement the ambitions of the Sustainable Transport Strategy ('STS'). NWLDC suggests that this would be most appropriately dealt with in a DCO Obligation (DCO Ob – Section 106 agreement).</p>	
<p>Q8.3.6</p>	<p>NWLDC Highway authorities The applicants</p>	<p>Schedule 2 – Part 2</p> <ul style="list-style-type: none"> (a) Are NWLDC and the highway authorities content with the eight-week period for determination of all matters as set out in paragraph 1(2)(a)? If not, what period would they consider appropriate? Should different periods apply to different works? Any answer should be justified. (b) Could the parties please give their views as to whether the phrase “before the end of the period in paragraph (a) or (b)” in paragraph 1(2)(c) is justified? (c) Are NWLDC and the highway authorities content with the fee arrangement set out in paragraph 3? If not, what arrangements should be put in place? (d) In paragraphs 4(8) and 4(9) should “must” be replaced with “may” in case of an outside event so as to ensure natural justice? (e) In paragraph 4(13) should the appointed person be able to award costs under their volition? (f) In the definition of “discharging authority” should this be referred to as a “body” as any party can be a discharging authority; they do not need to be created by statute?
<p>Response</p>	<p>In relation to (a), NWLDC considers that an 8-week period for determination of matters set out in Paragraph 1(2)(a) would be appropriate for the discharge of the Requirements given that, in accordance with Paragraph 1(2)(c), there would be an ability to agree an extension to the determination date of the discharge application if additional time was required.</p> <p>The only circumstance in which NWLDC can foresee that 8 weeks may be insufficient for a determination would be when multiple Requirements are submitted for approval at the same time (e.g. the initial earthworks and associated</p>	

works may require the submission of information to discharge multiple Requirements), or the Requirement relates to a matter which requires more complicated assessments (e.g. ensuring that the earthworks form bunds which offer the screening sought as part of the landscape and visual mitigation).

In terms of (b), NWLDC considers that the requirement for agreement on an extended period to be reached before the end of the periods in Paragraph 1(2)(a) and (b) is not justified given that it could be manipulated by the applicants. If the discharging authority makes the written request before the end of the relevant period, and this is not confirmed to be acceptable by the applicants before the end of the period, then this would appear to trigger the requirements under Paragraph 3(2)(b). Provided that the discharging authority has made the written request for an extension before the end of the relevant period, this should be acceptable even if the applicants confirm their acceptance after the end of the relevant period. The wording of 1(2)(c) should therefore be amended potentially as follows:

“such longer period as may be agreed by the undertaker and the discharging authority in writing, provided that the discharging authority has made the written request before the end of the period in paragraph (a) or (b).”

With regards to (c), NWLDC notes that the fee arrangements within Paragraph 3 are consistent with those of other DCOs of a similar development type (including the Northampton Gateway Rail Freight Interchange). NWLDC may nevertheless pursue separate fees associated with the monitoring and enforcement of any breach of the dDCO and / or dMCO. This is a matter which is being discussed with the applicants and may need to be secured within a DCO Ob. In addition to the above, NWLDC would request clarity from the applicants, or the ExP, in relation to whether the repayment of the fee under Paragraph 3(2)(b) applies if an extension to the determination of the discharge of the Requirement has been agreed with the applicants. The suggestion is that it is not, but clarification on this would be appreciated.

In terms of (d), NWLDC would agree with the observations of the ExP and considers that the word “must” should be replaced with “may” in Paragraphs 4(8) and 4(9). In relation to Paragraph 4(8), NWLDC notes that there could be unforeseen circumstances as to why NWLDC or requirement consultees have not submitted written representations in time, for example because there are missed communications, and using the word “may” would allow the appointed person some flexibility to accept late submissions where there is good reason to do so. In relation to Paragraph 4(9), it appears unlikely to NWLDC that the appointed person would not proceed to a decision at all in the absence of written representations, and using the word “may” would allow the appointed person some flexibility to enquire as to the reason why no representations have been received before proceeding.

	<p>With regards to (e), NWLDC notes that the wording is consistent with other DCOs associated with development of a similar type (including the Northampton Gateway Rail Freight Interchange) and therefore has no particular comments to make. NWLDC will, however, review any comments provided by the applicants in relation to this matter.</p> <p>In terms of (f), NWLDC would agree with the ExP that the term ‘body’ is a clearer and more inclusive term than ‘authority’ given that any party can be a discharging authority.</p> <p>Further to the above, whilst not a question from the ExP, in relation to Paragraph 2(2), and when accounting for flexible working practices, NWLDC would ask that the applicants please confirm that ‘working days’ would apply to the period Monday to Friday (i.e. in essence there would be a 4-week period within the 8-week determining period to request further information, if required).</p>	
8.5 Schedule 14 – Miscellaneous controls		
Q8.5.1	Highway authorities NWLDC	<p>Miscellaneous controls</p> <p>In the EM submitted as an additional submission [AS-015D] in response to the s51 advice issued at acceptance, the applicants have set out the reasoning for various disapplications of legislation. Would those who would otherwise be responsible for the issuing of appropriate approvals under the would be disappplied provisions comment as to whether they are content? If not, could they explain why they hold that view. If an ‘alternative’ position, for example one which may apply in certain areas but not others were to be acceptable, the party is asked to set that out, explaining their position.</p>
Response	<p>NWLDC is content with the disapplication of section 42 of the Local Government (Miscellaneous Provisions) Act 1976 outlined in Schedule 14 (Miscellaneous controls) of the dDCO [PDA-004D].</p> <p>NWLDC understands that LCC will comment in relation to the provisions of the Highways Act 1980 and the New Roads and Streets Works Act 1991.</p>	
9. The draft Material Change Order (dMCO) [PDA-006M]		

Q9.0.1	All Interested Parties	<p>Updated MCO at Procedural Deadline A</p> <p>At Procedural Deadline A, the applicant updated the dMCO [PDA-006M] with an explanation for those changes in the Schedule of Changes document [PDA-10M]. All IPs are asked to review these changes and the justifications for them and submit any comments that they may have into the examination.</p>
Response	<p>NWLDC assumes that this comment relates to Schedule of Changes document [PDA-10M], rather than [PDA-008D], given that the matter relates to the dMCO.</p> <p>The comments of NWLDC largely relate to Article 2 (18), (19) and (20) and the Travel Plan which are covered by Q9.0.2 and Q9.0.3 and are therefore answered by NWLDC below.</p>	
Q9.0.2	The applicants NWLDC NH	<p>Article 2(18), (19) and (20)</p> <p>In order to avoid ambiguity, could the applicant, NWLDC and NH consider whether their agreements should be in writing, and if so, could the drafting be amended to provide for this.</p>
Response	<p>The standard wording that is used by NWLDC for conditions on planning permissions requires details to be submitted to and approved in writing by NWLDC because it provides an important, auditable trail of what has been approved. On this basis, NWLDC would request that the approval of NWLDC should be in writing.</p> <p>The above comment would be specific to Article 2(20), with Article 2(18) relating to highway works and NWLDC agreeing with the comments of the applicants within the Schedule of Changes document [PDA-10M] that Article 2(19) relates to development already completed under the 2016 DCO.</p>	
Q9.0.3	The applicants NWLDC NH LCC	<p>Article 2(26)</p> <p>Could the applicants explain why any occupier should only comply with the travel plan for five years rather than in perpetuity, given the traffic generation figures are based on an effective travel plan for the lifetime of the development? Furthermore, what arrangements should there be in place for a second and subsequent occupier of the buildings to ensure sustainable transport arrangements are continued? NWLDC, NH and LCC are all asked for their views on this.</p>

Response	<p>NWLDC requires a 10-year compliance period for occupier travel plans to reflect the FTP. As per NWLDC’s response to Q8.3.3, the FTP should be amended to require commitment from all subsequent occupiers of units within the 10-year period, and not only from the first occupier.</p>	
Q9.0.4	NWLDC	<p>Container heights NWLDC is asked to provide a copy of the planning permission relating to the increase in height of the containers at the rail freight terminal along with all documents necessary for its interpretation into the examination.</p>
Response	<p>This question appears to replicate the same requirements as Q1.2.7 above.</p> <p>In this respect, the planning decision notice and associated plans / documents connected with application references 18/01527/FULM and 22/00867/FULM, which permitted the increase in the stacked height of containers within the rail terminal associated with EMGRFI, are submitted.</p>	
<p>11. Historic Environment</p>		
Q11.0.1	Historic England NWLDC	<p>Heritage Assessment – Intervisibility The assessment of significance in section 4 of appendix 12A [AS-053] excludes effects on the settings of various designated and non-designated heritage assets on the basis that there is no current intervisibility between the site and the various assets.</p> <p>Considering this history of the area, as demonstrated in the various maps submitted, and historic and contextual connections, could HE and NWLDC:</p> <ul style="list-style-type: none"> (a) confirm whether they agree with the applicants’ assessment in this regard; (b) whether any different conclusion arises in respect of the MCO application, having regard to the increase in permitted crane height;

		(c) if either HE or NWLDC does not agree, identify the heritage asset(s) (or categories of assets) for which setting effects should be reconsidered, including where setting contribution is derived from historic / contextual connections beyond intervisibility.
Response	In terms of (a), NWLDC agrees with the applicants' assessment in this regard. In terms of (b), there are no differences in conclusions. On this basis, (c) is not applicable.	
Q11.0.3	HE NWLDC	Heritage Assessment Does either HE or NWLDC consider that any of the archaeological features identified within the EMG2 site are of equivalent significance to scheduled monuments so that they should be treated as if they were designated heritage assets. If so, could you please identify the feature(s) / area(s) and explain your reasoning.
Response	NWLDC has discussed this question with LCC's archaeologist who provides archaeological advice to NWLDC on planning applications. LCC's archaeologist has confirmed that, having reviewed the submitted site information and attended the site during the archaeological investigation, there is no evidence to indicate the presence of archaeological features within the site which are of equivalent significance to scheduled / designated remains (as referred to in Footnote 75 of the NPPF). Based upon the completed investigation, the features identified and those anticipated should be treated as non-designated heritage assets under Paragraph 216 of the NPPF.	
Q11.0.6	HE NWLDC	Langley Priory Appendix 12A paragraph 4.4 [AS-053] states that the Site does not form part of the setting of Langley Priory, whilst acknowledging that parts of the Site had an ownership association with the former Priory up to the early twentieth century. HE's guidance, referred to in paragraph 2.30 [AS-053], notes that " <i>historical and cultural association may also form part of the asset's setting, which can inform or enhance the significance of a heritage asset.</i> "

		<p>In its Relevant Representation (RR) Prologis UK 121 [RR-028D] states that the Heritage Statement confirms the application site comprises part of the setting of the Grade II* listed Langley Priory and attached railings.</p> <p>Do HE and NWLDC agree with the applicants' assessment that the proposed development would not affect the significance of Langley Priory as a designated heritage asset (Grade II*)?</p> <p>If either party disagrees with this assessment, could it please explain why it holds that view and how and to what extent would the significance of the asset be affected.</p>
Response	<p>NWLDC agrees with the applicants' assessment.</p> <p>Land at Diseworth was acquired by the owners of Langley Priory from the 17th century (the Cheslyn and then Shakespeare families). The land was leased to agricultural tenants, rather than having been acquired to form part of a formal setting for the Priory. As such, the connection is not legible, and the land at Diseworth does not make a meaningful contribution to the setting or significance of Langley Priory.</p>	
Q11.0.8	NWLDC	<p>Non-designated heritage assets</p> <p>In paragraph 12.5.41 of chapter 12 of the Environmental Statement (ES) [AS-051] it is reported that the Diseworth conservation area appraisal noted as indicating that there are nearly 50 'Unlisted Buildings of Interest'.</p> <p>Could NWLDC please confirm whether any of these "Unlisted Buildings of Interest" have any additional designation status (for example, whether any are locally listed), and if so, identify which.</p> <p>Does NWLDC consider that the proposed development would have any effect on the significance of any of these heritage assets (using 'significance' as set out in the Glossary of the Framework in relation to heritage policy), and if so, please explain in brief which assets and why.</p>
Response	<p>The Old Vicarage on Grimes Gate, Diseworth is Locally Listed.</p>	

	<p>NWLDC considers that the proposed development would not harm the significance of the Unlisted Buildings of Interest given that these buildings are largely screened from the proposed development by the built fabric of Diseworth village, and the ability to appreciate their historic and architectural value would not be harmed.</p>	
<p>12. Landscape and Visual</p>		
<p>Q12.0.3</p>	<p>The applicants NWLDC</p>	<p>Landscape and Ecological Management Plan (LEMP) [APP-117]</p> <p>NWLDC is asked to critically evaluate the LEMP and provide specific comments in relation to its drafting.</p> <p>Given the long-term nature of the LEMP could both the applicants and NWLDC comment as to whether should this include replanting regimes in relation to failed landscaping, and if so, what changes are proposed.</p> <p>In its Relevant Representation (RR) NWLDC [RR-003] states that the draft requirements provide for replacement planting for 5 years (requirement 10(4)) and requests this be increased (stating a minimum of 15 years), noting the importance of landscaping for screening and NWLDC’s experience of establishing planting at EMG1.</p> <p>Please reconcile the heritage assessment’s reference to effect reduction following landscape establishment over a 15-year period, including the use of “<i>with 15 years growth</i>” in the residual effects table in Environmental Statement (ES) chapter 12 [AS-051].</p> <p>Could the applicants and NWLDC please explain whether the LEMP (and / or the relevant draft Development Consent Order (dDCO) requirement(s)) should secure replacement planting and maintenance over a period consistent with the mitigation relied upon in the ES, and if so, what change is proposed.</p>
<p>Response</p>	<p>Please find submitted a response to this question which has been provided by NWLDC’s Landscape Consultant.</p>	

	<p>In addition, the below response has been provided by LCC Ecology, who advise NWLDC on ecology matters in connection with planning applications:</p> <p><i>“As per Q5.0.26 above, replanting regimes as well as ongoing monitoring / remedial measures should extend for longer than 5 years to ensure the long-term success of the planting / landscaping scheme. Specific management prescriptions should be included for all retained, enhanced and created habitats, as well as time scales for remedial measures and reporting. As per Q5.0.4 above, further consideration / inclusion of mitigation for veteran trees, including during operation, should be included in accordance with the NPPG on ancient and veteran trees.”</i></p>	
<p>13. Major accidents and disasters and other safety risks</p>		
<p>Q13.0.3</p>	<p>NWLDC LCC Civil Aviation Authority (CAA) EMIA</p>	<p>Scoping and assessment of risks Are you satisfied with the scoping and assessment of MAD in chapter 20 of the ES [AS-071] and appendix 20A [APP-198]?</p>
<p>Response</p>	<p>NWLDC considers that the scoping and assessment of MAD in Chapter 20 of the ES [AS-071] and Appendix 20A [APP-198] are satisfactory. The views of the CAA and EMIA should, however, be taken into account by the ExP.</p> <p>Notwithstanding the above, NWLDC observes that, in relation to "extreme temperatures: heatwaves, low (sub-zero) temperatures and heavy snow" within Appendix 20A [APP-198], it is indicated that emergency response and contingency plans are to be secured through the Requirements in the EMG2 DCO. Currently, the dDCO [PDA-004D] contains no Requirement which relates to this matter. This should be addressed by the applicants.</p>	
<p>Q13.0.16</p>	<p>NWLDC EMIA CAA</p>	<p>East Midlands Airport public safety zone Paragraph 4.4.18 of chapter 4 of the ES [AS-028] refers to the East Midlands Airport Public Safety Zone. Can the ExP please be provided with a copy of this by NWLDC, including any associated maps.</p> <p>NWLDC, EMIA and the CAA are all asked to comment on the relationship between this and the proposed development in the context of policy Ec6 of the NWLLP, setting out whether the presumption against new</p>

		development should apply in this particular case, and any limitations or restrictions that would need to be secured to make the proposed development acceptable.
Response	<p>The East Midlands Public Safety Zone ('EMPSZ'), connected with Policy Ec6 of the adopted NWLLP, is as shown on the Policies Map associated with the adopted NWLLP, a copy of which is supplied (as required by Q1.1 above).</p> <p>However, it is noted that an interpretation of the EMPSZ is difficult for the purposes of development within the 2016 Order limits on the basis that the layout of this development, as built, is not identified on the Policies Map.</p> <p>The EMPSZ is also shown on the policies map associated with the emerging NWLLP, a copy of which has also been supplied (as required by Q1.1 above).</p> <p>Based on the policies map associated with the emerging NWLLP, none of the development within the 2016 Order limit lies within the EMPSZ and, consequently, the terms of Policy En6 of the adopted NWLLP would not be of relevance in the consideration of the application.</p> <p>No part of the development site associated with the EMG2 DCO lies within the EMPSZ.</p> <p>Even if a view was taken that the EMPSZ did impact on land within the 2016 Order limits, in light of the Policies Map associated with the adopted NWLLP, this impact would be marginal and would have the potential to impact (at most) the following works associated with the dMCO:</p> <ol style="list-style-type: none"> 1) Expansion of the EMGRFI management suite; 2) Enhancement to the public transport interchange associated with the installation of electric vehicle ('EV') charging infrastructure for buses and provision of a drop-off layby adjacent to the transport hub; and 3) Provision of a signalised pedestrian crossing over the EMGRFI exit road approach to the access junction to the EMGRFI connecting to the drop-off layby. <p>If such development was considered to lie within the EMPSZ, then it would lie outside the 1 in 10,000 risk contours, with none of the above works being "<i>new or replacement development or changes of use of existing buildings.</i>"</p>	

	<p>Whilst the management suite would be ‘expanded’, the 2016 DCO did not restrict the number of people who could attend the management suite at any one time. NWLDC further considers that the proposed expansion is unlikely to significantly increase the number of people who would attend the management suite.</p> <p>NWLDC is therefore of the view that the expansion of the management suite, if it falls within the EMPSZ, would accord with criterion (b) of Policy Ec6: if the number of people working or congregating in the management suite were higher than at present, they would not exceed the unlimited number authorised by the 2016 DCO.</p>	
Q13.0.19	The applicants NWLDC LCC	<p>Major Hazard Site H4798</p> <p>In relation to the Major Hazard Site H4798 does the EMG2 project require evacuation procedures to be secured in the dDCO and dMCO in the event of an impending MAD?</p>
Response	<p>It is NWLDC’s understanding that Major Hazard Site H4798 is located within the Order limits of the 2016 DCO, with hazardous substance consent being granted under application reference 19/01456/HSC on 24th February 2020. Such hazardous substance consent was associated with a natural gas refuelling station, which was permitted under application reference 19/01404/FULM on 18th October 2019 within Zone B (Intermodal Area) of the EMGRFI.</p> <p>To the knowledge of NWLDC, the planning permission granted under application reference 19/01404/FULM was never implemented, and as such expired in October 2022. On this basis, given that the natural gas refuelling station was not constructed, NWLDC assumes that no hazardous substances are stored on the site which would pose a risk to further development associated with the dMCO or development under the dDCO.</p> <p>NWLDC submits information in connection with application references 19/01404/FULM and 19/01456/HSC for consideration by the Exp.</p>	
Q13.0.20	The applicants NWLDC LCC EMIA	<p>Cumulative assessment of MAD risk</p> <p>Has chapter 20 of the ES [AS-071] assessed the cumulative risk associated with the East Midlands Freeport projects and other large scale projects in the locality? For example, could there be cumulative effects on aerodrome safeguarding through lighting or glint and glare from building materials etc.? Furthermore, has the cumulative displacement of farmland bird species and surface water drainage attenuation been considered in the context of bird strike risk?</p>

		Does NWLDC, LCC or EMIA have any comments to make in this regard?
Response	<p>NWLDC understands that LCC has provided comments directly to the applicants in relation to bird strike, given that LCC is the Lead Local Flood Authority ('LLFA') and NWLDC's advisor on ecological matters.</p> <p>NWLDC would defer comment on this matter to EMIA, however, given the risks are specific to the operational safety of East Midlands Airport.</p>	
15. Need and alternatives		
Q15.0.1	NWLDC	<p>Local need Could NWLDC please comment on the need for the proposed development. Specifically, whether it agrees with the applicants' analysis of need in the NWLDC area, in terms of the quantum of I&L floorspace that is required.</p>
Response	<p>Section 4 of the applicants' ILNA [APP-223] prepared by Savills is a review of the emerging (new) Local Plan's evidence base. Section 7 provides Savill's assessment of future demand and Section 8 concludes on the demand-supply balance.</p> <p>Based on the Suppressed Demand methodology, Savills estimate the level of industrial and logistics demand in the FEMA (strategic and non-strategic) over a 16-year period is 1,960 hectares (=6,877,282 sqm) (see Table 7.1 within [APP-223]). Alternative scenarios are also presented.</p> <p>NWLDC has published an up-to-date assessment of the need for additional strategic warehousing in the L&L Study (as submitted). The L&L Study finds that there is a need for some 3.9 million sqm of additional strategic warehousing floorspace in the FEMA for the 22-year period between 2024 and 2046 (see Table 7.7, paragraph 7.37). This reduces to 3.06 million sqm once completions and commitments are taken into account.</p>	

NWLDC considers that the L&L Study is the most up-to-date and cooperatively produced evidence on the needs of the strategic warehousing sector to inform planning across Leicester & Leicestershire (the FEMA).

Section 4 of [APP-223] also analyses NWLDC’s evidence of non-strategic employment (offices, industry and smaller-scale warehousing <9,000 sqm). This is the North West Leicestershire – The Need for Employment Land – Update Note (July 2024) prepared by Rapleys (‘the Rapleys Study’). The Rapleys Study identifies a need for circa 146,000 sqm of industrial (excluding strategic logistics / distribution) floorspace for the period 2024 – 2040 in NWL. This increases to 168,860 sqm once extended to cover the emerging Local Plan period to 2042 (18 years).

The applicants have quantified the future need for industry and logistics of all scales. NWLDC has commissioned (including with Leicestershire partners) its own assessments to support its Local Plan and identifies a different level of future need. The table below includes annualised figures to enable clearer comparison:

	Area	Sqm	Time period	Sqm Annualised	Uses
Savills (APP-223)	FEMA	6,877,282	16 years	429,830	Industry; strategic warehousing; non-strategic warehousing
L&L Study	FEMA	3,969,400	22 years	180,427	Strategic warehousing
Rapleys Study	NWL	166,860	18 years	9,270	Industry; non-strategic warehousing

Consequently, NWLDC:

- agrees that there is a future need for additional industry / warehousing (small and strategic scale); but
- does not agree with the applicants’ assessment of the quantum of the future need.

Q15.0.7

NWLDC

East Midlands Freeport Rates Relief

Could NWLDC confirm whether it has set up a local business rates relief scheme under section 47 of the Local Government Finance Act 1988 for the application sites, or whether it would intend to do so in the event that consent was granted and implemented.

		Could NWLDC also confirm whether it has, is or would be seeking reimbursement from central government under section 31 of the Local Government Act 2003.
Response	<p>NWLDC can confirm that a local business rates relief scheme under section 47 of the Local Government Finance Act 1988 has been set up and that NWLDC would be seeking reimbursements from central government under section 31 of the Local Government Act 2003.</p> <p>The policy associated with this matter is submitted for the information of the ExP.</p>	
18. Socio-economic effects		
Q18.0.4	The applicants NWLDC	<p>Sectoral reliance and socio-economic resilience of North West Leicestershire</p> <p>With reference to figure 5.7 of chapter 5 of the ES [AS-030], is there a risk of North West Leicestershire becoming over reliant on the transport and storage sector? Consequently, is there a socio-economic resilience issue that needs to be explored? For example, nearly a quarter of employment in North West Leicestershire is in the transport and storage sector. If there was a downturn in this sector, would socio-economic receptors in North West Leicestershire be disproportionately affected compared to other areas of the UK?</p>
Response	<p>The Transport and Storage Standard Industrial Classification ('SIC') code used in Figure 5.7 of Chapter 5 of the ES [AS-030] includes activities such as air transport, cargo handling and the operation of rail freight terminals in addition to more generalised warehousing and storage. It encompasses a wider range of activities than its title may suggest.</p> <p>NWL is home to East Midlands Airport ("the UK's busiest 'pure' cargo airport and second in the country in terms of total cargo") and the only Strategic Rail Freight Interchange ('SRFI') in Leicestershire. It is also served by three major trunk roads (M1, M / A42 and A50). In these circumstances, it is inevitable that NWL employment levels in this broad sector are significantly higher than the comparator areas shown in Figure 5.7.</p>	

	<p>NWLDC agrees that if there were a downturn in this sector, then the District would be disproportionately affected compared to other areas of the UK. An action that NWLDC can take to mitigate against this is to ensure that other sectors are supported through site allocations in the emerging Local Plan.</p> <p>NWLDC notes that the dDCO identifies advanced manufacturing as part of the proposed mix of uses and considers that such use should be secured in order to address this matter as raised by the Exp.</p>	
<p>19. Traffic and Transport</p>		
<p>Q19.0.11</p>	<p>The applicants LCC NH NWLDC</p>	<p>Isley Woodhouse development</p> <p>LCC is concerned to ensure that none of the proposed development would prejudice the delivery of any of the proposed allocations in the emerging local plan. Could the applicants please explain:</p> <p style="padding-left: 40px;">(a) what measures it has undertaken to ensure that this does not occur; and (b) provide us with evidence to support any response?</p> <p>LCC, NH and NWLDC are all asked for comments in relation to the proposed Isley Woodhouse development.</p>
<p>Response</p>	<p>Isley Woodhouse is a site allocation within the emerging Local Plan. The Isley Woodhouse site promoters are also members of the Growth Point consortium alongside the applicants. As detailed within the response from LCC to Q19.0.6, LCC wish to see land along the EMG2 DCO main site frontage with the A453 safeguarded and dedicated as public highway to allow future delivery of a dualling scheme to address the impacts of wider growth. Without the safeguarding of this land, there is a risk that development permitted as part of the EMG2 DCO could fetter delivery of wider growth including, but not limited to, the Isley Woodhouse emerging allocation.</p> <p>The following evidence is in preparation to support the emerging Local Plan:</p> <ul style="list-style-type: none"> - Transport modelling which will reveal the measures needed to mitigate the highways impacts of the emerging Local Plan, including development delivered at Isley Woodhouse, during the plan period (to 2042). - An Infrastructure Delivery Plan which will identify all the requisite infrastructure required to mitigate the impacts of the development in the emerging Local Plan. 	

	<p>The specific site allocation policy for the Isley Woodhouse new settlement (Policy IW1) will set out the development requirements with respect to infrastructure.</p> <p>Thoe above evidence documents and Policy IW1 are currently in preparation. Once they are finalised / published, they can be provided to the ExP as required.</p>	
Q19.0.20	<p>The applicants LCC NWLDC</p>	<p>Work No 19</p> <p>In paragraph 6.7.1 of chapter 6 of the ES [AS-032], fifth bullet, tenth sub-bullet, reference is made up upgrading footpath L57 between Diseworth Lane and Castle Donnington. This indicates that payment was made to LCC until the Planning Obligation for EMG1, but the works have never been carried out and the ExP was</p> <p>(a) Could LCC explain its understanding on this matter. (b) Could the applicants please provide us with a copy of the s106 Planning Obligation. (c) Could the applicants please explain why this link is justified in relation to the current application of which it forms part?</p>
Response	<p>NWLDC defers a response to this question to LCC as the Highways Authority.</p>	
Q19.0.25	<p>NWLDC LCC NH</p>	<p>Sustainable Transport Strategy [APP-084]</p> <p>Could NWLDC, LCC and NH comment on whether they consider that the one week taster bus tickets would be sufficient to provide an incentive? If they consider a different period would be more appropriate, could they provide that timeframe, providing a justification.</p>
Response	<p>It is standard practice, as part of the grant of planning permissions for development of this nature, that the applicant provides one 6-month bus pass to each employee at no cost to the employee. This is to encourage new employees to use bus services and therefore establish changes in travel behaviour from first occupation and promote use of sustainable travel modes other than the car.</p>	

	<p>The provision of a 1-week taster bus ticket would appear to NWLDC to be highly inadequate by comparison, particularly when accounting for the scale of development to be delivered and the levels of employment during both the construction and operational phases. In addition, the 1-week 'taster' could be manipulated so that it is during a week when bus services may be disrupted (i.e. by roadworks in the area, adverse weather conditions and or events at Donington Park Race Track and EMA). If such disruption were to occur, then it is unlikely that future employees would utilise public transport.</p>	
Q19.0.26	<p>The applicants LCC NWLDC</p>	<p>Work No. 15</p> <p>(a) Could the applicant's explain why the pedestrian access across the A453 would be an uncontrolled crossing rather than integrated into the existing junction as a controlled crossing?</p> <p>(b) Could LCC and NWLDC comment on the proposition that this should be so integrated.</p> <p>(c) Would this have any implications for the traffic modelling.</p>
Response	<p>NWDLC defers a response to this question to LCC as the Highways Authority.</p>	
<p>21. Water Environment</p>		
Q21.0.2	<p>Environment Agency (EA) The applicants NWLDC LCC</p>	<p>Operational Environmental Management Plan</p> <p>The EA [RR-016] notes that the applicants should commit to producing an OEMP in order to secure appropriate operational mitigation related to pollution of the water environment. Please can the EA advise if there are any other areas where an OEMP could help mitigate the proposed development's environmental impacts. For example, could an OEMP help mitigate potential operational emissions and air pollution etc. and are there any precedents for such an approach in other made DCOs?</p> <p>Please can the applicants comment whether an OEMP would be necessary to help mitigate operational environmental impacts. If the applicants are of the view that an OEMP would not be necessary, please identify existing provisions within the dDCO and dMCO that would secure the necessary mitigation measures for the operational phase of the proposed development.</p> <p>Does NWLDC and LCC have a view on whether an OEMP would be necessary in the context of the above?</p>

Response	NWLDC would defer any decision on this matter to the EA.	
Q22. Construction Environmental Management Plan (CEMP) [AS-027D]		
Q22.0.2	The applicants NWLDC	<p>CEMP – Comprehensive approach</p> <p>Paragraph 4.2 indicates that a P-CEMP would be prepared for each component of development and indicates that more than one P-CEMP may be required for a particular component. Apart from any inefficiencies, how does the applicants consider it will be possible to ensure a comprehensive and co-ordinated approach across a single phase of the development without leaving the onus on the approving body? Is the comment in paragraph 8.1 that <i>“it is assumed that only one contractor shall be working on any part of the development at any one time”</i> credible?</p>
Response	<p>NWLDC’s Environmental Protection Team does not consider that the comment is credible. It is also considered that such a scenario likely leads to a Requirement which is not precise and enforceable given that it would be difficult for NWLDC to effectively monitor whether or not only one contractor is working on any part of the site at any one time, as well as which P-CEMP the applicants may be operating associated with a particular component if multiple P-CEMPs are submitted and approved for the same particular component (or on the wider site associated with another component).</p> <p>NWLDC is happy to review this matter further as and when the applicants provide their response to the Exp.</p>	