

**EAST MIDLANDS GATEWAY RAIL FREIGHT INTERCHANGE (PHASE 2)
(EMG2)
APPLICATION FOR DEVELOPMENT CONSENT ORDER**

**WRITTEN REPRESENTATION re Leicestershire County Council Local Impact
Report (Deadline 1, 7 April 2026)**

AI Statement

This document has been primarily generated by ChatGpT , but has been read through on a line-by-line basis with PD understanding and indeed having already made most of the arguments, albeit in a different form and different times.

1. Introduction

All the points made This Written Representation draws on the Local Impact Report (“LIR”) submitted by Leicestershire County Council (“LCC”) at Deadline 1. As the host authority and statutory consultee (including Local Highway Authority and Lead Local Flood Authority), LCC’s assessment carries substantial weight.

While LCC does not formally object to the Proposed Development, its LIR clearly establishes that **critical impacts remain unresolved, insufficiently evidenced, or not secured through enforceable mechanisms**. These deficiencies are directly relevant to the Examining Authority’s assessment of compliance with national policy and the overall planning balance.

2. Overarching Position: Absence of Demonstrated Acceptability

The LIR adopts a position of **ongoing engagement but not endorsement**. It confirms that:

- Key technical matters remain under review
- Further modelling, clarification, and mitigation are required
- Certain impacts are not yet robustly assessed

This is not a position of neutrality. Rather, it indicates that **the Applicant has not yet discharged the burden of proof required to demonstrate that the development is acceptable**.

Under the principles of the Planning Act 2008 regime, consent should not be granted where **significant effects remain uncertain or unmitigated**.

3. Transport and Highways: Fundamental Uncertainty

Transport is identified by LCC as the **principal area of concern**, and remains unresolved.

3.1 Trip Generation and Scale of Development

LCC highlights uncertainty arising from:

- The **scale of mezzanine floorspace**
- Potential **underestimation of trip generation**

This raises a fundamental issue: the Environmental Statement may not reflect the **real operational intensity** of the scheme.

3.2 Reliability of Modelling

Although updated modelling (PRTM 2023) has been undertaken, LCC has **not accepted its conclusions**. This leaves open:

- The extent of congestion impacts
- The adequacy of proposed mitigation

3.3 Network Capacity and Strategic Safeguarding

LCC's request to **safeguard the A453 for future dualling** is significant. It implies:

- Existing proposals may not provide sufficient long-term capacity
- The development risks **prejudicing future infrastructure delivery**

3.4 Sustainable Transport and Funding

LCC identifies the need for:

- Secured funding for bus services and travel plans
- Stronger mechanisms to deliver modal shift

At present, these measures are **not fully secured**, undermining confidence in mitigation.

Conclusion on Transport:

The LIR demonstrates that transport impacts are **not yet understood, not agreed, and not secured**. This alone is capable of justifying refusal.

4. Heritage and Landscape: Understated Harm

LCC identifies **adverse impacts on designated heritage assets**, including:

- The Grade II* Church of St Michael and All Angels
- The Diseworth Conservation Area

While these are described as “moderate to minor adverse” reducing with mitigation, this conclusion depends on:

- Assumptions about **effectiveness of landscaping**
- A potentially **understated sensitivity baseline**

The Examining Authority must apply the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, giving **great weight to the conservation of heritage assets**.

Even “less than substantial harm” must be:

- Clearly and convincingly justified
- Outweighed by public benefits

The LIR does not demonstrate that this test has been met.

5. Ecology and Environmental Impacts

LCC identifies proximity to sensitive ecological receptors, including:

- River Mease SAC
- Lockington Marshes SSSI

Concerns include:

- Loss of hedgerows and trees
- Need for robust and secured mitigation

The LIR emphasises that mitigation must be:

- **Detailed, deliverable, and enforceable**

At present, this is not fully achieved, leaving **residual uncertainty over ecological effects**.

6. Flood Risk and Drainage

In its role as Lead Local Flood Authority, LCC confirms that:

- Further detail is required on drainage strategy
- Long-term management and maintenance must be secured

This indicates that **compliance with flood risk policy is not yet demonstrated**.

7. Waste and Environmental Assessment Robustness

LCC identifies reliance on **outdated waste data**, recommending use of updated Environment Agency datasets.

This raises a broader concern regarding the **robustness of the Environmental Statement**, namely:

- Whether baseline conditions are accurate
- Whether impact assessments can be relied upon

8. Community Impacts (Including Diseworth)

The LIR recognises impacts on nearby communities arising from:

- Traffic increases
- Noise and air quality effects

These impacts are **closely linked to unresolved transport issues**, reinforcing the conclusion that:

- **Community effects cannot yet be properly assessed or mitigated**

9. Planning Balance

While the LIR acknowledges potential economic benefits, it does not conclude that these outweigh harms. Instead, it demonstrates that:

- Key adverse effects remain uncertain
- Mitigation is not fully secured
- Evidence gaps persist

In these circumstances, the planning balance cannot lawfully be undertaken on a **sound and complete evidential basis**.

10. Conclusion

The LCC Local Impact Report provides compelling evidence that:

- The Proposed Development is **not yet demonstrated to be acceptable**
- Significant impacts, particularly in relation to transport, remain unresolved
- Mitigation measures are **not sufficiently secured or evidenced**

Accordingly, the Examining Authority is invited to conclude that:

The application fails to demonstrate compliance with relevant policy and legal requirements, and development consent should not be granted unless and until these fundamental deficiencies are addressed.