

Your Reference Numbers: BC041001 and
TR051002

Date: 9th September 2026

To whom it may concern,

EXAMINATION DEADLINE 8

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 following comprises a response from North West Leicestershire District Council ('NWLDC' – the Council) (Interested Party Reference Number ('IPRN') – ██████████) which provides an update on various matters that NWLDC trust will be of assistance to the ExP.

Design Approach Document ('DAD') [REP7-030]

The Applicants submitted a revised version of the DAD into the Examination at Deadline 7 (1 September 2026), with this version of the DAD being provided to NWLDC on 25 August 2026.

Following a review of the revised DAD, NWLDC considers that it does not meet the Council's expectations, principally in relation to the Design Code element of the DAD, and is therefore not supported by NWLDC. This is reflected in the final Planning Policy Statement of Common Ground ('SoCG') which the Applicants are to submit into the Examination at Deadline 8 (9 September 2026) (see 4.11 – DCO and 5.7 – MCO).

In general terms, a design code needs to be clear, measurable and supported by graphics. In this case, the 'Design Requirements' boxes within each section should adopt the correct language and be clearer about what they are asking for. As examples, on page 56, NWLDC does not understand what is meant by "make reference" and "appropriate frontage". Although changing the wording to "will" is welcomed, on page 72, NWLDC questions what weight ought to be attributed to "can" and "to include" as an expectation. A language hierarchy should be set out at the beginning of the Design Code for clarity.

There is also a lot of information in the 'Design Requirements' sections that is more narrative. For example, on page 59, where referring to what is more successful, this could more usefully be set out in a 'Justification' section that precedes the actual requirement (i.e. the Code part).

Keys would also be helpful to support the plans for the avoidance of doubt. As an example, in the diagram KD01b, the reader has to assume what the colours indicate.

Similarly, annotation could do some more 'heavy lifting' for photos. For example, annotations could indicate what is being shown (not just 'road') and, crucially, what the expectation is.

In more detailed terms, the following should also be noted:

- 1) On page 56, NWLDC questions how the second paragraph applies, what has precedence and how impact is measured.
- 2) On pages 63 and 64, NWLDC does not understand what "high quality material palette" is intended for the bus interchange. NWLDC notes that a materials palette is set out on the next page for the HGV facilities building.

- 3) On pages 78 and 79, there should be detail on where boundary treatments will be placed, what might be appropriate where and how boundary treatments will be screened. There should also be detail on landscaping requirements and how they might be arranged to sit in front of fencing, for example.

Appendix 1 to this response includes a Word version of the Design Code element of the DAD which NWLDC used to provide comments to the Applicants. This includes direct references to NWLDC's adopted Good Design Guide and precedent images within this document which could have been applied within the DAD.

Given the insufficient time available for further revisions to be made to the DAD, NWLDC would request that the ExP give consideration to the imposition of a Requirement which would require a further DAD to be submitted to NWLDC for approval prior to development commencing. This would provide a further opportunity for the Applicants to address the matters raised by NWLDC, and for NWLDC to ensure that the built form is well-designed should the Development Consent Order ('DCO') be granted.

NWLDC considers that appropriate wording for such a Requirement would be as follows:

"No component of the authorised development on the main site or the community park or the substation (excluding archaeological investigation, ecological mitigation works and geotechnical or ground contamination investigation) is to commence until such time as a revised Design Approach Document (DAD) has been submitted to and approved by the local planning authority. The authorised development shall then be undertaken in accordance with the DAD approved."

SoCGs

As outlined above, a final and signed version of the Planning Policy SoCG will be submitted by the Applicants into the Examination at Deadline 8 (9 September 2026).

In summary, when accounting for the comments of NWLDC provided to the ExP at Deadline 7 (1 September 2026) [REP7-070], as well as the above comments, NWLDC and the Applicants do not agree on the following matters in relation to the DCO and Material Change Order ('MCO'):

- 1) Approach to design (4.11 – DCO);
- 2) Safeguarding of land for the dualling of the A453 (4.13 – DCO);
- 3) Compliance with Local Plan Policy Ec2(2) (4.14 – DCO);
- 4) Approach to design (5.7 – MCO); and
- 5) Compliance with Local Plan Policy Ec2(2) (5.8 – MCO).

Draft DCO ('dDCO') [REP7-012M]

The Applicants submitted a revised dDCO into the Examination at Deadline 7 (1 September 2026).

It is noted that the final and signed Overarching SoCG between NWLDC and the Applicants indicates, at 3.4 (The DCO and MCO including requirements and discharge mechanisms), that the Requirements within the dDCO are agreed. However, NWLDC has included text within 3.4 which makes specific reference to the omission of Requirement 27, previously associated with mezzanines, given NWLDC's concern over the enforceability of this Requirement.

The revised dDCO has now reinstated a Requirement associated with mezzanines (no. 36), and the reinstatement of this Requirement was not brought to the attention of NWLDC prior to the revised dDCO being submitted into the Examination or the Overarching SoCG being signed.

The wording of Requirement 36 stipulates that no more than 200,000 square metres of total cumulative mezzanine floorspace would be provided, and that such mezzanine floorspace would be used solely for storage purposes.

Policy DM6(1)(c) of the National Planning Policy Framework ('NPPF') indicates that the test for imposing planning conditions includes a requirement that they are "sufficiently precise to make them capable of being complied with and enforced."

It is understood from Leicestershire County Council ('LCC') that the 200,000 square metres of mezzanine floorspace has been modelled as part of the transport assessment, but disagreement remains between the Applicants and LCC in relation the impact and mitigation of the total impact of the development (including the mezzanine floorspace).

Mezzanine floorspace would be provided internally and, based on the current wording of Requirement 36, could be distributed across many of the potential units to be constructed. This would therefore make it eminently difficult to enforce the Requirement as internal access would be required to those units provided with mezzanine floorspace. There would also be a need to measure precisely the extent of mezzanine floorspace to ensure that the total quantum referred to within the Requirement is not exceeded. (NWLDC acknowledges that assessing whether such floorspace is being used for storage purposes would be more straightforward.)

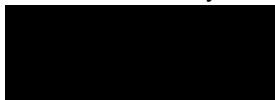
The previous Requirement 27 included wording in part (2) which stated:

"Prior to the installation of any mezzanine floorspace, the undertaker shall submit to and obtain written approval from the local planning authority in consultation with the local highway authority and National Highways of a detailed floor plan identifying the location and extent of such mezzanine floorspace."

Whilst NWLDC would not consider it necessary to consult with the LCC and National Highways on any detailed floor plan identifying the location and extent of any proposed mezzanine floorspace, the inclusion of such wording would make Requirement 36 more precise and straightforward to enforce by allowing NWLDC to know precisely which units have been allocated mezzanine floorspace and the amount of floorspace provided. The use of this wording would be more compliant with DM6 of the NPPF.

I trust that this information is of assistance to you.

Yours sincerely

A black rectangular box redacting the signature of the Principal Planning Officer.

Principal Planning Officer (Major Projects)

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