

THE PLANNING ACT 2008

EAST MIDLANDS GATEWAY PHASE 2 (EMG2)

DEADLINE 8 – FINAL HIGHWAYS SUBMISSION

John Raymond Sutton (resident of Kegworth, parish and district councillor)

Interested Party Reference: [REDACTED]

RESPONSE TO THE APPLICANTS' DEADLINE 7 SUBMISSION, WITH FINAL OBSERVATIONS ON JUNCTION 24, CUMULATIVE HIGHWAY EFFECTS AND THE INTERACTION OF THE STRATEGIC AND LOCAL ROAD NETWORKS

1. Purpose of this submission

1.1 This is a final response to the Applicants' Deadline 7 response to my Deadline 6 submission, principally Appendix 7 of DCO 7.27 at pages 86–88.

1.2 I do not seek at this late stage to reopen the whole transport case or contend that the proposed Junction 24 works fail in every respect. My Deadline 6 submission expressly recognised that the proposed works produce material benefits, particularly by reducing the critical M1 northbound queue. My concern was narrower: whether resolution of that principal Strategic Road Network ("SRN") safety problem should be treated as establishing that the wider cumulative and operational effects of the intervention are also resolved. My Deadline 6 conclusion expressly distinguished the two.

1.3 The Applicants' Deadline 7 response does not, in my view, remove that distinction. Rather, it clarifies the Applicant's case as being that:

- a. the EMG2 highway works have been designed to mitigate EMG2 itself;
- b. EMG2 does not generate unacceptable effects when assessed in the Applicant's isolation scenarios;
- c. the present works are compatible with the wider Junction 24 intervention;
- d. other future development will be responsible for whatever additional mitigation its own effects require; and

e. the wider NWLDC Local Plan/Freeport modelling indicates that, if the complete package of interventions is ultimately realised, the planned growth can be accommodated.

1.4 I accept that propositions (a) and (b) have substantial technical evidence behind them. My remaining concern relates to propositions (c)–(e): the operation of the infrastructure in the actual interconnected and cumulative network into which it will be introduced.

2. The NWLDC/LCC Forecasting Report has not been misunderstood

2.1 The Applicants say that the North West Leicestershire Local Plan Forecasting Report, May 2026 (“the LCC Forecasting Report”), prepared by Leicestershire County Council, was prepared for the NWLDC Local Plan rather than the EMG2 DCO. That distinction of purpose does not remove the evident interdependency between the Freeport development, EMP90 and the Junction 24 network relevant to this Examination.

2.2 It was expressly acknowledged in my Deadline 6 submission that I did not submit the LCC Forecasting Report as an alternative Transport Assessment for EMG2, nor suggest that it disproves the Applicant’s modelling. I explained that its relevance lies in its use of PRTM 2023 to examine the same strategically important Junction 24 network under wider Local Plan and Freeport demand.

2.3 Two particular LCC findings remain important:

- First, paragraph 5.3.5 records that, although additional capacity produces benefits on certain movements:

“this has seemingly moved the bottleneck back one diverge, indicating this may need to be looked at further by the consortium proposing the scheme.”

The significance is not that congestion remains somewhere in a busy network. It is that altering capacity at one part of the system appears to transfer the operational constraint elsewhere.

2.5 Secondly, paragraph 5.3.6 records the A50 merge at approximately 100% volume-to-capacity in Stage 1a and approximately 102% in the AM peak and 101% in the PM peak in Stage 2a, concluding that:

“the Freeport needs to investigate this further through their separate workstreams.”

That is an express finding that further investigation is required.

2.6 The Applicants' Deadline 7 response does not appear to dispute either finding.

3. LCC's overall conclusion is conditional

3.1 The Applicants rely upon LCC's overall conclusion that the wider package appears capable of mitigating planned Local Plan growth.

3.2 That conclusion should be read in full. LCC states that:

"if all the interventions included in the various Stage 2 modelling stages are fully realised..."

they appear successful in mitigating the Local Plan development within the metrics of that assessment.

3.3 My Deadline 6 submission drew attention to the significance of that qualification. The conclusion depends upon:

- a. implementation of the complete highway-intervention package;
- b. achievement of the assumed sustainable transport/modal-shift measures;
- c. delivery through the Infrastructure Delivery Plan or other mechanisms; and
- d. resolution of matters which LCC itself identifies for further investigation.

3.4 A conditional modelling conclusion that the complete package appears successful if it is realised is not the same proposition as demonstrating that the complete package is presently designed, funded, consented, phased and secured.

3.5 I do not suggest that this uncertainty necessarily prevents the EMG2 DCO from being granted. I submit, however, that it is relevant to the degree of confidence which can properly be attached to the wider cumulative highway case and to whether monitoring, review or other safeguards are appropriate.

4. Traffic attribution is not the same as network operation

4.1 This distinction lies at the centre of the Applicant's reliance upon its Scenario A/Scenario B methodology.

4.2 I accept that it can be necessary to isolate development traffic in order to determine which effects are attributable to EMG2 rather than to future Local Plan or Freeport development.

4.3 Scenario B may therefore answer an important question:

What are the effects for which EMG2 itself should reasonably be responsible?

4.4 It does not necessarily answer a different question:

How will the physical highway system created by the DCO operate when it becomes part of the cumulative network in which it will actually exist?

4.5 Once constructed, the proposed Junction 24 works will not operate inside an “EMG2-only” network. They will operate with airport traffic, existing development, Freeport development, Local Plan growth and traffic moving between the SRN and Local Road Network (“LRN”).

4.6 This matters particularly because the Applicant has itself acknowledged the underlying redistribution mechanism. Its earlier response accepted that the modelling shows increased queueing on the M1 southbound off-slip because the mitigation permits additional circulating traffic to proceed through Junction 24 towards A453 Remembrance Way. My Deadline 6 submission also recorded National Highways’ acceptance that some redistribution of delay occurs and that the arrangement may create new operational challenges and is sensitive to variation.

4.7 I therefore do not contend that EMG2 alone generates all of the cumulative queue which appears in the higher-growth scenarios. The more precise point is that the EMG2 highway intervention changes how traffic is admitted to and distributed through this interconnected network, and its operation under cumulative demand is consequently a material consideration.

5. Functional convergence of the Strategic and Local Road Networks

5.1 An important feature of the geography around M1 Junctions 23A and 24 and A50 Junction 1 has, in my submission, received insufficient explicit consideration.

5.2 The SRN and LRN do not operate here as two functionally separate systems.

5.3 The M1 is a major north–south strategic corridor, but it is also a substantial physical barrier to east–west movement. Junction 24, A50 Junction 1 and Junction 23A therefore perform a wider connective role for movements between:

- Castle Donington, North West Leicestershire and settlements in South Derbyshire to the west;
- Kegworth and surrounding Leicestershire settlements;
- Sutton Bonington, West Leake, Rempstone and the wider Rushcliffe/Nottinghamshire network to the east.

5.4 Those east–west journeys can involve different combinations of the A50, A453, A6/Kegworth Bypass, A6006 and connecting local roads. The particular combination used will vary according to origin and destination but also according to congestion, incidents, road works and route choice.

5.5 A movement does not cease to be part of this wider transport system merely because a driver leaves a strategic or principal road for part of the journey. The same journey can successively use roads under different highway-authority responsibilities.

5.6 Kegworth therefore cannot be treated simply as a settlement beside the SRN. Nor can Castle Donington. Both sit immediately beside locations where strategic and local movements converge and where changes in capacity or delay can alter route choice elsewhere.

6. LCC itself identifies SRN mitigation causing LRN rerouting

6.1 This is not merely a theoretical concern raised by a local resident.

6.2 In its Deadline 6 response, reproduced by the Applicants themselves at Deadline 7, LCC states that assessment of the full quantum identifies the need for mitigation on the LRN through Kegworth and Castle Donington.

6.3 More significantly, LCC states:

“The unmitigated impacts on the LRN as a result of development impact and re-routing of traffic as a direct consequence of the proposed SRN mitigation would remain...”

LCC proposed various approaches, including a “monitor and manage strategy” under which mitigation could be implemented if predicted village flows materialised. LCC records that the Applicant had dismissed those proposals.

6.4 That evidence is important because it directly demonstrates the interaction I describe above: an intervention designed principally to address the SRN can itself cause traffic to reroute onto the LRN.

6.5 It also means that the remaining issue is not confined to disagreement between myself or Kegworth Parish Council and the Applicant. The Local Highway Authority has itself identified unresolved LRN effects resulting from rerouting consequent upon the SRN mitigation.

6.6 In my submission this materially strengthens the case for a monitor-and-manage approach, or for the Examining Panel to explain why such an approach is unnecessary.

7. Recent A6006 experience provides a practical illustration

7.1 Recent highway-management experience in precisely this area provides a useful practical illustration of the interaction between routes.

7.2 During the 2026 closure of the A6006 at Zouch and the associated Rempstone Road works, LCC identified the official long-distance diversion as the A6, A453, A52 and A60. LCC describes the A6006 itself as an important part of the network linking regional transport and trade routes, including the SRN, East Midlands Freeport and East Midlands Airport. (Leicestershire County Council: “Zouch Bridge Replacement Scheme”)

7.3 The signed route quoted by LCC is particularly illustrative:

Rempstone Road – A60 – Clifton Lane – Remembrance Way – A453 – Kegworth Bypass – A6 – A6006 – and reverse.

7.4 LCC additionally explains that the official route is intended for long-distance traffic but that drivers making shorter journeys often choose alternative routes in order to reduce time or distance. Nearby local roads therefore had to be closed to prevent unsuitable “rat-running”.

7.5 I do not suggest that temporary road-closure conditions provide a direct forecast of EMG2 traffic.

7.6 The evidential point is much narrower. Actual network management in this locality demonstrates that:

- a. the A6, A453, A6006 and connecting routes can operate as alternative components of the same east–west movement system;
- b. changes in network availability produce reassignment;
- c. drivers do not invariably follow designated routes; and

d. local communities can experience consequential traffic requiring active management.

7.7 That practical experience is consistent with, rather than contrary to, the redistribution effects identified in the modelling evidence.

8. The resilience issue is therefore wider than modelling incidents on the network

8.1 Earlier in the Examination I raised questions concerning resilience during incidents or disruption.

8.2 The Applicant has responded that detailed simulation of accidents or closures is not ordinarily required within a Transport Assessment and has pointed to alternative routes and incident-management arrangements.

8.3 I do not pursue a contention that individual collision scenarios should necessarily have been modelled.

8.4 The more fundamental resilience question is whether a network is resilient when strategic and local movement depends upon the same relatively small number of interconnected corridors and crossing points, and when congestion or disruption on one route causes reassignment onto another.

8.5 The existence of an alternative route does not of itself demonstrate resilience if that alternative:

- already carries significant local and strategic traffic;
- converges upon another constrained junction;
- passes through settlements;
- or is itself affected by traffic redistribution.

8.6 The importance of this interaction is reinforced by LCC's separate observation in the Applicant's Deadline 7 document that the A453 can act as a diversion route for works elsewhere on both the Local and Strategic Road Networks, and that inadequate coordination could create significant network and highway-safety problems.

8.7 LCC's observation also illustrates a wider operational issue extending beyond construction-period road-space management. For example, the short section of A50 between Junction 1 and M1 Junction 24 performs a strategic function while also forming an essential part of everyday local journeys to and from Castle Donington, Sawley and Kegworth. The distinction between strategic and local network responsibility therefore does not correspond neatly with the way the network is actually used.

9. Cross-boundary character of the network

9.1 The preceding evidence also has a cross-boundary dimension. The relevant movements do not stop at administrative boundaries. Junction 24 and A50 Junction 1 form part of an east–west movement system connecting North West Leicestershire, South Derbyshire and Rushcliffe in Nottinghamshire, as well as serving the Airport, Freeport and wider SRN.

9.2 This matters because the Applicant increasingly relies upon future developments bringing forward whatever additional funding and mitigation their own effects require. That may be appropriate for allocating individual development responsibility, but the resulting highway network will nevertheless operate as one interconnected system.

9.3 A development in one authority area may therefore generate or redistribute traffic across junctions and local roads in another. The relevant question for this Examination is not whether EMG2 should fund unrelated future infrastructure, but what confidence can properly be placed on future development-by-development mitigation collectively resolving an already identified cumulative network interaction.

10. Relationship with the wider Junction 24 programme

10.1 The Applicant says that the EMG2 works are designed to accommodate EMG2 alone while also being compatible with the wider consortium solution.

10.2 I accept that those two propositions are not inherently contradictory.

10.3 However, compatibility can mean different things.

10.4 There is a distinction between:

- a. geometric compatibility – the present works do not physically prevent later works;
- b. operational compatibility – the completed sequence operates satisfactorily under the cumulative demand; and
- c. delivery compatibility – the necessary later interventions will be funded, gain consent and be capable of being delivered, all in the required sequence.

10.5 The Applicant has produced substantial evidence concerning (a).

10.6 The later LCC Forecasting Report provides some evidence supporting (b), but expressly on the condition that all relevant Stage 2 interventions and sustainable-transport assumptions are realised.

10.7 The remaining uncertainty mainly concerns the relationship between (b) and (c).

10.8 This is why the LCC finding that the present intervention appears to transfer a bottleneck and requires further consortium investigation remains relevant. It identifies an operational consequence at precisely the point where the future strategic package remains under development.

11. Implications of the Applicant's Deadline 7 response

11.1 I therefore respectfully submit that the Applicant's Deadline 7 response does not invalidate the central proposition of my Deadline 6 submission.

11.2 The evidence now establishes the following sequence:

- a. the proposed works materially improve the critical M1 northbound condition;
- b. the Applicant accepts that the works redistribute traffic and increase southbound queueing;
- c. National Highways accepts some redistribution of delay and sensitivity to variation, while being satisfied that the principal SRN safety concern is appropriately addressed;
- d. LCC identifies unresolved LRN effects in Kegworth and Castle Donington arising in part from rerouting as a direct consequence of the proposed SRN mitigation;
- e. LCC's later strategic PRTM 2023 modelling identifies an apparent transferred bottleneck and an A50 merge issue requiring further Freeport investigation;
- f. LCC's conclusion that the wider network can accommodate planned growth is expressly dependent upon the full future intervention package being realised; and
- g. responsibility for parts of that future package will lie through later developments and planning processes operating across more than one administrative area.

11.3 There is no necessary contradiction between those facts.

11.4 Together, however, they mean that the **Panel should distinguish carefully between:**

attribution of development traffic;

acceptability of EMG2 in isolation;

and

robust operation of the resulting interconnected and cumulative highway network.

11.5 The Applicant has produced substantial evidence on the first two questions. **The third remains materially more dependent upon future interventions, future planning decisions and cross-boundary network interaction.**

12. Final request to the Examining Panel

12.1 At this late stage I do not invite the Panel to reopen the strategic transport modelling exercise.

12.2 I respectfully ask instead that its recommendation to the Secretary of State addresses expressly:

- a. whether the conclusion that EMG2 has no unacceptable highway impact in isolation is being distinguished from the separate question of cumulative network operation;
- b. the significance of the Applicant's and National Highways' acknowledgement of redistribution within Junction 24;
- c. LCC's evidence that proposed SRN mitigation results in rerouting and unresolved effects on the LRN through Kegworth and Castle Donington;
- d. the later PRTM 2023 finding of an apparent transferred bottleneck and the need for further investigation at the A50 merge;
- e. the conditional nature of the conclusion that the complete future intervention package will accommodate Local Plan and Freeport growth;
- f. the functional interaction between the SRN and LRN around J23A, J24 and A50 Junction 1, including cross-boundary east-west movement;
- g. whether reliance upon future developments to provide later mitigation provides sufficient certainty where the affected network crosses several planning and highway-authority areas; and
- h. whether any proportionate monitoring, review, trigger or "monitor and manage" mechanism is required to address LRN rerouting or other redistribution effects if the forecast effects materialise.

12.3 In particular, LCC's own proposal for a monitor-and-manage approach appears to offer a proportionate means of addressing uncertainty without requiring EMG2 to provide infrastructure attributable solely to future development. The Panel is respectfully invited either to consider such an approach or to explain why, in light of LCC's identified unresolved LRN effects, no such safeguard is necessary.

12.4 My final submission is therefore not that the Junction 24 intervention has no benefit or that EMG2 should be required to solve every future highway problem.

12.5 It is that **the evidence demonstrates a highly interconnected strategic and local road system in which intervention at one point redistributes traffic elsewhere; that this interaction extends across administrative boundaries; and that satisfactory cumulative operation remains partly dependent upon a wider package which is not itself before this Examination for consent.**

12.6 The Applicant's evidence may be sufficient to establish that EMG2 traffic can be mitigated in isolation. In my respectful submission, that should not be treated, without further qualification, as establishing that all wider operational consequences of the resulting highway intervention have been resolved.



7 September 2026

Document references

- **REP6-097** – John Raymond Sutton, Deadline 6 submission concerning LCC North West Leicestershire Local Plan Forecasting Report.
- **DCO 7.27 / MCO 7.27, Deadline 7**, Appendix 7, pp.86–88 – Applicant's response to John Raymond Sutton.
- **DCO 7.27 / MCO 7.27, Deadline 7**, Appendix 1, p.8 – LCC position on LRN mitigation, Kegworth/Castle Donington and monitor-and-manage.
- Leicestershire County Council, **North West Leicestershire Local Plan Forecasting Report, May 2026**, paras 5.3.5–5.3.7, 7.1.6–7.1.7 and Key Finding 14.
- **REP3-059** – EMA/SCP Technical Note 04.
- Applicant's earlier response to EMA/SCP concerning J24 southbound redistribution.
- National Highways Deadline 4 response, ExQ2 Q19.0.2.
- LCC, **A6006 Zouch Bridge and Kirk Hill diversion route**, 2026.
- LCC, **A6006 road closures March–July 2026 – Frequently Asked Questions**.