East Midlands Gateway
Phase 2 (EMG2)

Document DCO 6.1D/MCO 6.1D

ENVIRONMENTAL STATEMENT

Technical Appendices

Appendix 1D

PINS Scoping Opinion

October 2025

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The East Midlands Gateway Phase 2
and Highway Order 202X and The East Midlands Gateway
Rail Freight and Highway (Amendment) Order 202X

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SEGRO

The Planning Inspectorate
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SCOPING OPINION:

Proposed East Midlands Gateway Phase 2

Case Reference: BC0410001

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

24 September 2024

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1. INTRODUCTION

1.0.1 On 13 August 2024, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from SEGRO Properties Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed East Midlands Gateway Phase 2 (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.

1.0.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:

Documents | East Midlands Gateway Phase 2 (planninginspectorate.gov.uk)

1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.

1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.

1.0.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including Advice Note 7: *Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping* (AN7). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.

1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes

1.0.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.1.1	n/a	Proposed development description	The Scoping Report provides only a brief description of the Proposed Development which has affected the Inspectorate's ability to comment on the scope of the ES. The ES should provide sufficient detail to be certain of the likely significant effects of the Proposed Development and any proposed mitigation measures. This should include, but not be limited to: • a description and layout of the land uses proposed for each area within the redline boundary, with supporting figures; • site preparation including any demolition requirements, spoil movements and any need to import or export material (such as for landscape mounds); • traffic movements; transport and access routes; • a description of the construction phase and methods including any phasing of works, hours of work, the number of workers and the number and types of vehicles, plant and equipment; • a description of the operation of the Proposed Development including any production processes, the main characteristics of the rail freight operation and its technical capacity; • the operational working hours; employment, energy use and consumption; and • the nature and quantity of materials and natural resources used (including water demand, land, soil and biodiversity).

ID	Ref	Description	Inspectorate's comments
			Please refer to ID 2.1.5 of this Scoping Opinion for the Inspectorate's comments on flexibility in the design and the approach to defining the worst-case for the assessment.
2.1.2	n/a	Highway works – construction and operation	The Scoping Report does not make a distinction between the highway works required for construction of the Proposed Development and those for operation. This should be made clear in the ES.
2.1.3	Chapter 3	Project definitions	The Scoping Report refers to other developments with similar names, including the East Midlands Gateway Phase 1, East Midlands Freeport, Gateway Industrial Cluster (EMAGIC) and East Midlands Intermodal Park (EMIP). The Scoping Report also refers to East Midlands Gateway 2 sitting within the 'EMAGIC East Midlands Freeport site' and refers to a 'Industrial Cluster Tax Site' in Scoping Report Appendix 2 which is not referred to elsewhere in the Scoping Report. The ES should ensure that where other developments are referred to, that consistent terms are used and a figure illustrating the locations of all other developments provided for ease of reference.
2.1.4	Paragraph 3.7	East Midlands Gateway Phase 2 - phasing	The Scoping Report notes that the Proposed Development would include capacity upgrades to the existing rail freight terminal and intermodal facilities. Section 4.1 states that this will form a second phase to the Proposed Development following completion of additional logistics and manufacturing facilities. The ES should provide details of the different phases of the Proposed Development and what activities will occur in each phase.
2.1.5	Paragraphs 4.3 to 4.8	Main Site – parameters approach	The Inspectorate notes the Applicant's intention to use the 'Rochdale Envelope' approach regarding the design and layout of the Proposed Development. The Inspectorate expects that, at the point an application is made, the description of the Proposed Development is sufficiently detailed to include the design, size (including heights), capacity, technology, and locations of the different elements of the Proposed Development. This should include the footprint and heights (and depths) of the structures (relevant to existing ground levels), as well as land-use requirements for all elements and

ID	Ref	Description	Inspectorate's comments
			phases of the Proposed Development. The project description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out and justify the maximum design parameters that would apply for each option assessed and how these have been used to inform an adequate assessment in the ES, recognising that this may differ depending on the assessment being undertaken. The Applicant should make every attempt to narrow the range of any options and explain clearly in the ES if elements of the Proposed Development are yet to be finalised and provide relevant justification. At the time of application, any Proposed Development parameters should not be so wide ranging as to represent effectively different developments. The ES should identify the parameters that have been assumed as the worst-case scenario for each aspect scoped into the assessment and ensure that interactions between aspects have been taken into account where relevant to those scenarios.
2.1.6	Paragraph 5.3	Operational lifespan – Decommissioning	The Scoping Report refers to construction and operation of the Proposed Development but does not make reference to its lifespan or whether it would be decommissioned and when. This information should be provided in the ES along with a description of any activities and works which are likely to be required for decommissioning of the Proposed Development, including their anticipated duration. Where significant effects are likely to occur as a result of decommissioning these should be described and assessed in the ES.
2.1.7	Paragraph 6.4	Lighting	The Inspectorate notes the intention to provide a lighting assessment as an Appendix to the ES. The ES should describe the lighting requirements for the Proposed Development during construction and operation and include details of any temporary or permanent, daytime or night-time lighting. These details should be considered in the relevant assessments in the ES.

ID	Ref	Description	Inspectorate's comments
2.1.8	Appendix 4	Fuel island	The draft illustrative masterplan refers to a 'potential fuel island' in the south east corner of the Main Site but this is not referred to elsewhere in the Scoping Report. The operation and capacity of this facility, where it is required, should be explained in the ES and likely significant effects that could arise as a result of its construction and / or operation assessed.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 5)

ID	Ref	Description	Inspectorate's comments
2.2.1	Paragraph 5.4	Alternatives	The consideration of reasonable alternatives studied by the Applicant in the ES should include an indication of the main reasons for the selection of the proposed option(s), including a comparison of the environmental effects.
2.2.2	Paragraph 5.5	Future baseline	Given there are several ongoing developments within the vicinity of the Proposed Development, the ES should clearly state which developments are assumed to be part of the future baseline and which are included in the assessment of cumulative effects.
2.2.3	Paragraph 5.12	Inter-relationships between topics	The Scoping Report states that intra-project effects will be assessed in the ES as part of the technical assessments but does not provide details on how this would be approached. The Inspectorate considers that this should be clearly defined in the ES, including the aspects that have been considered, the receptors that could potentially be affected, the effects assessed and the conclusions in relation to likely significant effects.
2.2.4	Table 5.3	Forecasting methods or evidence	The ES should be clear in the distinction between a 'high' magnitude of impact and a 'moderate' magnitude. This should ensure it is possible to determine the difference between 'total loss to key elements of the baseline' (defined as 'high' magnitude) and 'loss or alteration to one or more key elements' (defined as 'moderate' magnitude).
2.2.5	Table 5.4	Effects significance matrix	The ES should be clear in how 'moderate' effects would be concluded, so that it is clear how decisions will be made between a 'moderate-major' effect (significant) and 'moderate – minor' effect (not significant).

ID	Ref	Description	Inspectorate's comments
2.2.6	Table 5.5	Duration of impacts	The ES should explain what phase of works the duration of impacts refers to by 'commencement of the works'. The duration should also be relevant to the stated length of construction, operation and decommissioning phases of the Proposed Development and take account of the potential for phases to overlap (please also see ID 2.1.4 of this Scoping Opinion for the Inspectorate's comments on phasing).
2.2.7	Paragraph 5.22	Cumulative effects assessment (CEA)	It is recommended that the CEA follows the methodology set out in the Planning Inspectorate's advice note: Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment, links for which can be found in paragraph 1.0.7 above. A list of developments for inclusion in the cumulative assessment is not provided in the Scoping Report and so effort should be made to agree these with relevant consultation bodies including the relevant local planning authorities. The Applicant's attention is drawn to consultation body responses in Appendix 2 of this Scoping Opinion where these identify potential developments that should be considered in the ES CEA.
2.2.8	Paragraph 5.25	Structure of the ES - CEA	The structure proposed for the ES within the Scoping Report does not identify where the assessment of cumulative effects would be provided. The structure of the ES should include specific sections on cumulative and inter-relationship effects, either as a standalone chapter on CEA, or as specific sections within each aspect chapter that detail the assessments undertaken.
2.2.9	n/a	Study areas	Each ES aspect chapter should define the study area or study areas used for the assessment, clearly explaining how the Zone of Influence (ZoI) has been determined and influenced the identification of the study area. The ES should also explain how sensitive receptors and potential

ID	Ref	Description	Inspectorate's comments
			impacts have been identified within an appropriate study area based on the ZoI. Study areas should be defined on an appropriate figure or figures in each case and discussed with relevant consultation bodies.
2.2.10	n/a	Assessment years	The ES should set out the worst–case assessment years that have been assumed for the assessment. Where there is potential for construction or operational activities to occur across different parts of the Proposed Development simultaneously, this should be considered to ensure a worst-case assessment is provided. Where different aspect assessments use different assessment years, the reasons for the selection of assessment years should be clearly explained in each case, with reference to relevant guidance.
2.2.11	n/a	Materials and waste – construction, operation and decommissioning	The Scoping Report does not consider the potential for effects on materials and natural resources that may be required for the Proposed Development, nor effects arising from the expected residues or wastes that could be generated. The Inspectorate also notes that the Main Site would include earthworks and landscape mounds that could potentially require either re-use or import of materials in their construction. The Inspectorate therefore considers that there is potential for significant materials and waste effects from the Proposed Development and that an assessment of this aspect should be included within the ES for all phases of the Proposed Development. As part of the assessment of effects, the ES should consider: • an approximate estimate of materials used in the construction of the Proposed Development, based on worst-case parameters; • the type, volume and sources of materials required;

ID	Ref	Description	Inspectorate's comments
			• the volumes and nature of wastes generated; and • the likely generation of traffic as a result of any movements of materials or waste. The approach to the assessment of these matters should be discussed and, where possible, agreed with relevant consultation bodies. Appropriate cross reference to relevant other aspect chapters should be provided in the ES, such as to traffic and transport, air quality, and noise and vibration assessments.
2.2.12	n/a	Water resources – construction, operation and decommissioning	The Scoping Report contains some information on the potential water requirements for the Proposed Development but the Inspectorate notes that several activities are described that could require substantial quantities of water. The Scoping Report also does not consider the potential direct and indirect effects on water quality or the physical characteristics of the water environment that could arise as a result of the Proposed Development. Given the nature, scale and location of the Proposed Development, the Inspectorate considers that all these matters should therefore be scoped into the assessment. The approach to the assessment of these matters should be discussed and, where possible, agreed with relevant consultation bodies. Please also see the Inspectorate's comments in Section 4 of this Scoping Opinion in relation to the scope of the assessment of the water environment.
2.2.13	n/a	Methodology – use of standard guidance	The Inspectorate expects each ES aspect chapter to contain details of the policy, industry standards and / or guidance that have been used to inform the assessment methodologies used.

ID	Ref	Description	Inspectorate's comments
			The Applicant's attention is drawn to the consultation responses in Appendix 2 of this Scoping Opinion for details of relevant guidance to consider for the assessment.
2.2.14	n/a	Environmental Management Plans	The Inspectorate notes the intention to provide a Framework Construction Environmental Management Plan and also refers to a Biodiversity Management Plan, Soil Management Plan, Resource Management Plan and Surface Water Management Plan to address mitigation measures. Draft management plans provided with the application should be sufficiently detailed to demonstrate how significant effects will be avoided or reduced and the ES should clearly explain how the implementation of these plans would be secured in the Development Consent Order (DCO).
2.2.15	n/a	Transboundary	The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts. The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision. Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.

ID	Ref	Description	Inspectorate's comments
			The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Nationally Significant Infrastructure Projects: Advice on Transboundary Impacts and Process, links for which can be found in paragraph 1.0.7 above.

3. ENVIRONMENTAL ASPECT COMMENTS

3.0 Factors to be Scoped Out

(Scoping Report Section 5)

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.0.1	Table 5.1	Population and human health	The Scoping Report states that a separate chapter on population and human health would not be provided in the ES, and that the ES chapters on air quality, noise, and socio-economics would assess the potential impacts of the development on population and human health receptors. The Scoping Report does not confirm whether population and human health impacts will be considered in relation to other environmental topics such as (but not limited to) electromagnetic fields (EMF), ground conditions, lighting (including landscape and visual impacts), or flood risk. Not all details of the Proposed Development are yet defined, and this has affected the Inspectorate's ability to comment on this matter. However, in light of comments raised by consultation bodies in relation to the assessment of human health, the Inspectorate considers that a broader range of potential population and human health effects than air quality, noise and socio-economics could arise. As such, the Inspectorate considers this is best addressed together in a comprehensive human health and population chapter. The Applicant is directed to Appendix 2 of this Scoping Opinion for detailed suggestions of the scope, receptors and approach that should form a standalone population and human health ES chapter, along with suggestions of appropriate industry specific guidance on human health assessment.
3.0.2	Table 5.1	Ground conditions / contamination – whole aspect	The Scoping Report proposes to scope out consideration of ground conditions / contamination on the basis that the Main Site currently comprises agricultural land and has no history of contamination.

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			However, the Scoping Report does not provide evidence of the land use history for the Main Site nor is any information provided in relation to land required for the rail freight expansion or highway network improvements, which already are stated to be in industrial use. The Ground Investigation Report (Scoping Report Appendix 5) also identifies made ground within areas currently identified as agricultural land within the Main Site indicating that infilling may have occurred in these areas. The Inspectorate therefore does not agree that ground conditions and contamination can be scoped out of the assessment at this stage. The ES should identify potential effects on ground conditions and contamination during construction, operation and where relevant, decommissioning, of the whole Proposed Development. This should include identification of any source protection zones, groundwater abstractions or land uses using an appropriate study area. The assessment of effects should consider effects that could arise from both existing land uses and any new risks that could be introduced by the Proposed Development itself. This should be supported by appropriate geotechnical surveys and the approach agreed, where possible, with relevant consultation bodies. The assessment in the ES should also cross refer to the human health assessment so that any risks to human receptors are considered. Appropriate cross reference to the water resources assessment should also be made for effects on surface or ground water receptors from any identified sources of contamination.
3.0.3	Table 5.1	Minerals safeguarding	The Scoping Report proposes to scope out effects on minerals identified within the Main Site on the basis that a safeguarding assessment (provided as Scoping Report Appendix 6), identified that these are low value and not viable for extraction. The Inspectorate agrees that this matter can be scoped out for the Main Site. The Inspectorate notes that the minerals assessment provided as Scoping Report Appendix 6 does not however extend to the rail freight expansion site or highway network improvements.

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			The ES should therefore set out the minerals status of the Proposed Development as a whole. A description and assessment of likely significant effects should be provided in the ES, where significant effects are likely to occur.
3.0.4	Table 5.1	Aerodrome safeguarding	The Applicant proposes to scope out effects on aerodrome safeguarding on the basis that a drainage design and a bird strike assessment would be included with the DCO. No measures are defined in the Scoping Report. The Inspectorate notes that the Proposed Development is adjacent to East Midlands Airport. Scoping Report Chapter 11 also states that the drainage design for the Main Site would potentially incorporate surface water storage and a series of swales and basins. The Inspectorate therefore considers that in the absence of details at this stage on the measures to control bird strike risk, that aerodrome safeguarding cannot be scoped out of the assessment. The ES should therefore include a description of any potential hazards to air safety. This should cross refer to the assessment of major accidents and disasters. Please also therefore refer to ID 3.0.7 of this Scoping Opinion.
3.0.5	Table 5.1	Material assets - utilities	The Scoping Report proposes to scope out effects to utilities and services that cross the Proposed Development as existing power lines will remain in situ. Limited information is supplied on the location of the existing utilities beyond the Main Site, however, nor details of how appropriate protections for utilities have been addressed in the design such that significant effects are unlikely to occur. Given the nature and scale of the Proposed Development, the Inspectorate considers there is potential for existing utilities infrastructure to be affected. The Inspectorate does not agree therefore that effects on utilities can be scoped out of the assessment at this stage. An assessment of the potential effects on utilities infrastructure should therefore be included in the ES.

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.0.6	Table 5.1	Material assets - field drain	The Scoping Report proposes to scope out the diversion of a field drain as effects would be captured within the scope of the ES flood risk and drainage chapter. This matter is not however identified within the proposed scope of the flood risk and drainage assessment (Scoping Report Chapter 11). Given the limited information on the scale and extent of the field drain, its diversion and / or realignment, the Inspectorate does not agree that this matter can be scoped out of the assessment at this stage. An assessment of the potential effects on the diversion of drains or other watercourses as part of the Proposed Development should be included in the ES with appropriate cross references to other assessments, such as ecology and water / flood risk. Where watercourse diversion is required, appropriate modelling and justification should be supplied. This should be done in liaison with relevant consultation bodies.
3.0.7	Table 5.1	Vulnerability to major accidents or disasters	The Scoping Report proposes to scope out vulnerability to major accidents and disasters on the basis that the Proposed Development will introduce a logistics and industrial development into an area with similar land uses, and that construction practices would adhere to good practice guidance. The Inspectorate notes that the Proposed Development lies adjacent to East Midlands Airport and within the consultation zone of one Major Hazard Site. Given the nature and scale of the Proposed Development and its potential to result in increased populations near these facilities, and as the nature and types of major accidents or disasters have not been defined in the Scoping Report, the Inspectorate does not agree to scope this aspect out. The ES should include a risk assessment that sets out the potential risks from and vulnerability of the Proposed Development to, major accidents and disasters. The ES should also include details of the proposed response plans to any identified risks and details of how these would be secured within a DCO.

3.1 Landscape and Visual Impact (including lighting)

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.1.2	Paragraph 6.4	Lighting	The Lighting Assessment proposed as an appendix to the ES should consider the potential for any night-time lighting from the Proposed Development.
3.1.3	Paragraph 6.5	Scope of assessment	The Scoping Report states that the assessment would be determined through desk top studies and site visits. The Inspectorate considers that the assessment should also be based on an appropriate study area, informed by Zone of Theoretical Visibility mapping, and include appropriate visualisations and the justification for their selection. Effort should be made to agree the study area and approach for the assessment with the relevant consultation bodies, including local authorities and Historic England.
3.1.4	Appendix 7	Viewpoints	Scoping Report Appendix 7 provides an initial landscape and visual appraisal of the Main Site. Figures 6 and 7 illustrate the viewpoints that were considered in the appraisal. These viewpoints should be reviewed and extended to take account of the whole Proposed Development and justification should be provided for their selection. The number and location of viewpoints and visualisations should be agreed with relevant consultation bodies. The Applicant's attention is drawn to the responses from Kegworth Parish Council and North West Leicestershire District Council in relation to proposed viewpoints and to the response from Breedon on the Hill Parish Council in relation to views from Breedon Hill in this regard.

ID	Ref	Description	Inspectorate's comments
3.1.5	Paragraph 6.13	Design mitigation measures	The Scoping Report notes that the design of the Main Site would include measures such as perimeter landscape mounds, landscape planting and different building designs and treatments (such as different building colours). The use of these proposed measures should be explained and justified in the ES.
3.1.6	Appendix 4	Assessment of landscape mounds	The Inspectorate considers that the scale of the proposed landscape and mitigation measures identified on the Main Site draft masterplan in Scoping Report Appendix 4 could create likely significant landscape and visual effects. These matters should therefore be scoped into the assessment of landscape and visual effects.
3.1.7	5.23	Cumulative effects	The Inspectorate notes the Proposed Development lies within the EMAGIC and East Midlands Freeport site and considers there is potential for a range of changes to occur within close proximity to the Proposed Development site as a result of other development proposals in the surrounding locality. The Applicant should consider the use of visualisations / photomontages to illustrate potential cumulative effects from changes to views and visual amenity.
3.1.8	n/a	Photomontages	The Scoping Report does not make reference to the use of photomontages. The ES should clearly present any assumptions made with regards to the height that the proposed mitigation planting would have reached by the assessment years, for the purposes of generating photomontages and reaching the assessment conclusions.
3.1.9	n/a	Relationship with cultural heritage assessment	The ES landscape and visual assessment should ensure appropriate cross referencing to the cultural heritage assessment, particularly in relation to the Listed Buildings and Conservation Areas and potential historic landscape effects.

3.2 Ecology and Biodiversity

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Paragraph 7.13	Ecological effects – rail freight and highways works	The Scoping Report states that areas of land associated with highways land and the existing East Midlands Gateway Phase 1 (EMG1) are of limited ecological value and concludes that it is unlikely that significant effects would arise from the Proposed Development in these areas. No further details such as desk or field-based survey results are supplied to confirm the conclusions of negligible ecological value. The Inspectorate considers that in the absence of information to confirm the negligible ecological value of these areas of land, that it does not agree that significant effects would not occur. The ES should confirm the status of the highways and EMG1 land, supported by appropriate baseline information. An assessment of effects should be provided, where significant effects may occur.

ID	Ref	Description	Inspectorate's comments
3.2.2	Paragraph 7.5	Desktop study and baseline	The Scoping Report and Ecology Summary Note (Scoping Report Appendix 8) indicate that a desktop data search has been carried out for statutory and non-statutory designated sites. The Inspectorate notes that Scoping Report Appendix 8 only addresses the Main Site. The Inspectorate considers that the desktop data study presented in the ES should be completed for the whole Proposed Development. The ES should therefore review and update the study areas and desk-based information indicated in Scoping Report Appendix 8.

ID	Ref	Description	Inspectorate's comments
			The ES should include the results of all baseline data collected and how this information has been used to inform the strategy for field-based surveys.
3.2.3	Paragraph 7.5	Great Crested Newt – District Level Licensing	The Applicant intends to offset the effects of the Proposed Development on great crested newts (GCN) by obtaining a licence through the Natural England (NE) District Level Licensing (DLL) scheme. The Inspectorate understands that the DLL approach includes strategic area assessment and the identification of risk zones and strategic opportunity area maps. The ES should include information to demonstrate whether the Proposed Development is located within a risk zone for GCN. If the Applicant enters into the DLL scheme, NE will undertake an impact assessment and inform the Applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN. The outcome of this assessment will be documented on an Impact Assessment and Conservation Payment Certificate (IACPC). The IACPC can be used to provide additional detail to inform the findings in the ES, including information on the Proposed Development's impact on GCN and the appropriate compensation required.
3.2.4	Paragraph 7.7	Field surveys	The Scoping Report states that the ecology and biodiversity chapter would be prepared with reference to the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines for Ecological Impact Assessment (2018). The ES should also set out the methods and guidance employed for field surveys, including justification for their temporal and spatial extent. The ES should discuss any limitations or difficulties encountered during surveys.
3.2.5	Paragraph 7.13	Priority Woodland Habitat	The Inspectorate notes an area of priority habitat inventory woodland within the boundary of the Proposed Development at the junction of the A453 roundabout and other areas of woodland close to the Proposed Development boundary. The ES should include an assessment of effects on any woodland present in addition to considering effects on individual mature trees. This should include consideration of effects on woodland from fragmentation during construction and operational activities.

ID	Ref	Description	Inspectorate's comments
3.2.6	Paragraph 7.14	Noise, dust and lighting	The ES should consider potential effects from noise, lighting and dust as a result of the Proposed Development from all phases of the Proposed Development, where there is potential for significant effects.
3.2.7	Paragraph 7.14	Effects on watercourses and waterbodies	The layout of the Proposed Development indicates there are several watercourses and the Scoping Report refers to several un-named potential / historic Local Wildlife Sites that incorporate water or wetland features within the boundary of the Proposed Development. Scoping Report paragraph 11.17 also proposes that surface water runoff would be discharged to local watercourses as a result of the Proposed Development. The ES should set out an appropriate study area for consideration of effects on receptors from all phases of the Proposed Development, taking account of potential indirect effects to downstream receptors such as the River Soar or its tributaries, Lockington Marshes Site of Special Scientific Interest (SSSI) and Attenborough Gravel Pits SSSI. This information should be accompanied by appropriate figures and should cross reference to relevant water assessments.
3.2.8	Paragraph 7.14	Functionally linked land	The ES should consider the effects on identified designated sites including effects on any functionally linked land outside of the designated site.
3.2.9	n/a	Confidential information	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

3.3 Traffic and Transport

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Paragraph 8.7	Hazardous/ abnormal loads	The Scoping Report proposes to scope out hazardous / abnormal loads, as the Proposed Development would not give rise to hazardous loads. However, no details are provided regarding the type of load which will arrive or depart from the rail freight terminal. In the absence of this information, the Inspectorate does not agree to scope out this matter. Accordingly, the ES should include an assessment of this matter or demonstrate that such loads would not be handled at the facility, and that no abnormal loads are anticipated during construction or operation.

ID	Ref	Description	Inspectorate's comments
3.3.2	Paragraph 8.2	Methodology	The ES should include details of the methodology and guidance which has been followed in undertaking the transport assessment. The description of baseline conditions and proposed assessment parameters within the Scoping Report do not mention rail freight. The methodology refers only to the local and strategic highways network. The ES should consider the impacts of the Proposed Development on the capacity and operation of the rail network. This should include the potential impacts of an increase in rail freight movements on environmental matters, for example, accidents and safety, and any potential indirect effects on passenger rail transport operations and growth, where significant effects are likely to occur.
3.3.3	Paragraph 8.5	Transport Working Group (TWG)	A record of the meetings and outcomes of the TWG should be appended to the ES. Details of the technical notes, reports and drawings agreed by the TWG should be included in the ES.

ID	Ref	Description	Inspectorate's comments
3.3.4	Paragraph 8.18	Construction Traffic Management Plan (CTMP)	The Applicant should append an outline CTMP to the ES and demonstrate how this document will be secured. The CTMP should set out any proposals for monitoring HGV movements to and from the Proposed Development. Please also refer to ID 2.2.14 of this Scoping Opinion for the Inspectorate's comments on outline management plans.
3.3.5	Paragraph 8.20	Traffic modelling	The traffic modelling should be appended to the ES. Details should take account of all proposed floor space and land uses and the scope of the modelling should be discussed, and where possible agreed, with relevant consultation bodies. The locations of traffic monitoring should be justified.
3.3.6	n/a	Heavy Goods Vehicle (HGV) movements	The ES should provide details of the anticipated number of HGVs which will be required during construction and operation.
3.3.7	n/a	Strategic road network (SRN) mitigation	The scope of mitigation works on the SRN should be discussed and where possible, agreed with the relevant consultation bodies.
3.3.8	n/a	A50 transport corridor	The potential effects of the Proposed Development on the A50 transport corridor should be included within the ES.

3.4 Air Quality

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.4.2	n/a	Study area	The extent of the study area has not yet been defined. The ES should include a figure depicting the affected road network and the air quality study area for construction and operation. The extent of the study area should be discussed and, where possible, agreed with relevant consultation bodies.
3.4.3	Paragraph 9.9	Sensitive receptors	The Scoping Report refers to two Air Quality Management Areas (AQMAs) in North West Leicestershire District. The ES should clearly set out and justify the choice of the selected AQMAs included for assessment. The ES should consider impacts on any AQMAs which are located in different local authority areas where relevant (with reference to the affected road network). This should include consideration of the Coalville AQMA. The ES should detail of all of the sensitive receptors identified for inclusion within the assessment and depict these on a plan. All receptors included within the assessment should be agreed with relevant consultation bodies, where possible.
3.4.4	Paragraph 9.10	Baseline monitoring	The Scoping Report refers to modelling sites which are located in the vicinity of the Proposed Development. The ES should explain why these locations are representative of air quality conditions at the site. Details of any additional monitoring data should be included within the ES. These data should be as up to date as possible and represent the area contained within the red line boundary and surrounding affected road network.

ID	Ref	Description	Inspectorate's comments
3.4.5	Paragraph 9.11	Traffic effects	The ES should consider the effects from increases in traffic as well as from changes to traffic movements.
3.4.6	Paragraph 9.11	Site suitability	The ES should also include consideration of the suitability of the site for the development proposed, having regard to air quality impacts of nearby uses.
3.4.7	Paragraph 9.12	Effects of each element of the Proposed Development	The Inspectorate notes reference to considering the three elements of the Proposed Development separately in the assessment. The ES should set out and justify the approach taken and ensure that a worst-case assessment is provided.
3.4.8	n/a	Effects on designated and irreplaceable ecological sites	The ES should include an assessment of air quality effects on ecological receptors, including Lockington Marshes Site of Special Scientific Interest, Attenborough Gravel Pits SSSI, March Covert Ancient Woodland and veteran and ancient trees. Appropriate cross reference should therefore be made with the ES ecology and biodiversity assessment.

3.5 Noise and Vibration

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Paragraph 10.4	Operational vibration	The Scoping Report proposes to scope out operational vibration. No information on potential sources of vibration during operation is provided to confirm that there will be no significant operational vibration. The Inspectorate considers that this matter cannot therefore be scoped out of the assessment at this stage as there is uncertainty regarding the operational requirements, including the increase in rail freight, increase of HGVs on the road, and other operational activities at the Proposed Development that could lead to operational vibration. An assessment of operational vibration should be included in the ES, where significant effects are likely to occur.
3.5.2	Paragraph 10.5	Construction vibration (not including piling and vibratory ground compaction)	Vibration during construction is anticipated by the Applicant to only be significant from piling and vibratory ground compaction. The Inspectorate considers that this matter cannot be scoped out of the assessment at this stage as there is limited detail regarding the construction activities and the number of construction vehicles anticipated for the Proposed Development. An assessment of all construction vibration, including construction traffic, should be included in the ES, where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.5.3	Paragraph 10.8	Noise monitoring	The Inspectorate notes that noise monitoring locations shown in Scoping Report Appendix 11 only cover the Main Site. Noise monitoring should be representative of the whole Proposed Development and additional noise monitoring locations should be established for the ES. These should be discussed and, where possible, agreed with the relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
3.5.4	Paragraph 10.12	Sensitive receptors	The identified sensitive receptors are shown in Scoping Report Appendix 11, Figure 2. These do not extend to the whole Proposed Development and additional receptors should be identified for the ES. The ES should explain the criteria used to define sensitive receptors, including any ecological receptors as necessary. These should be discussed and, where possible, agreed with the relevant consultation bodies. Please refer to the Inspectorates comments in ID 3.6.7 of this Scoping Opinion in relation to additional receptors that should be considered in the vibration assessment.

3.6 Flood risk and Drainage

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.6.2	n/a	Watercourses and waterbodies	The Inspectorate notes that there are several existing watercourses and waterbodies across the whole Proposed Development that are not fully described in the Scoping Report. Additional receptors should be identified in the ES and should include confirmation of possible water features shown within the redline boundary to the north of East Midlands Airport. Details should be supported by appropriate figures that illustrate the main watercourses and waterbodies.
3.6.3	n/a	Study area	The extent of the study area has not yet been defined. The ES should include a figure depicting the study area and describe the reasons for its selection. The extent of the study area should be agreed with relevant consultation bodies, where possible. Please refer to IDs 3.6.5 and 3.6.8 of this Scoping Opinion. The study area presented within the ES should reflect the wider scope of assessment the Inspectorate considers should be included on water resources in the ES. Where different study areas are therefore required, these differences should be defined and justified.
3.6.4	n/a	Water environment	The ES should consider the potential direct and indirect effects on water quality, water resources and the physical characteristics of the water environment. The assessment should be supported by an appropriate study area and baseline information, informed by consultation with relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
			Please also refer to the Inspectorate's comments in IDs 2.2.12 and 3.2.7 of this Scoping Opinion.
3.6.5	n/a	Water Framework Directive assessment	The Inspectorate notes that the Proposed Development lies within the Long Whatton Brook catchment and has a classification of 'Poor' status for Phosphates partly due to transport drainage. The ES should include a Water Framework Directive (WFD) assessment to inform the ES assessment. The approach and findings of the WFD assessment should be agreed with the relevant consultation bodies.
3.6.6	n/a	Existing flood risk	The ES should include consideration of flood risk from the Hall Brook and confirm the catchment sizes of watercourses to ensure all sources that could pose a risk of flooding have been captured by the assessment.
3.6.7	n/a	Existing flood assets	The Inspectorate notes that the northern section of the Proposed Development intersects with flood assets for a main river. These assets should be considered within the flood risk assessment presented in the ES and an assessment of potential effects from vibration (such as from piling or ground compaction) on these assets. The Applicant is directed to the response from the Environment Agency (Appendix 2 of this Scoping Opinion) which provides further details on the assets involved.
3.6.8	n/a	Water resources	The ES should include an assessment of the water demand required for each phase of the Proposed Development and identify the sources of supply that would be used.

3.7 Heritage and Archaeology

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.7.2	n/a	Study area	The ES should provide justification for the selection of the study area. This should take account of the entire Proposed Development and make reference to a Zone of Theoretical Visibility.
3.7.3	Paragraph 12.12	Historic landscape character	The Inspectorate notes reference to the location of the Proposed Development within the Langley Lowlands Landscape Character Area which includes reference to historic farmland features associated with Langley Priory and Diseworth Conservation Area. The ES should consider whether the Proposed Development affects an area of historic landscape character, cross referring to the landscape and visual impact assessment and provide an assessment of effects on historic landscape character where significant effects may occur.
3.7.4	Paragraph 12.10	Heritage assets preserved in situ	The Scoping Report refers to archaeological features that have been preserved in situ as part of works associated with East Midlands Gateway 1 but within the Proposed Development. The Inspectorate does not therefore agree with the statement in the Scoping Report that that there are no heritage constraints or assets within this area of the Proposed Development. The location and nature of these features should be confirmed in the ES along with appropriate supporting figures. The ES should demonstrate the measures that have been taken to preserve these features in situ will either be unaffected by the layout of the Proposed Development or how their ongoing preservation would be secured through the DCO.

ID	Ref	Description	Inspectorate's comments
3.7.5	Paragraph 12.13	Diseworth Conservation Area	The Inspectorate considers that given the location of Diseworth village and its Conservation Area in relation to the Proposed Development, that the ES should also consider the effects from noise and vibration, air quality, light and from the presence of the proposed earthworks surrounding the Main Site on the Conservation Area.
3.7.6	Paragraph 12.14	Direct and Indirect effects	The direct and indirect effects on heritage assets in the ES should include: • consideration of effects on the setting of listed buildings, scheduled monuments and conservation areas. This should include consideration of any long views and any specific designed views and vistas within historic designed landscapes; • identification of all grades of listed buildings; and • consideration of any inter-visibility between historic sites. Appropriate cross reference to the landscape and visual impact assessment should also be made.

3.8 Agriculture and Soils

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Paragraph 13.6	Impacts on agricultural land from rail freight expansion land and wider highway network improvements	The Scoping Report states that there would be no impact on agricultural land as a result of the proposals for the rail freight expansion land and land required for the highway network. The extent of highways works is subject to review and refinement as the transport assessment is finalised. The Inspectorate agrees that loss of agricultural land is unlikely to occur as a result of the highway network improvements, however, and can be scoped out of further consideration. The Inspectorate notes in the Scoping Report Site Description, paragraph 3.7, however, that the Proposed Development description includes reference to 'undeveloped land' within the area proposed for rail freight expansion north of East Midlands Airport. No details are supplied of the spatial extent of this undeveloped land nor its current land use. The ES should confirm the current land use for the rail freight expansion, whether it is agricultural land and if so, confirm its classification. Where agricultural land is identified, this should be included in the assessment of effects within the ES.

ID	Ref	Description	Inspectorate's comments
3.8.2	Paragraph 13.10	Loss of Best and Most Versatile (BMV) agricultural land	The ES should contain a clear tabulation of the areas of land in each BMV classification to be temporarily or permanently lost as a result of the Proposed Development, with reference to accompanying map(s) depicting the grades. Specific justification for the use of the land by grade should be provided. Consideration should be given to explaining the use of BMV land in the Applicant's discussion of alternatives.

3.9 Climate Change

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.9.2	Paragraph 14.4	Climate change resilience	The Scoping Report states that a risk assessment of the impact of climate change on the Proposed Development will be undertaken but does not specify which other aspect assessments this will incorporate. The Inspectorate considers that the ES should include an assessment of the resilience of the Proposed Development to climate change, including how the design would be adapted to take account of the projected impacts of climate change (for both construction and operation). This should draw on the Flood Risk and Drainage ES chapter and the Flood Risk Assessment.
3.9.3	Paragraph 14.10	Residual impacts	The Scoping Report states that the chapter 'will seek to quantify their impacts where feasible and assess their impacts commensurate to the 'outline' nature of the proposals'. The Applicant should be aware that the term 'outline' is not directly applicable to applications made under the Planning Act 2008. The ES should assess all impacts of the Proposed Development where significant effects are likely to occur. Where uncertainty exists, the Applicant may choose to apply for flexibility in any DCO application. Please also refer to Section 2 of this Scoping Opinion for the Inspectorate's comments in relation to flexibility and the 'Rochdale Envelope' with reference to a worst-case assessment.
3.9.4	n/a	Design and climate change resilience	The ES should demonstrate how resilience to future climate change has been addressed within the design, including in the provision and location of water attenuation features.

3.10 Socio-Economic Effects

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.10.2	Paragraph 15.7	Study areas	The ES should clearly establish the study area or areas for the assessment, justifying their extent and explaining how they have been established. The ES should make clear which study area is relevant to which assessment (for example, the study area for the assessment of impacts to the economy, versus the study area for impacts to housing demand). The ES study areas should be discussed and where possible, agreed with the relevant consultation bodies and a figure showing the extent of the study areas should be shown in the ES.
3.10.3	Paragraph 15.13	Employment impacts	The Scoping Report states that the project will contribute to delivering the impacts of the East Midlands Freeport. The number of jobs anticipated in the construction and operational phases should be defined within the ES and used in the assessment of effects.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES

Bodies prescribed in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the 'APFP Regulations (as amended)')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The relevant parish council or, where the application relates to land in Wales or Scotland, the relevant community council	Lockington-Hemington Parish Council
	Kegworth Parish Council
	Long Whatton and Diseworth Parish Council
	Castle Donington Parish Council
	Sutton Bonington Parish Council
	Ratcliffe on Soar Parish Council
	Kingston on Soar Parish Council
	Belton Parish Council
	Breedon on the Hill Parish Council
	Shepshed Town Council
	Hathern Parish Council
	Stonebow Village Parish Council
	Melbourne Parish Council
	Weston upon Trent Parish Council
	Aston upon Trent Parish Council
	Shardlow and Great Wilne Parish Council
	Breaston Parish Council
	Sawley Parish Council

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Environment Agency	The Environment Agency
Natural England	Natural England
The Forestry Commission	Forestry Commission
The Historic Buildings and Monuments Commission for England (known as Historic England)	Historic England
The relevant internal drainage board	Trent Valley Internal Drainage Board
The Canal and River Trust	The Canal and River Trust
The relevant Highways Authority	Nottinghamshire County Council
	Derbyshire County Council
	Leicestershire County Council
	National Highways
	National Highways
The Civil Aviation Authority	Civil Aviation Authority
The Health and Safety Executive	Health and Safety Executive
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
NHS England	NHS England

TABLE A2: RELEVANT STATUTORY UNDERTAKERS

'Statutory Undertaker' is defined in the APFP Regulations (as amended) as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
The Crown Estate Commissioners	The Crown Estate
The relevant police authority	Derbyshire Police and Crime Commisioner
	Nottinghamshire Police and Crime Commisioner
	Leicestershire Police and Crime Commisioner
The relevant ambulance service	East Midlands Ambulance Service NHS Trust
The relevant fire and rescue authority	Derbyshire Fire and Rescue Service
	Leicestershire Fire and Rescue Service
	Nottinghamshire and City of Nottingham Fire and Rescue Service
The relevant Integrated Care Board	NHS Derby and Derbyshire Integrated Care Board
	NHS Nottingham and Nottinghamshire Integrated Care Board
	NHS Leicester, Leicestershire and Rutland Integrated Care Board
NHS England	NHS England
The relevant NHS Trust	East Midlands Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust
Civil Aviation Authority	Civil Aviation Authority

STATUTORY UNDERTAKER	ORGANISATION
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Severn Trent
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	CNG Services Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Inovyn Enterprises Ltd
	Last Mile Gas Ltd

STATUTORY UNDERTAKER	ORGANISATION
	Leep Gas Networks Limited
	Mua Gas Limited
	Quadrant Pipelines Limited
	Stark Works
	National Gas
The relevant electricity distributor with CPO Powers	National Grid Electricity Distribution (East Midlands) Limited
	Advanced Electricity Networks Ltd
	Aidien Ltd
	Aurora Utilities Ltd
	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Distribution Connection Specialists Ltd
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	Stark Infra-Electricity Ltd
	The Electricity Network Company Limited
	UK Power Distribution Limited

STATUTORY UNDERTAKER	ORGANISATION
	Utility Assets Limited
	Vattenfall Networks Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited

TABLE A3: LOCAL AUTHORITIES AS DEFINED IN SECTION 43(3) OF THE PA2008

LOCAL AUTHORITY
South Derbyshire District Council
Erewash Borough Council
Hinckley and Bosworth Borough Council
Charnwood Borough Council
Rushcliffe Borough Council
Lichfield District Council
North Warickshire Borough Council
North West Leicestershire District Council
North Northamptonshire Council
West Northamptonshire Council
Leicester City Council
Rutland County Council
Warwickshire County Council
Derbyshire County Council
Nottinghamshire County Council
Leicestershire County Council
Lincolnshire County Council

LOCAL AUTHORITY
Staffordshire County Council

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Breedon on the Hill Parish Council
Castle Donington Parish Council
The Environment Agency
Forestry Commission
Health and Safety Executive
Historic England
Kegworth Parish Council
Leicestershire County Council
Lichfield District Council
Long Whatton and Diseworth Parish Council
Melbourne Parish Council
National Grid
National Highways
NATS Safeguarding
Natural England
North Warwickshire Borough Council
North West Leicestershire District Council
Nottingham and Nottinghamshire Integrated Care Board
Nottinghamshire County Council
Nottinghamshire County Council highways
Rushcliffe Borough Council
Severn Trent Water

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
South Derbyshire District Council
UK Health Security Agency
Warwickshire County Council

BREEDON ON-THE-HILL
PARISH COUNCIL
in North West Leicestershire

correspondence and enquiries:
Peggs Barn, Main Street,
Hemington, Derby, DE74 2RB
Telephone: [redacted]
*email:*clerk@breedonparishcouncil.org.uk
*web:*www.breedononthehill.org.uk
Parish Clerk: Samantha Lockwood

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment)

Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by SEGRO Properties Limited (the Applicant) for an Order granting Development Consent for the East Midlands Gateway Phase 2 (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for the opportunity to comment on the information that the Parish Council considers should be provided in the Environmental Statement. The Parish Council is aware of a Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of industrial and logistics development on the same site that was submitted to North West Leicestershire District Council in January 2024 (LPA Ref: 24/00072/EAS). The Parish Council is keen to ensure that the scope of the Environmental Assessment associated with the proposed development covers all those matters addressed by the earlier Environmental Impact Assessment. However, since that earlier determination, there have been several matters that have evolved that require additional consideration, most notably:

1. Consultation on the new North West Leicestershire Local Plan took place between 5 February and 17 March 2024. The emerging Local Plan includes proposals for a new settlement, known as Isley Woodhouse, which lies to the south of the A453 and East Midlands Airport and borders three sides of Isley Walton;
2. A planning application for the construction and operation of a ground-mounted solar farm with a generation capacity of 7.4MW has been submitted on land at Donington Park Service Area- adjacent to the proposed development; and
3. Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, in June 2024 the proposed Neighbourhood Plan for Breedon on the Hill was submitted to North West Leicestershire District Council.

It follows that the Environmental Assessment should, in addition to the earlier Assessment, include:

- An assessment of the impact of the proposed development on the environment, in combination with the plans for the Isley Woodhouse new settlement and proposals for a solar farm at Donington Park Service Area; and
- Breedon Hill rises 122 metres above sea level in a generally low-lying landscape and affords distant views across several counties. The Hill is probably North West Leicestershire district's most important environmental site. The Bulwarks- the remaining earthworks comprising a single bank and ditch around the Breedon Hill site, is a Scheduled Monument. The Church of St Mary and St Hardulph at the top of the hill is Grade I Listed. The site lies within Breedon on the Hill Conservation Area. Breedon Hill SSSI comprises the largest area of species-rich Carboniferous Limestone grassland in Leicestershire. Breedon Hill is identified as a primary landmark in the emerging Breedon on the Hill Neighbourhood Plan. The impact of the proposed development on the primary landmark of Breedon on the Hill and the multiple designations there must be considered by the Environmental Assessment.
- **Traffic impact in Breedon on the Hill**

It is noted that ultimately there will be 28,000 new jobs and that in the first phase alone we are advised that this will create some 200+ traffic movements twice daily at commuting time.

Main Street Breedon on the Hill has become a commuting rat run between Ashby De Zouch and the airport environs. There has been a steady increase in traffic over the past 4-5 years attributable to people living in Ashby and commuting. We have accurate traffic data recording and are currently recording traffic flow reduction owing to the six-week closure of the A453.

If the current application is permitted, we would request the sum of £200,000 to put in place significant traffic calming measures through Main Street in order to minimise the impact on residents in the village and to encourage commuting using the A42 to the proposed site.

The consultation must involve LCC highways conducting detailed analysis and modelling to assess this growing problem.

Samantha Lockwood
Clerk to Breedon on the Hill Parish Council

11/09/2024

[redacted]

From: Clerk <clerk@castledonington-pc.gov.uk>
Sent: 12 September 2024 11:41
To: East Midlands Gateway Phase 2
Subject: BC0410001 - Scoping opinion for SEGRO

The Parish Council **would request that the local parishes and residents are involved in all stages** of the application, including the formation of Community Liaison group, as for SEGRO 1.

PLEASE NOTE MY EMAIL HAS CHANGED TO:
CLERK@CASTLEDONINGTON-PC.GOV.UK

Fiona Palmer
Clerk to the Council
The Community Hub
101 Bondgate
Castle Donington
DE74 2NR

[redacted]

Planning Inspectorate
National Infrastructure Planning
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

[emgateway2@planninginspectorate.gov.uk]

Our ref: XA/2024/100142/01-L01
Your ref: BC0410001

Date: 12 September 2024

To whom it may concern,

ENVIRONMENTAL IMPACT ASSESSMENT SCOPING OPINION CONSULTATION. EAST MIDLAND GATEWAY PHASE 2, LAND SOUTH OF EAST MIDLANDS AIRPORT, DERBY.

Thank you for your consultation on the EIA Scoping Report prepared by Delta Planning, dated August 2024. We have reviewed this report and have the following advice:

We are pleased to see topics on ecology and biodiversity; water quality; flood risk and drainage including climate change have been scoped in for consideration through the Environmental Impact Assessment. Please see our additional comments on the topics within our remit below.

Ecology and Biodiversity

In general, we are satisfied that the Ecology and Biodiversity chapter has been scoped into the Environmental Impact Assessment. However, the applicant fails to demonstrate acknowledgement of key legislation and local policy in relation to the proposed development.

We also recommend the applicant to undertake a WFD assessment as the site falls within Long Whatton Brook catchment.

We recommend the applicant to refer to the following relevant legislation and local plan:

- NPPF, Chapter 15 – Conserving and enhancing the natural environment, P. 180 – 188.
- Overarching National Policy Statement for Energy (EN-1), 4.6 – Environmental and Biodiversity Net Gain
- Northwest Leicestershire Local Plan (2011-2031).

We would also recommend the applicant to include the following regulations and/or guidelines to be listed in the Ecology and Biodiversity Chapter to show they have been considered.

- The Conservation of Habitats and Species Regulations 2017 (as amended)

Cont/d..

- The Natural Environment and Rural Communities (NERC) Act 2006
- The Countryside and Rights of Way (CRoW) Act 2000
- Wildlife and Countryside Act 1981 (as amended)
- Environment Act 2021
- Animal Welfare Act 2006
- Protection of Badgers Act 1992
- The Wild Mammals (Protection) Act 1996
- The Hedgerow Regulations 1997, including the new Management of Hedgerows (England) Regulations 2024
- The Eels (England and Wales) Regulations 2009
- Salmon and Freshwater Fisheries Act 1975
- Invasive Alien Species (Enforcement and Permitting) Order 2019 (as amended).
- The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024
- Technical Guidance – BSI Standards Publication BS 8683:2021 – Process for designing and implementing Biodiversity Net Gain – Specification

Biodiversity Net Gain

We welcome commitment to delivering BNG. We advise early engagement to ensure that the right biodiversity net gains are in the right places and enable a range of objectives to be aligned to deliver multifunctional benefits.

The watercourse Metric is an opportunity to deliver watercourse enhancements. Biodiversity Net Gain (BNG) should be aligned with River Basin Management Plans, LNRSs, WFD objectives/mitigation measures, and Catchment Plans. We would like to see a Biodiversity Gain Plan and Habitat Management and Monitoring Plan submitted fur further review.

Flood Risk and Drainage

Flood Risk
Overall, we are pleased to see that flood risk is scoped in for further assessment in the EIA. However, we feel that there is a limited discussion on fluvial flood risk, this should be covered within the Flood Risk Assessment.

The northern section of the site is located across Flood Zones 3 and 2, therefore the risk of flooding is higher. We will need more information on the proposed development in this area to understand the implications in terms of flood risk. We are pleased to see the applicant demonstrates a keen interest to develop the site in accordance with the constraints and features of the main site as mentioned in Section 4.6.

Please note that if the catchment sizes of a watercourse is less than 3kmsq then the flood risks will not be represented by the ‘Flood Map for Planning’. As such flood risk from the Hall Brook (running parallel to the main site western boundary) would not have been successfully captured. The developer should check catchment sizes to ensure that all sources which may pose a flood risk have been considered.

The applicant should define the design life of the development to inform appropriate climate change projections. It is also unclear whether the applicant proposes to decommission the proposal.
The plan in figure 3.2 appears to show a decrease in flood risk due to the development. There appears to be no areas of increased risk within the development area and more widely although it would be anticipated that there would be some

areas of storage and increased water depths when compared to the baseline (pre-development) scenario within the attenuation basins and swales which are described in paragraph 3.9. Any possible areas of increased risk from the proposed storage basins and swales should be included within the hydraulic modelling.

Furthermore, the applicant should assess whether the proposal could alter the risk category of the reservoir. We recommend the applicant liaise with the undertaker on this matter as this could change their responsibilities.

Flood Assets

It is important to note that the northern section of the red line boundary intersects with flood assets for a main river. These assets should be scoped in for further assessment within the chapter on flood risk. We will require a pre-works and post-works survey of these assets, with remediation of defects identified (e.g., assets: 168567, 170259,168745, 182552, 167499, 96439).

Also, we will need more information on the extent of improvement works close to flood assets to scope out vibration during operation. The applicant must demonstrate the likely significant effects during operation and provide a robust justification if intending to scope out. It would be helpful to understand where piling and vibratory ground compaction is proposed outside of the main site – especially in relation to flood assets in the northern section of the Order Limits. We recommend the applicant considers flood assets as a sensitive receptor within the assessment.

Flood Modelling

Section 11.9 states that flood risk across the site has been assessed based on an integrated catchment model provided by Leicestershire County Council. It describes how this model has been updated to include additional site details. Some of the outputs from this modelling are also presented in the Flood Risk Summary note in Appendix 12.

It appears that a climate change uplift of 40% has been applied to the 1% (1 in 100) annual exceedance probability event. This uplift represents the Upper End allowance for the 2070's epoch for rainfall and is reasonable for developments which have a design life up to 2125 where direct rainfall has been applied to a hydraulic model. We are keen to understand if the integrated catchment model uses the latest design rainfall data (eg: FEH22 rainfall).

Section 11.13 states that a length of the A50 westbound slip road to the west of the M1 is located within Flood Zone 2 which is associated with the Lockington Brook and describes how this does not appear to tie in with the elevated nature of the road in this location. Please note, Flood Zone 2 in this location is based on flood risk from the River Trent and is informed from model outputs from the Derbyshire Trent model update (Arup, 2021) rather than the Lockington Brook.

The Lockington Brook was modelled by JBA in 2022. None of the modelled outputs from the Lockington Brook modelling show the A50 western slip road at risk of flooding. In terms of the Derbyshire Trent hydraulic modelling (Arup, 2021) this uses a 2d grid resolution of 20m so there may be some averaging effects which result in parts of the western slip road showing as flooding when it may be above the 0.1% (1 in 1000) annual exceedance probability (AEP) water level. There are however locations where the 0.1% (1 in 1000) AEP water level is close to the slip road level based on a review of 1 metre horizontal resolution composite Lidar digital terrain model (DTM) data dated 2022. For example, at grid references 447330 328335,

447320 328415, and 447307 328500.

It is recommended that a comparison is undertaken between the elevation of the western bound A50 slip road based on the latest Lidar data and the 0.1% (1 in 1000) AEP water level results from the Derbyshire Trent hydraulic modelling (Arup, 2021) and the Lower Soar hydraulic model (JBA, 2012) to demonstrate locations which are outside of Flood Zone 2 and areas which may still be at risk of flooding from the River Trent.

Section 11.14 states that a section of the south bound A50 slip road to the east of the M1 is within Flood Zone and that this designation does not appear to reflect the elevated nature of the bank. We agree with this statement. The Flood Zone extents in this location are informed from the Derbyshire Trent hydraulic model (Arup, 2021) and Lower Soar (JBA, 2012). The Lidar data used within this hydraulic model does not contain the recent changes which were made to the A50 southern slip road as part of the A453 improvements scheme. A review of the southern A50 slip road elevations based on the latest composite 1 metre horizontal resolution Lidar data and the 1% (1 in 100) and 0.1% (1 in 1000) annual exceedance probability water levels from the Derbyshire Trent model (Arup, 2021) shows that the new slip road is above these levels by some margin and hence would not flood and would not fall within Flood Zone 2 or Flood Zone 3.

We encourage the applicant to ensure that the Environment Agency model data is suitable and in line with guidance on undertaking modelling for flood risk assessment available online at Using modelling for flood risk assessments - GOV.UK (www.gov.uk).

Three key models in the vicinity of the A50 eastern and western slip roads which may be of interest are the Derbyshire Trent model (Arup, 2021), Lower Soar hydraulic models (JBA, 2012) and the Hemington, Lockington, and Castle Donington Brooks modelling (JBA, 2022). The Derbyshire Trent model (Arup, 2021) uses older climate change allowances rather than more recent uplifts that were introduced as part of UKCP18. Furthermore, the Lidar digital terrain model data which is used within this hydraulic model in the vicinity of the A50 eastern slip road pre-dates the changes which were made to this road as part of the A453 improvements scheme. Finally, the floodplain representation in the Lower Soar model (JBA, 2012) does not extend westwards past the M1. There are culverts underneath the M1 motorway which are not included within the Lower Soar (JBA, 2012) hydraulic model and hence this potential flow pathway is not represented.

Section 11.20 states that any potential loss of floodplain because of highway improvement works would be compensated for. We recommend the applicant to bear in mind the limitations of hydraulic modelling for the River Trent (Arup, 2021), particularly with respect to the model grid resolution, the age of Lidar digital terrain model (DTM) data, and the climate change allowances applied. If using this hydraulic modelling to test the effectiveness of any floodplain compensation it is important to note these limitations and update the model accordingly in line with guidance on undertaking modelling for flood risk assessments available online at: Using modelling for flood risk assessments - GOV.UK (www.gov.uk)

Drainage

Table 5.1 states that ‘Field drain’ will be diverted. It is unclear how the field drain diversion can be scoped out without further information on how this will be achieved. We recommend the applicant to seek guidance from the Lead Local Flood Authority (LLFA) on this matter.

Cont/d..

Section 11.21 states that the highways design for the wider highway works will integrate with the existing highways drainage system. The applicant should note that integration with the existing highway system could increase flow rate for the same flood event, therefore increasing discharge to the main river.

The Drainage Report should assess if there is sufficient capacity within the piped connection alongside the A42 and consider the risk of blockage and how this would be managed. (*Appendix 12 Figure 2.1: Flood Map for Planning)*

The proposals refer to the realignment of ordinary watercourses within the site boundary to facilitate the development. In accordance with LCC's culvert policy, extents of watercourse disruption should be kept to an absolute minimum. Where watercourse diversion is required, appropriate modelling and justification should be supplied. This work would be subject to Land Drainage Consent from the LLFA in accordance with Section 23(a) of the Land Drainage Act (1991). Where approval of the proposed forgoes the need for Section 23(a) approval, the LLFA request the developer still undergo the process as a means of informing the LLFA of what activities are happening along with providing additional checks prior to construction.

Water Quality

In general, we are satisfied that the impacts to water quality have been scoped into the Environmental Impact Assessment. However, there is a distinct lack of detail regarding how these impacts will be assessed and mitigated against.

We are disappointed to see that the applicant has failed to include a Water Framework Directive (WFD) assessment within the Scoping report. As such, the developments compliance with The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 cannot be understood. A large part of the main site falls within the Long Whatton Brook catchment, which is currently classified as Poor for Phosphate. One of the 'Reasons for Not Achieving Good (RNAG)' status is transport drainage. We recommend the applicant to ensure that the EIA covers compliance with the Water Framework Directive, with a particular focus on ensuring that the development does not contribute towards this RNAG. This can be secured through a mitigation strategy which improves the water environment by reducing the contribution of this RNAG towards the current Phosphate failure.

Section 11.19 describes possible treatment options for surface water to prevent impacts to water quality. It should be noted that some activities requiring this level of treatment will constitute a water discharge activity and therefore require an environmental permit. This applies during construction and operation and is especially the case if flocculants are added to a discharge. We would expect to see the requirement for an environmental permit secured within the environmental assessment. We would encourage the applicant to engage with our permitting pre-application advice service as soon as practicable to understand potential permitting needs.

Water Resources

Where development is likely to have adverse effects on the water environment, the applicant should undertake an assessment of the existing status and impacts of the proposed project on water quality, water resources and physical characteristics of the water environment as part of the Environmental Statement or equivalent. Please see National Networks NPS 2024 for more information.

The report does not cover the consumptive use of water in scoping the potential impacts to the environment. We would expect an EIA to include a section on Water Resources, or to see this included in another chapter.

The report describes a number of activities which can require substantial quantities of water. Examples include but are not limited to dust suppression techniques; HGV or other machinery wheel wash; on-site concrete batching; potable/domestic supply to welfare stations or other site facilities.

We recommend early engagement for any or potable or non-potable water supplies required from the Water Undertaker. If the quantity of water required for the other combined purposes is greater than 20m3 per day, then an abstraction licence will be required from the Environment Agency.

Water demands during construction should not be underestimated as a licence may only be issued with restrictions which may affect design or approaches to construction. For example, abstraction from surface water in the Soar catchment is likely to be prohibited during low flows (more information can be found in the Abstraction Licensing Strategy for the catchment). In this case, considering on site storage of water may buffer demands during periods of prolonged dry weather when direct access to water would not be permitted.

We recommend that a simple water resources assessment be undertaken for the ES for consumptive and non-consumptive demands which identify which sources of supply (which also includes that from water company supply) will be impacted upon. This will help to problem solve any initial obstacles early and may help to expedite the permitting process later.

Ground Water and Contaminated Land

We are disappointed to see that the applicant intends to scope out Ground Conditions and Contamination from further assessment in the EIA. We largely disagree with the justification provided in Table 5.1.

We are concerned that the Scoping Report and the Ground Investigation Report Summary, fails to consider the aquifers underlying the site and their sensitivity. Source Protection Zones, groundwater abstractions, or industrial land uses within influencing distance of the site have not been properly identified. Additionally, the applicant fails to demonstrate adherence to legislation or reference to guidance documents when assessing risks relating to ground conditions and contamination. Without this information, we are not satisfied that sufficient assessment has been made to justify scoping out these matters.

Although not exhaustive, please refer to the following technical guidance:

- BS 10175:2011 A2:2017: Investigation of potentially contaminated sites – Code of practice
- CIRIA Publication C552: 2001: Contaminated Land Risk Assessment: A Guide to Good Practice
- Environment Agency groundwater protection guidance - groundwater protection guides covering requirements, permissions, risk assessments and controls (previously covered in GP3)
- Environment Agency land contamination risk management (LCRM) guidance - how to assess and manage the risks from land contamination

While there is mention of current ground conditions and historical land uses, the applicant fails to mention any potential impacts on controlled waters caused during

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construction, operation and decommissioning of the site. We would expect these to be considered in a Construction Environmental Management Plan (CEMP) and the EIA, or further justification should be given if they are to be scoped out. We note that a CEMP is proposed for other aspects of the design, but not mentioned in the context of ground conditions and contamination.

We would require the applicant to conduct a preliminary risk assessment (PRA) for the site. As such it is unclear whether the ground investigation adequately addresses the potential contaminant linkages which would have been identified within such a document. Except for an outline description of the site being undeveloped arable land, no detailed account of the site history has been provided. It is noted that the ground investigation found the presence of localised Made Ground extending up to 3mbgl, potentially indicating that infilling may have locally taken place.

It appears that the ground investigation undertaken by the applicant was solely focused on the 'Main Site' of EMG2 and does not consider areas of additional works. Please note that ground conditions and impacts in the location of additional works cannot be inferred from conditions at the 'Main Site'.

It is noted that shallow groundwater (minimum 1.25mbgl) was encountered during intrusive works and subsequent monitoring visits. The Site Investigation (SI) summary doesn't indicate the period during which the SI was undertaken, and hence difficult to relate the data to the prevailing recharge pattern at that time.

Foundations may be in contact with groundwater. As such, impacts on groundwater must be considered. Cut-and-fill landscaping works might be affected by shallow groundwater and could also impact the hydrogeological regime. If dewatering is required, it may require an environmental permit.

We are pleased to see that groundwater is acknowledged as a receptor to flood water in Section 11.3. Flood risk and drainage is scoped into the EIA.

Geo-Environmental Assessment

In the Geo-Environmental Assessment section of the ground investigation report, it states: "*No exceedances of the site specific assessment criteria or [sic] commercial end us [sic] generic assessment criteria have been identified with respect to human health, and therefore the risk to site end users is considered low. Risks to controlled waters were also assessed as low.*" Actual testing results and the generic and site-specific assessment criteria used in the assessment are not supplied. The number of soil and groundwater samples tested, sample locations, and the chemical determinants tested, are not confirmed. It does not state what assessment criteria were used for controlled waters risk assessment. The report does not state that there were no exceedances to controlled water assessment criteria. Further information is therefore required to support the conclusion given.

It is also stated: "*In the event that unexpected contamination is encountered at the site, works in the area are to stop and the Local Authority and the appointed geo-environmental consultant should be contacted. The contamination should be sampled, tested and risk assessed and if required a remediation strategy should be agreed and implemented.*" We agree with this recommendation.

Additional Information

In line with Table 2 of the Planning Practice Guidance, the proposed development will need to pass the Sequential and Exception Tests.

Cont/d..

Air quality

Where development involves the use of any non-road going mobile machinery with a net rated power of 37kW and up to 560kW, that is used during site preparation, construction, demolition, and/ or operation, at that site, we strongly recommend that the machinery used shall meet or exceed the latest emissions standards set out in Regulation (EU) 2016/1628 (as amended). This shall apply to the point that the machinery arrives on site, regardless of it being hired or purchased, unless agreed in writing with the Local Planning Authority.

This is particularly important for major residential, commercial, or industrial development located in or within 2km of an Air Quality Management Area for oxides of Nitrogen (NOx), and or particulate matter that has an aerodynamic diameter of 10 or 2.5 microns (PM10 and PM2.5). Use of low emission technology will improve or maintain air quality and support LPAs and developers in improving and maintaining local air quality standards and support their net zero objectives.

We also advise, the item(s) of machinery must also be registered (where a register is available) for inspection by the appropriate Competent Authority (CA), which is usually the local authority.

The requirement to include this may already be required by a policy in the local plan or strategic spatial strategy document. The Environment Agency can also require this same standard to be applied to sites which it regulates. To avoid dual regulation this informative should only be applied to the site preparation, construction, and demolition phases at sites that may require an environmental permit.

Non-Road Mobile Machinery includes items of plant such as bucket loaders, forklift trucks, excavators, 360 grab, mobile cranes, machine lifts, generators, static pumps, piling rigs etc. The Applicant should be able to state or confirm the use of such machinery in their application to which this then can be applied.

Waste

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

The applicant should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

- The Environment Agency recommends that the applicant should refer to our: Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at https://www.gov.uk/government/organisations/environment-agency for further guidance

Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

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- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

The applicant should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.gov.uk/government/organisations/environment-agency for more information.

We trust this advice is useful.

Yours sincerely

Mr James Cordell
Planning Advisor

Direct e-mail: NITeam@environment-agency.gov.uk

End

[redacted]

From: Squire, Sandra <[redacted]@forestrycommission.gov.uk>
Sent: 10 September 2024 12:42
To: East Midlands Gateway Phase 2
Subject: East Midlands Gateway Phase 2 - EIA Scoping Consultation

Categories: EST

Thank you for consulting the Forestry Commission on this proposal.

As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. Rather we provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland.

There are no ancient woodlands within or surrounding the site. However there is one small section of mixed deciduous woodland north of the A453/Ashby Roundabout that is on the National Forest Inventory and the Priority Habitat Inventory (England).

They were recognized under the UK Biodiversity Action Plan as being the most threatened, requiring conservation action. The UK Biodiversity Action Plan has now been superseded but this priority status remains under the Natural Environment & Rural Communities Act 2006. (NERC) Sect 40 "Duty to conserve and enhance biodiversity" and Sect 41 – "List of habitats and species of principle importance in England".

We note there is also a larger woodland within the site to the north, west and south of the Donington Park Services site.

The documents provided state that existing trees and woodlands will be retained and there will be supplementary tree and woodland planting on the site.

Fragmentation is one of the greatest threats to mixed deciduous woodland. Woodlands can suffer loss or deterioration from nearby development through damage to soils, roots and vegetation and changes to drainage and air pollution from an increase in traffic or dust, particularly during the construction phase of a development.

For any woodland within the development boundary, land required for temporary use or land where rights are required for the diversion of utilities, the Root Protection Zone must be taken into consideration. The Root Protection Zone (as specified in British Standard 5837) is there to protect the roots of trees, which often spread out further than the tree canopy. Protection measures include taking care not to cut tree roots (e.g., by trenching) or causing soil compaction around trees (e.g., through vehicle movements or stacking heavy equipment) or contamination from poisons (e.g., site stored fuel or chemicals) and fencing off these areas to prevent unintended incursions into the root protection zone.

A scheme that bisects any woodland will not only result in significant loss of woodland cover but will also reduce ecological value and natural heritage impacts due to habitat fragmentation, and have a huge negative impact on the ability of the biodiversity (flora and fauna) to respond to the impacts of climate change. Woodland also provides habitat for a range of Section 41 Priority Species including all bats. Therefore, measures should also be

taken to avoid illuminating any woodland to avoid any disturbance to wildlife, this should be detailed in any lighting strategy.

It is expected that there will be a thorough assessment of any loss of all trees and woodlands within the project boundary and the development of mitigation measures to minimise any risk of net deforestation because of the scheme.

Hedgerows, individual trees and woodlands within a development site should also be considered in terms of their overall connectivity between woodlands affected by the development. Perhaps with the creation of some larger woodland blocks and hedgerow/hedgerow trees to ensure maximum gains to increase habitat connectivity and benefit biodiversity across the whole site, not solely in specific areas or just to be used as screening.

With the Government aspiration to increase tree and canopy cover to 16.5% of land area in England by 2050. The Forestry Commission is seeking to ensure that tree planting is a consideration in every development. However, there are a number of issues that need to be considered when proposing significant planting schemes:

- Biosecurity of all planting stock needs to be considered.
- Woodlands need to be climate, pest and disease resilient.
- Maximise the ecosystem services benefits of all new woodland wherever possible (flood reduction)
- Planting contributes to a 'resilient treescape' by maximising connectivity across the landscape.
- Plans are in place to ensure long term management and maintenance of woodland.

Access will also need to be considered for the future management of both existing and any proposed new woodland planting.

We hope these comments have been useful to you. If you require any further information, please do not hesitate to contact me.

Best wishes

Sandra

Sandra Squire

Local Partnership Advisor
East & East Midlands

Tel: [redacted]
[redacted]@forestrycommission.gov.uk

Subscribe to our newsletter to be the first to hear about the latest information, advice, and news from the Forestry Commission

Health and Safety Executive

CEMHD Policy - Land Use Planning,
NSIP Consultations,
Building 1.2,
Redgrave Court,
Merton Road,
Bootle, Merseyside
L20 7HS.

HSE email: NSIP.applications@hse.gov.uk

Email only - emgateway2@planninginspectorate.gov.uk

Dear Ms Molly Harvey

Date: 6 September 2024

PROPOSED EAST MIDLANDS GATEWAY PHASE 2 (the project)
PROPOSAL BY SEGRO PROPERTIES LIMITED (the applicant)
INFRASTRUCTURE PLANNING (ENVIROMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) REGULATIONS 10 and 11

Thank you for your letter of 15 August 2024 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

Yes - The consultation zones for Major Hazard Site H4798 are almost fully encompassed by the north section of the proposed development footprint. It is unclear from the information provided whether this major hazard site is an integral part of the previous EMG1. The EIA scoping report, in Section 5.9, states that Vulnerability to major accidents or disasters and population and human health impacts are factors that could to be scoped out of the EIA at this stage. However, given that the development could result in increased populations in the vicinity of this major site, for example section 4.7 indicates that one of the alterations to the existing EMG1 is the extension of the management suite, the location of additional people in the vicinity of this major hazards site should be given further consideration. At this stage there is insufficient information with regards to the location of people associated with the development in relation to the major hazards site to provide further comment.

Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent ('HSC') under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended. There is an 'addition rule' in Part 4 of Schedule 1 for below-threshold substances. HSC would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in Schedule 1 of these Regulations.

The applicant should consider whether any aspect of the development would require HSC (or changes to an existing consent). At this stage there is insufficient information to comment further. Further information on HSC should be sought from the relevant Hazardous Substances Authority (often the local planning authority).

Consideration of Risk Assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role in NSIPs is summarised in the Planning Inspectorate's Advice Note 11 'working with public bodies in the infrastructure planning process' Annex G Nationally Significant Infrastructure Projects - Advice Note Eleven, Annex G: The Health and Safety Executive - GOV.UK (www.gov.uk). This document includes the requirement to consider risk assessments under the heading "Risk assessments".

Based on the plans provided in the EIA scoping report the consultation zones for Major Hazard Site H4798 are almost fully encompassed by the proposed development footprint. It would be beneficial for the applicant to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet the requirements of relevant health and safety legislation as design of the Proposed Development progresses.

Explosives sites

CEHMD 7's response is no comment to make as there are no HSE Licensed explosives sites in the vicinity of the proposed development.

Electrical Safety

No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk . We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely

Pp Shirley Rance

Cathy Williams
CEMHD4 NSIP Consultation Team

Historic England

Ms Molly Harvey
The Planning Inspectorate
East Midlands

Direct Dial: 0121 625 6896

Our ref: PL00796674
12 September 2024

Dear Ms Harvey

Your reference: BC0410001
Our Reference: PL00796674

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) - Regulations 10 and 11
Application by SEGRO Properties Limited (the Applicant) for an Order granting Development Consent for the East Midlands Gateway Phase 2 (the Proposed Development) Scoping consultation and notification

Advice

Historic England has reviewed the information submitted in the scoping report and associated information submitted by the applicant and our own records for the proposed development area. Development is likely to have an impact upon a number of designated heritage assets and their settings, as outlined within the report.It is acknowledged that the Scoping Report sets out impact to the historic environment , in respect of built heritage and archaeology and as such would be included in the scope of the environmental assessment.

In line with Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, we would expect the Environmental Impact Assessment (EIA) documentation to contain a thorough assessment of the likely effects which development might have upon those elements which contribute to the significance of heritage assets. In this way it should be possible to identify (and where possible avoid, minimise or if appropriate mitigate) what may be substantial direct and indirect impacts on assets of local, regional and national importance.

In order to understand the potential impacts of the proposals on the significance of both designated and non-designated heritage assets of all types, we would recommend that you ensure that the EIA is conducted with reference to Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets.

We consider that the following issues should be taken into account (including

consideration of the impact of ancillary infrastructure):

- The potential impact upon the landscape, especially if a site falls within an area of historic landscape;
- Direct impacts on historic/archaeological fabric (buildings, sites or areas),whether statutorily protected or not;
- Other impacts, particularly the setting of listed buildings, scheduled monuments and conservation areas etc., including long views and any specific designed views and vistas within historic designed landscapes. All grades of listed buildings should be identified. In some cases, inter-visibility between historic sites may be a significant issue;
- The potential for buried archaeological remains;
- Effects on landscape amenity from public and private land;
- Cumulative impacts.

We welcome the opportunity to highlight in particular, though not exclusively to, the following designated assets:
- Moated site with fishpond and flood banks at Long Whatton SAM
- GII* Langley Priory to the south west of Diseworth.
- Diseworth Conservation Area
- St Michael's Church, Diseworth
- Old Hall Farm, Diseworth

We welcome the proposed inclusion of a chapter on the Built Heritage and Archaeology within the Environmental Statement, as stated in paragraph 5.7, and note the methodology approach set out in Chapter 5.

Recommendation

Historic England recommends that an Environmental Impact Assessment for the proposed works would provide an up to date and sound basis on which to assess the significance of any heritage assets affected, and the effect on significance of the impacts of the proposed scheme. A sound EIA report is the basis on which to identify (and where possible avoid, minimise or mitigate) what may be substantial direct and indirect impacts on assets of local, regional and national importance.If you have any queries about any of the above, or would like to discuss anything further, please do not hesitate to contact.

Yours sincerely,

H James

Hayley James
Inspector of Ancient Monuments

Historic England

[redacted]@historicengland.org.uk

THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888
HistoricEngland.org.uk

Telephone: 01509 670204 Email: clerk@kegworthparishcouncil.gov.uk
Clerk: Donna Griggs

KEGWORTH PARISH COUNCIL

1 LONDON ROAD, KEGWORTH, DERBY, DE74 2EU

10/09/2024

Your Ref: BC0410001

FAO Claire Deery

To: Emgateway2@planninginspectorate.gov.uk

Dear Ms Deery

Thank you for your letter dated 15th August 2024.

We note SEGRO Properties Ltd intention to apply for an Order granting Development Consent for the East Midlands Gateway Phase 2.

We note that Kegworth Parish Council has had no communication on the proposed route, nor on the Environmental Impact Assessment prepared by Delta and submitted as indicative.

We note the parallel local planning application by East Midlands Airport (EMA) for part of the EMG 2 site which is already well advanced, with full local consultation completed, and now awaiting due evaluation and decision making at the NWLDC Planning Authority

We support the EMA approach for its rigour, local face and efficiency and find it anomalous that SEGRO should have included the EMA land and seek compulsory purchase from a key Freeport partner as part of a NSIP.

Part of EMG1 was constructed in this parish and has a major negative impact on some of our residents. We note that ad hoc community liaison meetings and activities set up by SEGRO over the last 5 to 10 years appear to have ceased.

On balance, we would prefer to see a change of mind at SEGRO: a local planning application from SEGRO instead of a DCO, and a recognition that a DCO is unlikely to be an effective and efficient way forward.

Kegworth Parish Council wishes to comment on the potential impact and likely significant effects of the proposed development as follows:

The proposal will add to the already dense concentration of distribution warehousing in the area and will create new employment in an area where there is not any specific need. This will create additional load, including many HGVs and delivery vans and the inevitable rat-running through Kegworth, on the already overstretched road network* and encourage commuting from population centres at a considerable distance from the site (Derby, Nottingham, Leicester). In this respect the environmental sustainability is poor.

The undoubted increase in air freight movements will seriously impact the village of Kegworth, parts of which are directly underneath the flight path, creating more noise and pollution.

The accumulative impact of increased traffic movements from the development of Ratcliffe on Soar Power station and the effect of the yearly Download festival and other events at Donington Park should be taken into account. This will have a massive impact on volumes of road traffic locally.

It will create an Urban sprawl, merging the villages of Castle Donington, Diseworth, Kegworth, Hemington, and Lockington in an incoherent way, which is detrimental to the residents of the said villages, with these villages being in danger of losing their identities and individuality.

The development will result in the loss of high-grade agricultural land. There is ample brown field land at the soon-to-be-defunct Ratcliffe on Soar Power Station that is being developed in a similar way. This site already has good rail connections.

Large distribution warehouses on this prominent site will have a substantial and detrimental visual impact over a wide area. A few years ago, the existing SEGRO site was permitted to build above the height which had originally been set, impacting the viewpoints from the conservation village of Lockington and large areas of Kegworth.

The Conservation village of Diseworth will be severely impacted by this proposed development and the separation area proposed is inadequate to protect the village outlook and shielding from noise, light pollution and air quality. It will result in loss of green areas which benefit a community already suffering from its proximity to the airport. The viewpoints from Breedon on the Hill will also be compromised by this development.

Kegworth Parish Council would want to see the following included in the Environmental Statement:

- A description of the production processes (manufacturing) at the main site, and an estimate, by type and quantity, of expected air pollution, noise and radiation from these processes, and a description of the effects on human health from any such air pollution and radiation.
- An estimate, by type and quantity, of expected noise from the expanded rail freight interchange, a description of the noise's likely significant effects on human health, and a description of the measures envisaged to reduce any increased noise. That description to explain the extent to which noise at the location indicated on the map below is reduced. There is already noise from the metal-on-metal clashing of the containers at the rail freight depot, and the proposal is to expand the depot. There is no reduction of existing noise, as the trees planted to do so have not grown to size.
- The effect of the development on views from the attached viewpoints, including light from the development.
- Details of any increase the development is likely to cause in aeroplanes taking off east from the airport (towards Kegworth), or coming in to land from the east.
- Details of any increase the development is likely to cause on the load on the local road network, including that through the village of Kegworth
- A description of the expected significant adverse effects of the development on the environment (including to human health) deriving from the vulnerability of the development to risks of accident and disaster. The site is vulnerable to air disaster (plane crash) as it is adjacent to an airport where planes land (including large jet planes). If an air disaster, or other accident at the site, caused fire, the warehoused goods and manufacturing inputs/outputs/intermediates could burn, potentially releasing toxic fumes. Therefore, this description is to include the type and quantity of any materials at the development that may burn with toxic fumes. For example, ammonia refrigerant may be used in the proposed chilled warehouse.
- A description of the measures envisaged to prevent or mitigate the significant adverse effects of accident (eg fire) or disaster (eg air disaster causing fire) on the environment and details of the preparedness for and proposed response to such emergencies.

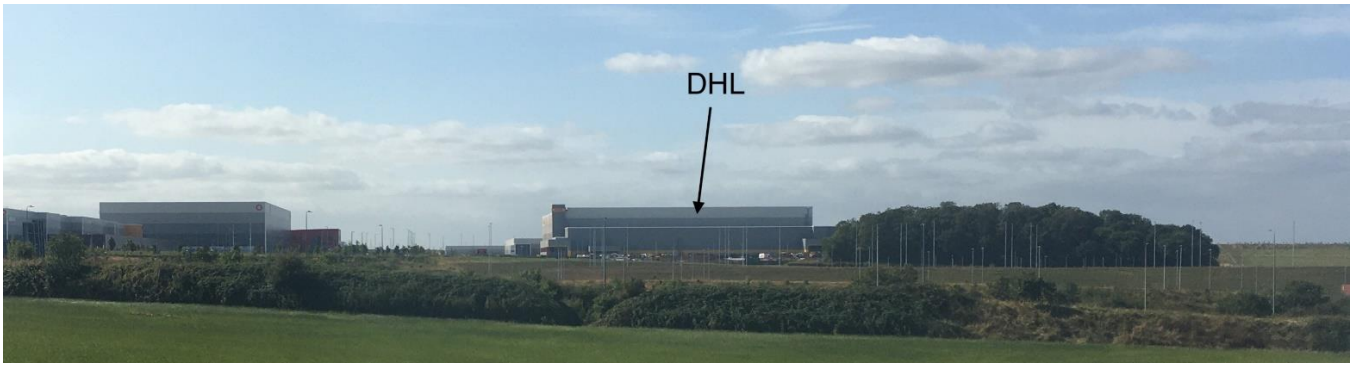
Yours sincerely

[redacted]

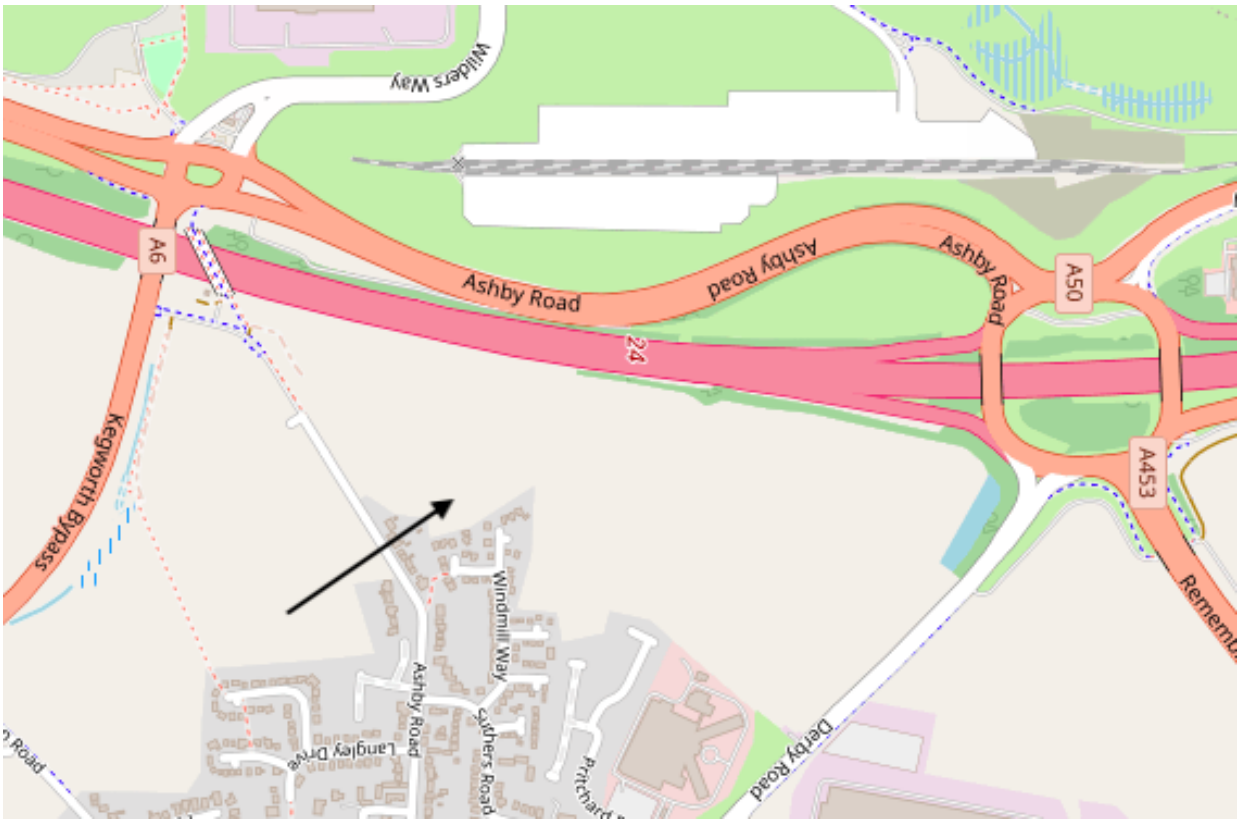
Donna Griggs
Clerk to Kegworth Parish Council

View from Kegworth over EMG1 A

View from Kegworth over EMG1 B



Noise Receptor Location at Point of Arrow



Environment Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 12th September 2024
My Ref: EMG2EIASO
Your ref: BC0410001
Contact: Rebecca Henson
Phone:
Email: [redacted]@leics.gov.uk

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by SEGRO Properties Limited (the Applicant) for an Order granting Development Consent for the East Midlands Gateway Phase 2 (the Proposed Development)

Thank you for your letter dated 15th August 2024 requesting any comments on the EIA Scoping Report dated August 2024 prepared by Delta Planning in support of the above proposal. Please find comments on behalf of Leicestershire County Council attached.

Should you require any further information, please do not hesitate to contact me.

Yours faithfully

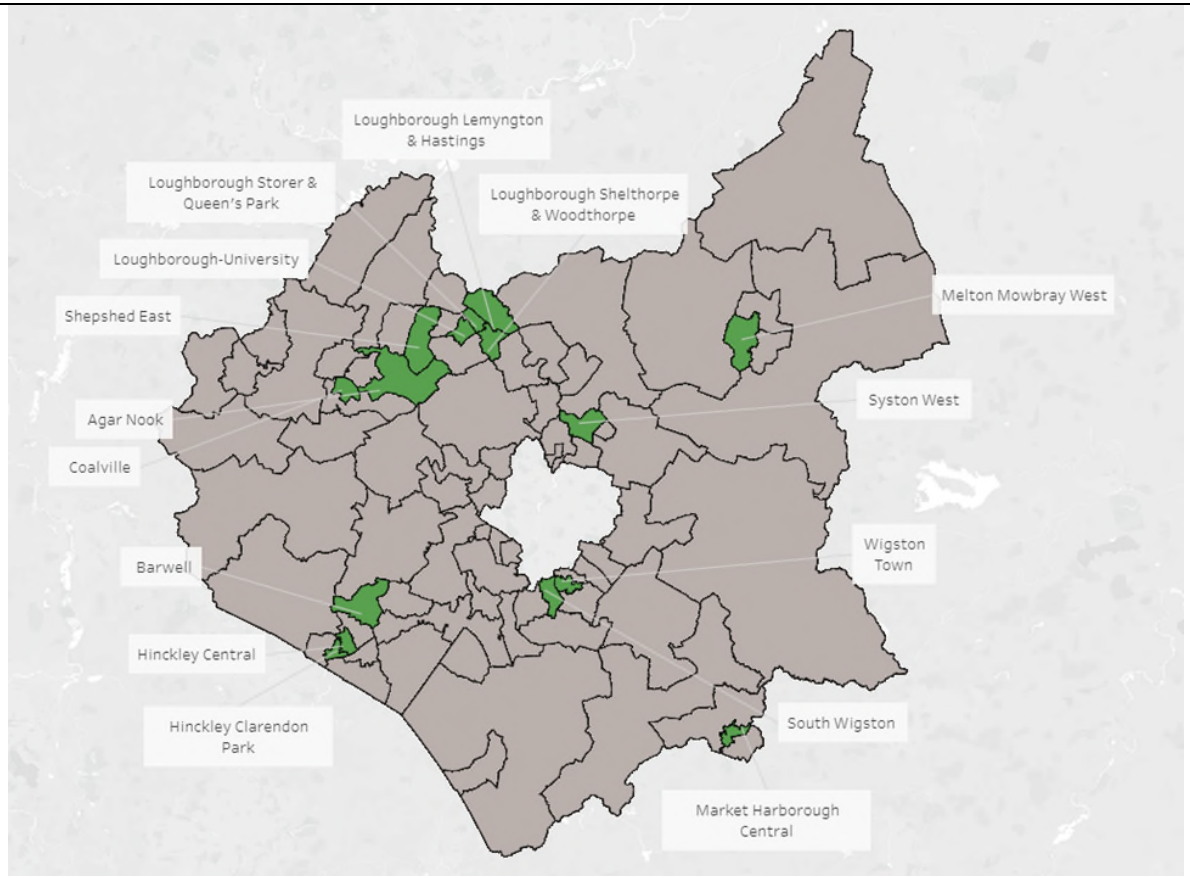
[redacted]

Rebecca Henson
Head of the Growth Service

Site Description & Description of Development	Section 3.1-4.11 Pages 8-12	The Development Description includes proposals on land at East Midlands Gateway 1 (EMG1). Leicestershire County Council (LCC) have been working with the Applicant as members of a Transport Working Group (TWG) since March 2022. However, before receipt of this Scoping Opinion we were unaware of these proposals. Nonetheless, the trip generation, distribution and assignment, and any associated inter-operational movements (with reference to paragraph 4.1), will need to be considered by the Applicant team. Para 3.9 identifies land potentially required to undertake highway works. LCC note the reference to "potentially" noting that this is to be defined and agreed pending the outcome of a strategic modelling exercise. Para 4.5 Hyams Lane is adopted public highway. Further details of its proposed treatment are required. Para 4.6 identifies the submission of an illustrative masterplan included in appendix 4. The masterplan version submitted does not marry with the version being considered by the TWG and factored into the strategic modelling exercise. This is fundamental given differences in proposed access arrangements. The Applicant is requested to clarify this position as soon as possible. Para 4.7 EMG1 proposals including rail terminal expansion and enhancements require further details and elaboration, especially where these will impact the transport assessment to be undertaken, including the strategic transport modelling as described above. Para 4.8 LCC encourages the Applicant to agree the approach to strategic modelling work with stakeholders, including LCC, in advance to avoid carrying out abortive work. Para 4.9 any mitigation strategy should include for the wider cumulative impacts of growth in this area and the LHA would support the comprehensive planning and delivery of necessary mitigation works and associated transport strategies. The cumulative development proposals to be considered should be listed by the Applicant and agreed by stakeholders including by LCC in its capacity as Local Highway Authority (LHA). This should match the uncertainty log used for Pan Regional Transport Model (PRTM) strategic modelling exercise.

Factors to be 'scoped out'	Section 5.9 – 5.10 Pages: 15 - 17	**Table 5.1 Health Impacts:** The Applicant has justified the scoping out of population and human health on the basis that noise, air quality and socioeconomic impacts will be considered in separate chapters. However, air quality, noise and socio-economic impacts do not cover the full extent to which this proposal would impact on health. In addition, chapters on air quality, noise and socio-economic impacts may not specifically look through the lens of health in the same way that a dedicated population and human health chapter would. This could result in the chapters failing to consider the health needs of the local population, current challenges to health, and the likely cumulative impact to health on the local population, therefore missing the opportunity to mitigate any risks identified and/or enhance any positive impacts. LCC consider that the following would be assessed more fully if a population health chapter or health impact assessment were to be included within the scope of the Environmental Statement (ES): • **Direct influences on health and behaviour** – including but not limited to physical activity and mental wellbeing. • **Community and Social Influences -** including but not limited to local pride, divisions in community, social isolation, community identity, cultural and spiritual ethos, design for low crime. • **Living environmental conditions potentially affecting health –** including factors such as built environment, noise, air and water quality, flooding risk, attractiveness of area, street furniture, shade and rest, green space, blue space, outdoor physical activity, community safety, smell/odour, waste disposal, road hazards / safety, community severance, cycling and walking facilities and infrastructure, public transport, prioritise pedestrian and cyclists, traffic calming, walkability including connectivity, mixed land use, injury hazards. • **Economic conditions and links affecting health -** including unemployment, income, economic inactivity, type of employment and workplace conditions. • **Access to and quality of services -** including public amenities, transport including parking; public transport including stops, education and training and information technology. • **Macro-economic, environmental and sustainability factors -** this domain considers factors such as Government policies, gross domestic product, economic development, biological diversity, climate. By scoping out population and human health within the ES there would be a missed opportunity to mitigate any negative impact to the above, and further maximise any positive health benefits. A Joint Strategic Needs Assessment on Health Inequalities was produced by Leicestershire County Council Public Health in 2023. This identified areas in Leicestershire that are particularly vulnerable to the impacts of health

		inequalities. LCC request that the following areas to be considered more fully in a dedicated population and human health chapter and supported by a Health Impact Assessment: *The neighbourhoods (middle layer super output areas) identified as high risk in terms of potential health inequalities are:* - *Charnwood: Loughborough Lemyngton & Hastings, Storer and Queens Park, University, Shelthorpe & Woodthorpe, Syston West and Shepshed East* - *Harborough: Market Harborough Central* - *Hinckley and Bosworth: Barwell, Hinckley Central and Hinckley Clarendon Park* - *Melton: Melton Mowbray West* - *North West Leicestershire: Agar Nook, Coalville* - *Oadby and Wigston: Wigston Town, South Wigston*



The Joint Strategic Needs Assessment indicated populations at higher risk of health inequalities impacts in Leicestershire which include:

- People who identify as Lesbian, Gay, Bisexual or Transgender (LGBT)
- People with a disability, including people with a learning disability
- People who are homeless
- Victims of modern slavery
- Sex workers

		• Vulnerable migrants • Carers • People with severe mental illness • Prisoners • People who have experienced trauma • Looked after children and care experienced adults • People living in poverty/deprivation • A complex picture was identified around race and ethnicity but evidence of health inequalities being most common for people who are Bangladeshi, Pakistani or Gypsy or Irish Travellers Of these groups there is the risk of intersectionality so where people fall into more than one of these groups the risk experiencing a poorer health outcome becomes greater. The Institute of Environmental Management and Assessments (IEMA) guide to: 'Determining significance for human health in environmental impact assessment (2022)' states; 'some groups of individuals may be particularly vulnerable to changes in biophysical and socio-economic factors (adversely or beneficially) whereby they could experience differential or disproportionate effects when compared to the general population'. As per the IEMA. disproportionate or differential effects are explored best through examining the likely impacts on sub-populations. Therefore, implications to the groups listed above should be explored. Gypsy or Irish Travellers were identified as a population group of concern for vulnerability to health inequalities. We would ask for the proximity to Traveller sites near to the development and potential health impacts to be scoped within a population health chapter or health impact assessment. At least two traveller sites appear to be close to the development area. Information from the Demography Joint Strategic Needs Assessment (2023) shows that in comparison to England, the population of Leicestershire is older, with higher proportions of the population aged 40-64 (33% in the county compared with 32.1% in England) and 65 and over (20.7% compared with 18.4% for England). Population changes for Leicestershire between 2018 and 2043 show the greatest cumulative change by broad age is projected to occur in the 65+ age band, accounting for an additional 71,888 older people in the county by 2043. North West Leicestershire is projected to experience the highest level of population growth; increasing by 34.4%. By 2043, the 65 plus age group is projected to experience large percentage growth with North West Leicestershire projected to see the greatest percentage change in this group, increasing by 67%.

		Table 5.1 Mineral Safeguarding: LCC note that Fairhurst has undertaken assessment of potential mineral resources within the site (Appendix 6) and have concluded that whilst site falls within a Minerals Safeguarding Area as per the Leicestershire Minerals and Waste Local Plan, the deposits are of low value and not economically viable for extraction. LCC considers that the information contained within the Scoping Report is sufficient and offers no comments.

Methodology for assessing significance of impacts	Section 5.12 – 5.19 Pages: 19 - 21	The document discusses the inter project effects of the East Midlands Freeport proposals, and wider committed and planned growth in the area. These assumptions should be agreed by stakeholders.

Landscape and Visual Impacts (inc. Lighting)	Section 6 Pages: 24 - 28	'**Potential Impacts'** (para 6.11). It is important that the proposed viewpoint assessments cover: • Visual effects for both the construction and operational phases of the development. • Both winter and summer (seasonal) conditions. • A comprehensive list of nighttime assessments, including seasonal nighttime assessments. • A plan showing the Zone of Theoretical Visibility (ZTV) In accordance with the guidelines set out in GLVIA3. **'Avoidance or mitigation measures'** (para 6.13). It is important that: • Earthwork and mounding proposals include slope profiles/ sections and proposed planting screening to include for vegetation development over progressive years to be submitted as part of the Environmental Statement. • Clarification is provided on which vegetation, including hedgerows and trees and other habitats are to be retained as well as information on how existing vegetation and habitats will be protected during works. The likely impacts of major earthmoving and ground modelling operations on retained vegetation and habitats must be realistically assessed. • As well as the conservation of existing hedgerows and trees and other habitats, the application demonstrates how the long-term management of these areas, and any other retained planting, has been considered. Finally, LCC would recommend that some assessment of alternative sites is covered in the ES.

Ecology and Biodiversity	Section 7 Pages: 29 - 33	Scoping report states- FPCR Preliminary Ecological Assessment for the main site and protected species surveys form baseline information, with separate and further assessment for land required for highways works and rail freight expansion. LCC agrees with this approach. LCC agree with the proposed scope for ecology and biodiversity work as outlined in section 7.3. Inclusion of Biodiversity Net Gain (BNG) Assessment is noted, notwithstanding current legislated transition dates for NSIP and statutory BNG. Residual impacts are also scoped in, which is noted. LCC agree with the proposed habitat survey approach using extended Phase 1 Habitat survey as set out in section 7.5. However, please note that the BNG assessment requires a UK Hab and condition assessment it has therefore been taken as implicit in the reference to submission of the BNG Assessment tool that habitat survey will be provided in this form in addition to Phase 1 methodology. LCC agree with the with proposed protected species surveys scoped in and outlined in section 7.5. In section 7.14. whilst direct and indirect effects of the development are proposed to be considered in ecology terms, it is less clear whether the specific consideration of cumulative impacts of this development in combination with other development within the area has been included in the scoping exercise. Whilst this is difficult to quantify, we would nevertheless encourage consideration of this in the ES.

Traffic and Transport	Section 8 Pages: 34 - 37	Para 8.3 indicates a Framework Travel Plan will be produced. For the scale of development this may need to be a component of an overall Sustainable Transport Strategy given the scale and cumulative impacts of anticipated growth in the area. Para 8.6 detailed discussions between the Applicant and the LHA have been ongoing for some time. However, the LHA notes that the description of proposals, methodology and route to determination have continually evolved and changed and therefore the transport assessment work is still very much in its infancy with cumulative impacts currently unknown. Para 8.10 detailed proposals for the treatment of Hyams Lane will be welcomed in due course and consideration should be given to the delivery mechanism e.g., downgrading/stopping up through the DCO process.

		Para 8.11 focuses on available bus services. The LHA would advise that the utilisation of rail and tram should not be prematurely discounted from the sustainable transport strategy given the strategic opportunities these present. Para 8.12. The LHA notes that a great deal of additional modelling remains is required to support the DCO application. Para 8.14 identifies development proposals may include land at EMG1. This needs to be reflected in the transport work undertaken (see comments above) Para 8.17 & 8.18 further information and assessment of construction vehicles, types, timings etc will be welcomed. The impacts of construction traffic should be modelled, and any necessary mitigation proposed. Para 8.19 Commitment to producing a Sustainable Transport Strategy is welcomed. Liaison with and integration of proposals with neighbouring development proposals would be encouraged e.g., the site should not be looked at in isolation of the demands and opportunities of other committed and planned growth coming forward in the locality.

Air Quality	Section 9 Pages: 38 - 40	LCC welcome the inclusion of an air quality chapter. The chapter should explore how the proposal and cumulative impacts (noting the location of the site bounded by the M1, A453, and within close proximity of East Midlands Airport and Donington Park Racetrack) will impact on air quality in the area. Consideration should be given to the cumulative impacts on the health and wellbeing of local residents during both construction and operational phases. – The air quality chapter (in addition to a standalone population health chapter) should examine current health outcomes for the area including links to air pollution, for example Dementia rates. Dementia rates in North West Leicestershire are significantly higher than the England average. Asthma QOF prevalence (6 years plus) in North West Leicestershire (at 7.8%) is also higher than the value for East Midlands and England. The chapter should also consider population groups most vulnerable to the impacts of poor air quality on health as per the Chief Medical Officer Annual Report on Air Quality 2022. Taking into consideration areas of vulnerability indicated by the Health Inequalities JSNA and likely population changes to the districts shown in the Demography JSNA. The chapter should also consider Air Quality Management Area in the District and how the proposal may interact with the AQMAs. The following AQMAS have been declared in North West Leicestershire:

Castle Donington AQMA	An area encompassing the High Street and Bondgate area of Castle Donnington. The northern extent of the AQMA has been amended to include the junction of Bondgate with The Spittal and the southern extent shall extend to the Moira Arms.	09/01/2008	22/01/2013		Nitrogen dioxide NO_2
Coalville AQMA	An area encompassing parts of Stephenson Way, Broom Leys Road in Coalville.	09/01/2008	11/07/2011 08/02/2012 01/02/2020	14/03/2022	Nitrogen dioxide NO_2 Nitrogen dioxide NO_2
Copt Oak AQMA	An area encompassing 10 properties in the part of the village of Copt Oak that lies within the boundaries of NW Leicestershire District Council.	30/07/2009	22/01/2013		Nitrogen dioxide NO_2

https://uk-air.defra.gov.uk/aqma/local-authorities?la_id=184

Noise and Vibration	Section 10 Pages: 41 - 44	LCC welcome the inclusion of a Noise and Vibration chapter. This chapter should explore how the proposal and cumulative impacts will contribute to noise in the area. Consideration should be given to the cumulative impacts on the health and wellbeing of local residents during both construction and operational phases.

Flood Risk and Drainage	Section 11 Pages: 45 - 49	LCC in its capacity as Lead Local Flood Authority (LLFA) recognises that the Environment Agency (EA) is the statutory consultee in the NSIP process. This response therefore relates to the surface water flood risk and drainage strategy only contained within Appendix 12 – 'Flood Risk Summary Note'. Comments are as follows: • The LLFA welcomes the proposal to discharge surface water at the QBar rate, mimicking peak runoff from the site. The proposal additionally includes the discharge of surface water downstream of the village of Diseworth via the existing ditch network in the south-east of the site. This is welcomed by the LLFA and should be retained by the applicant throughout the construction and operational phases of development. • The proposals refer to the realignment of ordinary watercourses within the site boundary to facilitate the development. In accordance with LCC's culvert policy, extents of watercourse disruption should be kept to an absolute minimum. Where watercourse diversion is required, appropriate modelling and justification should be supplied. This work will be subject to Land Drainage Consent from the LLFA in accordance with Section 23(a) of the Land Drainage Act (1991), and provision for this approval should be included within any DCO. • Modelling supplied by the applicant demonstrates no increase in flood level within Diseworth Village, with some flood levels predicted to be lower than the pre-development level. This is welcomed by the LLFA. Any modelling should be reviewed and approved by the EA or an appropriately qualified independent third-party consultant. • Robust surface water management measures should be implemented during the construction phase to ensure that surface water flood risk (and pollution risk) is not increased during construction.

Heritage and Archaeology	Section 12 Pages: 50 - 52	LCC welcome the Applicants intention to undertake assessment of significant effects of development upon heritage assets including historic built and archaeological assets. The Applicant should also consider impacts upon historic landscape character. Para 12.2-12.4: The programme outlined conforms to appropriate standards. Desk-based assessment should include consideration of deposit modelling/geoarchaeological assessment to further inform assessment and mitigation management strategies (Deposit Modelling and Archaeology HE, 2020). The scale of development is such that the assessment should also take into account impact of the proposals upon the historic landscape character with particular reference to the historic village of Diseworth and its embedded landscape setting (https://historicengland.org.uk/research/methods/characterisation/historic-landscape-characterisation/). The Scoping Report makes reference to the intention to undertake geophysical survey and trial trenching of the

		application area, to inform the cultural heritage assessment. Much of this work has already been undertaken and use of this available data will facilitate the proposed assessment report. Any additional on-site investigation would be welcomed. Para 12.5-12.11: LCC acknowledge conclusions and work undertaken as outlined in paragraphs 12.5-12.9. This work has been conducted in liaison with LCC (HNET), with results included as Appendix 13. This data should form the basis of the proposed DBA, all data (geoarchaeological assessment, fieldwalking and trial trenching reports) should be presented in full. It should be recognised that additional targeted trenching may be required to inform the detailed development of proposals and mitigation measures, where the current scheme has varied from the initial consultation (noting the comments above re: EMG1), or where access to site was not possible. Para 12.10: An adequate programme of archaeological mitigation (excavation) was achieved in respect of individual archaeological sites affected by the original EMG1 proposals. However, LCC are concerned that 'preservation in situ' of archaeological remains below the surrounding landscaping bund was not an effective solution due to inaccessibility of the affected remains. Para 12.11: LCC welcome the Applicants intention to review wider highways network improvements to assess for archaeological and cultural heritage impacts. Para 12.12: Appraisal of the scheme details may indicate the need for additional targeted assessment to ensure adequate understanding of impacts and preparation of appropriate mitigation measures. Para 12.13-12.14: Avoidance and mitigation measures is agreed, see above. Para 12.15-12.16 Anticipated residual impacts is agreed, see above. Impact on the historic built environment and to the designated conservation area of Diseworth, listed buildings within the village and wider area, should be discussed with the Conservation Officer at North West Leicestershire District Council. Impacts upon the setting of the scheduled monuments at Long Whatton, and Breedon on the Hill, should be discussed with Historic England.

Agriculture and Soils	Section 13 Pages: 53 - 54	No comment

Climate Change	Section 14 Pages: 55 - 57	The document addresses a range of emissions sources such as construction traffic, construction process and operational use of the site. There is also reference to mitigation measures, however LCC would expect these to include (but not limited to) the following: • **Design** – should be sympathetic to climate change, energy efficient buildings with renewable energy generated on site as much as possible. Active travel should be promoted to commuters reduce car use – bike shelters, cycle lanes and footways, and public transport opportunities should all be considered. Green infrastructure on site should be included where appropriate to enable natural cooling and to support wildlife. The design should be sympathetic to allow employees to charge electric vehicles both for commuting and as part of the site operation. Recycling of waste from operations and room for suitable collection containers should be considered. • **Construction** – Construction materials should be locally sourced where possible to mitigate haulage and should have recycled content and/or low carbon. Construction traffic and equipment should consider carbon footprint with use of electric or HVO options as much as possible. Consideration given to contractor procurements i.e., they should have climate mitigation built into their supply chains. A robust resource management plan should be put in place to support recycling of construction waste. • **Operation** – site should be operated on a low carbon basis, with considerate use of energy and use of renewables and low carbon fuels as much as possible. Consideration must be given to reducing vehicle movements as much as possible – this could include use of rail freight where possible to reduce road and air freight which are higher carbon emitters.

Socio-Economic Effects	Section 15 Pages: 58 - 60	To inform 'planning balance' reference should also be made to: • Housing and Economic Needs Assessment for Leicester and Leicestershire (HENA, June 2022), any subsequent update or replacement. • Strategic Logistics Study for Leicester and Leicestershire (April 2021, amended March 2022), any subsequent update or replacement. • Statement of Common Ground for Leicester & Leicestershire relating to Housing and Employment Land Needs (June 2022). • Greater Nottingham/Nottinghamshire and Derby/Derbyshire housing and employment studies given geographical sphere of influence of site.

[redacted]

From: Lwmts - Katherine Borton [redacted]@lwmts.co.uk>
Sent: 12 September 2024 16:12
To: East Midlands Gateway Phase 2
Subject: BC0410001

> You don't often get email from [redacted]@lwmts.co.uk. Learn why this is important

Good afternoon,

I can confirm that Lichfield District Council do not have any comments on BC0410001.

Kind regards,

Katherine Borton
Associate Consultant
LWM Traded Services Ltd
Office: [redacted] **Mobile:** [redacted]
E: [redacted]@lwmts.co.uk

LONG WHATTON & DISEWORTH PARISH COUNCIL

in North West Leicestershire

correspondence and enquiries:
Peggs Barn, Main Street, Hemington
Leicestershire
DE74 2RB
Telephone: [redacted]
email: parishcouncil@lwdpc.org.uk
web: www.lwdpc.org.uk
Parish Clerk: Samantha Lockwood

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by SEGRO Properties Limited (the Applicant) for an Order granting Development Consent for the East Midlands Gateway Phase 2 (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for the opportunity to comment on the information that the Parish Council considers should be provided in the Environmental Statement. The Parish Council is aware of a Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of industrial and logistics development on the same site that was submitted to North West Leicestershire District Council in January 2024 (LPA Ref: 24/00072/EAS). The Parish Council is keen to ensure that the scope of the Environmental Assessment associated with the proposed development covers all those matters addressed by the earlier Environmental Impact Assessment. However, since that earlier determination, there have been several matters that have evolved that require additional consideration, most notably:

1. Consultation on the new North West Leicestershire Local Plan took place between 5 February and 17 March 2024. The emerging Local Plan includes proposals for a new settlement, known as Isley Woodhouse, which lies to the south of the A453 and East Midlands Airport and borders three sides of Isley Walton;
2. A planning application for the construction and operation of a ground-mounted solar farm with a generation capacity of 7.4MW has been submitted on land at Donington Park Service Area- adjacent to the proposed development;
3. Under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, a pre-submission consultation period on the proposed Neighbourhood Plan for Long Whatton and Diseworth ran from Monday 12 February to Monday 25 March 2024. The Neighbourhood Plan is supported by a Landscape Sensitivity Study and other evidence; and
4. Multiple criminal charges are being brought against East Midlands Airport Ltd by the Environment Agency for pollution entering the river system surrounding the company's international airport and in particular, the Diseworth Brook.

It follows that the Environmental Assessment should, in addition to the earlier Assessment, include:

- An assessment of the impact of the proposed development on the environment, in combination with the plans for the Isley Woodhouse new settlement, proposals for a solar farm at Donington Park Service Area and on-going pollution of the Diseworth Brook;
- The impact of the proposed development on the non-designated heritage and nature conservation assets identified by the emerging Long Whatton and Diseworth Neighbourhood Plan, including Ridge and Furrow earthworks;
- Landscape impacts having regard to the important views and features which encapsulate the landscape and visual character as identified by the Long Whatton and Diseworth Landscape Sensitivity Study together with the Vulnerable Landscape designation included in the emerging Neighbourhood Plan.

It should also be noted that passenger air traffic at East Midlands Airport has not yet full recovered following the COVID-19 pandemic. Therefore noise, air and water quality levels may not yet have returned to pre-pandemic levels and this needs to be considered in any baseline environmental assessment.

Yours faithfully,

Samantha Lockwood 11/09/2024
Clerk to Long Whatton and Diseworth Parish Council

[redacted]

From: clerk@melbourneparishcouncil.gov.uk
Sent: 11 September 2024 19:28
To: East Midlands Gateway Phase 2
Subject: East Midlands Gateway Phase 2 - EIA Scoping Notification and Consultation
Attachments: BC0410001-Statuatory Consultation Letter.pdf

Dear Sirs

I can confirm that Melbourne Parish Councillors considered this matter at their recent meeting and would comment as follows:

Councillors are concerned that more traffic will be driven into Melbourne village and particularly via King's Newton and as such, have significant concerns regarding this proposed development.

In addition, councillors do not believe that enough consideration has been given to this development on brown field sites and as such, are of the opinion, the identified location is inappropriate.

Kind regards

Vicky Roe
Parish Clerk
Melbourne Parish Council
Tel: [redacted]
https://www.melbourneparishcouncil.gov.uk/

-----Original Message-----
From: "East Midlands Gateway Phase 2" <emgateway2@planninginspectorate.gov.uk>
Sent: Thursday, 15 August, 2024 11:29am
To:
Subject: East Midlands Gateway Phase 2 - EIA Scoping Notification and Consultation

Dear Sir/Madam,

Please see attached correspondence on the proposed East Midlands Gateway Phase 2.

The Applicant for the Proposed Development intends to make an application for Development Consent under the Planning Act 2008. The Applicant has sought a Scoping Opinion from the Planning Inspectorate, on behalf of the Secretary of State, as to the scope and level of detail of the information to be provided within the Environmental Statement that will accompany its future application.

The Planning Inspectorate has identified you as a consultation body to inform the Scoping Opinion and is therefore inviting you to submit comments by **12 September 2024**. The deadline is a statutory requirement that cannot be extended.

Further information is included within the attached letter.

Many thanks,

[redacted]

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Tiffany Bate
Development Liaison Officer
UK Land and Property
[redacted]@nationalgrid.com
[redacted]

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
emgateway2@planninginspectorate.gov.uk

12 September 2024

Dear Sir/Madam

APPLICATION BY SEGRO PROPERTIES LTD (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE EAST MIDLANDS GATEWAY PHASE 2 (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION RESPONSE

I refer to your letter dated 15th August 2024 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET).

Having reviewed the scoping report, I would like to make the following comments regarding NGET existing or future infrastructure in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines within close proximity to the scoping area. The overhead lines form an essential part of the electricity transmission network in England and Wales.

Existing Infrastructure
Overhead Lines

ZD 400 kV OHL	Circuit 1	RATCLIFFE - WILLINGTON EAST 1
	Circuit 2	RATCLIFFE - WILLINGTON EAST 2
4VA 400 kV OHL	Circuit 1	COVENTRY - RATCLIFFE ON SOAR
	Circuit 2	DRAKELOW - RATCLIFFE ON SOAR

I enclose a plan showing the location of NGET's apparatus in the scoping area.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

New infrastructure

Please refer to the Holistic Network Design (HND) and the National Grid ESO website to view the strategic vision for the UK's ever growing electricity transmission network. https://www.nationalgrideso.com/future-energy/the-pathway-2030-holistic-network-design/hnd
NGET requests that all existing and future assets are given due consideration given their criticality to distribution of energy across the UK. We remain committed to working with the promoter in a proactive manner, enabling both parties to deliver successful projects wherever reasonably possible. As such we encourage that ongoing discussion and consultation between both parties is maintained on interactions with existing or future assets, land interests, connections or consents and any other NGET interests which have the potential to be impacted prior to submission of the Proposed DCO.

The Great Grid Upgrade is the largest overhaul of the electricity grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. Our infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about our current projects please refer to our network and infrastructure webpage. https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects. Where it has been identified that your project interacts with or is in close proximity to one of NGET's infrastructure projects, we would welcome further discussion at the earliest opportunity.

These projects are all essential to increase the overall network capability to connect the numerous new offshore wind farms that are being developed, and transport new clean green energy to the homes and businesses where it is needed.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset

- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004)".

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.

- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.

- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.

- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above.

- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.

- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

To download a copy of the HSE Guidance HS(G)47, please use the following link: http://www.hse.gov.uk/pubns/books/hsg47.htm

Further Advice

We would request that the potential impact of the proposed scheme on NGET's existing and future assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: **box.landandacquisitions@nationalgrid.com**

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

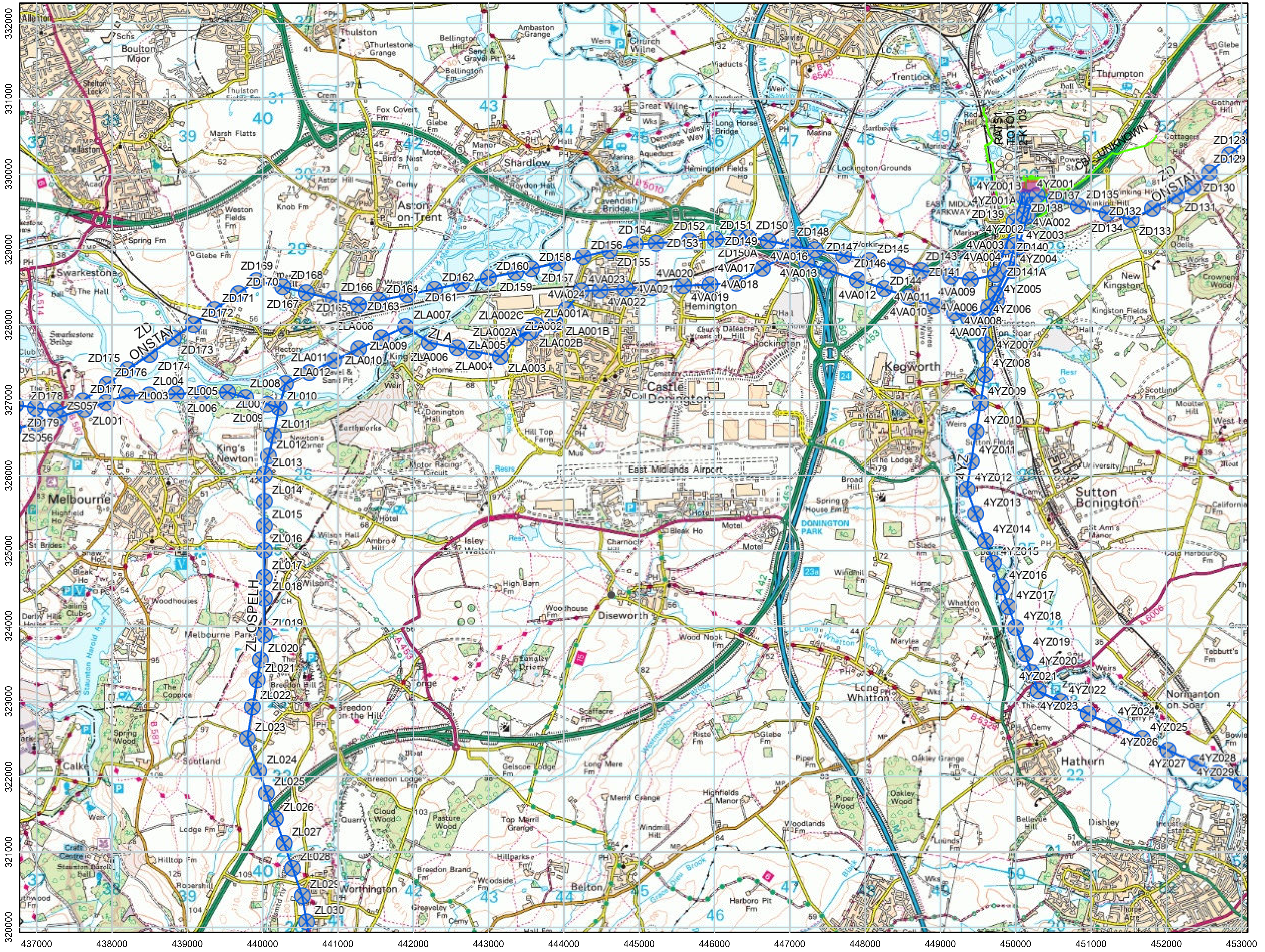
The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully

[redacted]

Tiffany Bate
Development Liaison Officer
Commercial and Customer Connections
Electricity Transmission Property Land and Property

nationalgrid | National Grid Web Map



Legend

Fibre Cable

- Fibre Cable Commissioned

Buried Cable

- Buried Cable Commissioned

Towers

- Towers Commissioned

OHL 400Kv

- OHL 400Kv Commissioned

Substations

- Substations Commissioned

Notes

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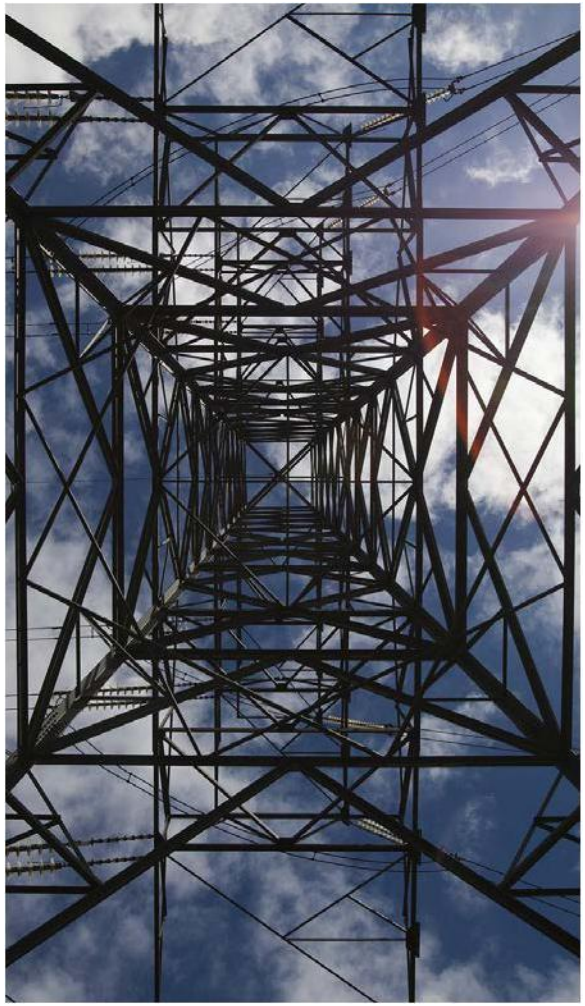
Technical Guidance Note 287

Third-party guidance for working near National Grid Electricity Transmission equipment



Purpose and scope

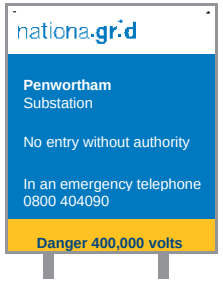
The purpose of this document is to give guidance and information to third parties who are proposing, scheduling or designing developments close to National Grid Electricity Transmission assets.

The scope of the report covers information on basic safety and the location of our assets – and also highlights key issues around particular types of development and risk areas.

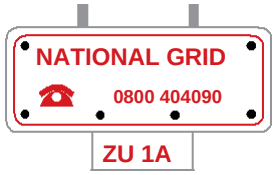
In the case of electrical assets, National Grid does not authorise or agree safe systems of work with developers and contractors. However, we will advise on issues such as electrical safety clearances and the location of towers and cables. We also work with developers to minimise the impact of any National Grid assets that are nearby.

How to identify specific National Grid sites

Substations
The name of the Substation and emergency contact number will be on the site sign.



Overhead Lines
The reference number of the tower and the emergency contact number will be on this type of sign.



Contact National Grid

Plant protection

For routine enquiries regarding planned or scheduled works, contact the Asset Protection team online, by email or phone.

www.lsbud.co.uk

Email: assetprotection@nationalgrid.com

Phone: 0800 001 4282

Emergencies

In the event of occurrences such as a cable strike, coming into contact with an overhead line conductor or identifying any hazards or problems with National Grid's equipment, phone our emergency number 0800 404 090 (option 1).

If you have apparatus within 30m of a National Grid asset, please ensure that the emergency number is included in your site's emergency procedures.

Consider safety

Consider the hazards identified in this document when working near electrical equipment

Part 1

Electricity transmission infrastructure

National Grid owns and maintains the high-voltage electricity transmission network in England and Wales (Scotland has its own networks). It's responsible for balancing supply with demand on a minute-by-minute basis across the network.

Overhead lines

Overhead lines consist of two main parts – pylons (also called towers) and conductors (or wires). Pylons are typically steel lattice structures mounted on concrete foundations. A pylon's design can vary due to factors such as voltage, conductor type and the strength of structure required.

Conductors, which are the 'live' part of the overhead line, hang from pylons on insulators. Conductors come in several different designs depending on the amount of power that is transmitted on the circuit.

In addition to the two main components, some Overhead Line Routes carry a Fibre Optic cable between the towers with an final underground connection to the Substations.

In most cases, National Grid's overhead lines operate at 275kV or 400kV.

Underground cables

Underground cables are a growing feature of National Grid's network. They consist of a conducting core surrounded by layers of insulation and armour. Cables can be laid in the road, across open land or in tunnels. They operate at a range of voltages, up to 400kV.

Substations

Substations are found at points on the network where circuits come together or where a rise or fall in voltage is required. Transmission substations tend to be large facilities containing equipment such as power transformers, circuit breakers, reactors and capacitors. In addition Diesel generators and compressed air systems can be located there.

Part 2

Statutory requirements for working near high-voltage electricity

The legal framework that regulates electrical safety in the UK is *The Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002*. This also details the minimum electrical safety clearances, which are used as a basis for the Energy Networks Association (ENA) TS 43-8. These standards have been agreed by CENELEC (European Committee for Electrotechnical Standardisation) and also form part of the *British Standard BS EN 50341-1:2012 Overhead Electrical Lines exceeding AC 1kV*. All electricity companies are bound by these rules, standards and technical specifications. They are required to uphold them by their operator's licence.

Electrical safety clearances

It is essential that a safe distance is kept between the exposed conductors and people and objects when working near National Grid's electrical assets. A person does not have to touch an exposed conductor to get a life-threatening electric shock. At the voltages National Grid operates at, it is possible for electricity to jump up to several metres from an exposed conductor and kill or cause serious injury to anyone who is nearby. For this reason, there are several legal requirements and safety standards that must be met.

Any breach of legal safety clearances will be enforced in the courts. This can and has resulted in the removal of an infringement, which is normally at the cost of the developer or whoever caused it to be there. Breaching safety clearances, even temporarily, risks a serious incident that could cause serious injury or death.

National Grid will, on request, advise planning authorities, developers or third parties on any safety clearances and associated issues. We can supply detailed drawings of all our overhead line assets marked up with relevant safe areas.

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Your Responsibilities - Overhead lines

Work which takes place near overhead power lines carries a significant risk of coming into proximity with the wires. If any person, object or material gets too close to the wires, electricity could ‘flashover’ and be conducted to earth, causing death or serious injury. You do not need to touch the wires for this to happen. The law requires that work is carried out in close proximity to live overhead power lines only when there is no alternative, and only when the risks are acceptable and can be properly controlled. Statutory clearances exist which must be maintained, as prescribed by the Electricity Safety, Quality and Continuity Regulations 2002.

Under the Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999, you are responsible for preparing a suitable and sufficient risk assessment and safe systems of work, to ensure that risks are managed properly and the safety of your workforce and others is maintained. Your risk assessment must consider and manage all of the significant risks and put in place suitable precautions/controls in order to manage the work safely. You are also responsible for ensuring that the precautions identified are properly implemented and stay in place throughout the work.

Work near overhead power lines must always be conducted in accordance with GS6, ‘avoiding danger from overhead power lines’, and any legislation which is relevant to the work you are completing.

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What National Grid will provide

National Grid can supply profile drawings in PDF and CAD format showing tower locations and relevant clearances to assist you in the risk assessment process.

What National Grid will not provide

National Grid will not approve safe systems of work or approve design proposals

Part 3

What National Grid will do for you and your development

Provision of information

National Grid should be notified during the planning stage of any works or developments taking place near our electrical assets, ideally a minimum notification period of 8 weeks to allow National Grid to provide the following services:

Drawings

National Grid will provide relevant drawings of overhead lines or underground cables to make sure the presence and location of our services are known. Once a third party or developer has contacted us, we will supply the drawings for free.

Risk or impact identification

National Grid can help identify any hazards or risks that the presence of our assets might bring to any works or developments. This includes both the risk to safety from high-voltage electricity and longer-term issues, such as induced currents, noise and maintenance access that may affect the outcome of the development. National Grid will not authorise specific working procedures, but we can provide advice on best practice.

400kV

The maximum nominal voltage of the underground cables in National Grid's network

Risks or hazards to be aware of

This section includes a brief description of some of the hazards and issues that a third party or developer might face when working or developing close to our electrical infrastructure.

Land and access

National Grid has land rights in place with landowners and occupiers, which cover our existing overhead lines and underground cable network. These agreements, together with legislation set out under the *Electricity Act 1989*, allow us to access our assets to maintain, repair and renew them. The agreements also lay down restrictions and covenants to protect the integrity of our assets and meet safety regulations. Anyone proposing a development close to our assets should carefully examine these agreements.

Our agreements often affect land both inside and outside the immediate vicinity of an asset. Rights will include the provision of access, along with restrictions that ban the development of land through building, changing levels, planting and other operations. Anyone looking to develop close to our assets must consult with National Grid first.

For further information, contact Asset Protection:

Email: assetprotection@nationalgrid.com
Phone: 0800 001 4282

Electrical clearance from overhead lines

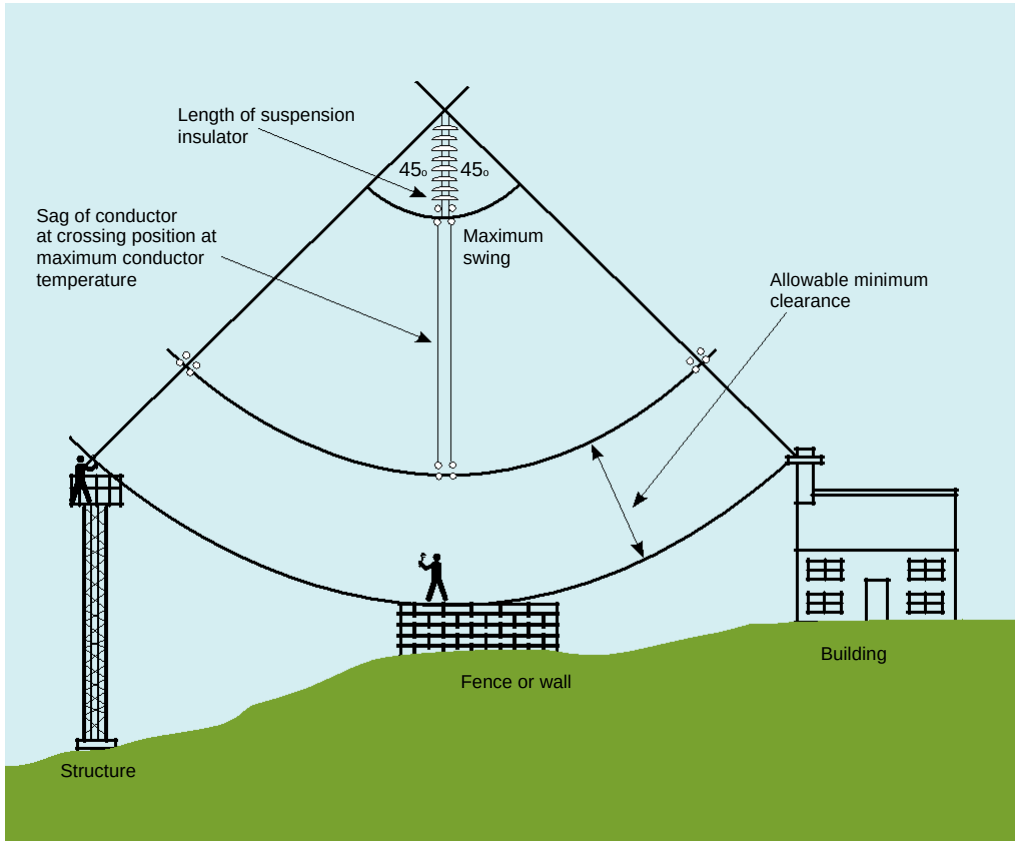
The clearance distances referred to in this section are specific to 400kV overhead lines. National Grid can advise on the distances required around different voltages i.e. 132kV and 275kV.

As we explained earlier, *Electrical Networks Association TS 43-8* details the legal clearances to our overhead lines. The minimum clearance between the conductors of an overhead line and the ground is 7.3m at maximum sag. The sag is the vertical distance between the wire's highest and lowest point. Certain conditions, such as power flow, wind speed and air temperature can cause conductors to move and allowances should be made for this.

The required clearance from the point where a person can stand to the conductors is 5.3m. To be clear, this means there should be at least 5.3m from where someone could stand on any structure (i.e. mobile and construction equipment) to the conductors. Available clearances will be assessed by National Grid on an individual basis.

National Grid expects third parties to implement a safe system of work whenever they are near Overhead Lines.

Diagram not to scale



There should be at least 5.3m between the conductors and any structure someone could stand on

We recommend that guidance such as *HSE Guidance Note GS6 (Avoiding Danger from Overhead Power Lines)* is followed, which provides advice on how to avoid danger from all overhead lines, at all voltages. If you are carrying out work near overhead lines you must contact National Grid, who will provide the relevant profile drawings.

7.3m

The required minimum clearance between the conductors of an overhead line, at maximum sag, and the ground

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The undergrounding of electricity cables at Ross-on-Wye

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Underground cables Underground cables operating at up to 400kV are a significant part of the National Grid Electricity Transmission network. When your works will involve any ground disturbance it is expected that a safe system of work is put in place and that you follow guidance such as *HSG 47 (Avoiding Danger from Underground Services)*.

You must contact National Grid to find out if there are any underground cables near your proposed works. If there are, we will provide cable profiles and location drawings and, if required, on-site supervision of the works. Cables can be laid under roads or across industrial or agricultural land. They can even be layed in canal towpaths and other areas that you would not expect.

Cables crossing any National Grid high-voltage (HV) cables directly buried in the ground are required to maintain a minimum seperation that will be determined by National Grid on a case-by-case basis. National Grid will need to do a rating study on the existing cable to work out if there are any adverse effects on either cable rating. We will only allow a cable to cross such an area once we know the results of the re-rating. As a result, the clearance distance may need to be increased or alternative methods of crossing found.

For other cables and services crossing the path of our HV cables, National Grid will need confirmation that published standards and clearances are met.

Impressed voltage

Any conducting materials installed near high-voltage equipment could be raised to an elevated voltage compared to the local earth, even when there is no direct contact with the high-voltage equipment. These impressed voltages are caused by inductive or capacitive coupling between the high-voltage equipment and nearby conducting materials and can occur at distances of several metres away from the equipment. Impressed voltages may damage your equipment and could potentially injure people and animals, depending on their severity. Third parties should take impressed voltages into account during the early stages and initial design of any development, ensuring that all structures and equipment are adequately earthed at all times.

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Earth potential rise

Under certain system fault conditions – and during lightning storms – a rise in the earth potential from the base of an overhead line tower or substation is possible. This is a rare phenomenon that occurs when large amounts of electricity enter the earth. This can pose a serious hazard to people or equipment that are close by.

We advise that developments and works are not carried out close to our tower bases, particularly during lightning storms.

Noise

Noise is a by-product of National Grid's operations and is carefully assessed during the planning and construction of any of our equipment. Developers should consider the noise emitted from National Grid's sites or overhead lines when planning any developments, particularly housing. Low-frequency hum from substations can, in some circumstances, be heard up to 1km or more from the site, so it is essential that developers find adequate solutions for this in their design. Further information about likely noise levels can be provided by National Grid.

Maintenance access

National Grid needs to have safe access for vehicles around its assets and work that restricts this will not be allowed.
In terms of our overhead lines, we wouldn't want to see any excavations made, or permanent structures built, that might affect the foundations of our towers. The size of the foundations around a tower base depends on the type of tower that is built there. If you wish to carry out works within 30m of the tower base, contact National Grid for more information. Our business has to maintain access routes to tower bases with land owners. For that reason, a route wide enough for an HGV must be permanently available. We may need to access our sites, towers, conductors and underground cables at short notice.

30m

If you wish to carry out work within this distance of the tower base, you must contact National Grid for more information

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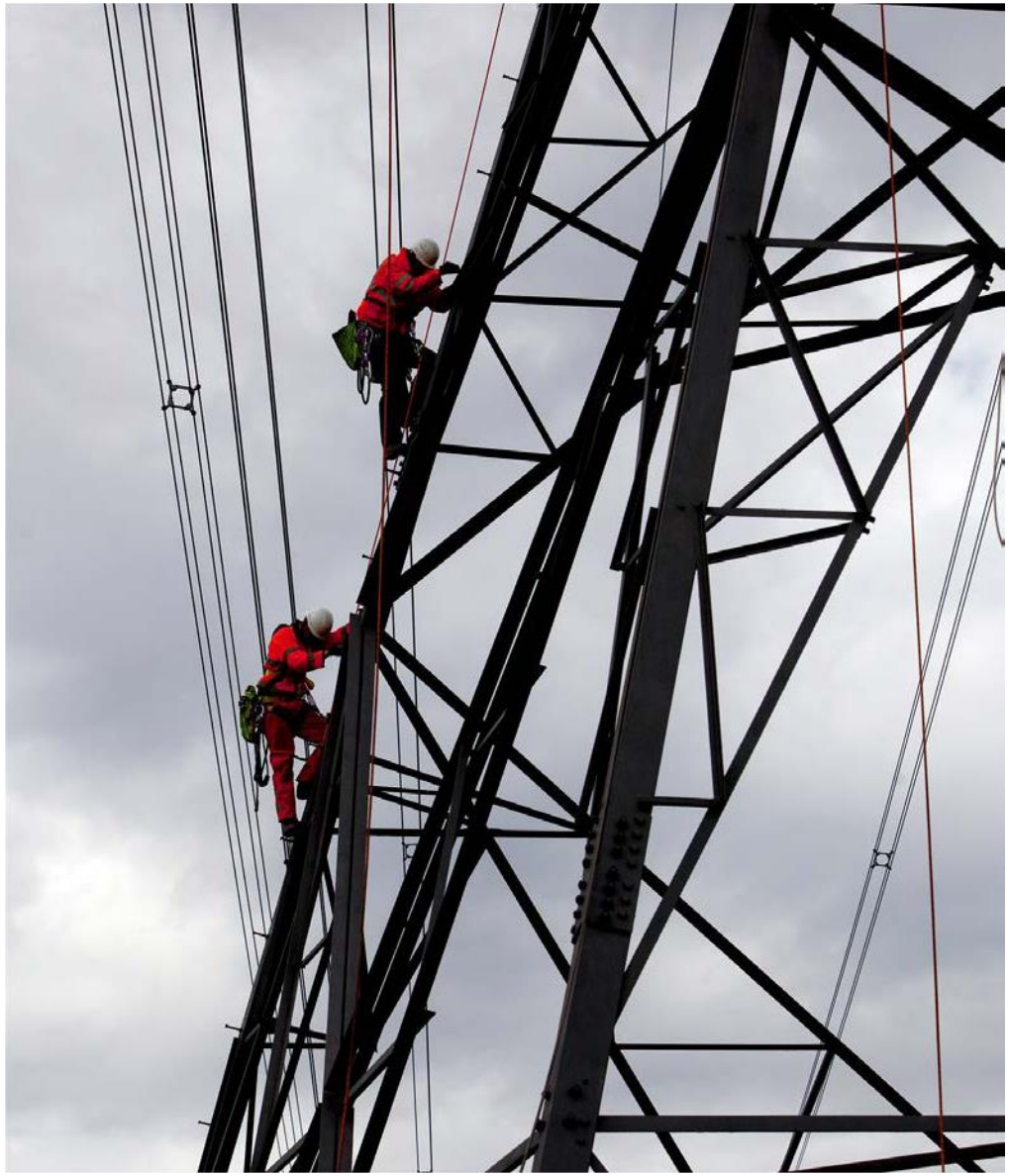

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Fires and firefighting

National Grid does not recommend that any type of flammable material is stored under overhead lines. Developers should be aware that in certain cases the local fire authority will not use water hoses to put out a fire if there are live, high-voltage conductors within 30m of the seat of the fire *(as outlined in ENA TS 43-8)*.

In these situations, National Grid would have to be notified and reconfigure the system – to allow staff to switch out the overhead line – before any firefighting could take place. This could take several hours.

We recommend that any site which has a specific hazard relating to fire or flammable material should include National Grid's emergency contact details (found at the beginning and end of this document) in its fire plan information, so any incidents can be reported.

Developers should also make sure their insurance cover takes into account the challenge of putting out fires near our overhead lines.

Excavations, piling or tunnelling

You must inform National Grid of any works that have the potential to disturb the foundations of our substations or overhead line towers. This will have to be assessed by National Grid engineers before any work begins.

BS ISO 4866:2010 states that a minimum distance of 200m should be maintained when carrying out quarry blasting near our assets. However, this can be reduced with specific site surveys and changes to the maximum instantaneous charge (the amount of explosive detonated at a particular time).

All activities should observe guidance layed out in *BS 5228-2:2009*.

Microshocks

High-voltage overhead power lines produce an electric field. Any person or object inside this field that isn't earthed picks up an electrical charge. When two conducting objects – one that is grounded and one that isn't – touch, the charge can equalise and cause a small shock, known as a microshock. While they are not harmful, they can be disturbing for the person or animal that suffers the shock.

For these reasons, metal-framed and metal-clad buildings which are close to existing overhead lines should be earthed to minimise the risk of microshocks. Anything that isn't earthed, is conductive and sits close to the lines is likely to pick up a charge. Items such as deer fences, metal palisade fencing, chain-link fences and metal gates underneath overhead lines all need to be earthed.

For further information on microshocks please visit **www.emfs.info.**

200m

The minimum distance that should be maintained from National Grid assets when quarry blasting

Specific development guidance

Wind farms

National Grid's policy towards wind farm development is closely connected to the *Electricity Networks Association Engineering Recommendation L44 Separation between Wind Turbines and Overhead Lines, Principles of Good Practice.* The advice is based on national guidelines and global research. It may be adjusted to suit specific local applications.

There are two main criteria in the document:

(i) The turbine shall be far enough away to avoid the possibility of toppling onto the overhead line

(ii) The turbine shall be far enough away to avoid damage to the overhead line from downward wake effects, also known as turbulence

The toppling distance is the minimum horizontal distance between the worst-case pivot point of the wind turbine and the conductors hanging in still air. It is the greater of:

- the tip height of the turbine plus 10%
- or, the tip height of the turbine plus the electrical safety distance that applies to the voltage of the overhead line.

To minimise the downward wake effect on an overhead line, the wind turbine should be three times the rotor distance away from the centre of the overhead line.

Wake effects can prematurely age conductors and fittings, significantly reducing the life of the asset. For that reason, careful consideration should be taken if a wind turbine needs to be sited within the above limits. Agreement from National Grid will be required.

Commercial and housing developments

National Grid has developed a document called *Design guidelines for development near pylons and HVO power lines*, which gives advice to anyone involved in planning or designing large-scale developments that are crossed by, or close to, overhead lines.

The document focuses on existing 275kV and 400kV overhead lines on steel lattice towers, but can equally apply to 132kV and below. The document explains how to design large-scale developments close to high-voltage lines, while respecting clearances and the development's visual and environmental impact.

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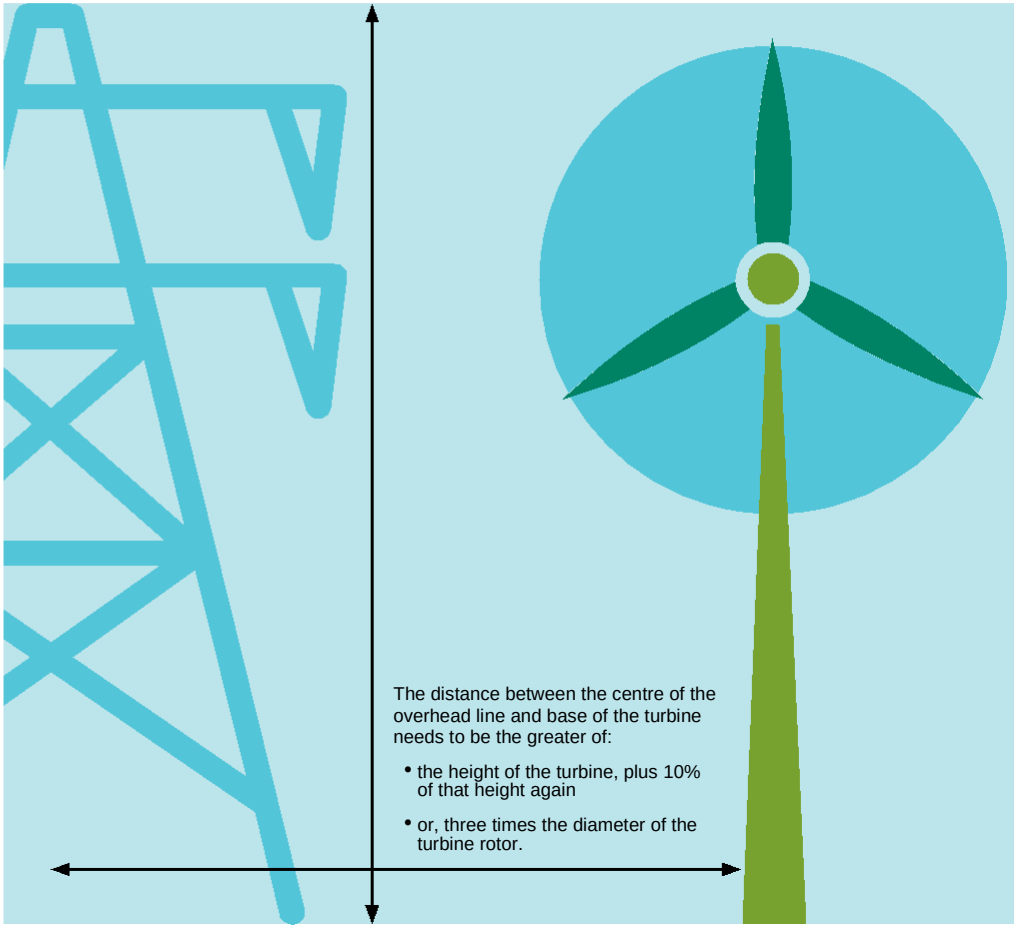
Diagram not to scale



Turbines should be far enough away to avoid the possibility of toppling onto the overhead line

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The advice is intended for developers, designers, landowners, local authorities and communities, but is not limited to those organisations.

Overall, developers should be aware of all the hazards and issues relating to the electrical equipment that we have discussed when designing new housing.

As we explored earlier, National Grid's assets have the potential to create noise. This can be low frequency and tonal, which makes it quite noticeable. It is the responsibility of developers to take this into account during the design stage and find an appropriate solution.

Solar farms

While there is limited research and recommendations available, there are several key factors to consider when designing Solar Farms in the vicinity of Overhead Power Lines.

Developers may be looking to build on arable land close to National Grid's assets. In keeping with the safety clearance limits that we outlined earlier for solar panels directly underneath overhead line conductors, the highest point on the solar panels must be no more than 5.3m from the lowest conductors.

This means that the maximum height of any structure will need to be determined to make sure safety clearance limits aren't breached. This could be as low as 2m. National Grid will supply profile drawings to aid the planning of solar farms and determine the maximum height of panels and equipment.

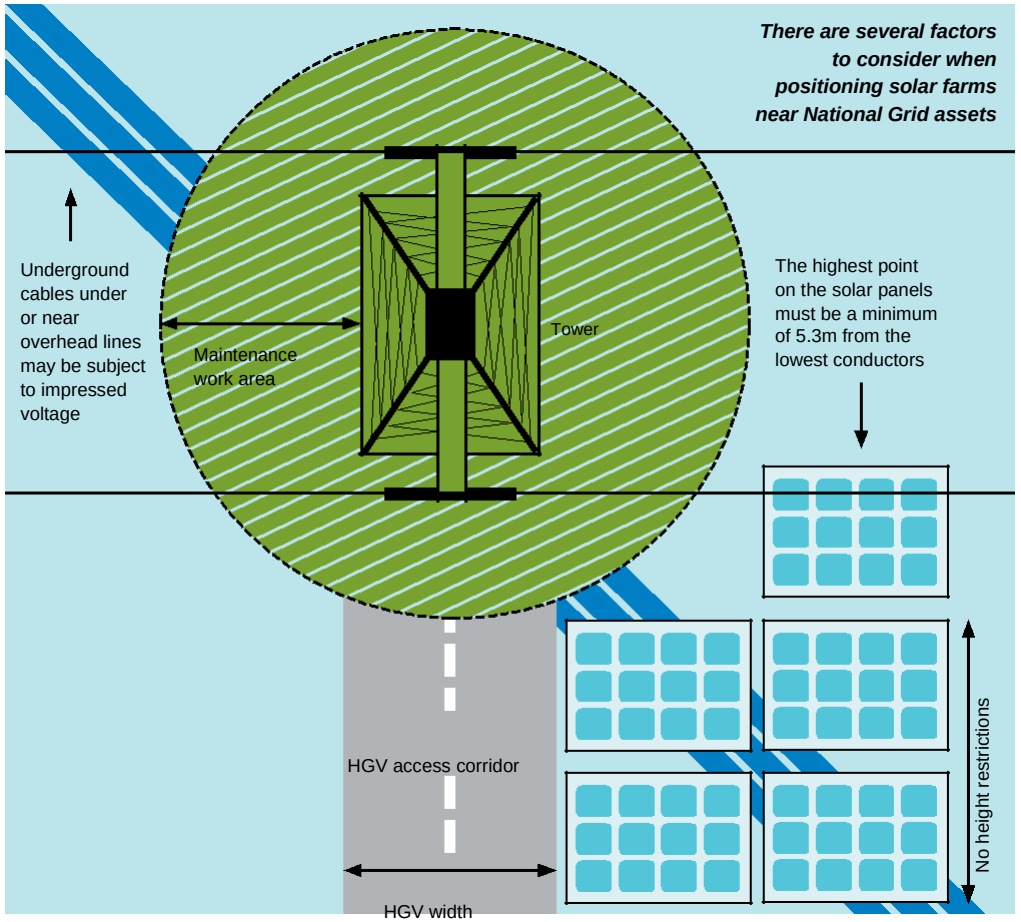
Solar panels that are directly underneath power lines risk being damaged on the rare occasion that a conductor or fitting falls to the ground. A more likely risk is ice falling from conductors or towers in winter and damaging solar panels.

There is also a risk of damage during adverse weather conditions, such as lightning storms, and system faults. As all our towers are earthed, a weather event such as lightning can cause a rise in the earth potential around the base of a tower. Solar panel support structures and supply cables should be adequately earthed and bonded together to minimise the effects of this temporary rise in earth potential.

Any metallic fencing that is located under an overhead line will pick up an electrical charge. For this reason, it will need to be adequately earthed to minimise microshocks to the public.

For normal, routine maintenance and in an emergency National Grid requires unrestricted access to its assets. So if a tower is enclosed in a solar farm compound, we will need full access for our vehicles, including access through any compound gates. During maintenance – and especially re-conductoring – National Grid would need enough space near our towers for winches and cable drums. If enough space is not available, we would require solar panels to be temporarily removed.

Diagram not to scale



Asset protection agreements

In some cases, where there is a risk that development will impact on National Grid's assets, we will insist on an asset protection agreement being put in place. The cost of this will be the responsibility of the developer or third party.

Contact details

Emergency situations

If you spot a potential hazard on or near an overhead electricity line, do not approach it, even at ground level. Keep as far away as possible and follow the six steps below:

- Warn anyone close by to evacuate the area
- Call our 24-hour electricity emergency number: 0800 404 090 (Option 1)[1]
- Give your name and contact phone number
- Explain the nature of the issue or hazard
- Give as much information as possible so we can identify the location – i.e. the name of the town or village, numbers of nearby roads, postcode and (ONLY if it can be observed without putting you or others in danger) the tower number of an adjacent pylon
- Await further contact from a National Grid engineer

[1] It is critically important that you don't use this phone number for any other purpose. If you need to contact National Grid for another reason please use our Contact Centre at www2.nationalgrid.com/contact-us to find the appropriate information or call 0800 0014282.

Routine enquiries

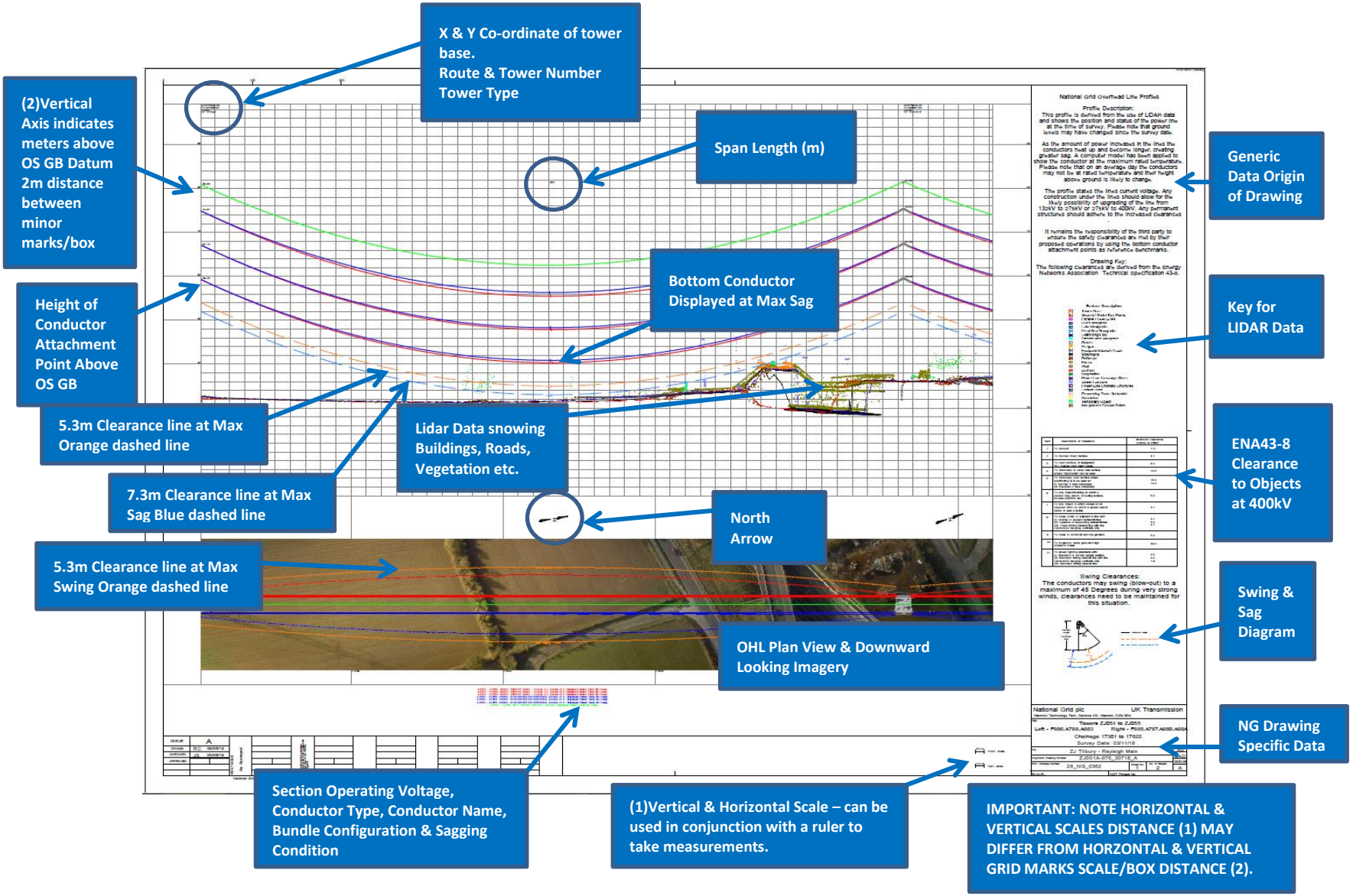
Email:
assetprotection@nationalgrid.com

Call Asset Protection on:
0800 0014282

Opening hours:
Monday to Friday 08:00-16:00

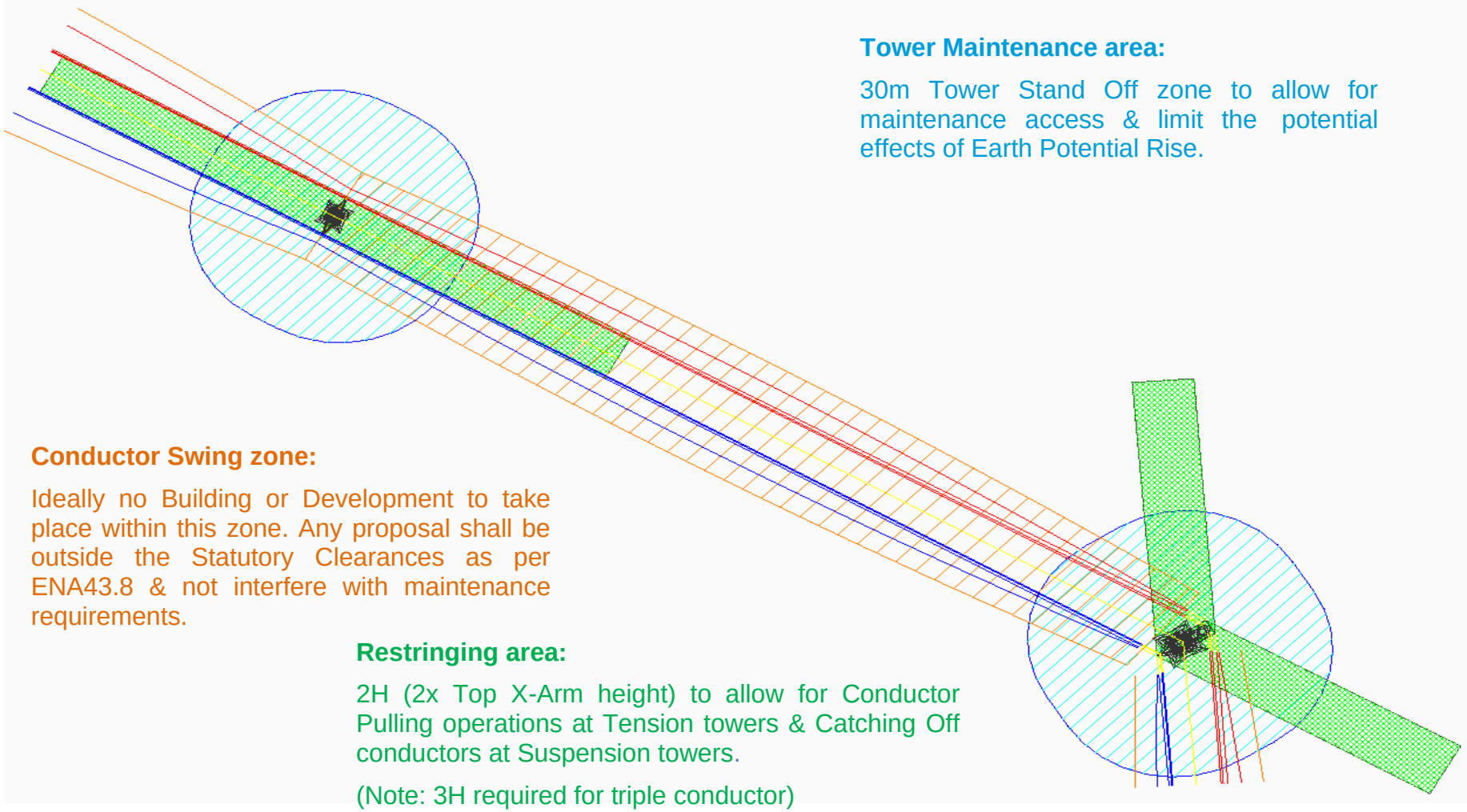
14 APPENDIX A

OHL Profile Drawing Guide



15 APPENDIX B

OHL Tower Stand Off & Reconductoring Area



Tower Maintenance area:

30m Tower Stand Off zone to allow for maintenance access & limit the potential effects of Earth Potential Rise.

Conductor Swing zone:

Ideally no Building or Development to take place within this zone. Any proposal shall be outside the Statutory Clearances as per ENA43.8 & not interfere with maintenance requirements.

Restringing area:

2H (2x Top X-Arm height) to allow for Conductor Pulling operations at Tension towers & Catching Off conductors at Suspension towers.

(Note: 3H required for triple conductor)

Our ref: NH/24/07546
Your ref: BC0410001

The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

Catherine Townend
Spatial Planner
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Tel: [redacted]

09 September 2024

Via email: Emgateway2@planninginspectorate.gov.uk

Dear Sir or Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by SEGRO Properties Limited (the Applicant) for an Order granting Development Consent for the East Midlands Gateway Phase 2 (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for giving National Highways the opportunity to comment on the above-mentioned EIA scoping consultation.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

In responding to sustainable development consultations, we have regard to DfT Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development ('the Circular'). This sets out how interactions with the Strategic Road Network should be considered in the making of plans and development management considerations. In addition to the Circular, the response set out below is also in accordance with the National Planning Policy Framework (NPPF) and other relevant policies.

The SRN in the vicinity of the application site is the M1 motorway, A453 and A42 trunk roads.

Scoping for an Environmental Impact Assessment (EIA)

We understand that the Proposed Development has been classed as a Nationally Significant Infrastructure Project (NSIP), as defined in the Planning Act 2008 (as amended).

To meet the requirements of the EIA Regulations, Applicants are required to submit an Environmental Statement (ES) with an application for an order granting development consent for any NSIP likely to have a significant effect on the environment. An ES will set out the potential impacts and likely significant effects of the Proposed Development on the environment. Schedule 4 of the EIA Regulations sets out the general information for inclusion within an ES.

In light of the above, it is understood that it is the intention of the Applicant to submit an Environmental Statement and has submitted a scoping document to seek agreement on the Environmental Assessments that will inform the ES.

National Highways has reviewed the scoping document and our comments under the specific chapter headings are set out below.

National Highways Comments

Overall, the proposed approach to the Environmental Assessment is comprehensive and follows best practice. In particular, the assessment is proposed to include the environmental impacts of the highway mitigation works, which is welcomed.

There are, however, a number of specific points pertaining to the Strategic Road Network (SRN) that should be addressed in the assessment or clarified. These are summarised below.

Chapter 3 – Site Description

It is welcomed that the report acknowledges the red line boundary for highways is not fixed as the Transport Assessment needs to be finalised and the required mitigations are not yet confirmed. It should be noted that this may extend to additional locations as well as changes at the currently identified locations.

Chapter 4 – Description of Development

Para 4.3 – Although an approach using the “Rochdale Envelope” will be acceptable to National Highways in general, some design aspects, pertaining to the site access arrangements and the scope of mitigation will need to be designed to a sufficient level of detail to provide assurance that the red line boundary is positioned correctly. This is important to minimise the risk that insufficient land is included within the DCO and to ensure that the highway network is not adversely impacted by the development.

Para 4.5, 4th bullet point – The specific location for access to the A453 is of particular importance in respect of its location to Finger Farm Roundabout, as queuing at the proposed roundabout could back up and impact adversely on the operation of the latter which forms part of the SRN managed and operated by National Highways.

Para 4.7, 1st bullet point - National Highways requires that all proposed floor space and land uses are accounted in the proposed traffic modelling. The scoping and assessment of supporting modelling should be agreed with National Highways prior to the undertaking of modelling on the SRN.

Para 4.7, 2nd bullet point - National Highways requires further information with respect to the interaction between the proposed development and the rail freight interchange, supported by appropriate levels of observed data.

Para 4.7, 3rd bullet point – National Highways requires that all the proposed floor space and land uses are accounted in the proposed traffic modelling. The scoping and assessment of this modelling should be agreed with National Highways prior to the undertaken of modelling on the SRN.

Paras 4.10 and 4.11 – National Highways will be unable to agree the scope of mitigation works on the SRN until the completion of, and agreement to, strategic, microsimulation and junction modelling. The Limits of Deviation will need to be sufficiently wide to account for any design risks and uncertainties.

Chapter 5 – EIA Approach and Topic Areas

Para 5.7 – Carbon is particularly important from a highways perspective and if not treated as a distinct area of assessment, must be covered adequately in the section under Climate Change.

Para 5.9 – National Highways notes the Ground Investigation Report Summary provided in Appendix 5 and agrees that it is appropriate for this topic to be omitted from the Environmental Assessment. However, the adjacency of the southeastern corner of the main site to the M1 is noted. Therefore, National Highways will require a full geotechnical survey to be undertaken if this part of the site is to be developed.

Chapter 6 – Landscape and Visual Impacts

The approach to this topic is acceptable to National Highways as long as it considers the visual impacts associated with any highway mitigation on the SRN.

Chapter 7 – Ecology and Biodiversity

National Highways will require 10 per cent Biodiversity Net Gain to be provided on the National Highways Estate in relation to any loss associated with works to the SRN, due to the targets it is required to meet in respect of the Road Investment Strategy.

Chapter 8 – Traffic and Transport

The Traffic and Transport section of the Environmental Statement will be informed by a Transport Assessment which should address the cumulative impacts of the proposed development (as mentioned elsewhere in the scoping report).

We suggest that the Transport Assessment be prepared in accordance with Planning Practice Guidance on Travel Plans, Transport Assessments and Statements (March, 2014).

In addition, given the likely impact on the SRN, the Transport Assessment should be produced in accordance with DfT Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development. As mentioned in the scoping document, National Highway is already engaging directly with the Applicant in respect of the Transport Assessment.

National Highways would also expect to be consulted on the contents of the Construction Environmental Management Plan, given the potential impacts from construction on the SRN.

Chapter 9 – Air Quality

Para 9.11 – The potential change in emissions could be due to *increases* in traffic as a result of the development as well as changes in traffic movement.

Para 9.12 – It is understood that the three distinct elements of the proposed development may have to be considered separately. However, the cumulative impact will also need to be understood.

Para 9.14 – It is noted that improving traffic flow will have a beneficial impact on Air Quality. However, an overall increase in traffic arising from the proposed development may offset this to some degree.

Chapter 14 – Climate Change

National Highways would emphasise the importance of carbon in respect of the SRN impacts and mitigation. Any assessment of works to the SRN must consider National Highways' Decarbonisation Strategy and Environmental Sustainability Strategy.

In addition, the impacts of climate change on the highways drainage system in respect of mitigation work will need to be considered. Circular 01/2022 contains directions on the provision of suitable drainage on the SRN in respect of third-party developments. The project may also place constraints on the construction of new attenuation features in the future. DMRB (document CG501) outlines National Highways' approach to climate change and LA113 refers the reader to the Environment Agency's latest allowances.

However, the standards do not provide for the potential future surface outfall requirements in the context of climate change resilience. Therefore, the Applicant should consider designing new infrastructure or developments adjacent to the SRN to avoid constraining the construction of new above - or below-ground surface water attenuation features (for example, balancing ponds, underground tanks etc) or to provide maintenance access to these features in the future.

We have no further comments to make on the EIA scoping at this time and hope the above is useful.

Yours sincerely,

[redacted]

Catherine Townend
Midlands Operations Directorate
Email: [redacted]@nationalhighways.co.uk

[redacted]

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: 19 August 2024 13:16
To: East Midlands Gateway Phase 2
Cc: NATS Safeguarding
Subject: RE: East Midlands Gateway Phase 2 - EIA Scoping Notification and Consultation

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains the LPA's responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully

NATS

NATS Safeguarding

D: 01489 444687
E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk

NATS Internal

From: East Midlands Gateway Phase 2 <emgateway2@planninginspectorate.gov.uk>
Sent: Thursday, August 15, 2024 11:18 AM
Subject: East Midlands Gateway Phase 2 - EIA Scoping Notification and Consultation

Dear Sir/Madam,

Please see attached correspondence on the proposed East Midlands Gateway Phase 2.

Please note the deadline for consultation responses is 12 September 2024 which is a statutory requirement that cannot be extended.

Many thanks,

Date: 12 September 2024
Our ref: 486173
Your ref: BC0410001

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 900

The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN
emgateway2@planninginspectorate.gov.uk

BY EMAIL ONLY

Dear Sir / Madam

Environmental Impact Assessment Scoping Consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Proposal: Extension of Freeport, the second phase of East Midlands Gateway, for further commercial/business development
Location: Land South of East Midlands Airport, Derby

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 15 August 2024, received on 15 August 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order (DCO). Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Natural England has previously provided comment on Phase 1 of the East Midlands Gateway project. No additional pre-application consultation has been undertaken with Natural England with regards Phase 2 (the proposed development).

For any further advice on this consultation please contact the case officer [redacted]@naturalengland.org.uk and copy to consultations@naturalengland.org.uk.

Yours faithfully

Rachel Navin
Sustainable Development Senior Officer
East Midlands Area Team

Annex A – Natural England's Advice on EIA Scoping

1. General principles

Regulation 11 of the Infrastructure Planning Regulations 2017 (the EIA Regulations) sets out the information that should be included in an ES to assess impacts on the natural environment. We would expect the following principles to be applied in this case including:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided[1].
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- An outline of the structure of the proposed ES

2. Cumulative and in-combination effects

The ES should include a thorough assessment of potential cumulative and 'in combination' effects of the whole scheme, including all supporting infrastructure, with other proposals. These should include:

a. existing completed projects
b. approved but uncompleted projects
c. ongoing activities
d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

[1] National Infrastructure Planning Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements (see Insert 2 – information to be provided with a scoping request)

Table 1 sets out the plans or projects that Natural England are aware of that might need to be considered in the ES. This is not necessarily an exhaustive list and a further search should be undertaken to identify any additional relevant schemes.

Table 1: Plans or projects that Natural England are aware of that might need to be considered in the ES	
Project /Plan	**Status**
Oaklands Farm	Plans and projects which are reasonably foreseeable
Isley Woodhouse site allocation (North-West Leicestershire emerging Local Plan)	Plans and projects which are reasonably foreseeable
Land South of A453 Ashby Road	Plans or projects for which an application has been made and which are under consideration by the consenting authorities

3. Environmental data

National datasets held by Natural England are available at: http://www.naturalengland.org.uk/publications/data/default.aspx.

Detailed information on the natural environment is available at www.magic.gov.uk. Further detailed information on Sites of Special Scientific Interest (SSSIs) are publicly available at https://designatedsites.naturalengland.org.uk/SiteSearch.aspx.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal and SSSI Impact Risk Zones (England) - data.gov.uk.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies.

4. Designated nature conservation sites

The ES should thoroughly assess the potential for the proposal to directly or indirectly affect nationally and internationally designated sites of nature conservation importance, including marine sites where relevant. This should be in accordance with the 'avoid, mitigate, compensate' hierarchy requirements as set out in the National Planning Policy Framework (NPPF) (paragraph 186) and the Overarching National Policy Statement for Energy (EN-1) (Section 5.4.42). If impacts cannot be avoided, the options with the least impact should be fully explored.

Further information on designated sites within the National Sites Network is provided below.

4.1. International and European sites

The closest international and European site to the proposed development is the River Mease Special Area of Conservation (SAC), located approximately 13.5km from the site at its closest point. The proposed site does not lie within the catchment area of the River Mease.

It is considered that the proposed development is unlikely to adversely impact any European or internationally designated nature conservation sites, and the project has not triggered an Impact Risk Zone for international or European sites. Nonetheless, the applicant should undertake a Habitats Regulations Assessment (HRA) screening which should be provided to the competent authority to explain why impacts to European designated sites can be ruled out.

4.2. Nationally designated sites – Sites of Special Scientific Interest

Sites of Special Scientific Interest (SSSIs) are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at www.magic.gov.uk.

The development site may impact on the following **Sites of Special Scientific Interest** (refer to Table 2 for more information)**:**

- Lockington Marshes SSSI
- Attenborough Gravel Pits SSSI

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

The ES should include a full assessment of the direct and indirect effects of the development on the notified features of special interest within the SSSIs and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and amphibians. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

The assessment should include consideration of the potential risks and impact pathways raised in Table 2.

The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSIs and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

Table 2: Potential risks to nationally designated sites: the development is within or may impact on the following sites		
Site name with link to citation	**Features which the ES will need to consider**	**Potential impact pathways where further information/assessment is required**
Lockington Marshes SSSI	Invertebrate assemblage. Lowland fens, including basin, flood-plain, open water transition and valley fens.	Potential water or liquid waste discharged to ground or to surface water. Due to the presence of a hydrological connection between the proposed development and the designated sites, any potential pollutants from the site should be considered in the ES, during both

Table 2: Potential risks to nationally designated sites: the development is within or may impact on the following sites		
Site name with link to citation	**Features which the ES will need to consider**	**Potential impact pathways where further information/assessment is required**
	Lowland mixed deciduous woodland.	construction and operation. The implementation of a CEMP (to control runoff & pollutants during construction), and SuDS (which aim to treat water before it discharges to the wider environment and provide meaningful biodiversity enhancements during operation) are likely to be required. NE note para 9.11 of the EIA Scoping report which states that impacts from both traffic & rail freight emissions during operation will be considered. Possible air quality impacts to SSSI habitats caused by an increase in road & rail traffic during operation **& construction** should be considered. Any increase above 1,000 Annual Average Daily Traffic (AADT) for cars and 200 AADT for heavy goods vehicles on the affected road network within 200m of Lockington Marshes SSSI will need to be screened for detailed air quality assessment.
Attenborough Gravel Pits SSSI	Lowland neutral grassland Wet woodland	Potential water or liquid waste discharged to ground or to surface water. Due to the presence of a hydrological connection between the proposed development and the designated sites, any potential pollutants from the site should be considered in the ES, during both construction and operation. The implementation of a CEMP (to control runoff & pollutants during construction), and SuDS (which aim to treat water before it discharges to the wider environment and provide meaningful biodiversity enhancements during operation) are likely to be required. NE note para 9.11 of the EIA Scoping report which states that impacts from both traffic & rail freight emissions during operation will be considered. Possible air quality impacts to SSSI habitats caused by an increase in road & rail traffic during operation **& construction** should be considered. Any increase above 1,000

Table 2: Potential risks to nationally designated sites: the development is within or may impact on the following sites		
Site name with link to citation	**Features which the ES will need to consider**	**Potential impact pathways where further information/assessment is required**
		Annual Average Daily Traffic (AADT) for cars and 200 AADT for heavy goods vehicles on the affected road network within 200m of Attenborough Gravel Pits SSSI will need to be screened for detailed air quality assessment.

4.3. Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local sites are identified by the local Wildlife Trust, geo-conservation group or other local group. The ES should set out proposals for mitigation of any impacts and if appropriate, remediation measures and opportunities for enhancement and improving connectivity with wider ecological networks. They may also provide opportunities for delivering beneficial environmental outcomes.

5. Protected species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

The Applicant should check to see if a mitigation licence is required using Natural England guidance on licensing Natural England wildlife licences. The Applicant should then make use of Natural England's charged Pre Submission Screening Service for a review of any necessary draft wildlife licence application. Natural England will then review a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the

future should the DCO be issued. This is done to give the Planning Inspectorate confidence to make a recommendation to the relevant Secretary of State in granting a DCO. See Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning for details of the LONI process.

Natural England has received a request for advice regarding protected species, in particular bats, badgers and great crested newt (GCN). The Natural England Wildlife and Licensing Service (NEWLS) is able to engage with the Applicant regarding these licensing matters through the above-described Pre-Submission Screening Service.

5.1. District Level Licensing for great crested newts

Natural England are aware that Segro Properties Ltd is applying to use the District Level Licensing (DLL) scheme for great crested newts (GCN).

Where strategic approaches such as DLL for GCN are used, a Letter of No Impediment (LONI) will not be required. Instead, the developer will need to provide evidence to the Examining Authority (ExA) on how and where this approach has been used in relation to the proposal, which must include a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from Natural England, or a similar approval from an alternative DLL provider.

The DLL approach is underpinned by a strategic area assessment which includes the identification of risk zones, strategic opportunity area maps and a mechanism to ensure adequate compensation is provided regardless of the level of impact. In addition, Natural England (or an alternative DLL provider) will undertake an impact assessment, the outcome of which will be documented in the IACPC (or equivalent).

If no GCN surveys have been undertaken, Natural England's risk zone modelling may be relied upon. During the impact assessment, Natural England will inform the applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN.
The IACPC will also provide additional detail including information on the Proposed Development's impact on GCN and the appropriate compensation required.

By demonstrating that the DLL scheme for GCN will be used, consideration of GCN in the ES can be restricted to cross-referring to the Natural England (or alternative provider) IACPC as a justification as to why significant effects on GCN populations as a result of the Proposed Development would be avoided.

6. Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The ES should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

7. Ancient Woodland, ancient and veteran trees

It is noted that the proposed development comprises highway works within 200m of an area of ancient woodland, March covert. Due to the proximity of the ancient woodland and the nature of the proposed development, there is the potential for air quality impacts to occur.

The ES should assess the impacts of the proposal on any ancient woodland and ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Ancient woodland is an irreplaceable habitat of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 186 of the National Planning Policy Framework (NPPF) sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists. The National Policy Statements reiterate this at NPS EN-1 paragraphs 5.4.32 & 5.4.53, and NNNPS paragraphs 5.62 & 5.63.

Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. The wood pasture and parkland inventory sets out information on wood pasture and parkland. The ancient tree inventory provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared standing advice on ancient woodland, ancient and veteran trees.

8. Biodiversity net gain

The Environment Act 2021 includes NSIPs in the requirement for BNG, with the biodiversity gain objective for NSIPs defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. It is the intention that BNG should apply to all terrestrial NSIPs accepted for examination from November 2025. This includes the intertidal zone but excludes the subtidal zone (an approach to marine net gain is being developed but this will not form part of mandatory BNG). Some organisations have made public BNG commitments, and some projects are already delivering BNG on a voluntary basis.

Natural England welcomes the commitment to delivering BNG on this project, including the intention to deliver as much as possible on-site. We recommend that the 10% BNG target increase in BNG across all biodiversity unit types is secured by a suitably worded

requirement in the DCO. Biodiversity gains should ideally be secured for a minimum of 30 years and be subject to adaptive management and monitoring.

Early engagement with Natural England on BNG proposals may help maximise outcomes and reduce risks. The biodiversity baseline should include all land contained within the site's red line boundary and proposals can be iteratively refined over time and throughout detailed design. We encourage developers to:

- develop their BNG proposals in adherence with well-established BNG principles
- use the latest version of the Defra biodiversity metric, adhering to the metric guidance.

9. Landscape

The proposed development is not located within, or close to, a nationally designated landscape (National Park or National Landscape). As a result, Natural England have no specific advice in this regard. Our general advice is set out below:

The environmental assessment should refer to the relevant National Character Areas. Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA) in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in Guidelines for Landscape and Visual Impact Assessment 2013 (3rd edition) produced by LI and IEMA. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the National Design Guide and National Model Design Code. The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

The National Infrastructure Commission has also produced Design Principles for National Infrastructure - NIC endorsed by Government in the National Infrastructure Strategy.

10. Connecting people with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 104 and NNNPS paragraphs 5.193 & 5.198. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

The proposed allocation of Isley Woodhouse in the emerging North West Leicestershire Local Plan will greatly increase the number of residents in proximity to the proposal; as such, there is a clear opportunity to consider the implementation of measures to help people to better access the countryside in this area for quiet enjoyment and to connect with nature. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Natural England's Green Infrastructure Framework may be a useful resource to ensure the opportunities to connect people with nature are taken advantage of: Green Infrastructure Home (naturalengland.org.uk).

Soils and agricultural land quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered. Further guidance is set out in the Natural England Guide to assessing development proposals on agricultural land.

The following issues should be considered and, where appropriate, included as part of the ES:

- The degree to which soils would be disturbed or damaged as part of the development.
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any BMV agricultural land would be impacted.

The EIA Scoping Report states that a soil resources and agricultural land quality survey of the main site was undertaken by LRA in December 2022 and identified 35.2 ha of BMV agricultural land (Grade 1, 2 and 3a). It is noted in the EIA Scoping Report that neither the EMG1 SRFI expansion land, nor the potential improvements to the wider highway network, will have any additional impact on agricultural land. Natural England would welcome the opportunity to review the Agricultural Land Classification (ALC) survey. Additional existing ALC information is available at www.magic.gov.uk.

Further commentary regarding ALC and soils is provided below:

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare (or more detailed for a small site), supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable

soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).

- Natural England advise that soil sampling could also include SOM, pH, and macronutrients can inform appropriate soil re-use as set out in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. This may be particularly important to firstly identify areas of the Site most appropriate for habitat enhancement. Secondly, this testing will also be important for areas identified for habitat enhancement to inform the most suitable habitats, including the most appropriate seed mix etc.
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

The EIA Scoping Report identifies permanent loss of BMV as a potential impact; Natural England agrees with this statement. In terms of avoidance and mitigation, the commitment to developing a Soil Management Plan in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites is welcomed. However, Natural England would dispute the statement that 'There is no mitigation possible to offset or minimise the loss of agricultural land for built development'. Options for avoidance and mitigation could include altering the redline boundary to avoid BMV land, and/or re-use of soils on site. Specific justification should be provided if this is not deemed possible.

Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

Climate change

As the government's adviser on the natural environment, climate change is central to Natural England's work. Climate change is a profound threat to nature and people. The natural environment is experiencing the impacts of climate change and needs to recover, adapt to change and build resilience. Sustainable development can and should contribute to net zero through supporting nature recovery and climate change mitigation and adaptation, helping both nature and people adapt, through Nature-based Solutions.

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based Solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the

UKCP18 climate projections.

The Natural England and RSPB Climate Change Adaptation Manual (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed Nature-based Solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's Nature Networks Evidence Handbook (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's Carbon Storage and Sequestration by Habitat report (2021) and the British Ecological Society's Nature-based Solutions report (2021) provide further information.

In line with the NPPF, new development should be planned for in ways that: (a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and (b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design (paragraph 159).

North Warwickshire Borough Council

Jeff Brown BA Dip TP MRTPI
Head of Development Control Service
The Council House
South Street
Atherstone
Warwickshire
CV9 1DE

Switchboard : (01827) 715341
Fax : (01827) 719225
E Mail :
Website : www.northwarks.gov.uk
This matter is being dealt with by :
Direct Dial : (01827)
Your ref : BC040001
Our ref : PRE/2024/0112

Date : 20th August 2024

Claire Deery
The Planning Inspectorate

Dear Claire

Environmental Impact Assessment Regulations 2017
Scoping Opinion
Proposed East Midlands Gateway Phase 2

I refer to your letter of 15 August.

The Borough Council has no comments to make at this stage.

Yours faithfully

[redacted]

Jeff Brown
Head of Development Control

[redacted]

From: ADAM MELLOR [redacted]@NWLeicestershire.gov.uk>
Sent: 11 September 2024 11:52
To: East Midlands Gateway Phase 2
Subject: RE: Ref: BC0410001 - Application by SEGRO Properties Limited (the Applicant) for an Order granting Development Consent for the East Midlands Gateway Phase 2 (the Proposed Development)
Attachments: NWLDC_ENVIRONMENTAL_PROTECTION-1066323.pdf; NWLDC_EIA_SCOPING_OPINION_DECISION-909116.pdf; NWLDC Conservation Officer.pdf

Afternoon Claire,
I thank you for your email.

The following attached documents should be considered as the Council's response to the consultation.

I trust that this information is of assistance to you.

Yours faithfully

Adam Mellor
Principal Planning Officer (Major Projects) | Planning and Development

[redacted] [redacted]@nwleicestershire.gov.uk | www.nwleics.gov.uk
Twitter @NWLeics | Facebook This Is NWLeics

I work for an agile organisation and often work outside of traditional office hours. I don't expect an immediate response to my email – please reply at a convenient time for you.

North West Leicestershire District Council

Planning and infrastructure

Planning and development

[redacted]@nwleicestershire.gov.uk

Reference number: AM/12/22/EIA/0938

Date: 2nd December 2022

Sent by email only to: [redacted]@deltaplanning.co.uk

Mr Stefan Stojsavljevic of Delta Planning
Cornwall Buildings
45 Newhall Street
Birmingham
B3 3QR

Dear Mr Stojsavljevic,

REFERENCE 22/00938/EAS
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017.
SCOPING OPINION IN RESPECT OF THE DEVELOPMENT OF A LOGISTICS/INDUSTRIAL PARK (USE CLASS B2 AND B8) WITH ANCILLARY OFFICES AND ASSOCIATED PARKING, HIGHWAY INFRASTRUCTURE AND LANDSCAPING AT EAST MIDLANDS GATEWAY PHASE 2 (EMG2), LAND SOUTH OF EAST MIDLANDS AIRPORT, DISEWORTH.

I refer to your Scoping Opinion request dated 31st May 2022 (ref: SEG2) regarding the above site. I apologise for the significant delay in this response.

This Scoping Opinion has taken into consideration the consultee responses received which are available to view on the District Council's website here, but will also be directed to you separately. Should I subsequently receive any further comments from consultees, I shall endeavour to forward you copies, with specific reference to:

- Any issues which may alter this Scoping Opinion; and
- Issues which must be addressed in any background documents / technical reports etc. informing the content of the Environmental Statement itself.

Environmental Statement Scope

Overall Scope of Environmental Statement

This Authority considers that the Environmental Statement accompanying any such application should include those matters and methodology as set out in the Scoping Opinion Request report accompanying your submission (and as amended below).

Detailed Matters to be Addressed within Specific Environmental Statement Chapters

In terms of specific matters raised in respect of the intended scope of the Environmental Statement (and including those set out in individual consultee responses to the scoping request), this Authority considers as follows:

- The Landscape and Visual Impact chapter of the Environmental Statement (and / or the background reports informing that chapter, as appropriate) should have regard to the locations identified in the photos provided by the North West Leicestershire District Council's Conservation Officer which were directed to you via email on the 25th November 2022.
- The Ecology and Biodiversity chapter of the Environmental Statement (and / or the background reports informing that chapter, as appropriate) should have regard to those matters raised in the responses of Natural England (of the 16th June 2022) and the Leicestershire County Council Ecologist (of the 17th June 2022).
- The Traffic and Transportation chapter of the Environmental Statement (and / or the background reports informing that chapter, as appropriate) should include consideration of the site's suitability for accessibility by non-road means (and including by rail), as well as having regard to those matters raised in the response of Leicestershire County Council in its capacity as Local Highway Authority (of the 28th July 2022) and East Midlands Airport Safeguarding (of the 28th June 2022).
- The Air Quality chapter of the Environmental Statement (and / or the background reports informing the chapter, as appropriate) should also include consideration of the suitability of the site for the development proposed, having regard to air quality impacts of nearby uses (including operations at East Midlands Airport, the East Midlands Gateway and Junction 23a Services).
- The Flood Risk and Drainage chapter of the Environmental Statement (and / or the background reports informing that chapter, as appropriate) should have regard to those matters raised in the response of the Leicestershire County Council in its capacity as the Lead Local Flood Authority (of the 22nd June 2022). Regard should also be given to the impacts on water resources (i.e. the quality of surface water runoff from the site and potential for pollution incidents).
- The Heritage chapter of the Environmental Statement (and / or the background reports informing that chapter, as appropriate) should have regard to those matters raised in the responses of the North West Leicestershire District Council Conservation Officer (of the 17th June 2022), the Leicestershire County Council Archaeologist (dated 28th June 2022) and Historic England (of the 29th June 2022).

In terms of the Noise and Vibration chapter of the Environmental Statement (and / or the background reports informing that chapter, as appropriate) the North West Leicestershire District Council Environmental Protection Team have confirmed that the contents of the Scoping Opinion Request report, including the information at appendix 3 (Noise Monitoring and Key Noise Sensitive Receptor Locations Plans), is acceptable.

<u>Cumulative Impacts and Alternatives</u>

The contents of section 5 (Consideration of Cumulative Impacts and Alternatives) of the submitted Scoping Opinion Request report are noted, in this respect it is outlined that the cumulative impacts of the development with the East Midlands Gateway and the Freeport designation within East Midlands Airport will be considered but the Freeport designations at Uniper's Ratcliffe on Soar site and the East Midlands Intermodal Park will not be considered given the distances involved.

Whilst, to some extent, the separation would likely not lead to cumulative impacts in respect of certain chapters of the Environmental Statement, it is certainly the case that there would be interactions in relation to the Traffic and Transportation chapter of the Environmental Statement (as is identified in the consultation response from Leicestershire County Council in its capacity as the Local Highways Authority). Consequently it is considered that the cumulative impacts with the Freeport designations at Uniper's Ratcliffe on Soar site and the East Midlands Intermodal Park should be considered.

The committed developments at Land at Sawley Crossroads (District Council references 15/00015/FULM and 17/00366/VCIM), Site of Former Sawley Crossroads Service Station (District Council reference: 18/01115/FUL), Land at East Midlands Point (Junction 23A) (District Council reference 18/02227/FULM) and Land North and South of Park Lane, Castle Donington (District

Council references 09/01226/OUTM and 16/00465/VCUM) should also be considered in respect of the cumulative impacts.

The point in paragraph 5.7 that alternative sites will be considered, based on sub-regional employment land studies, is noted.

Other (Non-EIA) Matters to be Addressed

Insofar as matters falling outside of the scope of the Environmental Statement are concerned (i.e. matters to be addressed by way of separate technical reports submitted in support of the planning application), the Local Planning Authority would comment as follows:

- Assessments should be provided in respect of those matters raised in the response of East Midlands Airport Safeguarding (of the 28th June 2022), which are not directly attributable to the Environmental Statement (i.e. a Bird Hazard Management Plan).
- An assessment should be provided in respect of the quality of the agricultural land within the site. If such a report demonstrates the significant loss of 'Best and Most Versatile' agricultural land, i.e. more than 20 hectares, than I would be of the opinion that the impact to 'Land Use and Soils' should be scoped into the Environmental Statement.
- An assessment should be provided in respect of the impact on any mineral resource beneath or adjacent to the site as is outlined in the response from Leicestershire County Council in its capacity as Mineral and Waste Planning Authority (of the 28th June 2022).

Your attention is also drawn to other comments made by consultees and third parties, in particular, those provided by South Derbyshire District Council (of the 27th June 2022), WINGS Community Group (of the 28th June 2022), Michael Goy (of the 6th July 2022), Rushcliffe Borough Council (of the 14th July 2022), Long Whatton and Diseworth Parish Council (of the 8th July 2022), Castle Donington Parish Council (of the 1st July 2022) and Kegworth Parish Council (of the 5th July 2022).

If you have any questions or queries about this letter, please contact **Adam Mellor** on telephone number [redacted], or by e-mailing on [redacted]@nwleicestershire.gov.uk.

Yours sincerely

[redacted]

Chris Elston
Head of Planning and Infrastructure

AM2021

NORTH WEST LEICESTERSHIRE PLANNING AUTHORITY
REPLY FROM RESPONSIBLE AUTHORITY

Responsible Authority: Environmental Protection

Your Name	Anisa Badani
Job Title	Environmental Health Officer
Postal Address	[redacted]
Consultation Reference	24/05077/EPPLAN
Consultation Type	Planning Consultation
Email Address	[redacted]@NWLeicestershire.gov.uk
Contact telephone number	[redacted]
Name and Address of the premises you are making a representation about	Street Record Ashby Road Castle Donington
Proposal	Proposal: Scoping request for East Midlands Gateway Phase 2 (Extension of Freeport, the second phase of East Midlands Gateway, for further commercial/business development) (NSIP) Location: Land South Of A453 East Midlands Airport Ashby Road Castle Donington APPLICATION REFERENCE 24/01057/NAC

Environmental Observations,

The Environmental Protection Team request noise and vibration assessments, lighting details and lighting surveys for all businesses as necessary. It is also requested that details of mitigation measures to control environmental impacts during construction work, for example dust, are submitted.

Signed: [redacted] Date: 05.09.2024

From: JAMES WHITE
Sent: 10 September 2024 15:30
To: DEVELOPMENT CONTROL
Cc: ADAM MELLOR [redacted]@NWLeicestershire.gov.uk>
Subject: 24/01057/NAC Land south of A453

Hi Adam,

Thank you for consulting me about the above request for a scoping opinion. The request relates to a proposed "commercial/business" development ("Phase 2 East Midlands Gateway").

The application site has been subject to a request for pre-application advice (22/00934/PAAM) and a request for a scoping opinion (22/00938/EAS). The smaller 'MAG' site has been subject to a request for pre-application advice (23/01206/PAAM), a request for a scoping opinion (24/00072/EAS) and an outline application for planning permission (24/00727/OUTM).

Appendix 7 is a 'landscape and visual appraisal' (LVA). It refers to "a series of photo viewpoints". The LVA says that the viewpoints have been selected following "consideration of the availability of views towards the site". The LVA is not supported by a zone of theoretical visibility (ZTV) map, although the applicant did submit a ZTV map in support of 22/00934/PAAM.

Based on previous correspondence I would expect the following "photo viewpoints":

1. Breedon parish church – from the beacon at NGR 440615 323300
2. Belton parish church – from the churchyard at NGR 444755 320830
3. Diseworth parish church – from the churchyard at NGR 445385 324550
4. Long Whatton moated site – from south of the moat at about NGR 44785 32365
5. Long Whatton conservation area – from NGR 447270 323730

Around the Diseworth conservation area I would expect the following "photo viewpoints":

6. On footpath L47 at about NGR 44562 32469 ("the highest point on the footpath")
7. On footpath L89B at about NGR 44447 32430
8. On Hyams Lane at about NGR 44553 32475
9. On Long Holden at about NGR 44575 32445 ("125m from the conservation area")

The metadata for each "photo viewpoint" does not include a national grid reference. Based on the limited information available I would offer the following observations:

- The applicant's viewpoint A is about 200m further to the south-west than my viewpoint 6; it underestimates the effect of development upon views from the footpath.
- The applicant's viewpoint I is about 200m further south-west than my viewpoint 7; it underestimates the effect of development upon views from the footpath.
- The applicant has not identified viewpoints at Diseworth parish church (3) or at the (scheduled) moated site at Long Whatton (4). They should do so.

The applicant's viewpoints C, E, N, V and W correspond to my viewpoints 8, 9, 5, 1 and 2.

The LVA proposes "earthworks and mounding" as part of a "landscape and mitigation strategy". I said that substantial landscape bunds would be harmful because they "would not reflect local landscape character"; hence they would not be an appropriate form of mitigation.

James White
Senior Conservation Officer
Planning & Development

[redacted]

From: ESTATES (NHS NOTTINGHAM AND NOTTINGHAMSHIRE ICB - 52R) <nnicb-nn.estates@nhs.net>
Sent: 20 August 2024 14:07
To: East Midlands Gateway Phase 2
Subject: FW: East Midlands Gateway Phase 2 - EIA Scoping Notification and Consultation
Attachments: BC0410001-Statuatory Consultation Letter.pdf

Categories: EST

> You don't often get email from nnicb-nn.estates@nhs.net. Learn why this is important

Hello

this consultation relates solely to the ES scoping process
Dear Sirs,

Please note that as this proposed development is at the scoping stage and this consultation relates solely to the ES scoping process, the ICB can confirm that we do not have any comments to make on information to be provided in the ES,

Kind regards
Sue

My working days are Mon-Wed
Telephone: I am currently working from home – please email me with your query and I will respond as soon as possible
nnicb-nn.estates@nhs.net

Head office: Sir John Robinson House, Sir John Robinson Way, Arnold, Nottingham, NG5 6DA

From: CUTHBERT, Julie (NHS NOTTINGHAM AND NOTTINGHAMSHIRE ICB - 52R) <[redacted]@nhs.net>
Sent: Thursday, August 15, 2024 11:26 AM
To: ESTATES (NHS NOTTINGHAM AND NOTTINGHAMSHIRE ICB - 52R) <nnicb-nn.estates@nhs.net>
Cc: COMMS (NHS NOTTINGHAM AND NOTTINGHAMSHIRE ICB - 52R) <nnicb-nn.comms@nhs.net>
Subject: FW: East Midlands Gateway Phase 2 - EIA Scoping Notification and Consultation

FYI

TOWN AND COUNTRY PLANNING ACT
HIGHWAY REPORT ON PROPOSALS FOR DEVELOPMENT

Date received 14/08/2024

The Planning Inspectorate
PROPOSAL: Environmental Impact Assessment scoping consultation
LOCATION: East Midlands Gateway Phase 2, Land South of East Midlands Airport, Derby
APPLICANT: SEGRO Properties Ltd

An Environmental Impact Assessment (EIA) Scoping Report has been submitted. Chapter 8 covers Traffic and Transport.

Traffic and Transport

According to paragraph 8.2 of the EIA Scoping Report, a full Transport Assessment (TA) will be produced to look at the access arrangements and demonstrate that the development complies with relevant standards and can be satisfactorily accommodated within the local and strategic highway network.

The scope of the TA is currently being agreed between BWB and a wider Transport Working Group (TWG) which has been set up to consider the transport implications of developments coming forward in the area. The TWG consists of the representatives from the key statutory highway authorities, Leicestershire County Council and National Highways, and the neighbouring authorities including Derbyshire County Council, Nottinghamshire County Council, Leicester City Council, Nottingham City Council and Derby City Council. Nottinghamshire County Council considers that this approach is appropriate.

The TA will include strategic and detailed transport modelling work to understand the impacts of the development on the surrounding highway network. Highway mitigation will be required and potential options for highway improvements to the wider network are being developed which will be subject to modelling and assessment, safety audits and agreement with highways authorities. This scope of the modelling work is currently being finalised through dialogue between the developer and the TWG.

Construction Traffic

Paragraph 8.18 of the EIA Scoping Report states that a Construction Environmental Management Plan (CEMP) will be prepared and set out measures to minimise construction traffic impact such as construction traffic routing and hours of operation. A Framework CEMP will be submitted with the DCO application. Nottinghamshire County Council will assess this document to see what impact construction traffic associated with the development is likely to have on Nottinghamshire's Local Road Network.

Sustainable Travel

A Sustainable Transport Strategy and Framework Travel Plan will be submitted with the DCO application. The strategy follows on from the existing EMG1 development, which has achieved a significant modal shift away from private car travel. Key elements of the strategy are:

- Integration of the EMG2 site and its occupiers into the EMG1 Sustainable Transport Working Group;
- Inclusion of a new bus interchange at the entrance to the main site to be served by existing high-frequency bus services;
- An electric shuttle bus connecting the bus interchange with stops along the main estate road to make it quick and easy to reach the employment units;
- Implementation of other Travel Plan measures including an expansion of the existing EMG1 car share platform;
- Improvements to existing pedestrian/cycle routes and provision of safe and convenient pedestrian/cycle routes as part of the development.

Discussions on the above are currently taking place between the developer and the TWG.

Conclusions

Nottinghamshire County Council is satisfied with the approach of the development in terms of how the Highway and Transport implications are going to be assessed. We will not know what may be required in terms of mitigation until the traffic modelling and assessments of impacts have taken place.

DS
Principal Development Control Officer
Nottinghamshire County Council

[redacted]

From: William Lawrence [redacted]@nottscc.gov.uk>
Sent: 05 September 2024 17:18
To: East Midlands Gateway Phase 2
Cc: Stephen Pointer; Nina Wilson; Jan Witko
Subject: East Midlands Gateway Phase 2 - Scoping Consultation

You don't often get email from [redacted]@nottscc.gov.uk. Learn why this is important

Dear PINS,

Thank you for your letter dated 15th August 2024 inviting the County Council to comment on the Environmental Scoping Report in relation to the East Midlands Gateway Phase 2. As a neighbouring local authority, Nottinghamshire County Council does not have any comments to make at this stage and is satisfied to defer to the host local authority with regards to the scope and level of detail to be provided in the Environmental Statement. The County Council reserves its right to comment on the content of the Environmental Statement, in particular with respect to highway and transport matters, should this be submitted to the planning inspectorate in future.

Kind regards,

Will Lawrence MRTPI
Planning and Infrastructure Manager | Planning Policy
Place Department | Nottinghamshire County Council
County Hall | Loughborough Road | West Bridgford | NG2 7QP
Tel: 0115 8042738

When telephoning, please ask for : Mr Peter Langton
Telephone no : [redacted]
Email:
Our Reference : 24/01408/ADVICE
Your Reference : BC0410001
Date : 10 September 2024

Rushcliffe Borough Council

Email: customerservices@rushcliffe.gov.uk

Telephone: 0115 981 9911

www.rushcliffe.gov.uk

(via email)

Dear Ms Deery,

Consultation on Scoping Opinion are East Midlands Gateway Phase 2

Thank you for consulting Rushcliffe Borough Council on the above planning application.

The most pertinent section of the Scoping Opinion provided relates to transport and to cumulative impacts and the delivery of Rushcliffe's strategic sites within the freeport and within its wider Local Plan.

It is noted that paragraph 5.24 of the scoping opinion states:

"In respect of the other sites within the Freeport area, namely the Ratcliffe-on-Soar site and EMIP, the principal cumulative impacts would relate to traffic, and therefore these sites are to be included as part of the analysis as part of the Transport Assessment. The traffic modelling will include all planning approvals, commitments and Local Plan allocations within the modelled area together with the draft allocation(s) included within the North West Leicestershire Local Plan Preferred Options document, most notably the proposed new settlement at Isley Woodhouse (Draft Allocation IW1) and housing allocation at Castle Donnington (Draft Allocation CD10) amongst numerous other sites."

We agree with this statement and consider that any transport modelling and mitigation measures that support a future EIA and DCO application should include all of the freeport locations and relevant committed developments as appropriate. For Rushcliffe, this should include Ratcliffe on Soar Power Station (22/01339/LDO) and the strategic allocation South of Clifton (14/01417/OUT) as a minimum.

Additionally, it is recommended that the EIA considers potential impacts of noise, lighting and dust on the ecology of the area and that consideration be had to impacts on water flow into the River Soar (Main River and Local Wildlife Site – 2460m from the application site) or its tributaries and any indirect ecological impacts this may have.

Yours sincerely

[redacted]

Team Manager - Area Planning (West)

Postal address
Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

[redacted]

From: Asset.Protection <Asset.Protection@severntrent.co.uk>
Sent: 04 September 2024 11:41
To: East Midlands Gateway Phase 2
Subject: FW: East Midlands Gateway Phase 2 - EIA Scoping Notification and Consultation J-240821-24552
Attachments: BC0410001-Statuatory Consultation Letter.pdf

ST Classification: UNMARKED

Dear Molly

We do not have any comments at this stage.

Kind regards

Anna Cheung
Asset Protection
Asset Strategy & Planning
Chief Engineer

SEVERN TRENT WATER

From: East Midlands Gateway Phase 2 <emgateway2@planninginspectorate.gov.uk>
Sent: Thursday, August 15, 2024 11:18 AM
Subject: East Midlands Gateway Phase 2 - EIA Scoping Notification and Consultation

Dear Sir/Madam,

Please see attached correspondence on the proposed East Midlands Gateway Phase 2.

Please note the deadline for consultation responses is 12 September 2024 which is a statutory requirement that cannot be extended.

Many thanks,

[redacted]

Steffan Saunders
Head of Planning and Strategic Housing
South Derbyshire District Council,
Civic Offices, Civic Way,
Swadlincote, DE11 0AH

www.southderbyshire.gov.uk
@SDDC on Twitter
@southderbyshiredc on Facebook

Please ask for Jenny Blair

planning@southderbyshire.gov.uk

Sent via email to:
emgateway2@planninginspectorate.gov.uk

Application Ref. No: DMOT/2024/1127
12th September 2024

Dear Sir/Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by SEGRO Properties Limited (the Applicant) for an Order granting Development Consent for the East Midlands Gateway Phase 2 (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for consulting South Derbyshire District Council on the above NSIP within North West Leicestershire District.

South Derbyshire District Council would like to comment (as previously mentioned in a letter to North West Leicestershire District Council on 27th June 2022), that it considers the potential impact on the A50 transport corridor should also be included within the Transport Assessment, and therefore mentioned in the Environmental Statement, especially in the context of housing allocations on the southern edge of Derby (as set out in the adopted South Derbyshire Local Plan Part 1 and 2, and in the emerging Local Plan Review), and the Freeport proposal at the East Midlands Intermodal Park (EMIP).

South Derbyshire District Council have no further comments to make.

Yours faithfully,

Jenny Blair

Planning Delivery Team Leader

UK Health Security Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: BC0410001
Our Ref: 73646CIRIS

Ms Claire Deery
Senior EIA Advisor
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

9th September 2024

Dear Ms Deery,

Nationally Significant Infrastructure Project
East Midlands Gateway Phase 2, Land South of East Midlands Airport, Derby
Scoping Consultation Stage

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

Environmental Public Health
We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of

relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions, and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*', setting out aspects to be addressed within the Environmental Statement[1]. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

We have the following observations:

- The applicant has not provided any details on the location of the off-site human receptors who could be impacted by the site construction and operations.
- The applicant states that the Construction Environmental Management Plan (CEMP) will consider ecological receptors, but there is no indication of whether it will consider human impact from dust and water quality.
- The applicant has proposed that they will scope out risks to controlled waters from future phases, stating that they are low, without providing justification for the decision.
- The applicant has proposed scoping out major accidents and disasters.

With regards to air quality, our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold; i.e, an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

Electromagnetic Fields (EMFs)

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF).

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1 https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658

Recommendation
The applicant should assess the potential public health impact of EMFs associated with electrical equipment on the development, or, alternatively, provide a statement or explain why EMFs can be scoped out. Further UKHSA advice is available in the document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*'.

Noise This section of the scoping response focuses on the public health impacts of environmental noise and considers matters we expect the Environmental Statement (ES) to address. Having considered the submitted scoping report, specific comments and recommendations regarding matters of environment noise are detailed in Appendix A: NSIP – East Midlands Gateway Phase 2 (EMG2) Road and Rail schemes (scoping stage)
UK Health Security Agency Response: Noise and Public Health [2024]

Human Health and Wellbeing - OHID
This section of OHID's response, identifies the wider determinants of health and wellbeing we expect the ES to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted scoping report OHID wish to make the following specific comments and recommendations:

Population and Human health assessment
It is noted that population and human health will be considered within existing topic chapters and not form a separate chapter within the ES. Given the current knowledge of the scheme and potential effects this does not appear to be a suitable approach.

Diseworth will be the most likely affected community, where the residents will already be subject to effects from East Midlands Airport in addition to any East Midlands Gateway intra-project cumulative effects.

It is particularly challenging for professions to assess the application in terms of population health as it is not clearly distinguishable or the focus within each of the chapters.
Within a population health chapter consideration should be given to the cumulative impacts of multiple changes in determinants of health cross all potential impacts. These collectively can have the potential be significantly affect the population, and vulnerable population

groups, and the combined effect should be identified, considered and appropriately mitigated.

Recommendation

We recommend that a separate chapter on population and human health be produced to set out clearly how the proposal will impact up on the population, in particular intra-project cumulative effects. This will need to draw upon the topic specific chapter findings.
The assessment of significance should follow the guidance issued by the Institute for Environmental Management and Assessment (IEMA)[1].

Yours sincerely,

On behalf of UK Health Security Agency

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix A: NSIP – East Midlands Gateway Phase 2 (EMG2)
Road and Rail schemes (scoping stage)
UK Health Security Agency Response: Noise and Public Health [2024]

Background

Delta Planning have submitted an EIA Scoping Report dated August 2024 for East Midlands Gateway Phase 2 (EMG2).

EMG2 is a proposed application site for development consent which includes the existing EMG1 rail freight terminal, intermodal facility, adjoining undeveloped land and associated road and utilities infrastructure to the north of East Midlands Airport. The application includes proposed capacity upgrades to the existing rail freight terminal and utilities to enable an expansion of the intermodal facilities as part of this second phase of the East Midlands Gateway development.

As a rail freight terminal / intermodal facility, possible noise sources include:

- Road traffic including heavy goods vehicle traffic to and from the site
- Rail freight
- Operational activities within the facility

Guiding principles

Environmental noise can cause stress and sleep disturbance, which over the long term can lead to a number of adverse health outcomes [1-4].

The Noise Policy Statement for England (NPSE) [3] sets out the government's overall policy on noise. Its aims are to:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- contribute to the improvement of health and quality of life.

These aims should be applied within a broader context of sustainable development [5], where noise is considered alongside other economic, social and environmental factors.

UKHSA expects such factors may include:

- Ensuring healthy lives and promoting well-being for all at all ages;
- promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;
- building resilient infrastructure, promoting inclusive and sustainable industrialisation and fostering innovation;
- reducing inequality; and

- making cities and human settlements inclusive, safe, resilient and sustainable.

UKHSA's consideration of the effects of health and quality and life attributable to noise is guided by the recommendations in the Environmental Noise Guidelines for the European Region 2018 published by the World Health Organization [1], and informed by high quality systematic reviews of the scientific evidence [2, 6, 7] including the UKHSA' Spatial Assessment of the Attributable Burden of Disease due to Transportation Noise in England [4]. The scientific evidence on noise and health is rapidly developing, and UKHSA's recommendations are also informed by relevant studies that are judged to be scientifically robust and consistent with the overall body of evidence.

In line with its mission, UKHSA believes that Nationally Significant Infrastructure Projects (NSIP) should not only limit significant adverse effects, but also explore opportunities to improve the health and quality of life of local communities and health equity.
UKHSA also recognises the developing body of evidence showing that areas of tranquillity offer opportunities for health benefits through psychological restoration. NSIP applications need to demonstrate that they have given due consideration to the protection of the existing sound environment in these areas.

Significance of Impacts
Determining significance of impacts is an essential element of an Environmental Impact Assessment, and therefore significance needs to be clearly defined at the earliest opportunity by the Applicant. UKHSA recommends that the definition of significance is discussed and agreed with relevant stakeholders, including local authority environmental health and public health teams and local community representatives, through a documented consultation process. UKHSA recommends that any disagreement amongst stakeholders on the methodology for defining significance is acknowledged in the planning application documentation and could inform additional sensitivity analyses. For noise exposure, UKHSA expects assessments of significance to be closely linked to the associated impacts on health and quality of life in line with the NPSE [3], and not on noise exposure per se.

For road traffic noise, the latest revision of the Design Manual for Roads and Bridges (DMRB) Table 3.49 LA111 [8] includes proposed values for the Lowest Observable Adverse Effect Level (LOAEL) and Significant Observable Adverse Effect Level (SOAEL)[2] for operational noise, and these values are likely to inform judgements on significance of impact. Whilst DMRB does not explicitly reference the underpinning evidence that informed these numbers, the night time LOAEL and SOAEL of 40 dB L_{night} (outside, free-field) and 55 dB L_{night} (outside, free-field) respectively, correspond to the guideline value and interim target proposed in the WHO Night Noise Guidelines 2009 [10]. The Night Noise Guidelines emphasised that the interim target was "not a health-based limit value by itself. Vulnerable groups cannot be protected at this level". The daytime SOAEL of 68 dB $L_{A10,18hr}$ (façade)

[2] As defined in the Noise Policy Statement for England [3] and the Planning Practice Guidance [9].

appears to be derived from the relative noise level in the Noise Insulation Regulations (NIR) [11], which is linked to the provision of enhanced noise insulation for new highway infrastructure. The NIR does not explicitly refer to the underpinning evidence on which the relevant noise level is based, and there is a lack of good quality evidence linking noise exposure expressed in the L_{A10} metric to health effects. Therefore, it is helpful to convert these levels to L_{den} and $L_{Aeq,16hr}$ metrics, which are more widely used in the noise and health literature. Assuming motorway traffic, a level of 68 dB $L_{A10,18hr}$ (façade) is approximately equivalent to[3] free-field outdoor levels of 69dB L_{den} (or[4] 64$L_{Aeq,16hr}$). The corresponding internal noise levels are[5] approximately 54dB $L_{Aeq,16hr}$ (open windows), 48dB $L_{Aeq,16hr}$ (tilted windows) and 36dB $L_{Aeq,16hr}$ (closed windows).

With reference to the noise exposure hierarchy table in the Planning Practice Guidance (Noise) [9], UKHSA is not aware of good quality scientific evidence that links specific noise levels to behavioural/attitudinal changes in the general population. Reactions to noise at an individual level are strongly confounded by personal, situational and environmental non-acoustic factors [20, 21], and large inter-personal variations are observed in the reaction of a population to a particular noise level [22-25]. For these reasons UKHSA is not able to provide evidence-based general recommendations for SOAELs that are able to achieve the aims and objectives of the Noise Policy Statement for England and the Planning Practice Guidance on noise. DMRB allows for project specific LOAELs and SOAELs to be defined if necessary, and UKHSA recommends that the Applicant gives careful consideration of the following:

i. The existing noise exposure of affected communities – in particular, consideration of any designated Noise Important Areas identified in proximity to the scheme, and potential aviation noise exposure from East Midlands airport;
ii. The size of the population affected – for example an effect may be deemed significant if a large number of people are exposed to a relatively small noise change;
iii. The relative change in number and type of vehicle pass-bys;
iv. The relative change in number and type of train pass-bys;
v. Changes in the temporal distribution of noise during day/evening/night, or between weekdays and weekends;
vi. Soundscape and tranquillity, in particular the value that communities put on the lack of environmental noise in their area, or conversely, on the lack of public areas within walking distance that are relatively free from environmental noise;
vii. Opportunities for respite (predictable periods of relief from noise), either spatially or temporally;
viii. Cumulative exposure to other environmental risk factors, including other sources of noise and air pollution,

[3] Using equation 4.16 from [12], assuming free-field levels; $L_{A10,18hr}$ (free-field) = $L_{A10,18hr}$ (façade) – 2.5dB(A) as per CRTN [13].

[4] Using conversion factors in para. 2.2.13 Transport Analysis Guidance (TAG) Unit A3 [14].

[5] Using external – internal level differences reported by Locher et al. (2018) [15] based on measurements at 102 dwellings in Switzerland in 2016.

ix. Local health needs, sensitivities and objectives.

The scoping report does not currently consider the assessment of noise from rail traffic. This could be assessed against the evidence in the WHO 2018 Environmental Noise Guidelines and more recent evidence. Within any assessment the applicant will need to establish a rationale for the chosen LOAELs and SOAELs.

For operational noise, section 10.3 of the scoping report states it will be assessed using British Standard (BS) 4142:2014+A1:2019, (BS 4142). UKHSA expects this will include an assessment of noise from fixed plant. BS4142 assesses the significance of the sound by rating the sound source compared to the background sound level. It does not assess health impacts. The applicant will need to establish a rationale for the chosen SOAEL etc and how these relate to the BS 4142 assessment.

For construction noise the latest revision of the DMRB makes reference to Section E3.2 and Table E.1 in Annex E (informative) of BS 5228-1:2009+A1:2014 [16] for the definition of SOAELs. Table E.1 of BS 5228-1:2009+A1:2014 provides examples of threshold values in three categories, based on existing ambient values. Threshold values are higher when ambient noise levels are higher. Daytime (07:00-19:00, weekdays) thresholds can be traced back to principles promoted by the Wilson Committee in 1963 [17]: “Noise from construction and demolition sites should not exceed the level at which conversation in the nearest building would be difficult with the windows shut”. The Wilson committee also recommended that “Noisy work likely to cause annoyance locally should not be permitted between 22.00 hours and 07.00 hours”. BS 5228 states that these principles have been expanded over time to include a suite of noise levels covering the whole day/week period taking into account the varying sensitivities through these periods.

UKHSA does not believe that the current scientific evidence supports the modification of SOAELs and Unacceptable Adverse Effect Level (UAELs) based on the existing noise insulation specification of residential dwellings, and in particular whether enhanced sound insulation avoids significant adverse effects on health and quality of life. See also sections on *Mitigation* and *Step Changes in Noise Exposure*.

Health Outcomes

UKHSA encourages the applicant to present noise exposure data in terms of the L_{den} metric (in addition to L_{eq} and L_{10}), to facilitate interpretation by a broad range of stakeholders. This is because most recent scientific evidence on the health effects of environmental noise is presented in terms of L_{den} [1, 6, 7]. UKHSA believes that quantifying the health impacts associated with noise exposure and presenting them in health-based metrics allows decision makers to make more informed decisions.

Reference should be made to the Public Health Outcomes Framework (PHOF) indicators for daytime noise (B14b) and night-time noise (B14c) and include a calculation of the impact of the scheme on these indicators [26].

For transportation sources, UKHSA recommends the quantification of health outcomes using the methodology agreed by the Interdepartmental Group on Costs and Benefits - Noise subgroup [IGCB(N) [27] (currently under review), and more recent systematic reviews [1, 6, 7]. For road noise UKHSA believes there is sufficient evidence to quantify the following health outcomes: long-term annoyance, sleep disturbance, ischaemic heart disease (IHD), and potentially stroke[6] and diabetes[7]. For rail noise UKHSA believes there is sufficient evidence to quantify the following health outcomes: long-term annoyance and sleep disturbance[7]. Effects can be expressed in terms of number of people affected, number of disease cases, and Disability Adjusted Life Years (DALYs). The IGCB(N) guidance [27] can also be used to translate these effects into monetary terms.

Some health outcomes, namely annoyance and self-reported sleep disturbance, can be influenced by the local context and situation. In these cases, it would be preferable to use exposure-response functions (ERFs) derived in a local context. However, UKHSA is not aware of any ERFs for road or railway traffic being available for a UK context from data gathered in the last two decades. Therefore, the ERFs presented in the updated analysis by Fenech et al. (2022) can be used. For metabolic outcomes, no ERF was published in the WHO ENG 2018 [1]. A recent meta-analysis of five cohort studies of road traffic noise and incidence of diabetes was reported [28] by both Vienneau et al. in 2019 and UKHSA in 2023 [4].

Where schemes have the potential to impact many people, UKHSA expects the Applicant to carry out literature scoping reviews to ensure that the most robust and up-to-date scientific evidence is being used to quantify adverse effects attributable to the scheme.

UKHSA expects to see a clear outline of the steps taken to arrive at the final judgement of significance based on these health outcomes, including a description of local circumstances and modifiers anticipated, and how reasonably foreseeable changes in these circumstances will be dealt with during the assessment process.

Identification and Consideration of Receptors

The identification of noise sensitive receptors in proximity to the proposed scheme - or route options - is essential in providing a full assessment of potential impacts. Examples of noise sensitive receptors include but are not limited to:

i. Noise Important Areas

[6] A literature review commissioned by Defra [7] identified nine longitudinal studies on road traffic noise and incidence of stroke, and eight longitudinal studies on road traffic noise and stroke mortality.

[7] A literature review commissioned by Defra [7] identified four longitudinal studies on road traffic noise and incidence of diabetes.

ii. Residential areas
iii. Schools, hospitals and care homes
iv. Community green and blue spaces and areas valued for their tranquillity, such as local and national parks
v. Public Rights of Way (PRoWs)

Noise Important Areas (NIAs) are areas with the highest levels of noise exposure at a national level and as such require very careful consideration in terms of protection from increased noise levels as well as opportunities for noise mitigation that can lead to an improvement in health and quality of life. DMRB requires a list of noise mitigation measures that the project will deliver in Noise Important Areas. UKHSA supports this requirement - new development should offer an opportunity to reduce the health burden of existing transport infrastructure, particularly for those worst affected. UKHSA would encourage this approach to extend beyond NIAs, in line with the third aim of NPSE [3].

Baseline Sound Environment

The greater the understanding of the baseline sound environment, the greater the potential for the assessment to reflect the nature and scale of potential impacts, adverse or beneficial, associated with the scheme. UKHSA recommends that traditional averaged noise levels are supplemented by a qualitative characterisation of the sound environment, including any particularly valued characteristics (for example, tranquillity) and the types of sources contributing to it [29].

UKHSA recommends that baseline noise surveys are carried out to provide a reliable depiction of local diurnal noise variations for both weekdays and weekends, in a variety of locations, including the difference between day (07:00-19:00), evening (19:00-23:00) and night-time (23:00-07:00) periods. This is particularly important if there are areas within the scheme assessment boundary with atypical traffic day/evening/night distributions. Achieving these aims is likely to require long-term noise monitoring in multiple locations for a period greater than seven days. This information should be used to test the robustness of any conversions between noise metrics (e.g., converting from $L_{A10,18hr}$ to $L_{Aeq,2300\text{-}0700}$ and L_{den}). UKHSA suggests that a variety of metrics can be used to describe the sound environment with and without the scheme—for example, L_{den} and L_{night} used in the WHO Guidelines 2018 [1], levels averaged over finer time periods, background noise levels expressed as percentiles, and number of event metrics (e.g., N65 day, N60 night)—and that, where possible, this suite of metrics is used to inform judgements of significance. There is emerging evidence that intermittency metrics can have an additional predictive value over traditional long-term time-averaged metrics for road traffic noise [30].

Mitigation

UKHSA expects decisions regarding noise mitigation measures to be underpinned by good quality evidence, in particular whether mitigation measures are proven to reduce adverse impacts on health and quality of life. For interventions where evidence is weak or lacking,

UKHSA expects a proposed strategy for monitoring and evaluating their effectiveness during construction and operation.

With regards to road traffic noise, low-noise road surfaces, acoustic barriers, traffic management and noise insulation schemes can all be considered. With regards to railway noise, rail and wheel roughness, track design, acoustic barriers, traffic management and noise insulation schemes can all be considered.

Priority should be given to reducing noise at source, and noise insulation schemes should be considered as a last resort. UKHSA expects any proposed noise insulation schemes to take a holistic approach which achieves a healthy indoor environment, taking into consideration noise, ventilation, overheating risk, indoor air quality and occupants' preference to open windows. There is, at present, insufficient good quality evidence as to whether insulation schemes are effective at reducing long-term annoyance and self-reported sleep disturbance [31], and initiatives to evaluate the effectiveness of noise insulation to improve health outcomes are strongly encouraged.

UKHSA notes the suggestion in DMRB methodology that post-construction noise monitoring cannot provide a reliable gauge for reference against predicted impacts of operational noise. The issues highlighted in DMRB relate to noise exposure, and not to health outcomes. UKHSA suggests that monitoring of health and quality of life can be considered pre and post operational phases, to ascertain whether mitigation measures are having the desired effect for local communities.

UKHSA expects consideration of potential adverse effects due to noise and vibration during construction and recommends that a full and detailed Construction Environmental Management Plan (CEMP) is developed and implemented by the Applicant and/or the contractor responsible for construction. UKHSA recommends that the CEMP includes a detailed programme of construction which highlights the times and durations of particularly noisy works, the measures taken to reduce noise at source, the strategy for actively communicating this information to local communities, and procedures for responding effectively to any specific issues arising.

There is a paucity of scientific evidence on the health effects attributable to construction noise associated with large infrastructure projects [6, 7] where construction activities may last for a relatively long period of time. UKHSA recommends that the Applicant considers emerging evidence as it becomes available and reviews its assessment of impacts as appropriate.

Green Spaces and Private Amenity Areas

UKHSA expects proposals to take into consideration the evidence which suggests that quiet areas can have both a direct beneficial health effect and can also help restore or compensate for the adverse health effects of noise in the residential environment [32-34].

Research from the Netherlands suggests that people living in noisy areas appear to have a greater need for areas offering quiet than individuals who are not exposed to noise at home [32]. Control of noise at source is the most effective mitigation for protecting outdoor spaces; noise insulation schemes do not protect external amenity spaces (such as private gardens and balconies or community recreation facilities and green spaces) from increased noise exposure.

UKHSA expects consideration to be given to the importance of existing green spaces as well as opportunities to create new tranquil spaces which are easily accessible to those communities exposed to increased noise from the scheme. These spaces should be of a high design quality and have a sustainable long-term management strategy in place.

Step-changes in Noise Exposure and the Change-effect

The Applicant should take into consideration the “change-effect”, i.e. the potential for a real or anticipated step-change in noise exposure to result in attitudinal responses that are greater or lower than that which would be expected in a steady state scenario [31, 35]. Where a perception of change is considered likely, UKHSA recommends that the change-effect is taken into account in the assessment for the opening year of the proposed development. For longer term assessments, the effects of population mobility need to be taken into consideration

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Community Engagement and Consultation Feedback

UKHSA recommends that public consultations carried out during the planning application process clearly identify the predicted changes to the sound environment during construction and operation of the scheme, the predicted health effects on neighbouring communities, proposed noise mitigation strategies and any proposed measures for monitoring that such mitigation measures will achieve their desired outcomes.

UKHSA encourages the Applicant to use effective ways of communicating any changes in the acoustic environment generated by the scheme to local communities. For example, immersive and suitably calibrated audio-visual demonstrations can help make noise and visual changes more intuitive to understand and accessible to a wider demographic. If the proposed scheme will have an impact over a relatively large geographical area, the Applicant should consider community-specific fact-sheets and/or impact maps, which are easily accessible to all individuals both in hard copy and online. If online, search functionality can potentially be included, for example, by postcode.

References

1. World Health Organization. Environmental Noise Guidelines for the European Region: World Health Organization; 2018.
2. Lercher P, Aasvang G, de Kluizenaar Ye. WHO Noise and Health Evidence Reviews. International Journal of Environmental Research and Public Health 2018(Special Issue).
3. DEFRA. Noise Policy Statement for England. 2010.
4. Jephcote C, Clark SN, Hansell AL, Jones N, Chen YX, Blackmore C, et al. Spatial assessment of the attributable burden of disease due to transportation noise in England. Environ Int. 2023;178.
5. United Nations. Sustainable Development Goals 2016 [Available from: https://sdgs.un.org/goals.
6. Clark C, Crumpler C, Notley AH. Evidence for Environmental Noise Effects on Health for the United Kingdom Policy Context: A Systematic Review of the Effects of Environmental Noise on Mental Health, Wellbeing, Quality of Life, Cancer, Dementia, Birth, Reproductive Outcomes, and Cognition. Int J Environ Res Public Health. 2020;17(2).
7. van Kamp I, Simon S, Notley H, Baliatsas C, van Kempen E. Evidence Relating to Environmental Noise Exposure and Annoyance, Sleep Disturbance, Cardio-Vascular and Metabolic Health Outcomes in the Context of IGCB (N): A Scoping Review of New Evidence. Int J Environ Res Public Health. 2020;17(9).
8. Highways England. Design Manual for Roads and Bridges 2020 [Available from: https://www.standardsforhighways.co.uk/dmrb/.
9. Department for Levelling Up Housing and Communities; Ministry of Housing Communities & Local Government. Noise: Advises on how planning can manage potential noise impacts in new development: Department for Levelling Up, Housing and Communities, Ministry of Housing, Communities & Local Government 2014 [Available from: https://www.gov.uk/guidance/noise--2.
10. World Health Organisation. Night Noise Guidelines. 2009.
11. The Noise Insulation Regulations 1975 [Available from: http://www.legislation.gov.uk/uksi/1975/1763/introduction/made.
12. Abbott P, Nelson P. Converting the UK traffic noise index $L_{A10,18hr}$ to EU noise indices for noise mapping. 2002.
13. Department for Transport. Calculation of Road Traffic Noise. 1988.
14. Department for Transport. Transport Analysis Guidance Unit A3 Environmental Impact Appraisal. 2019.
15. Locher B, Piquerez A, Habermacher M, Ragettli M, Röösli M, Brink M, et al. Differences between Outdoor and Indoor Sound Levels for Open, Tilted, and Closed Windows. Int J Env Res Pub He. 2018;15(1).
16. British Standards Institution. 5228-1: 2009+ A1: 2014 Code of practice for noise and vibration control on construction and open sites. Part 1: Noise. 2014.
17. National Archives. Committee on the Problem of Noise (Wilson Committee) 2020 [Available from: https://discovery.nationalarchives.gov.uk/details/r/C10984.

18. Locher B, Piquerez A, Habermacher M, Ragettli M, Roosli M, Brink M, et al. Differences between Outdoor and Indoor Sound Levels for Open, Tilted, and Closed Windows. Int J Environ Res Public Health. 2018;15(1).
19. Ministry of Housing CaLG. Noise: Advises on how planning can manage potential noise impacts in new development. 2014.
20. Job R. Community response to noise: A review of factors influencing the relationship between noise exposure and reaction. J Acoust Soc Am. 1988;83(3).
21. Guski R. Personal and social variables as co-determinants of noise annoyance. Noise & Health. 1999;1(3):45-56.
22. Miedema H, Oudshoorn C. Annoyance from Transportation Noise: Relationships with Exposure Metrics DNL and DENL and Their Confidence Intervals. Environmental Health Perspectives. 2001;109(4).
23. Guski R, Schreckenberg D, Schuemer R. WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Annoyance. Int J Environ Res Public Health. 2017;14(12).
24. Basner M, McGuire S. WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep. Int J Environ Res Public Health. 2018;15(3).
25. McGuire S, Muller U, Elmenhorst EM, Basner M. Inter-individual Differences in the Effects of Aircraft Noise on Sleep Fragmentation. Sleep. 2016;39(5):1107-10.
26. Office for Health Improvement & Disparities. Public Health Outcomes Framework n.d. [Available from: https://fingertips.phe.org.uk/profile/public-health-outcomes-framework.
27. DEFRA. Environmental Noise: Valuing impacts on sleep disturbance, annoyance, hypertension, productivity and quiet. 2014.
28. Vienneau D, Eze IC, Probst-Hensch N, Röösli M. Association between transportation noise and cardio-metabolic diseases: an update of the WHO meta-analysis. 2019.
29. BSI Standards Publication. BS ISO 12913-1:2014 Acoustics — Soundscape Part 1: Definition and conceptual framework. 2014.
30. Brink M, Schäffer B, Vienneau D, Foraster M, Pieren R, Eze IC, et al. A survey on exposure-response relationships for road, rail, and aircraft noise annoyance: Differences between continuous and intermittent noise. Environment international. 2019;125:277-90.
31. Brown AL, Van Kamp I. WHO environmental noise guidelines for the European region: a systematic review of transport noise interventions and their impacts on health. International journal of environmental research and public health. 2017;14(8):873.
32. Health Council of the Netherlands. Quiet Areas and Health 2006 [Available from: https://www.healthcouncil.nl/documents/advisory-reports/2006/07/04/quiet-areas-and-health.
33. QSide. The positive effects of quiet facades and quiet urban areas on traffic noise annoyance and sleep disturbance 2013 [Available from: https://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=search.dspPage&n_proj_id=3669&docType=pdf.
34. COST. TD0804 - Soundscape of European Cities and Landscapes 2012 [Available from: https://www.cost.eu/actions/TD0804/#tabs|Name:overview.

35. Brown A. Longitudinal annoyance responses to a road traffic noise management strategy that reduced heavy vehicles at night. The Journal of the Acoustical Society of America. 2015;137(1):165-76.

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Communities

Shire Hall
Warwick
CV34 4RL

Tel: (01926) 412907
highwayconsultation@warwickshire.gov.uk
www.warwickshire.gov.uk

Ms Claire Deery
Senior EIA Advisor
The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol
BS1 6PN

12th September 2024

Dear Ms Deery

PROPOSAL: Order granting Development Consent for the East Midlands Gateway Phase 2 – scoping consultation
APPLICANT: SEGRO Properties Limited

Warwickshire County Council has reviewed the proposed ES scoping information available on the website and can confirm that the County Council has no comment to make. Given the location of the site and extent of the existing strategic transport network Warwickshire County Council do not need to be considered as a consultation body for this NSIP proposal.

Yours sincerely

[redacted]

Joanne Archer
Development Management (Highways)
Planning & Environment
Environment, Planning & Transport

Working for Warwickshire