



DEVELOPMENT CONTROL AND REGULATORY BOARD

12TH JUNE 2014

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT

**EAST MIDLANDS GATEWAY STRATEGIC RAILFREIGHT
INTERCHANGE**

PRE-APPLICATION CONSULTATION

REPORT OF THE CHIEF EXECUTIVE

PART A – SUMMARY REPORT

**CONSULTATION
PERIOD:**

23rd May 2014 to 27th June 2014

PROPOSAL:

The East Midlands Gateway (EMG) proposal is a 'Strategic Rail Freight Interchange' (SFRI). The proposal consists of the following elements:

- an intermodal freight terminal accommodating up to 16 trains per day and trains of up to 775m long and including container storage and HGV parking;
- up to 557,414 sq m of rail served warehousing and ancillary service buildings;
- a new rail line connecting the terminal to the Castle Donington branch freight only line;
- new road infrastructure and works to the existing road infrastructure, including a Kegworth Bypass and improvements to Junction 24 and 24a of the M1;
- demolition of existing structures and structural earthworks to create development plots and landscape zones;
- strategic landscaping and open space, including alterations to public rights of way and the creation of new publicly accessible open areas;
- bus interchange.

The developer states the proposal is to respond to the need for Strategic Rail Freight Interchanges identified by the Government, and to respond to an identified commercial demand for SRFI's including rail-served warehousing. The scheme is intended to generate significant economic advantages for the region as well as local communities, whilst managing environmental effects and delivering an extensive package of highway, landscape and other benefits.

This is the first Nationally Significant Infrastructure Project (NSIP) in Leicestershire and will be determined by the Secretary of State for Transport. The applicant, Roxhill Developments Ltd, will make an application for a Development Consent Order through the Planning Act 2008 ('the Act').and the application will be examined by the Planning Inspectorate (PINs) on behalf of the Secretary of State. The County Council is a statutory consultee in this process and is currently being formally consulted prior to the formal submission of the application to PINs (a Section 42 consultation under the Act).

LOCATION: The East Midlands Gateway site is located next to J24 of the M1 and north of East Midlands Airport in North West Leicestershire District.

APPLICANT: Roxhill Developments Ltd

MAIN ISSUES: Highway and rights of way, landscape, ecology, historic environment impacts, and economic benefits,

RECOMMENDATION: That it be recommended to the Cabinet:

1. That a response to the section 42 consultation be made which acknowledges the economic benefits of the development for Leicestershire and the region beyond but the outstanding issues to be resolved and which are identified in paragraphs 105 to 138 of this report be brought to the attention of the Developer.
2. Officers of the Council continue working closely with the Developer's consultants to satisfactorily resolve the outstanding matters before submission of the application.
3. That delegated authority is given to the County Solicitor to agree a Local Impact Report to be prepared jointly with North West Leicestershire District Council and to Heads of Service to agree and sign Statements of Common Ground with the Developer.

4. That delegated authority is given to Heads of Service to make written representations, respond to questions by the Examining Authority (PINs) and make written comment on other interested parties' submissions to the Examination.

Circulation Under the Local Issues Alert Procedure

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Dr T. Eynon CC
Mr T. Pendleton CC
Mr N. J. Rushton CC
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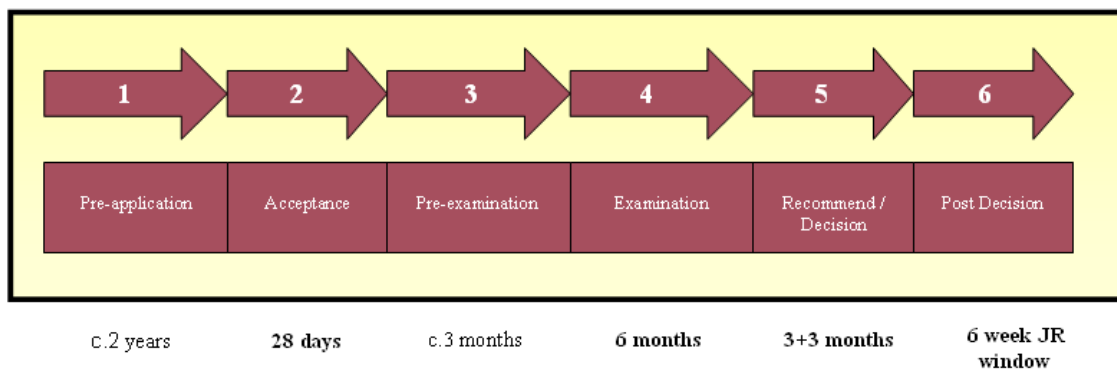
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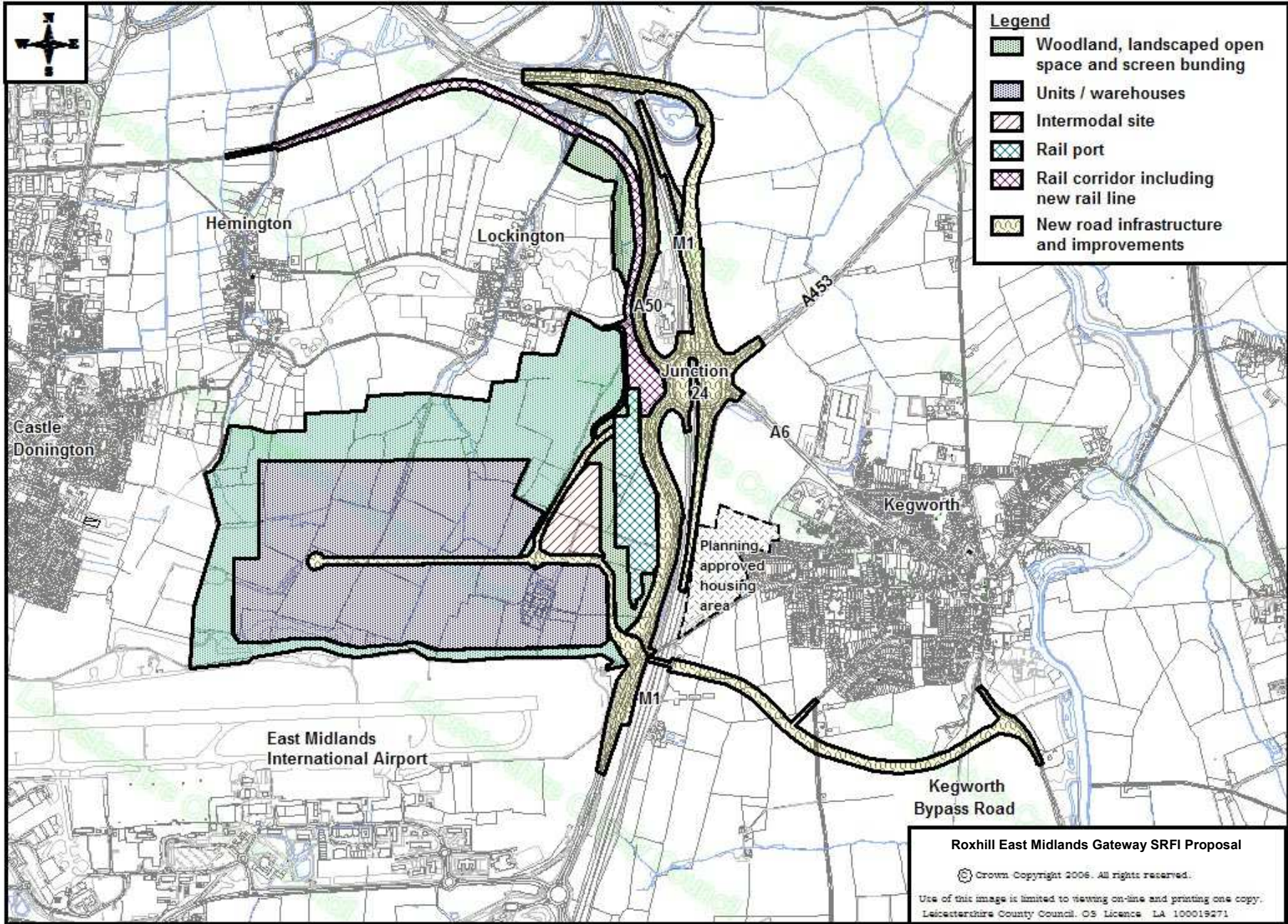
PART B – MAIN REPORT

Background

1. The County Council has been consulted by Roxhill Developments Ltd on an application for Development Consent Order (DCO) it intends to make to the Secretary of State for Transport for a Strategic Rail Freight Interchange (SRFI) north of East Midlands Airport at Junction 24 on the M1. The proposed development has been named East Midlands Gateway (EMG). It will be the first Nationally Significant Infrastructure Project (NSIP) application made in Leicestershire. The granting of permission for NSIPs was taken out of the hands of local planning authorities and given to the relevant Secretary of States by the 2008 Planning Act (the Act) as amended by the Localism Act 2011. NSIP are defined in the Act and are large scale facilities of national significance which support the everyday life of the country. The EMG development is a NSIP because it comprises the construction of a Rail Freight Interchange and Highways related development (as defined in sections 14, 22 and 26 of the Act).
2. An SRFI is defined in the Department for Transport's SRFI Policy Guidance 2011 as a "large multi-purpose rail freight interchange and distribution centre linked into both the rail and trunk road system. It has rail-connected warehousing and container handling facilities and may also include manufacturing and processing activities". Government policy is that SRFIs are important because they can provide a range of transport, environmental, and economic benefits, and as a result the policy is that there should be a network of them in the UK.
3. The process of making and determining an application for a DCO under the Act broadly follows the following stages. Stage 2 and onwards is managed by PINs.



Times in **bold** are statutory



Legend

- Woodland, landscaped open space and screen bunding
- Units / warehouses
- Intermodal site
- Rail port
- Rail corridor including new rail line
- New road infrastructure and improvements

Roxhill East Midlands Gateway SRFI Proposal

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The key features of the process are that it is:-

- Front-loaded with mandatory pre-application consultation
- When it is submitted to PINs it is a total and complete application with limited scope for post-application changes
- There are statutory timescales for handling applications
- It is a streamlined consenting regime which can bring together a range of consents
- National Policy Statements provide policy framework
- Planning Inspectorate examines and makes a recommendation
- Decision is by Secretary of State

Location of Proposed Development

4. The 338 hectares site is located mainly to the south west of Junction 24 on the M1 motorway, which links with the A50 and A453 trunk roads, close to connections with the A42/M42 (at M1 Junction 23a) to the south. Lockington and Hemington villages are to the north of the site, Castle Donington to the west and East Midlands Airport to the south. The M1 motorway is to the east of the site. The Castle Donington branch freight only line runs north of Lockington and Hemington villages. The Midland Mainline railway runs east of Kegworth which itself is immediately to the east of the M1, with the East Midlands Parkway railstation located approximately 3 miles from the development site adjacent to the A453 at Ratcliffe on Soar.

Site Description

5. The site is situated on the southern slopes of the broad Trent Valley. Lockington and Hemington which lie to the north of the site typically lie on the lower slopes and Castle Donington occupies a more elevated valley side position to the west. East Midlands Airport on the southern boundary of the site occupies a generally more elevated position on a plateau. The site is one of rolling landform dissected by minor watercourses draining northwards towards the Trent or eastwards to the Soar. Agriculture is a mixture of pasture and arable.
6. The majority of the site is in agricultural production with arable crops and there is therefore a low level of employment directly related to the site. Fields are medium to large and enclosed by well-kept mixed hedgerows. There are small woodlands within the site at The Dumps and King Street Plantation. Many hedgerow trees are present, mainly oak and ash, and these add to the wooded character of the area.

Description of Proposed Development

7. An application for Development Consent Order (DCO) is being prepared by Roxhill Developments Ltd. for submission to the Planning Inspectorate. The Planning Inspectorate will examine the application before making a recommendation to the Secretary of State for Transport who will make the final decision. More details about the process are available via the Planning Inspectorate's website: <http://infrastructure.planningportal.gov.uk>

8. The project is currently towards the end of the pre-application stage and statutory consultation and engagement required by Section 42 of the Act is taking place. The proposed application is also being publicised in accordance with Section 48 of the Act. The County Council has been consulted as part of this statutory consultation. The consultation period will last from the 23rd May until the 27th June 2014. There has already been engagement between officers of the Council and the Developer and their consultants on a variety of matters related to the proposed development as part of the pre-application process. The Applicant states the purpose of the consultation is to understand the issues and concerns of the interested parties. The purpose of this report is to explain the proposal in broad terms and make recommendations on what response to the consultation should be made. There is also the need for officers to be delegated authority to submit some documentation on behalf of the Council to enable the statutory timetable to be met.
9. Consultation by the developer with local communities has taken place by various means starting at the end of January this year and continued into March. Further consultation exhibitions arranged by the developer were held in May 2014. Throughout this period documentation illustrating and explaining the proposed development has been available to the public and can be viewed online via the following link <http://www.eastmidlandsgateway.co.uk/>
10. East Midlands Gateway is a proposed Strategic Rail Freight Interchange (SRFI) on a site north of East Midlands Airport in Leicestershire. The site is being promoted by, and would be developed by, Roxhill Developments Ltd. An SRFI is a “large multi-purpose rail freight interchange and distribution centre linked into both the rail and trunk road system. It has rail-connected warehousing and container handling facilities and may also include manufacturing and processing activities”.
11. In summary the proposed development will consist of the following key elements:
 - an intermodal freight terminal accommodating up to 16 trains per day and trains up to 775m long and including container storage and HGV parking
 - up to 557,414 sq m of rail served warehousing and ancillary service buildings;
 - a new rail line connecting the freight terminal to the Castle Donington branch freight only line;
 - new road infrastructure and improvements to the existing road infrastructure, (including a Kegworth bypass and improvements to M1 junction 24);
 - demolition of existing structures and new structural earthworks to create development plots and landscape zones;
 - strategic landscaping and open space, including alterations to public rights of way and the creation of new publicly accessible open areas;
 - a bus interchange.
12. Whether or not a development is a “Nationally Significant Infrastructure Project” (NSIP) and needs a development consent order through the Act rather than a planning permission depends on whether or not the development comes within the description of NSIPs set out in the Act.

13. There are two types of NSIPs which are potentially applicable to the development proposed. These are:
- a) Rail Freight Interchange (as defined in Section 26 of the Act); and
 - b) Highways (as defined in Section 22 of the Act).
14. If a scheme involves development which meets the criteria for more than one type of NSIP then such a scheme can be pursued in a single application for a DCO. It has been determined by the developer that there are three NSIPs involved in the proposed development, as follows
- The Rail Freight Interchange (RFI) (**NSIP 1**)
 - Construction of trunk road to be controlled by the Secretary of State (**NSIP 2**)
 - Alterations to trunk road controlled by the Secretary of State (**NSIP 3**)
15. The elements of the development which are not encompassed within any of these NSIPs will be characterised in the order applied for as “Associated Development”.
16. A wide range of technical and other information is being prepared and will be submitted as part of the application for a DCO. The proposal requires an Environmental Impact Assessment (EIA) so an Environmental Statement is being prepared as part of the submission. The following draft documents are available on the developer’s website:

DCO application documents:

Public Consultation

- Statement of Community Consultation
- Consultation Report

Supporting Documents

- Short Explanatory Document
- Red Line Plan
- Parameters Plan
- Illustrative Masterplan
- Landscape Framework Plan

Environmental Statement

- Introduction
- Description of Development
- Planning Policy
- Socio-economic aspects
- Landscape and visual effects
- Ecology and nature conservation
- Geology, soil and groundwater
- Water resources and drainage
- Noise
- Air quality
- Cultural heritage
- Lighting
- Transportation
- Agricultural land quality

- Cumulative Impact.

National policy documents:

- The existing guidance on SRFIs.
- Draft National Policy Statement on National Network
- The National Planning Policy Framework (NPPF)

Local Policy and background evidence base documents:

- Strategic Distribution Site Assessment Study for the Three Cities Sub-Area of the East Midlands', AECOM , May 2010

17. For the purposes of the EIA the three NSIPs and the associated development are being dealt with as a single project and assessed as such by the developer. The Environmental Statement (ES) and associated documentation prepared by the developer does not distinguish between the NSIPs and their associated development and it would be difficult to do so given that the RFI, highway works and associated development are inextricably connected. The likely cumulative and combined environmental effects and impacts of them are assessed as one project.
18. More detail about each of the key features described in paragraph 11 above is provided below.

Intermodal freight terminal, container storage and parking

19. The freight terminal would be designed to accommodate up to 16 trains per day, and to accommodate trains of up to 775m long (the standard length of UK freight trains). It would enable the transfer of freight from road to rail, and vice versa, and in addition to serving the operators located on the EMG site itself, would also serve a wider market, enabling the transfer, and storage as required, of containers at the EMG freight terminal site. Areas for container storage and HGV parking are therefore provided at and adjacent to the rail terminal.

Up to 557,414 sq m of rail served warehousing and ancillary service building

20. The EMG application is for a maximum of 557,414 sq.m. (6 million sq.ft) of predominantly warehouse space. A small amount of space for ancillary service buildings relating to the freight terminal and storage areas is also proposed.
21. The final and detailed configuration of this space will be determined in due course, but the expectation is that it would be provided in buildings of various sizes.
22. The proposal includes identification of a number of development plots within the site, as identified within the submitted **Parameters Plan**, which also identifies and defines maximum floorspace, building plateau heights, and building heights.

A new rail line connecting the terminal to the Castle Donington branch freight only rail line

23. This is part of a network of routes that are being cleared under the Strategic Freight Network Programme by Network Rail. The proposal includes a new railway line running north out of the site adjacent to the M1/A50, before connecting to the existing freight railway to the north-east of Lockington.
24. West and east facing connections to the existing rail network will be provided, giving direct access to the ports at Southampton, Felixstowe, London Gateway plus other smaller UK container ports, the Channel Tunnel and many of the key UK regional distribution cluster locations. The rail terminal will include four unloading sidings, and an engine release siding. All reception sidings, the unloading sidings and the engine release siding will be capable of handling 775m long trains which is the accepted UK standard for intermodal trains.
25. At start up and based on equivalent UK terminal operations EMG is expected to handle 1-2 trains per day, rising over time to a maximum of 16 trains per day.

New road infrastructure and works to the existing road infrastructure.

26. As described below, the EMG proposal includes a number of road infrastructure elements, including both new roads, and improvements to existing roads. In detail, changes to the strategic road network include:
 - New free-flowing southbound slip-road over the M1 to replace the Junction 24A roundabout – this slip-road will join directly to the M1 southbound and also provide a link to the Junction 24 roundabout, which will be improved. This will remove all A50 to M1 southbound traffic from Junction 24;
 - The construction of a Kegworth bypass, connecting the A6 south of Kegworth to the A453 south of J24 of the M1;
 - Improvements to the M1 southbound between the new A50 slip-road and the Junction with the Junction 24 slip-road;
 - Provision of a short 'link' road at Junction 24 carrying northbound traffic from the site, and from the A453 to the A50 without needing to pass through Junction 24;
 - Widening and signalisation of the A453 'arm' into Junction 24 from the east (Nottingham);
 - Construction of a new site access onto the A453 south of Junction 24, meeting the needs of both the SRFI and the Airport;
 - The current A50 southbound 'arm' into Junction 24 would be retained as a two-way road to provide local access (see below).
27. In addition, there are other works proposed to the 'local' highway network, including:
 - the closure of Church Lane access to Lockington from the A50, and the provision of a new access to the village via Main Street;
 - a new access to the Hilton Hotel from the altered and reconfigured A50;

- a new bridge over the M1 would replace the existing Ashby Road overbridge which is substandard for vehicular use, but will be retained for pedestrian and cycle use;
- the provision of bus interchange facilities at the site access roundabout, and bus priority through to Ashby Road in Kegworth.

Structural earthworks to create development plots and landscape zones

28. The topography of the SRFI site includes some changes in levels which will require earthworks to create development plateaus or plots within the development zones as identified on the Parameters Plan. The rail terminal will effectively be sunk into a newly created plateau which will have operational benefits with regard to levels, but also advantages in terms of visual and other impacts.
29. The built development zones will include very large buildings, and significant earthworks are proposed to both create the plateaus for these buildings but also to help create the proposed significant bunding and screening to limit the visual impact of the proposed development from viewpoints and receptors outside the site. These bunds will effectively surround the northern, western, and – to a lesser extent – southern boundaries of the SRFI development. They will see substantial planting and will form an important part of the wider landscape strategy referred to elsewhere.

Strategic landscaping and open space

30. The Landscape and Environmental Strategy for the proposed development states that it has been prepared following extensive site surveys and appraisals, detailed consultations with relevant parties and groups and careful consideration of the issues as part of the overall design and planning process. It purports to respond to issues of existing sensitivity and interest, landscape character and context, visual impact and amenity, ecology and biodiversity, and to the relevant planning and environmental policy context.
31. Notwithstanding the key principles of development, land use and transportation, the project claims to have been underpinned by a sustainable design philosophy. The Landscape and Environmental Strategy has been central to this process and has shaped the proposed development.
32. The strategy proposes to ensure the establishment of a strong and cohesive framework of landscape and environmental areas. These would form one of the main organising elements of the overall development and would be fully integrated with the built development and infrastructure zones. In this respect it has not been designed (or should not be considered) as a separate part of the overall proposed development.

33. A number of key landscape and visual considerations have been identified as part of the assessment process. These include the following:
- Surrounding properties and settlement areas with views towards the site;
 - Opportunities to create a connected and robust network of green infrastructure surrounding the site;
 - Opportunities to deliver landscape enhancements.
34. Summary of landscape benefits
- Creation of significant new public open space and community areas, designed for the benefit of surrounding residents.
 - Formation of new public footways/cycleways.
 - Provision of a co-ordinated and high quality range of countryside seating, signage, fencing and access control measures.
 - Planting of new native woodland and trees.
 - Creation of new native hedgerows.
 - Establishment of grassland, pasture and meadow habitats.
 - Commitment to the long term management of all public open space, landscape and ecological areas.

Environmental Impact Assessment

35. An Environmental Statement (ES) is being prepared to comply with the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("1999 Regulations"). The ES has been prepared in accordance with the requirements of the Regulations and in particular Schedule 4, which sets out the information for inclusion within an ES.
36. The following topic areas are being covered in the ES:
- Description of Development
 - Planning Policy
 - Socio-economic aspects
 - Landscape and visual effects
 - Ecology and nature conservation
 - Geology, soil and groundwater
 - Water resources and drainage
 - Noise
 - Air quality
 - Cultural heritage
 - Lighting
 - Transportation
 - Agricultural land quality
 - Cumulative effects
 - Non-technical summary.

37. The ES is still a work in progress but draft chapters of the ES dealing with the above topics are available as part of the current consultation. These will be finalised following the consultation and before formal submission of the Development Consent Order application to PINs. A summary of the findings of the EIA so far are provided under the topic headings below:

Socio-Economic

38. The employment impacts of the proposals have been assessed for both the construction phase and the operational phase. The ES states that the likely socio-economic effects of the development are considered to be positive. Using standard ratios of floorspace to employment based on experience elsewhere, analysis suggests that the proposal will result in around 7,000 additional jobs once operational. While there would be minor significant and temporary benefits from the construction period, the operational development claims to bring significant and positive economic effects at both the local and regional level.

39. The initial socio-economic assessment undertaken indicates that the development would generate additional Gross Value Added of around £267 million to the identified assessment area which includes parts of Leicestershire, Derbyshire and Nottinghamshire. In addition, it states it would provide around £15m of annual business rates which could be retained locally by the local authority to support new or existing local services, facilities or other local priorities for investment.

Landscape and visual effects

40. A Landscape and Visual Impact Assessment is being prepared as part of the ES. The main landscape and visual effects are related to the proposed SRFI development of 557,414 square metres of large-scale warehousing. However, the ongoing visual and landscape assessment work is considering the potential effects associated with the highway and other works within the proposals. There are no statutory landscape designations that cover any part of the East Midlands Gateway proposals.

41. Variations in ground levels across and surrounding the SRFI site create an area within which the proposed built development would be located. The existing King Street Plantation and The Dumps woodlands would be conserved and retained, with significant new mounding with further new woodland and tree planting to be provided around the north and west of the site to form an effective visual screen. The formation of the perimeter mounding will represent the most significant visual effect during the construction period. Once the outer part of the mounding is in place it will form an effective screen to the ongoing construction activity.

42. The outer mounding and associated landscape proposals, including retained existing woodland features would substantially screen views towards the built development from surrounding settlements and properties, including those at Lockington, Hemington and Castle Donington. Glimpsed and filtered views

towards the highest parts of the employment units may remain possible in advance of the maturing of the planting proposed, but activity and any operations associated with these units will not be visible even at the early stages of the operational phase. Similarly, the intermodal and rail port area will not be visible from these settlements.

43. More distant views, principally towards the employment units and outer landscape framework, will be possible from various locations across parts of the Trent and Soar valleys. Where visible the effect of the proposed development is likely to be minor adverse or for any relatively closer and clearer views minor/moderate adverse, and will form part of the visual and landscape context provided by the surrounding buildings and land-uses.
44. The proposed scheme includes an extensive and robust landscape framework that has been carefully devised to provide a strong “green” structure to the site and effective mitigation for the potential visual and landscape effects. Subsequent care and attention to the detailed design, implementation and subsequent management of these landscape and green infrastructure proposals will be important to ensure that the likely effects are further minimised wherever possible and the identified opportunities for enhancement. These proposals will include:
- Conserved and new landscape and habitat areas extending to approximately 158 hectares (approximately 390 acres) across the whole EMG development - landscape framework areas and green infrastructure account for almost 50% of the total proposed site area;
 - New native woodland, tree and hedgerow planting (extending to around 11 hectares and over 75,000 new plants, using locally occurring species);
 - Other new habitats to increase ecological diversity and connectivity;
 - Comprehensive long term management to underpin all of the new and conserved landscape areas.

Ecology and Nature Conservation

45. There are no statutory designated sites, such as Sites of Special Scientific Interest (SSSIs), within or adjacent to the application site. Surveys undertaken have recorded the presence of some habitats of ecological interest, including woodland, hedgerows and watercourses as well as a number of mature trees. Some of these features have been designated as Local Wildlife Sites or highlighted as candidates for this non-statutory designation. Surveys have recorded the presence of badgers, bats and bird species within the application site, and appropriate measures are proposed in the design of the proposals to retain habitats for these species wherever possible. Further, supplementary surveys are being undertaken during the Spring of 2014. Where the nature of the proposed development does not allow for habitat retention, a comprehensive mitigation strategy will be implemented to offer replacement habitats, with enhancements for biodiversity incorporated where possible.
46. The majority of the SRFI site consists of intensively managed arable fields and to a lesser extent improved grassland, habitats which are of low intrinsic ecological interest or value.

47. While the proposed SRFI development will necessarily result in the removal of large areas of arable land and bounding hedgerows, steps are being taken to retain existing areas of woodland and trees wherever possible, and in particular to maintain the integrity of the two watercourses that flow through the site, namely the Lockington Brook and the Hemington Brook.
48. Significant landscaping works are to be undertaken as part of the proposed development, and this offers the opportunity to provide new habitats of ecological interest, including new woodland, scrub and hedgerows, new wildflower meadows, and new waterbodies designed according to ecological principles to encourage wildlife.
49. Overall the proposed development provides an opportunity to establish new habitats of nature conservation interest and to deliver net gains for wildlife in the locality.
50. The potential ecological impacts of the proposed development are largely confined to the application site itself but given the continuity of agricultural land outside the application site boundaries and proximity of watercourses, consideration has also been given to the following likely significant effects, which may spread beyond the application site:
- Disturbance to populations within hearing range during the construction phase;
 - Fragmentation of 'dispersal corridors' utilised by adjacent populations;
 - Disruption to habitats / populations within receiving range of dust etc. during the construction phase;
 - Disturbance to habitats / populations within walking distance during the operation phase; and
 - Pollution to watercourses during the construction and operation phases.

Geology, Soil and groundwater

51. The mitigation measures proposed are anticipated to result in negligible environmental impacts. This can be summarised by the following points:
- The hard development does not sterilise any areas of land proposed for future provision of mineral or aggregate resource supply.
 - Earthworks cut and fill balance will negate the need for large amounts of lorry movements and removal of materials to landfill and importation of materials.
 - The reuse of clean natural soils will not cause any impact to surface waters or aquifers.
 - A project management team will oversee construction work and enforce appropriate
 - Environmental monitoring control measures. This will ensure that short term construction impacts to environmental receptors including the public and adjacent site users are managed and minimised or completely prevented.
 - The construction contractor will adhere to best construction practice.

Water Resource and Drainage

52. The SRFI development site itself is located entirely within Flood Zone 1 (low probability of flooding). Similarly, the location of the proposed Kegworth Bypass to the south is also within Flood Zone 1. Flood Zone 1 is defined as land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%) and is the lowest defined category of flood risk. The proposed Link Road between M1 junctions 24a and 24, associated amendments required for the existing highways and new rail line include areas designated as Flood Zone 3a (High Probability) associated with flooding from the River Soar to the east and River Trent to the north.
53. The SRFI site is currently subject to a generally natural regime of surface water run-off and infiltration with the catchments of the Hemington Brook and Lockington Brook being fed within the proposed development site boundary. Whilst the main study area is considered to be at low risk of river flooding, there are known instances of flooding along the Hemington Brook that the proposed development could influence without introducing specific measures. The flood risk from the Lockington Brook is considered less severe than the Hemington Brook, but nevertheless the development could influence this as both watercourses emerge within the SRFI site boundary. Therefore, a comprehensive strategy has been developed to manage these potential effects.
54. There would inevitably be an increase in surface runoff once the development is in place if mitigation measures were not provided. However, the surface water drainage strategy included within the proposals will ensure that surface water will be managed appropriately to ensure that the rate, and quality, of water leaving the site is not increased or compromised. In simple terms, a number of mitigation and design measures are proposed to ensure the development does not create additional flood risk or negative effects in terms of drainage of surface water elsewhere in the local catchment area. In terms of the SRFI itself, this relates to Hemington and Lockington in particular.
55. Any loss of floodplain areas (in Zone 3a referred to above) will be compensated for to ensure no increased risk of flooding on or off site.
56. The measures proposed include the provision of water storage areas, basins and swales as part of a Sustainable Urban Drainage System to prevent an adverse impact to the wider catchment. These features will collect and slow the rate of water run-off, and the design and assessment work shows that the combination of measures will result in a reduced risk of flooding during periods of heavy rain by restricting the rate of run-off from the site to levels below those seen currently. This will have a beneficial impact on Hemington in particular.
57. In addition, there is an opportunity for the development process to establish a local fund which could be used to provide improvements to the local drainage network within the villages of Hemington and Lockington which currently increase the risk of localised flooding.

58. Whilst the main study area is considered to be at low risk of river flooding, there are known instances of flooding along the Hemington Brook that the proposed development could influence without introducing specific measures. The flood risk from the Lockington Brook is considered less severe than the Hemington Brook, but nevertheless the development could influence this as both watercourses emerge within the SRFI site boundary. Therefore, a comprehensive strategy is being developed to manage these potential effects.

Noise

59. The noise assessments work to date as part of the Environmental Statement, including noise surveys undertaken around the proposed site, have provided noise measurements used to provide a picture of the current noise levels and sources (known as 'the existing ambient levels' or baseline) on the site. The noise survey data shows that many parts of the proposed development site and surrounding locations currently experience high levels of noise throughout the day, and at night. This is to be expected given the location which is immediately adjacent to several major noise sources, including:

- The M1 motorway, and Junction 24 – this junction is currently over-capacity during the peak hours, and sees around 6,000 vehicles per hour;
- The A50 and A453 trunk roads;
- The freight railway line which currently sees 32 train movements per day on this stretch of line;
- East Midlands Airport which in addition to being a busy regional passenger airport is the busiest pure cargo airport in the UK.

60. An assessment of the likely noise effects of the proposed development has been undertaken, of both the construction and the operational phases of the project. The main source of additional noise from the development is from road traffic, although many areas in the surrounding communities will not be affected by even this moderate change in noise levels. Changes to the highway network proposed mean many areas will experience less traffic noise than they do currently. Even based on a worst-case scenario of noise levels on the rail freight interchange site (including the proposed rail line) once operational the noise effects are mostly negligible or imperceptible. This is partly because the incremental increase in noise from the proposed development is low relative to the context of existing noise levels around the site from existing infrastructure and development.

61. However, it is also because landscape design and other measures included within the proposals will also form an effective part of the mitigation of the noise effects. Specifically, the bunding and landscape works, and the proposed buildings themselves, will reduce the extent of the operational noise from the development. Indeed, some local residential areas close to the proposed development will enjoy lower levels of noise than they do at the moment due to the screening effects of East Midlands Gateway. Also, the proposal to locate the noisiest element of the proposal – the freight terminal – on the eastern edge of the site furthest from the villages of Castle Donington, Lockington and Hemington helps reduce the effects of noise from East Midlands Gateway SRFI development.

Air Quality

62. There are five Air Quality Management Areas (AQMA) designated within North West Leicestershire for issues relating to high levels of nitrogen dioxide associated with major roads. The closest AQMA is the M1 AQMA, east of the A453, parallel to the eastern boundary of the airport. Others include parts of Kegworth and Castle Donington.
63. Monitoring data shows existing nitrogen dioxide levels exceeding legal limits, with no clear trends over the past 6 years, suggesting that concentrations are not reducing. However, the monitoring data suggests that concentrations of other pollutants, such as PM₁₀ (fine particulate matter in the air, often including dust, smoke, and pollen), are well below legal limits in North West Leicestershire.
64. Air quality modelling and impact assessments have been undertaken. With no mitigation assumed, the assessments show that the likely air quality impacts of the proposals during both construction and operational phases range from beneficial in many areas, to neutral in other areas, and moderately adverse in a small number of locations assessed near the site. However, with the mitigation measures proposed, the overall assessment is that East Midlands Gateway is beneficial in terms of air quality, particularly once operational. In fact, the reductions in traffic flows in key locations delivered by the proposed highways improvements, including the Kegworth Bypass, will result in significant improvements to air quality in many locations, and could allow for the revocation of up to three of North West Leicestershire's AQMAs. The increase in rail traffic will have a negligible impact on air quality.

Cultural Heritage

66. There are a number of designated and non-designated heritage assets that will require mitigation measures.
67. Design measures have been incorporated into the Development Framework Plan to protect, preserve, manage and enhance the significance of certain heritage assets. In particular, additional screening is proposed around the roundabout and along the slips at the eastern end of the Kegworth Bypass, where it joins the A6. In addition, the Listed milepost within the northern part of the site will be relocated or protected and preserved as part of the works to existing infrastructure. In addition to design measures, mitigation measures will be required to mitigate the direct impact on any archaeological assets.

Lighting

68. A Lighting Assessment of the proposals is being undertaken, and is informing a Lighting Strategy as part of the East Midlands Gateway proposals. The context for the site includes lighting from the existing strategic road network, including the approaches to the motorway on the A50 and A453 which are a source of some obtrusive light impacts. The work undertaken has been focused on devising a lighting strategy which will:
- Take into consideration the existing site conditions and the key receptors
 - Minimise spill light to surrounding areas

- Minimise upward sky pollution
- Ensure maximum surveillance on-site

69. The proposed strategy will achieve this by reducing the external lighting column heights to the site boundary and by a range of other measures, including the choice of lighting (for example, flat glass full cut-off luminaires, and luminaires with asymmetrical light distribution), to minimise light spill to adjacent areas.

Transport

70. The East Midlands Gateway proposal includes a significant and comprehensive package of highways works and improvements. As well as highway works to offset the impacts of the proposed development (and wider growth) at Junction 24 and 24A, and on Kegworth (through the provision of a bypass) the measures identified will provide a comprehensive package of alternatives to the private car. These include improvements to public transport, which reflects the proximity of the site to the airport and presents opportunities for integration into the public transport strategy associated with the proposals. Existing walking and cycling routes will be enhanced or extended, and some existing 'severance' issues – physical barriers to walking and cycling as a result of major roads or other features – will be improved through the changes proposed.

71. The highway improvements and changes comprise:-

- A new free-flowing southbound slip-road over the M1 to replace the Junction 24A roundabout. This would join with both the M1 southbound and provide a link to the Junction 24 roundabout which would be improved. This would remove all A50 to M1 southbound traffic from Junction 24.
- The current junction between Church Street and the A50 and Main Street and the A50 will be closed. A new two-way route would be provided along what is currently the A50 southbound carriageway and also provide access to the Hilton Hotel.
- Provision of a Kegworth Bypass to the south of the village which would remove most A6 and Airport traffic from Junction 24, and allow HGV traffic to avoid Kegworth;
- Improvements to the M1 southbound between the new A50 slip-road and the existing Junction 24 slip-road;
- Widening and signalisation of the A453 arm into Junction 24 from Nottingham;
- Construction of a new site access onto the A453 south of Junction 24 to serve the development. This would take the form of a large signalised roundabout, designed to meet the needs of the SRFI site and the Airport.
- A new bridge over the Motorway would also be provided at the SRFI site access to replace the nearby Kegworth Road bridge which would remain for pedestrian and cycle use only;
- Bus priority and the provision of dedicated facilities at the SRFI site access roundabout, through to the Kegworth Road.

72. In accordance with Government Guidance the Transport Assessment assumes an assessment period of between years 2016 and 2023. The assessment undertaken indicates that the improvement works would allow critical parts of the strategic road network to operate with improved capacity in the assessment

years. In particular, Junction 24 of the M1 currently experiences peak traffic volumes of around 6,000 vehicles per hour and is operating over capacity, creating regular and significant congestion. Projections are that without the proposed East Midlands Gateway development this junction will see around 8,000 vehicles per hour by 2023.

73. The East Midlands Gateway traffic modelling and assessment process indicates that the development would have a beneficial impact on the surrounding road network. During the construction period, the transport impacts of the proposed development are likely to be negligible. Once operational, the development is expected to generate between 950 and 1,250 vehicle trips per hour at peak times, of which around 280 would be HGVs. However, the highway improvements proposed would remove a substantial number of vehicles from Junction 24 at peak hours, and provide new capacity which would greatly reduce congestion and ensure this junction will not represent a barrier to additional development and growth.

Agricultural Land Quality

74. The principal adverse impacts of the proposed development will be on the loss of best and most versatile agricultural land in grade 2 and sub-grade 3a, and on the soil functions on the built land, both of which are moderate to substantial and adverse. The impact on agricultural businesses is mainly negligible.

Planning Policy

75. Because this is a Nationally Significant Infrastructure Project which requires a DCO to be determined by the SoS the matters to be taken into account are set out in Section 104(2) of the Act. The matters are:

- the national policy statement ('NPS') for the type of development to which the application relates;
- any local impact report;
- "*any matters prescribed in relation to development of the description to which the application relates*"; and
- any other matters considered important and relevant

National Policy

76. The Government published policy guidance on SRFI in November 2011, and updated this in a Draft National Policy Statement for National Networks (draft NPS) in December 2013. The November 2011 SRFI policy will be superseded when the draft NPS is finalised. The draft NPS sets out the national vision and policy for the future development of nationally significant infrastructure projects on the national road and rail networks. It is a key source of policy guidance for the EMG proposal and Section 104 of the Act requires that Nationally Significant Infrastructure Projects should be determined in accordance with such policy unless it would:

- lead to the UK being in breach of its international obligations;
- be unlawful;
- lead to the Secretary of State being in breach of any duty imposed by or under any legislation;

- result in adverse impacts of the development outweighing its benefits;
- be contrary to regulations about how the decisions are to be taken

77. The draft NPS recognises the importance of SRFIs in terms of both economic development and addressing climate change. It makes explicit references to SRFI's role in facilitating the movement of freight from road to rail. This is seen as central to Government's vision for transport which is described as:

'Government's vision for transport is for a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities. The transfer of freight from road to rail has a part to play in a low carbon economy and help to address climate change.' (para 2.48).

78. The draft NPS describes the aim of an SRFI as:

'...to optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road, through co-location of other distribution and freight activities. SRFIs are a key element in reducing the cost to users of moving freight by rail and important in facilitating the transfer of freight from road to rail.' (para 2.40)

79. The draft NPS describes the main drivers of demand and need for SRFIs, summarising them as:

- *The changing needs of the logistics sector*
- *Rail freight growth*
- *Environmental*
- *UK economy, national and local benefits – jobs and growth*

80. It is explicit in the draft NPS that Government sees a 'compelling need for an expanded network of strategic rail freight interchanges' (para 2.51), and places SRFIs in the context of national economic and environmental objectives and priorities.

81. The draft NPS does not seek to identify specific sites or locations for SRFIs, but does include a number of generic criteria or characteristics to describe the type of locations in which they are expected to be developed. These can be summarised as locations which:

- *have good connectivity both with the road and rail network, in particular the strategic rail freight network* (para 2.49);
- *are near the business markets they will serve – major urban centres, or groups of centres – and are linked to key supply chain routes* (para 2.51);
- *located alongside the major rail routes, close to major trunk roads as well as near to the conurbations that consume the goods* (para 2.41).

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG)

82. The NPPF provides the Government's policies for the delivery of sustainable development through the planning system. It advocates a presumption in favour of sustainable development. Paragraph 14 explains how this should be approached. The focus on the importance of positive planning for growth follows the lead set by The Plan for Growth, the Government's national economic and strategic planning policy statement published in March 2011.

83. The NPPF sets out three dimensions to sustainable development:

- *An economic role, ensuring sufficient land of the right type is available in the right place, at the right time, to support growth;*
- *A social role, supporting strong, vibrant and healthy communities;*
- *An environmental role, to enhance the natural and built environment.*

84. The NPPF reiterates that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring that the '*planning system does everything it can to support sustainable economic growth*'. The wording of the NPPF policies are clear that the planning system must do all it can to support growth, it must be proactive and it must meet the development needs of business and support an economy fit for the 21st Century. (Para 19)

85. In relation to NSIPs, the NPPF emphasises the importance of National Policy Statements for major infrastructure in the determination of nationally significant infrastructure projects, whilst also noting that other material considerations of relevance may include the NPPF:

"This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications." (NPPF paragraph 3)

86. Therefore, despite the difference in procedural and process terms for an NSIP compared to a planning application, the NPPF is one of a number of important considerations in understanding the policy context set by Government for planning for development in general terms. The NPPF provides detailed guidance on a wide range of detailed and specific policy issues, many of which are of relevance to the EMG proposal such as:

- good design
- promote healthy communities
- protect existing open spaces and recreation
- protection and enhancing of public rights of way
- challenge of climate change and flooding
- conserve and enhance the natural environment
- take into account the condition of land
- take into account issues of noise
- take into account air quality and lighting
- conservation and enhancement of the historic environment
- the importance of designated assets
- the importance of safeguarding and facilitating the sustainable use of minerals.

Regional Policy

87. Although the Regional Spatial Strategy has been revoked it is relevant to bear in mind that the EMG proposal has its origins in the RSS and particularly the evidence base behind the strategic distribution and logistics policies. In 2010 a 'Strategic Distribution Site Assessment Study for the Three Cities Sub-Area of the East Midlands' sought to identify large sites which could be rail linked and serve as full SFRI terminals in the Three Cities sub-area. The 2010 report remains relevant in terms of providing an assessment of potential sites against the core suitability criteria as defined by RSS Policy 21. The methodology for the report included consideration of a range of factors, including accessibility by road and rail, site size and the potential to accommodate the longer international standard freight trains, proximity to labour, and practical issues such as site topography and deliverability.
88. One of the three sites identified as being suitable for SFRI in the Three Cities region was 'Castle Donington near East Midlands Airport' which is the location of the EMG proposal. The other two sites identified were at Markham Vale which has since been developed and Eggington Common in Derbyshire. However it was never suggested that the three sites were mutually exclusive.

Local and Sub-Regional Policy

89. The NPPF recognises that Local Enterprise Partnerships (LEPs) should play an important role in assessing business needs and changes in the market. LEPs were introduced by the Government to replace Regional Development Agencies and a key part of their function is to '*play a vital role in supporting local authorities' plans for key sub-national infrastructure*' (The Plan for Growth paragraph 2.37). The Plan for Growth also states that part of the role of LEPs might be to lead '*the production of strategic plans that identify and align strategic economic priorities and guide infrastructure delivery*'. (Para 2.37)
90. The EMG is located within the Leicester and Leicestershire (LLEP) area, but is also considered to be of relevance to the Derby and Derbyshire, Nottingham and Nottinghamshire (D2N2) LEP.
91. In March 2014 the LLEP published its final Strategic Economic Plan (SEP). The SEP refers to the general strengths of the area overall in terms of accessibility and connectivity, and acknowledges the area's strengths in terms of logistics activity. The SEP is structured around three core and interconnected elements: People, Business, and Place. The 'Place' component of the SEP includes the identification of a number of "*transformational priorities of national significance*" which includes the 'East Midlands Gateway Strategic Rail Freight Interchange' as part of a wider 'East Midlands Enterprise Gateway' (EMEG) initiative.
92. This initiative is one of several Growth Areas within the SEP, with identified economic outcomes associated with employment creation, enhanced skills and training, and supply chain development. The SEP emphasises the importance of the logistics sector to the economy in general, and refers to the EMEG area as "*a transport and logistics 'sweet spot'*" (page 41). In relation to East Midlands Gateway SRFI specifically, the SEP says that "*Public sector partners are*

committed to working closely to speed up the processes associated with this and to enable its delivery" (page 42). The SEP also identifies the importance of working cross-boundary with the D2N2 LEP given the location of the identified Growth Area.

93. The LEP's strategy is high-level, and refers to the general strengths of the area overall in terms of accessibility and connectivity. It refers to the importance of having access to markets, and acknowledges that *"the area has been strongly placed to develop as the UK's logistics hub, with a strong competitive advantage in terms of the movements of freight by road."*
94. The Strategy cross-refers to the Local Transport Plan (LTP3) for Leicester and Leicestershire, and to the specific objectives therein to provide for the efficient and effective movement of freight.
95. The 'Derby and Derbyshire, Nottingham and Nottinghamshire' ('D2N2') LEP has also published a SEP in March 2014. Although the EMG proposal is not within the D2N2 LEP's area, the strategy includes 'Transport & Logistics' as a priority sector, and the SEP recognises the importance of cross-boundary infrastructure and opportunities. The D2N2 SEP "Key current and future assets which benefit the D2N2 economy include East Midlands Airport and the proposed strategic rail freight hub to the north" (page 31).

North West Leicestershire Local Plan

96. Due to North West Leicestershire DC (NWLDC) withdrawing its submitted Local Plan in September 2013, NWLDC's Cabinet considered a paper in December 2013 to provide assurance of the Council's in principle support of the Strategic Rail Freight Interchange (SRFI) proposal, and to ensure there was clarity about the Council's position on EMG during the period while the Core Strategy is delayed. The conclusion to that Cabinet report was: *"Clearly Cabinet will want to reserve its formal position on the Roxhill proposals until all of the details of the scheme are known. However, given the substantial potential for job creation and the likely local, regional and national benefit of such a proposal, it is recommended to Cabinet that 'in principle' support for the Roxhill scheme should be offered at this stage and the applicants encouraged to submit their application to PINS at the earliest opportunity to allow the detailed examination of the scheme to take place."*
97. The recommendation that the Council agree to reassert its in principle support for the EMG was approved.
98. The withdrawn Local Plan contained the following **Policy CS6; Strategic Rail Freight Interchange:**

Proposals for a new Strategic Rail Freight Interchange (SRFI) in North West Leicestershire will be determined at a national level. North West Leicestershire District Council will support a SRFI in the District where

- A *Development is restricted to B8 Storage or distribution uses (as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended)).
No open storage or other uses will be allowed unless it can be demonstrated that they are ancillary to the use as a SRFI;*
- B *Provision is made for direct rail access from the site to the national rail network which satisfies the requirements of the Network Rail;*
- C *Provision is made for an inter-modal terminal for use by companies other than those located on the site;*
- D *The occupancy of any unit on the site is restricted to companies which can demonstrate that they require access to the rail network and where most goods entering or leaving the unit do so by rail*
- E *There is satisfactory access to the Strategic Road Network together with:*
 - i. *The provision of public transport to serve the site 24 hours a day, seven days a week that links the proposed development with local centres and Priority Neighbourhoods;*
 - ii. *New walking and cycling links to local centres; and*
 - iii. *Improvements to the strategic and local road network. HGV access to local roads will be minimised;*
- F *The development is designed so as to minimise visual and noise impact upon nearby settlements and the surrounding countryside*

Minerals and Waste Core Strategy

99. The Leicestershire Minerals Core Strategy and Development Control Policies DPD contains policies to safeguard mineral resources and in certain circumstances require the extraction of the mineral in advance of surface development (Policies MDC 8 and MDC 9).

Local Transport Plan

100. Leicestershire's third Local Transport Plan (LTP3) was launched on 1 April 2011. The long term strategy for LTP3 sets out a vision for transport to 2026 and provides a framework for how the county's transport system will be managed and developed in the future. A key strategic goal is to deliver a transport system that supports a prosperous economy. The strategic outcomes that LTP3 seeks to deliver include a transport system which provides more consistent, predictable and reliable journey times for the movement of people and goods; all residents having efficient, easy and affordable access to key services, particularly by public transport, bike and on foot; more people walking, cycling and using public transport as part of their daily journeys and accessing the natural environment easily and efficiently, particularly by bike or foot. The key theme is making the best use of the transport system we have, only seeking to increase capacity where it is affordable and is the best choice in context of the strategic goals (particularly economic growth) and outcomes which LTP3 is trying to achieve.

Consultation

101. Although informal consultation has taken place for some time, more formal consultation by the developer with local communities has taken place by various means starting at the end of January this year and continued into March. This consultation involved the distribution of leaflets to homes and businesses in local communities surrounding the EMG site. The Developer also wrote to Parish Councils and local councillors to explain the consultation process and where further information could be sought. Public Exhibitions were held in Castle Donington, Kegworth and Lockington in January and February. Further consultation exhibitions arranged by the Developer were held in May 2014 at Kegworth and Lockington Village Halls and Donington Manor Hotel, Castle Donington. Throughout this period documentation illustrating and explaining the proposed development has been available to the public and can be viewed online via the following link <http://www.eastmidlandsgateway.co.uk/>. The documentation which is available online is updated as it evolves through the pre-application consultation and Environmental Impact Assessment processes.
102. The current consultation on the East Midlands Gateway is to meet the requirements of Section 42 of the Act and official notice is being given of the intention to make an application to PINs for a DCO as required by Section 48 of the Act. All consultation documents and material are available via the project website (see above). This consultation with the public, and a range of statutory consultees and other bodies will close on 27th June 2014.
103. Roxhill Developments Ltd has prepared a Statement of Community Consultation (SoCC) which explains the ways in which it will consult with the public. The County Council has previously provided comments on the SoCC. After the application has been submitted the Council will be asked by PINs to confirm that the Developer has complied with the requirements to consult and publicise the application in accordance with the Act and the SoCC. The SoCC and other key project information is available via the 'Application Documents' page of the developer's website, and at: North West Leicestershire District Council offices, Coalville; County Hall (Leicestershire County Council), Glenfield, Leicester; Kegworth Library; Castle Donington Library; Melbourne Library and Sutton Bonington Library.

County Council Consultation Response

104. As part of the pre-application process there have been meetings and consultation between the Developer's consultants and Council officers over a considerable amount of time. Officer involvement in the pre-application process has varied between topic areas with work particularly concentrating on highways and transportation matters. In order to respond to the consultation a summary of the situation in respect of the County Council's responsibilities for matters affected by the development and any key outstanding matters to be resolved, is provided below. It is recommended that this be the basis of the Council's response to the developer.

Transportation

105. The development is predicted to have a very significant traffic impact. Once operating at its maximum capacity, which it is understood is likely to take around 30 years to achieve, it is predicted that the site could generate around 18,000 trips a day with approximately a third being HGVs.
106. However, the nature of the site means that the vast majority of HGV trips are likely to be associated with the strategic movement of goods, e.g. onward to further distribution centres (such as for a supermarket chain) rather than to specific local business or shops. Hence they will, in the main, be focused, on the Strategic Road Network (M1, A42/M42, A50, A453) rather than local county roads. Employees are likely to be drawn from across a relatively wide area, working in shifts and with focus on travel by public transport (the developer is exploring opportunities for joint working with East Midlands Airport).
107. Thus, the predicted traffic impacts of the East Midlands Gateway proposal would appear to be largely on the Strategic Road Network. In comparison, the impact on county roads within Leicestershire would appear to be relatively small, with the most significant being potentially on Kegworth. Notwithstanding this, no information has been provided by the Developer, so far, on the impact of construction traffic and this information is required to fully assess the impacts of the development.
108. In the light of the above, highway officers' preliminary view is that the package of mitigating measures being proposed by the developer is, in principle, broadly appropriate.
109. The only caveat to the above is that the latest modelling (January 2014) appears to be indicating an impact on the junction in the centre of Hathern. Officers are currently in discussions with the Developer about this.
110. The Developer has prepared a draft Travel Plan as part of the draft documentation. Whilst this in general covers the necessary requirements of such a plan there are unfinished parts of the document which need to be completed before it can be considered satisfactory and targets in the Plan, for example to increase walking and cycling by 1% in 7 years which are low and need to be more challenging.

Economic Development

111. One of the County Council's main priorities is to ensure that Leicestershire has a thriving local economy underpinned by good infrastructure that creates jobs and prosperity. This is a key component of the County Council's Strategic Plan 2014 to 2018, which includes a focus on improvements that can underpin and unlock economic growth, by: releasing the right land for development through effective planning and related strategic transport movements; providing housing near to jobs and critical high speed broadband improvements and ensuring local people have the right skills, training and qualifications both now and in the

future. The economic priorities in the Council's Strategic Plan are closely aligned to the priorities set out in the Strategic Economic Plan 2014-20 (SEP) produced by the Leicester and Leicestershire Enterprise Partnership (LLEP) in March 2014.

112. The SEP (available at <http://www.llep.org.uk/SEP>) identifies five Growth areas; one of which is the East Midlands Enterprise Gateway (EMEG), and includes the East Midlands Gateway Strategic Rail Freight Interchange (EMG SRFI) as a priority. In the SEP the LLEP states that it will prioritise infrastructure investment in the five priority Growth Areas and accelerate the delivery of the EMG SRFI. The Council fully supports the SEP and recognises the very substantial economic benefits that growth at the East Midlands Enterprise Gateway, and the accelerated development of the Rail Freight Interchange, will bring to Leicestershire and the wider regional economy.
113. Paragraphs 3.19 to 3.30 of the SEP cover the EMEG and RFI in more detail. It is stated that a programme of activity for the EMEG area to 2020 will include a focus on interventions to support the successful delivery of the Rail Freight Interchange and co-ordinate activities across the area. A Growth Area Plan will be developed which is expected to focus on:
- the provision of essential highways and other infrastructure investment (including improvements to nearby motorway junctions) to facilitate and support delivery of the East Midlands Gateway schemes and other developments;
 - provision of superfast broadband to local businesses; and
 - activities to ensure the employment and skills needs of the growth area are met.
114. The Council is also an active participant in the recently established East Midlands Enterprise Gateway Group which brings together local key partners and businesses to oversee and manage economic growth at EMEG and will seek to co-ordinate infrastructure provision and the implementation of employment and skills measures.

Minerals Safeguarding

115. The majority of the development site does not contain any potential mineral resources, but some of the proposed open spaces to the north of the main development site together with the major trunk road junction improvements and rail branch line infrastructure elements within the northern portion of the scheme lie within a Sand and Gravel Mineral Consultation Area. The ES indicates that a limited thickness of low quality sand and gravel is anticipated to be present within these areas.
116. The economic mineral deposits on the east of the M1 potentially impacted upon by the Major Trunk road improvements at Junction 24A to Junction 24 will have been removed by the ongoing extraction operations at Lockington Quarry by the time that any construction commences.

117. The proposed rail branch line in the north of the site is likely to sterilise some potential sand and gravel resources. The volume sterilised will be limited to the footprint of the line. Prior extraction as a form of mitigation is not considered economically viable or sustainable as the removed aggregate would need to be replaced with a similar or better imported aggregate resource to provide a suitable foundation formation for the proposed rail embankment.
118. In the circumstances, there is no objection to the proposed development on the grounds of mineral sterilisation.

Archaeology and Cultural Heritage

119. Fieldwalking and geophysical surveys have been completed by the Developer and reports submitted to Council officers on 7th May 2014. The latter, in particular, has demonstrated the presence of buried archaeological remains within the proposed development area. A programme of targeted trial trenching to follow-up the fieldwalking and geophysical surveys will be necessary to both ensure a sufficiently robust understanding of the significance of the archaeological issues and allow appropriate consideration of their suitable treatment in the context of the development impact.
120. Following discussions with the developer's archaeological consultants, CGMS, in April 2014 and submission of additional information, Council officers have been reassured that aspects of the assessment process outlined in the Cultural Heritage chapter of the draft ES have now been undertaken (fieldwalking and geophysical survey) or are scheduled for completion (targeted trial trenching) in time to meet the determination process. As far as the buried archaeological resource is concerned, **subject** to the completion of work in line with an agreed written scheme of investigation and to an appropriate timetable, the County archaeologist is satisfied that the archaeological interest can be adequately addressed.
121. However it does need to be emphasised that the work outlined above needs to be completed and, where applicable, the Cultural Heritage Chapter of the ES to be appropriately amended, before the application for DCO is submitted to PINs because as it stands it is an incomplete and inadequate document.

Landscape and Visual Impact

122. Some elements of the landscape and visual impact assessment (LVIA) remain to be completed, although the latest draft broadly covers everything that is needed. Council landscape officers met with FPCR (the developer's landscape consultants) in January 2014 where the landscape masterplan proposals were considered and LVIA requirements discussed. A list of specific items for consideration during the preparation of the final version of the LVIA was agreed. A few of these items appear to remain outstanding and will need to be taken up with FPCR.

Ecology and Nature Conservation

123. A number of concerns were raised previously with the Developer about the Ecology information in the draft documentation. For example the impact on Lockington Marshes SSSI was not addressed and the quality of the Phase 1 habitat survey in some parts was not of a standard to be expected with omissions of survey data. In particular mitigation and compensation for the considerable habitat losses had not been adequately covered.
124. The impact on Lockington Marshes SSSI has been addressed in the latest iteration of the ES. Because the impacts relate to hydrology the Environment Agency and Natural England will need to consider whether the impacts are acceptable.
125. The ES also now has a section on Mitigation and Enhancement Measures in the Ecology and Nature Conservation Chapter. However these measures remain sketchy and not specific. There are likely to be potential indirect impacts of the development resulting from changes to drainage and ground levels which will affect off site habitats.
126. There is no detail of the amount of locally important habitat being lost or impacted (e.g. area of grassland/woodland lost or impacted; length of stream culverted, number of ponds lost; length of hedgerow lost) and no information on where compensatory habitat will be created, and the quantities required (it is normal for the area of compensatory habitat to be double the amount that is lost.) There is no correlation with the landscape framework, which does not show the location of compensatory habitats.
127. Some omissions in information previously raised with the Developer is still missing (notably hedgerows, badgers and breeding birds survey) and the Phase 1 Habitat Survey is still inadequate. The latter is a particular concern, and some parts of the area need re-survey; notably the Wildlife Sites. There are discrepancies between County survey data on Wildlife sites and the target notes by the Developer's consultants, with County data showing habitats of significantly greater value; one Wildlife Site that will be lost has not been surveyed; grassland and scrub is wrongly identified as 'deciduous copse'; ponds have been missed.
128. In short there are some significant concerns about the adequacy of the Ecology and Nature Conservation Chapter of the ES and the details of how ecological compensation will be provided. Whilst it is accepted that potential for appropriate compensation exists it has not been demonstrated how this will be achieved and there appears to be no link up with drainage and landscape proposals to achieve mutually beneficial outcomes.
129. There is a need for more liaison between the Council Ecologist and the Developers representatives to ensure that the above concerns are addressed before submission of the DCO application.

Rights of Way

130. The Public Access Plan (5.14) within the Draft Environmental Statement of the application sets out the broad proposals for walking, cycle and horse riding routes. These offer replacements to elements of the public rights of way network that will be lost and include enhanced links from the development to most of the surrounding communities. The proposals have been revised following discussions with the Council officers who are in broad agreement with the overall package except the issues below.
131. The proposed development includes new surfaced cycle and walking routes linking the site to the east with Kegworth and to the north with Lockington. This supports walking and cycling options in the Draft Framework Travel Plan. Currently there is no comparable new provision linking the site with Castle Donington. It is requested that further consideration be given to develop a suitable surfaced route.
132. The Rights of Way Draft Plans are in part, at variance to the Public Access Plan (5.14). The developer now wishes to see the enhanced walking and cycle routes through the main development area to be permissive rather than designated as public highways. The proposed permissive route is in part a replacement of the existing east west public footpath that links Castle Donington with Kegworth. Currently the preferred option remains the creation of a public highway to ensure the network is not fragmented and is available at all times to non-motorised users. Clarification on the conditions relating to the proposed permissive routes needs to be sought.

Developer Contributions

133. Developer contributions requirements will need to be negotiated by the Council directly with the developer and incorporated in a S106 planning obligation. Any such planning obligation will need to be submitted to PINs by a date set through the examination timetable and interested parties including the Council will be able to comment on it through the examination process. Community Infrastructure Levy (CIL) can be applied to NSIPs where the charging authority (in this case North West Leicestershire DC) has issued a charging schedule. A charging schedule has not been adopted in North West Leicestershire so in this case CIL cannot be charged.
134. Requirement for highways contributions and public transport contributions for example staff/employers travel plan; staff bus passes; bus stop improvements; assessment of the site to see whether there was a requirement for either a diversion of an existing bus service to serve the site or the provision of a new service. Measures would be needed to ensure the development is served by a genuine choice of transport, including proper cycling provision and walking/footpath provision as well as any required highways requirements for example or traffic calming measures junction improvements or signalisation enhancements to ensure the free flow of traffic to and from the site.

135. Contributions towards local community facilities will be dealt with via NWLDC. A contribution to economic development priorities such as skills training, apprenticeships would meet local policy objectives and enhance job opportunities in the area.

Conclusion

136. The EMG SFRI has potential to bring benefits to Leicestershire and the surrounding sub-region by providing significant employment and economic growth opportunities. It would provide one of the four transformational priorities in the SEP which is fully supported by the County Council. There is a need to ensure that the development also delivers highway and other infrastructure investment to achieve the wider East Midlands Enterprise Gateway growth objectives.
137. The County Council needs to ensure, through the pre-application consultation and post application examination process, that notwithstanding the significant potential for benefits related to employment and the economy the adverse impacts of the development are minimised and local benefits in terms of mitigation and compensation for the development impacts are maximised and delivered.
138. Council officers will continue to work closely with the Developer and its consultants to achieve the above objectives and ensure all relevant assessments are completed to ensure a clear view can be given on the forthcoming application in the Local Impact Report which the Council is required to prepare to submit to PINs as part of the examination process.

Local Impact Report

139. Once the application for a DCO is submitted to PINs the County Council will be an 'interested party' in the examination process. As part of the examination process the County Council will be required to submit a Local Impact Report (LIR). This will be a report on the 'likely impact of the proposed development' on the Council's area across all the Council's functions (not just planning). The Secretary of State for Transport must have regard to this LIR when making his decision. The LIR will need to be prepared in accordance with the examination timetable but it will need to be submitted within shortly after the acceptance of the DCO application by PINs. Discussions about the LIR have taken place with officers of North West Leicestershire District Council and it has been agreed that submitting a combined LIR for the two authorities would be sensible in terms of avoiding duplication and for cost effectiveness. In view of the tight time scales involved in submitting the LIR once an application is made this report seeks delegated authority to produce the LIR jointly with officers of North West Leicestershire DC.

Statements of Common Ground

140. In order to assist the examination process once the application for DCO has been submitted to PINs it is expected that the Developer and statutory consultees, including the Council, will sign Statements of Common Ground (SoCG) to establish which matters are not in contention and thus enable PINs to focus on areas of contention at the examination. Generally the SoCG will cover technical matters and given the tight timetable of the examination process delegated authority for Heads of Service to agree and sign SoCG is requested.
141. After the application has been accepted for examination by PINs, apart from the need to submit an LIR and SOCGs there is likely to be a need for the Council to make other written representations, respond to questions from the Examining Authority and comment on the submissions of other interested parties at short notice and delegated authority for Heads of Service to do this is requested.

Recommendations

142. That it be recommended to the Cabinet that:
- a) That a response to the section 42 consultation be made which acknowledges the economic benefits of the development for Leicestershire and the region beyond but the outstanding issues to be resolved and which are identified in paragraphs 105 to 138 of this report be brought to the attention of the Developer.
 - b) Officers of the Council continue working closely with the Developer's consultants to satisfactorily resolve the outstanding matters before submission of the application
 - c) That delegated authority is given to the County Solicitor to agree a Local Impact Report to be prepared jointly with North West Leicestershire District Council and to Heads of Service to agree and sign Statements of Common Ground with the Developer.
 - d) That delegated authority is given to Heads of Service to make written representations, respond to questions by the Examining Authority (PINs) and make written comment on other interested parties' submissions to the Examination.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Young People's Service and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the County Council's Human Resources Department if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.