The East Midlands Gateway Strategic Rail Freight Interchange and Highway Order 201X

Regulation 5 (2) (q)

CONSULTATION REPORT

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The East Midlands Gateway Rail Freight Interchange
and Highway Order 201X

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1.0 EXECUTIVE SUMMARY

1.1 Introduction

1.1.1 This report has been prepared on behalf of Roxhill (Kegworth) Limited (the ‘Applicant’) and is intended to fulfil the requirements of Section 37(7) of the Planning Act 2008 (the Act). It is submitted in support of the application to the Planning Inspectorate for a Development Consent Order (DCO) for the development of a Rail Freight Interchange (RFI) and associated infrastructure – a fuller description of the proposals is given below. The proposed development is referred to as East Midlands Gateway (EMG). It is defined as a Nationally Significant Infrastructure Project (NSIP) by the Planning Act 2008.

1.1.2 This report sets out how the Applicant has carried out pre-application consultation on the proposals, how this consultation complies with the requirements set out in the Act. It contains details of the responses received and how the Applicant took account of those responses in developing the proposals.

1.1.3 The proposals comprise:

- 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 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 substantial improvements to Junction 24 of the M1;
- strategic landscaping and open space, including public rights of way and new publicly accessible open areas; and
- a bus interchange.

1.2 Consultation Undertaken

1.2.1 The origins of the EMG proposals are found in schemes and proposals promoted by other developers in and around this key strategic location on the road and rail networks during the late 1990s. The concept of an RFI in this general location was, significantly, also identified through the evidence base prepared by local authorities and other partners within the context of the former Regional Spatial Strategy in 2010. As a result of this long history and evolution of the scheme, there has been extensive non-statutory consultation and engagement over a number of years preceding the formal DCO process and associated statutory consultation and engagement. A wide range of local and statutory bodies have been engaged in dialogue...
which has had a direct and significant influence on the nature and form of the submitted proposals.

1.2.2 Prior to submitting an application for a DCO to the Planning Inspectorate and in accordance with the requirements set out in the Act, the Applicant carried out public and stakeholder consultation on its proposals. All statutory consultation (under Sections 42 and 47 of the Act) has been carried out in line with the advice and guidance provided by the Planning Inspectorate and the Department for Communities and Local Government.

1.2.3 A Statement of Community Consultation (SoCC) was agreed with the relevant local authorities in January 2014 in advance of the formal public consultation process, and consultation was then carried out in accordance with the SoCC. The rationale for the approach contained in the agreed SoCC is explained in this report.

1.2.4 Some local people raised concerns and questions in January 2014 about the extent to which around 6000 publicity leaflets had been successfully distributed. The Applicant shared these concerns, and in response a series of additional consultation measures were taken. These included further publicity and awareness raising, including further leaflet drops, but also included holding a second series of public consultation exhibitions in May 2014. These and other measures taken in response to initial concerns over the efficacy of the awareness raising are described in Section 4.0.

1.3 Consultation Outcomes

1.3.1 The extensive non-statutory pre-application consultation referred to above was undertaken over a period since late 2010 with the formal statutory consultation having taken place more recently ahead of submission of the application to the Planning Inspectorate. The Applicant’s extensive consultation has ensured that the local communities, statutory bodies and other interested parties have been actively involved in the evolution of the proposals for EMG. The consultation process as a whole has made a positive contribution to the proposals, with the input and feedback received from consultees resulting in a number of alterations and modifications which directly influenced the evolution of the scheme. These are summarised in this report and in detail a number of the appendices which accompany this Report.

1.3.2 This Consultation Report provides details of the consultation responses received, and the issues which arose through consultation. It also provides information about the way the proposals have changed over time in response to the input and concerns of local people and bodies. This is also described in the Design and Access Statement (document 6.9). Key examples include:

• Relocation of the proposed new rail link (and terminal) – the rail link was previously proposed to run along the northern edge of the SRFI site and enter on the west close to Castle Donington. In response to concerns about visual impacts, noise and
disturbance the rail link and terminal were relocated to the far eastern edge of the site adjacent to the A453, A50 and M1 corridor;

- The rail freight terminal being located in deep cut – this in part to ensure visual, noise and other impacts are minimised as much as possible, with additional screening introduced at the shallower end of the cut close to Junction 24;

- Built development moved as far south as possible to reduce the effects on Lockington and Hemington, with site access also moved to the far south-eastern corner of the site away from these settlements;

- Retention of the King Street plantation which was assumed for potential loss in an early iteration of the scheme – ‘The Dumps’ woodland is also to be retained;

- An approach to construction and earthworks to include the provision of significant landscape bunding around the northern and western boundaries in particular to substantially screen the development;

- Introduction of the Kegworth Bypass – this was not originally part of the highways package, but was introduced in part in response to evidence and local concerns regarding through-traffic and congestion;

- Whatton Road is to be kept open to retain what is perceived as a locally important connection – a junction with the new bypass is proposed;

- Additional screening and landscaping introduced along key stretches of the Kegworth Bypass, including at the eastern end in response to consultation comments received from a local resident.

1.3.3 The information provided in Appendices 10 and 16 summarises the relevant consultation and associated responses, and later sections of this report provide details of how the Applicant has considered or taken account of those responses. Particular issues which arose consistently include those relating to the implications for the local road network, and questions about whether the SRFI once built would contribute additional noise and air pollution to communities nearby. There have also been comments about any impacts on local drainage and flood-risk, as well as about the landscape and visual effects. While there is general support for the provision of a Kegworth bypass, there have been comments about the proposed route of the bypass. There is also support and recognition of the economic benefits EMG would bring, particularly from statutory consultees.

1.3.4 The Applicant is satisfied that the issues raised have been considered and addressed throughout the evolution of the proposals, and as referred to above and in the main report, changes made to minimise the negative effects, and maximise the positive effects.
1.4 Conclusion

1.4.1 The Applicant is satisfied that the consultation process undertaken has fully complied with the requirements for pre-application consultation and the duty to have regard to relevant responses. The consultation undertaken was in line with the advice and guidance provided by the Planning Inspectorate and the Department for Communities and Local Government. Significantly, it was also consistent with the agreed SoCC.

1.4.2 Furthermore, the additional measures taken early in 2014 in response to concerns that awareness of the formal consultation process was inadequate went beyond what had been agreed in the SoCC with the local authorities as appropriate consultation.

1.4.3 Unfortunately, a small number of responses received have focused on an alleged lack of consultation rather than the substance of the proposals themselves. Some complaints were received from people who had already responded to the consultation process and provided comments about the proposals. The number of responses raising this issue increased, rather than decreased, after additional consultation measures were taken. It is thought this might be a response to awareness by some local people of the importance of consultation to the Acceptance process.

1.4.4 Feedback received from local people at the second round of exhibitions, and from other sources during the consultation process, suggests that the majority of people had seen leaflets, as well as other publicity. Notably, such concerns have not been raised in the formal consultation responses of the local Parish Councils, District Council, or County Council.
2.0 INTRODUCTION

2.1. Background

2.1.1. The proposal is for the development of a Rail Freight Interchange (RFI) facility in North West Leicestershire, close to the border between Leicestershire, Derbyshire and Nottinghamshire.

2.1.2. The proposals comprise:

- 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 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 substantial improvements to M1 junction 24;
- strategic landscaping and open space, including public rights of way and new publicly accessible open areas; and
- a bus interchange.

2.2. Site Location

2.2.1. East Midlands Gateway is centrally located in the Midlands. The proposed RFI is located on land to the north of East Midlands Airport, east of Castle Donington, south of the villages of Lockington and Hemington, and immediately west of the M1 Junction 24. The proposed highway works consist of new roads and improvements to existing roads and are located on land on and around J24 and J24a of the M1 and land to the south of Kegworth. The site identified for the DCO also consists of the land necessary to accommodate the proposed infrastructure works.

2.2.2. Nottingham is approximately 13 miles to the north-east, Leicester is around 20 miles to the south and Derby is 14 miles to the north-west. The proposed rail terminal will connect the site to the Castle Donington Branch freight only railway line providing direct access to the major eastern and southern UK ports.

2.2.3. The proposal is located in a strategic location on the road and rail networks, with access to key north-south and east-west road links via the M1, A42/M42, A50 and other trunk roads, as well as proximity to the national rail freight network which provides national (and international) connectivity via the UK’s major sea ports.
2.2.4. The site, in its entirety, falls within the administrative boundary of North West Leicestershire District Council, and Leicestershire County Council.

2.3. Purpose of the Report

2.3.1. The purpose of this report is to identify the consultation processes and outcomes which have informed the preparation and evolution of the proposals and application. It sets out the various elements of the consultation process which have been undertaken, including the non-statutory consultation activity which ran over several years before the more formal and statutory consultation process commenced. It also describes the local and public consultation process which has been undertaken. Consultation has been undertaken in various stages which provide the overall structure of this report. Table 1 below provides some details of the structure, but in general terms, the key stages are as follows:

**Part 1 – Non-Statutory Consultation**

- As described later in this report, and in other documents, there is a relatively long background to the EMG proposals, and consultation with various bodies and communities has been underway for some time.
- The report describes the key activities and outcomes from informal consultation and engagement since 2011, although also explains that local engagement and dialogue had been underway about the principle of similar developments on other sites nearby for some time before that.

**Part 2 – Statutory Consultation**

- This focuses on the formal consultation processes in compliance with Sections 42, 47 and 48 of the Act in relation to the preparation of the DCO application.
- It provides a summary and overview of the responses and input received from the public and technical stakeholders (and other prescribed persons).
- The account taken of any ‘relevant response’, including where comments have led to changes in the submitted application. Every response received has been considered, including those received outside the deadline for representations (with late responses identified as such).
Table 1. Consultation Undertaken

<table>
<thead>
<tr>
<th>Consultation Stage</th>
<th>Purpose/intended outcomes</th>
<th>Timing</th>
<th>Report Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Statutory Consultation</td>
<td>To raise awareness of the emerging proposals, and seek informal input and views from partners including local communities, local authorities and statutory agencies.</td>
<td>2011 – 2014</td>
<td>3.0</td>
</tr>
<tr>
<td>Section 47</td>
<td>Duty to Consult Local Community Consultation with local community and ‘people living in the vicinity of the land’</td>
<td>January to June 2014</td>
<td>4.0 &amp; 5.0</td>
</tr>
<tr>
<td>Section 42</td>
<td>Duty to Consult Consultation conducted with statutory and technical stakeholders</td>
<td>May - June 2014</td>
<td>6.0</td>
</tr>
<tr>
<td>Section 48</td>
<td>Duty to Publicise Publication of the intention to submit the application to the Planning Inspectorate</td>
<td>23rd and 30th May 2014.</td>
<td>7.0</td>
</tr>
</tbody>
</table>

2.3.2 In preparing this Consultation Report due regard has been had to the DCLG Guidance, and Planning Inspectorate (PINS) Advice Notes. In particular, Advice Note 14 which relates to ‘Compiling the Consultation Report’ was used by the Applicant as a guide as to key elements and content expected or preferred for inclusion by PINS. In particular, the approach taken reflects the advice that:

- There is no ‘one size fits all’ approach to the Consultation Report;
- The Consultation Report should provide clear links back to the legislation (Planning Act 2008) and other relevant legislation to aid the Secretary of State;
- Making distinctions between non-statutory and statutory consultation is helpful and appropriate;
- Copies of relevant notices, letters, and other examples should be appended to the Consultation Report, or cross-referenced if they are provided elsewhere;
- Reporting the responses received can be dealt with in a number of different ways, including either on an ‘issues’ basis, or based around summaries of responses. It is important to be clear what regard has been had to comments received and identify if changes were made as a result, as well as explaining where no change was made as a result of responses received.
PART 1 – Non-Statutory Consultation

3.0 NON-STATUTORY CONSULTATION

Summary of Consultation history, methodology and objectives

3.1.1 Ahead of the requisite statutory consultation process, and from the very early stages of the evolution of the proposals, the Applicant informally consulted with stakeholders regarding the emerging scheme. This engagement began some years ago, and has been an ongoing feature of the project as it has evolved, with informal and non-statutory engagement and dialogue continuing throughout the more recent statutory stages of the application process. Appendix 1 provides a summary of the range of meetings and other engagement held with a range of local and statutory bodies over the period since 2011.

3.1.2 However, the principle and concept of strategic freight and distribution development in this broad location stretches back to the mid and late 1990s when other developers explored rail freight related proposals close to Junction 24 of the M1 motorway. These early forerunner proposals created the context in which the East Midlands Gateway proposals emerged several years later. Albeit on different sites (such as the north-east quadrant of Junction 24), and ultimately not taken forward, the consultation and engagement work undertaken to explore and promote these ideas created a general awareness amongst many key stakeholders of the potential suitability of this broad location for strategic distribution development.

3.1.3 This awareness arguably played an important role in the approach taken through the technical work undertaken by local authorities and other partners to prepare an evidence base to inform Regional and local planning policies in 2010, commissioned from AECOM. The May 2010 AECOM report (document 6.15) identified the East Midlands Gateway location as one of the best and most suitable sites for a strategic rail freight interchange in the region. This is discussed in further detail in the Planning Statement (document reference 6.6), and below.

3.1.4 Therefore, when the Applicant engaged with a range of partners to begin the process of discussing their early ideas for an SRFI in late 2010, there was already a good level of awareness of the concept and potential for such a development in this location.

3.1.5 Since the winter of 2010/2011, the Applicant and their representatives have had meetings with, and sometimes made presentations to, various bodies (as listed below and referred to in Appendix 1) to introduce the scheme, to provide updates where relevant and appropriate, and to allow relevant bodies to comment on and influence the proposals as they have emerged and evolved. This often included meetings or updates with groups or bodies which at that time had no formal view or position on the proposals, and some bodies which were expressly concerned about, or opposed to, the proposals.

3.1.6 Informal engagement and consultation has been held with a range of relevant bodies, including:
• Local Authorities, including City and County Councils;
• The Department for Transport, and HS2 Ltd;
• Local MPs (for North West Leicestershire, and South Nottinghamshire constituencies);
• Local Enterprise Partnerships for Leicester & Leicestershire (LLEP), and Derby, Derbyshire, Nottingham & Nottinghamshire (D2N2)
• Parish Councils;
• Bus companies and operators;
• Local groups (e.g. Kegworth Bypass Group);
• Utilities providers;
• The Environment Agency;
• Neighbouring land-owners and operators, including East Midlands Airport and Lafarge;
• Derbyshire and Nottinghamshire Chamber of Commerce;
• Further education colleges and bodies;
• Network Rail;
• Potential occupiers of the RFI site, and operators of the rail freight terminal.

3.1.7 The presentations and meetings allowed those involved to comment on the scheme and have a valuable input into its evolution. The input and comments received during the non-statutory stage led directly to alterations and amendments as part of the evolution of the scheme – Section 5.0 provides more details about the evolution of the proposals through both the non-statutory and statutory stages of consultation. Ongoing consultation with various bodies ensured that they were kept up to date with progress on the scheme and could see how the proposals were developing.

3.1.8 An overview of the non-statutory consultation and engagement with the key groups or categories of stakeholder is provided in the following sections alongside the details provided in Appendix 1.

3.2 Creation of the EMG Transport Working Group

3.2.1 An early action in response to non-statutory consultation and dialogue was the creation of the EMG Transport Working Group. It was clear from an early stage that the highways and wider transport agenda would be a key area of work, and fundamental to the project as a whole. With this in mind, it was determined that there would be mutual advantages to working closely with key consultees on a technical level to progress core elements of the Transport Assessment associated with the transport and traffic modelling.

3.2.2 The Group provided a forum for discussion and agreement, and was formed in order to provide a collaborative approach to the transport issues associated with EMG working across three City and three County transport authority areas. It had input to, and oversight of, the technical work being undertaken to ensure consistency of approach and methodology, and also to ensure appropriate data and assumptions were used by the Applicant in preparing the
Transport Assessment, Traffic Modelling, Highway Mitigation, Non-Car Measures, and Road Safety.

3.2.3 The Transport Working Group first met in June 2012 and has met approximately every two months (12 times in total between June 2012 and June 2014). Further meetings are to be planned as required. The core membership of the Group, in addition to representatives of the Applicant, are:

- Derbyshire County Council
- Derby City Council
- Nottinghamshire County Council
- Nottingham City Council
- Leicestershire County Council
- The Highways Agency (HA), and AECOM as the HA’s consultants.

3.3 Engagement with local and political stakeholders

3.3.1 Engagement with the relevant local authorities and Parish Councils in the villages surrounding the development area was seen as priority, and began as far back as 2011. The schedule attached as Appendix 1 provides further details about the timing and nature of the early engagement and consultation with local political bodies.

3.3.2 An early priority was to engage with the local planning authority, North West Leicestershire District Council, and several meetings were held throughout 2011 with senior officers to present and discuss the emerging scheme. This included discussion about the emerging Core Strategy and to outline when meetings might be arranged with the relevant Parish Councils.

3.3.3 The Parish Councils closest to the proposals were considered to be a priority in terms of ensuring awareness about the project and for seeking to establish early and ongoing dialogue. Therefore, the focus of engagement activity was with:

- Castle Donington Parish Council
- Kegworth Parish Council
- Lockington cum Hemington Parish Council

3.3.4 Letters were sent to the above Parish Councils in early 2012, as well as to a number of local Ward Councillors, and to the County Council, to introduce the scheme.

3.3.5 Engaging with the then newly established Local Enterprise Partnerships (LEPs) was also seen as an early objective given their role in bringing together local authorities and business representatives, and to take a strategic role in promoting and supporting economic
development. Meetings with the Leicester and Leicestershire LEP began in late 2011, starting with a presentation to their Board, and have continued since.

3.3.6 Similarly, ensuring the local MP was aware of the proposals was also considered important on the assumption that local people might contact him. In addition, as a nationally significant project proposed in his constituency, it was considered necessary that he understood both the emerging scheme, and the process.

3.3.7 Following the initial approaches to these local political bodies, a series of meetings were held, and contact by email, phone, and in meetings has been regular and ongoing since with politicians and officers at the Parish, District, and County levels. Initial meetings held during 2011 and early 2012 introduced the emerging proposals and often presentations were made to Council officers or Parish Councillors to explain the key elements of the scheme and what it might deliver in the local context.

3.3.8 The focus of many early meetings was to explain the emerging proposals and establish a dialogue as the scheme evolved. The Applicant continued to keep the relevant Parish Councils named above informed on progress on the scheme with correspondence and meetings. This informal dialogue also continued throughout the more recent formal public consultation process (see Sections 4.0 and 5.0) to ensure that the Parish Councils were informed of the progression of the consultation and any matters arising. One of the key matters discussed related to the proposals for the Kegworth bypass and the potential delivery timescales.

3.3.9 As the scheme and proposals became increasingly clear and some elements became fixed, later meetings often included discussions in more detail about the aims, ambitions, procedures and timescales for the project as a whole. Again, this dialogue also continued throughout the recent formal public consultation stage to ensure that the political stakeholders were aware of the consultation process.

3.3.10 Often, the meetings held with the Parish Councils provided an opportunity for them to informally raise their objections on the basis of their concerns about the potential impacts of the scheme. These informal meetings have helped to ensure at all stages that the Applicant is fully aware of the concerns and priorities of the Parish Councils as representatives of local communities near the site. This awareness has been directly relevant to decisions taken about the technical work undertaken as part of the Environmental Statement and other supporting documents, and has also informed some aspects of the proposals themselves. For example, issues regarding local flood-risk in Hemington and Lockington, and local concerns about air quality and noise associated with through-traffic in Kegworth have been raised via the informal stages of consultation, and as a result the relevant technical and assessment work undertaken seeks to directly respond to them. In addition, questions and concerns about the potential visual impacts of the proposals were raised from the early stages of the non-statutory consultation and engagement, and had a direct bearing on the proposals themselves.
3.3.11 An additional important local Partner, and neighbour, is East Midlands Airport (EMA). Informal engagement began in 2012, and has continued on an ongoing basis since. From an early stage, EMA identified several broad issues about which they were keen to fully assess and understand the potential effects and implications of EMG. These issues included: aerodrome safeguarding; utilities capacity; transport and highways connectivity including public transport provisions; and, labour supply and skills/training issues. The Applicant has paid for independent external consultancy support to assist EMA in analysing and understanding any impacts and opportunities from the proposals. Section 5.0 of this report provides further detail.

3.3.12 With regard to practical issues associated with delivery of the EMG proposals, dialogue with local bus companies Trent Barton, Nottingham City Transport, and Premiere Bus Company began in late 2012 to discuss early options associated with public transport access to the proposed development, and to explore the potential for the introduction of additional or enhanced services. This dialogue has continued since, with the bus companies playing an important role in the preparation of the Public Transport Plan included in the proposals.

3.4 Statutory Bodies and Government Agencies

3.4.1 Given the nature of the proposals (involving new road and rail infrastructure) the views and advice of bodies such as the Highways Agency and Network Rail have been key. Early informal engagement with both of these bodies directly informed the approach taken to the Traffic Assessment and technical work regarding the new rail link.

3.4.2 A key focus of the non-statutory and informal engagement has been the potential impacts on the wider strategic road network and the potential synergies between the highways proposals within the EMG scheme and the Highways Agency’s priorities. This has included exchanges of information about the highways proposals, including the Highways Agency’s ‘pinch-point’ funded scheme to make improvements at Junction 24 of the M1, and understanding the relationships between Junction 24 improvements and the dualling of the A453. As referred above, the Highways Agency is represented on the Transport Working Group.

3.4.3 More recently, in response to the proposed high-speed rail proposals, the Applicant held meetings with HS2 Ltd. following the announcement of the High Speed Rail line extending to Leeds via Nottingham. The initial preferred route revealed in January 2013 ran directly through the East Midlands Gateway site which would have had potentially devastating impacts for the deliverability of the East Midlands Gateway scheme.

3.4.4 Meetings have been held with HS2 Ltd., and the Department for Transport, to explain the East Midlands Gateway proposal and the benefits that it could bring to the area in terms of national policy objectives relating to rail freight, as well as on investment, and economic development. The meetings also allowed the Applicant to gain an understanding of the land requirement for the HS2 line and the compensation and hardship schemes which were being put in place.
3.4.5 Meetings progressed to discuss the merit of extending the HS2 tunnel proposed under East Midlands Airport to also run under the proposed EMG development area. This option was discussed with an understanding that it would allow both projects to progress without affecting the viability or deliverability of the East Midlands Gateway scheme. In subsequent correspondence and discussions the Department for Transport explained that a revised option to meet the needs of HS2 Ltd and the EMG project had been prepared (see letter at Appendix 2). When HS2 consulted on the HS2 Phase 2 Proposed Route in the summer of 2013 it showed an extension to the proposed tunnel.

3.4.6 In addition, informal dialogue and contact with bodies such as the Environment Agency has been underway since late 2012. Early meetings introduced the proposals, and explained the DCO process, with more technical work following later in advance of the statutory consultation processes. Similarly, other bodies, such as Natural England, English Heritage, and Network Rail, were also engaged on a non-statutory basis by individual consultants as part of the early work to prepare the Environmental Impact Assessment and other technical assessments.

3.4.7 The outcomes from local consultation, including the non-statutory consultation stage, are described in Section 5.0 of this report.
PART 2 – Statutory Consultation

4.0 SECTION 47 (DUTY TO CONSULT LOCAL COMMUNITIES)

4.0.1 This section of the report describes the statutory local and public consultation processes and activities. It provides details of the procedural steps taken, the ways in which the Applicant engaged with local people and communities, and also provides details of the material consulted upon.

4.1 Statement of Community Consultation (SoCC)

4.1.1 The Planning Act 2008, section 47(2), requires the Applicant to consult relevant local authorities about the content of a Statement of Community Consultation (SoCC). The key local authorities with regard to consultation about the SoCC for the East Midlands Gateway project were North West Leicestershire District Council (NWLDC), and Leicestershire County Council (LCC). It is noted that the Applicant is not required to agree or a SoCC with the local authorities, but is required to consult them in preparing a SoCC.

4.1.2 In late 2012 discussions and consultation began with North West Leicestershire and Leicestershire County Councils regarding a SoCC. An initial outline draft SoCC was shared with the local authorities in November 2012, and initial written responses received from NWLDC in December 2012.

4.1.3 The consultation and discussions about the SoCC was carried out by a range of methods, including emails. There was further dialogue informally through 2013, with further exchanges of emails and letters between the Applicant and the two local authorities. The draft SoCC included details of the number and location of public consultation exhibitions, and the areas to be leafleted as part of the awareness raising and publicity. Both NWLDC and LCC made suggestions about the approach the Applicant should take to consultation, including suggestions about the information provided to Parish Councils and local elected Members as part of the consultation process. Many such detailed suggestions were incorporated into the final draft SoCC by the Applicant.

4.1.4 The Applicant formally consulted the local authorities on a final draft SoCC in late November 2013 with a view to the Applicant finalising a SoCC for the start of formal local consultation in early 2014. The final SoCC was agreed with NWLDC and LCC in December 2013, and published by the Applicant in January 2014. It is found at Appendix 3.

4.1.5 In keeping with the requirements of the Planning Act, a Section 47 Notice was placed in the Loughborough Echo newspaper to notify the public of the intention to undertake the consultation exercise in January and to explain where copies of the Statement of Community Consultation (SoCC) could be inspected (a copy of the notice is at Appendix 4). The Loughborough Echo was chosen due to the strong overlap of its core circulation area with the
proposals and those communities closest to it, and where it is considered to be one of the main local newspapers.

4.1.6 As described elsewhere in this Report (for example, see para 4.1.19, and Section 4.4 below), following concerns over the success of the first leaflet drop in January 2014, the Applicant decided to prepare and distribute a revised leaflet immediately, and also to repeat the consultation exhibitions later in the Spring. However, the SoCC was not updated at that stage. There were several reasons for this. Firstly, there is no requirement to update the SoCC. Secondly, given the rapid nature of decisions required to proactively and effectively respond to the problems encountered with the initial awareness raising leaflets, it was not possible to review, consult on, and publish, a revised SoCC without significantly slowing down this response. The decision to repeat the exhibitions, and to produce and circulate revised leaflets, was taken within two or three days of the concerns about local awareness having been raised by Parish Councillors and others. To have delayed the response to the concerns about the consultation process in order to undertake an essentially bureaucratic exercise would have run the significant risk of perpetuating the perception of some local people that there was no desire to engage properly with the local community.

4.1.7 Finally, the local authorities were kept informed of the Applicant’s suggested additional consultation measures, and they agreed that the proposed actions were appropriate. This informal consultation and agreement was also in place quickly, and provided the Applicant with confidence and assurance that the inclusion of additional consultation activities not described within the published SoCC was supported by those bodies with whom any formal consultation on a revised SoCC would have been held.

Public Consultation

4.1.8 In January 2014, and into February 2014, formal public consultation began to inform people living in the vicinity of the proposed development about the proposals and the consultation process, and to invite the local communities to submit comments on the proposals. As described in the following sections, the applicant held a number of consultation exhibitions and raised awareness of these exhibitions, and of the consultation process overall, through a range of activity.

4.1.9 However, there was seen to be a generally good level of local awareness about the proposals in advance of the start of formal consultation because of the history of engagement with key local partners described in Section 3.0 above. Also, the local authority’s submitted Core Strategy, which had been subject to its own separate statutory public consultation (and Sustainability Appraisal) processes, included a specific policy referring to the proposed SRFI.

4.1.10 There were two rounds of public exhibitions held, with the first in late January and early February 2014, and the second round held in May. Statutory public consultation therefore began in late January 2014 and ended on a deadline for comments set for 27th June 2014. Local people have been able to view and comment on project material throughout that five month period as described in further detail below.
Awareness raising and publicity

4.1.11 The consultation exhibitions were advertised through leaflet distribution to villages in the vicinity of the proposals site (see attached leaflets at Appendix 5, and area for the leaflet distribution at Appendix 6). The leaflet distribution in January and February was focused on the villages of Castle Donington, Kegworth, Lockington and Hemington, and Diseworth. The leaflets associated with the May exhibitions also included Long Whatton following discussions with Long Whatton and Diseworth Parish Council. Section 4.4 also refers to this.

4.1.12 In accordance with the SoCC, letters were also sent to the Clerks at those Parish Councils closest to the proposals, namely Castle Donington Parish Council, Kegworth Parish Council, and Lockington cum Hemington Parish Council, and to Parish and District Councillors ahead of the exhibitions (in January and May). These letters were in addition to the informal updates being provided to NWLDC and direct to Parishes as part of other ongoing communication. The letters sought to ensure they were aware of the public consultation events, and of how, where and when their constituents could access the project information and comment upon it (Copy of letters from January 2014 at Appendix 7).

4.1.13 Letters were also sent to the District and County Councils to formally ensure they were aware of the public consultation exhibitions, as well as to neighbouring District and County Councils in Leicestershire, Derbyshire and Nottinghamshire, and the LEP.

4.1.14 A website specifically dedicated to the East Midlands Gateway project (www.eastmidlandsgateway.co.uk) was also launched in mid-January 2014 to coincide with the start of leafleting and other awareness raising. This enabled those with access to the internet to view information about the proposals, the exhibition material, and other preliminary environmental information. Prior to that website going live Roxhill’s corporate website had provided headline details about the emerging proposals, including an indicative site location plan.

4.1.15 Information about the exhibitions and the proposals was also placed on the ‘AboutMyArea’ website for the DE74 postcode area focused on Castle Donington.

4.1.16 A summary of the proposals, known as the ‘Short Document’, was prepared and included in the information available for inspection and on the project website. The Short Document was updated between the two rounds of consultation exhibitions to reflect the progress made in the technical and supporting work, and to ensure those members of the public wishing to engage in the process at either stage were able to do with an up to date summary of the proposals and draft Environmental Statement. Both the January 2014 (document 6.5A) and the May 2014 (document 6.5B) versions of the Short Document form part of the submission.

4.1.17 Copies of key consultation documents and material (see section 4.3 below for details) were also made available across the consultation area at libraries and local authority offices to enable people to view and comment on information outside of the exhibitions. This included
placing documents in local libraries in both Derbyshire and Nottinghamshire as well as in Leicestershire. The documents were available at:

- Kegworth Library;
- Castle Donington Library;
- Sutton Bonington Library;
- Melbourne Library;
- North West Leicestershire District Council offices; and
- Leicestershire County Council offices

4.1.18 Copies of the documents available at the libraries and the local authority offices, including the SoCC, Short Document, and Preliminary Environmental Information referred to in Section 4.3, were also made available on the website enabling individuals to view the documents and/or print their own copies. Placing this information on the website also provided the opportunity for anyone interested in the scheme to view and comment on the proposals and to gain an understanding of the project and process outside of the exhibitions.

4.1.19 The leaflet distribution was carried out by an independent company, scheduled to be undertaken over 2 weeks in advance of the first exhibition in a wide area including around 6000 properties (see Appendix 5A). However, through questions raised in dialogue with several Ward and Parish Councillors, it became clear there had been problems with the distribution of leaflets. Although it seemed that some were successfully delivered as planned, it became apparent that a large number of the properties which should have received leaflets did not receive them. Section 4.4 provides more detail on the Applicant’s response to this issue which centred on the provision of a second round of public consultation exhibitions, and additional publicity of the exhibitions.

4.2 Public Exhibitions (Round 1, January and February 2014)

4.2.1 The Applicant focused the consultation exhibitions on the three communities closest to the proposed scheme, namely: Castle Donington, Kegworth and Lockington/Hemington. The first round of public consultation exhibitions were held as follows:

- Wednesday 29th January, Castle Donington Methodist Church, from 3.00pm to 7.30pm;
- Saturday 1st February, Kegworth Village Hall, from 10.30am to 3.00pm; and
- Friday 7th February, Lockington Village Hall, from 3.00pm to 7.30pm.

4.2.2 The Exhibitions were manned by a team of representatives of the Applicant, including some of the consultant team to ensure it was possible to provide some technical information and explanation as required.
4.2.3 Members of the public were able to make their representations and comments on the proposals via the following methods:

- By hand (or post – see below) via a printed comments form available at the public exhibitions;
- online via the comments form on the East Midlands Gateway project website: www.eastmidlandsgateway.co.uk;
- by email to info@eastmidlandsgateway.co.uk;
- by telephone using the East Midlands Gateway phone line on 01788 538 440;
- by post to the dedicated PO Box at the address East Midlands Gateway Consultation, PO Box 10399, Nottingham, NG2 9QA; and
- in person at the public exhibitions

4.2.4 Over the consultation period the Applicant ensured that dialogue was maintained with local Parish and District Council officers via meetings and phone calls to keep them up to date and informed of the progression of the consultation process.

4.3 The material consulted upon

4.3.1 The principal consultation material was summarised in the Short Document which was intended to provide not only a good summary of the proposals but also of the main elements of, and programme for, the consultation process.

4.3.2 The material consulted upon during this consultation process included:

- The draft illustrative masterplan;
- The draft parameters plan;
- Draft Environmental Statement chapters;
- Highways and other infrastructure proposals; and
- The landscape and visual impact (including through use of a 3D computer generated model used at the exhibitions).

4.3.3 The public consultation exhibitions consisted of a series of 14 large (1.8m x 1.2m) exhibition boards which outlined the policy context for a Strategic Rail Freight Interchange, presented what East Midlands Gateway proposals would deliver, and provided an overview of the NSIP process. A copy of the Exhibition Boards (from the January exhibitions) is attached as Appendix 8A.

4.3.4 The exhibition boards followed a logical sequence providing information on the proposals as follows:
Board 1 – *What is a Strategic Rail Freight Interchange?*

Board 2 – *Why are SRFI needed?*

Board 3 – *Why Here?*

Board 4 – *What will it deliver?*

Board 5 – *Rail*

Boards 6, 7 and 8 – *Highways*

Boards 9, 10, 11, 12 and 13 – *‘Environment’, covering issues including Ecology, Drainage and Flood Risk, Air Quality, and Noise*

Board 14 – *‘What Next?’* which gave an overview of the NSIP process and indicative timescales, and details of where to find further information.

4.3.5 The Boards presented the key emerging findings of the Environmental Impact Assessment process to date, with reference to ongoing technical or assessment work where relevant. The Boards also included explicit consultation on detailed issues where there remained no clear or fixed proposal. The key example is with regard to whether Whatton Road south of Kegworth should be closed or remain open via a junction with the proposed Kegworth bypass.

4.3.6 In addition to the Boards, the exhibitions included a 3D computer generated model of the EMG proposals – also see Section 5.0 below. This had the facility to ‘fly-through’ the proposals, and to show people the views of the proposals from different local viewpoints, and different heights.

4.3.7 Despite the concerns over the extent to which leaflets had been delivered in time to raise awareness in the local communities, the opportunity to respond to the consultation was taken up by many at the exhibition, via the consultation website, or by post. It was clear that, while very few people who attended recalled having received a leaflet, many were aware of the exhibitions either via their Parish Councillor, via word of mouth locally, or via the project website. While the poor distribution of leaflets was clearly a major concern to the Applicant, the fact that other forms of awareness raising, such as the letters to Parish Councils and Ward Councillors, had clearly been effective to some extent, was seen as a positive. However, the frustration and concern about the relative lack of direct information received by many people was clear at the exhibitions.

4.3.8 The Applicant engaged positively with the local opposition Group (‘J24 Action Group’). The Group attended the first three exhibitions, and set up a small stand inside the venues of two of the exhibitions, and had a caravan outside the third. The Group was active in raising awareness about the events, and a good number of their members attended. The Group also conducted their own consultation exercise (questionnaire) while in attendance at the exhibitions.
4.3.9 Around 330 people attended the first three exhibitions in total, and 83 comments forms were completed at the three exhibitions. The exhibitions also generated further responses via the project website and the dedicated PO Box. Some respondents made more than one submission, all of which were entered into the consultation database. In addition to the comments form many responses were provided as letters or emails.

4.3.10 The comments form provided at the exhibitions (Appendix 9) consisted of a series of five questions and an area for general comments. The five questions were:

- Do you think that a Strategic Rail Freight Interchange in this location is a good idea?
- What do you think of the proposed strategic highway works?
- Do you have any comments about the proposed local access (both related to highways and walking/cycling links)?
- What are your views of the landscaping proposals?
- Are there any changes to the proposals that you would like us to consider?

4.3.11 A full summary of the responses and comments received can be found in the Section 47 Consultation Log (see Appendix 10). This includes responses from the Applicant, and details of any changes made in response to the comments received. Section 5.0 of this Report also provides analysis and responses to the key issues raised in consultation.

4.4 Further Public Consultation

4.4.1 As referred to above, immediately before the start of the first exhibitions it became evident that there had been significant problems with leaflet distribution as a key element of the wider awareness raising. On becoming aware of these issues, and in advance of the first exhibition, the Applicant took the decision that public consultation exhibitions would be repeated at a later date to ensure that the local communities had an opportunity to view and comment on the proposals. The local authority, and local Parish Councils were made aware of this decision immediately (see copy of example letter, Appendix 11).

4.4.2 This response was considered vital not only due to the importance of consultation to the NSIP process, but also to address any perception locally that there had been an attempt to hide the consultation events. The Applicant was very aware of the potential for a local perception that they had deliberately sought to limit the awareness of the consultation process, and was keen to proactively dispel any such perception by effectively re-running the consultation exhibitions later in the Spring.
4.4.3 The consultation deadline for comments, which had been set for 12th March, was also immediately removed by the Applicant as part of the recognition that it would no longer be appropriate in light of the decision to hold a second round of exhibitions.

4.4.4 A further part of the immediate response by the Applicant was the preparation and distribution of a revised leaflet, with distribution commissioned from a different distribution company. Distribution took place after the first exhibition had taken place on 29th January, but in advance of the second and third exhibitions held on 1st and 7th February. This leaflet included the same information as the first, including the exhibition dates, but also included further information to explain that due to problems raising awareness about the exhibitions, there would be a second round of exhibitions in due course. A copy of this revised leaflet from February 2014 is at Appendix 5B.

4.4.5 Concerns about the likelihood of there being a relative lack of awareness were clearly expressed by many of the attendees at the exhibitions, including Parish and Ward Councillors, and these concerns were shared by the Applicant. However, feedback at the second and third of the three initial exhibitions suggested that these leaflets, albeit delivered at relatively short notice, had successfully reached many people as intended.

4.4.6 The project website was also updated to refer to there being a round of further consultation exhibitions, and to remove the reference to the consultation deadline.

4.4.7 Posters were also displayed around Kegworth, Castle Donington, Lockington, Hemington, Long Whatton and Diseworth to raise awareness. A variety of places were identified for these posters, including telegraph poles and bus stops, as well as community notice boards where available.

4.4.8 In addition, an advert was placed in the Loughborough Echo on the 7th February 2014 to publicise the further remaining (third of three) consultation event, and to notify the public that further events would also be held later in the year.

4.4.9 People attending the consultation events were told that there would also be additional events in due course. Notices to provide an update on the decision to hold further exhibitions were also displayed at the exhibitions. It was clear from the discussions had with a number of local people at the exhibitions and other stakeholders that the decision to hold a further round of consultation events was well received and seen as an appropriate response.

**Public Exhibitions (round 2, May 2014)**

4.4.10 Although initially indicated as likely to be held in March, the second round of exhibitions was delayed until May. This allowed more of the technical work to progress to a point that would allow more comprehensive information to be consulted on. It also ensured no overlap with Easter and school holidays during April, or the early May Bank Holiday. The Local Authority was kept updated about the likely timing of these events, as were other partners as part of wider ongoing dialogue.
4.4.11 The further consultation events were advertised through leaflet distribution to the same area as previously identified (Appendix 6), but with the inclusion of Long Whatton. Despite the leafleted area having been discussed in the context of preparing the SoCC, and it not having been considered necessary to leaflet Long Whatton, the village was included in direct response to a request from the Parish Council, and other comments received. The Parish Council’s view was that it was appropriate to ensure the village was leafleted given the particular local interest in the proposed Kegworth Bypass.

4.4.12 The leaflet distribution began on 29th April, ahead of the exhibitions in mid-May (leaflet at Appendix 5C). Posters were again erected around the communities in which the leaflets were distributed. This area included around 6000 residential and commercial properties.

4.4.13 Letters were sent to Parish Council Clerks, and local Ward members in April 2014 to make them aware of the dates and venues for the second round of exhibitions in May – examples are included at Appendix 12. Letters were also sent to both NWLDC and LCC to formally ensure awareness of the additional exhibitions.

4.4.14 A ‘Frequently Asked Questions’ (FAQ) note was prepared and placed on the EMG project website in April 2014. This note addressed common issues raised during the first round of consultation exhibitions, and also referred to a number of frequently asked procedural questions. The FAQ note is attached at Appendix 13.

4.4.15 In the week commencing 12th May 2014 an advert containing information about all three of the additional exhibitions was placed in the Loughborough Echo, a paper which benefits from a large readership in the villages where the exhibitions were held. This advert also featured on the paper’s website for a further week.

4.4.16 The second round of exhibitions was again held in the same villages closest to the proposed development scheme. The consultation events were held as follows:

- Thursday 15th May, Kegworth Village Hall, from 2.30pm to 7.30pm;
- Monday 19th May, Donington Manor Hotel, from 2.30pm to 7.30pm; and
- Wednesday 21st May, Lockington Village Hall, from 2.00pm to 7.00pm.

4.4.17 Based on informal records kept at the events, 181 people attended the second round of exhibitions.

4.5 The material consulted upon

4.5.1 Between the two rounds of consultation, technical and Environmental Assessment work was ongoing. This enabled the Applicant to consult on additional information based on more developed draft ES chapters and Preliminary Environmental Information.
4.5.2 In addition, by the time of the second round of exhibitions a number of other draft documents were also made available via the project website, including the draft Development Consent Order, Explanatory Memorandum, Works Plans, Regulation 6(2) plans, Book of Reference, Land Plans, and Statement of Reasons.

4.5.3 Copies of updated draft consultation documents were made available at the libraries and local authority offices listed earlier in this report (Section 4.1 above). In addition, in advance of the second round of exhibitions, the updated draft documents, including the draft Environmental Statement chapters, were uploaded onto the East Midlands Gateway project website, and clearly marked ‘Updated Version – May 2014’.

4.5.4 Updates were also made to the ‘Short Document’ to reflect the further Environmental Impact Assessment and other work, and a second version printed and available at the libraries and other places listed above (document 6.5B). Copies were again displayed and available at the exhibitions.

4.5.5 Some of the material included on the Boards remained as it had been at the first round of exhibitions – particularly the introductory boards, and the overview of the NSIP process. However, in light of the progress made in further developing drafts of key Environmental Statement chapters and the various assessments which underpinned them, many of the exhibition boards were updated. This ensured that attendees at the exhibitions were viewing the most up to date information possible. Some of the boards also contained updates which were specifically responding to issues raised by attendees at the first round of events. For example, additional information was displayed about the results of the noise assessment which had not been available for the first round of exhibitions. Also, the traffic and transport information was also updated. A copy of the updated Exhibition Boards is attached at Appendix 8B.

4.5.6 The ‘J24 Action Group’ was contacted with the exhibition dates once finalised, but they chose not to have a stall at the second round of exhibitions, although key members did attend individually.

Other engagement during the (Section 47) Public Consultation

4.5.7 During the public consultation period, a number of meetings were held with local community based organisations. For example, in response to invitations members of the project team met with Castle Donington Parish Council on 13th February 2014 at a meeting of their Planning Committee. This provided a further opportunity for representatives of the Project Team to discuss the proposals with local Parish Councillors during the statutory consultation process, and to hear first-hand their views and ideas about the local implications and issues associated with the project. It also provided an opportunity to discuss in further detail the NSIP process, and to point the Parish Council to key sources of guidance and information, such as the advice notes from PINS.
Similarly, a specific one-off meeting was held with members of Long Whatton and Diseworth Parish Council on 26th March 2014. This included sharing further ideas about local consultation and awareness raising, with the Parish keen to make the Applicant aware of a local newsletter which might be a further useful route for future advertising. The Parish Council representatives were keen to understand the highways proposals, both in terms of the potential benefits, but also with regard to the Whatton Road options which were seen by far as the most important elements of the proposals from the local perspective.

Kegworth Parish Council requested a printed, large-scale copy of the exhibition boards which the Applicant provided for use by the Parish Council in undertaking independent local engagement. This in due course included a questionnaire survey, the results of which were submitted to the consultation process and is referred to in the Consultation Schedule.

Direct engagement with the public

During the period following the start of the Section 47 consultation, numerous comments and queries were received via the project website. While many were expressing views or comments about the proposals to be recorded on the Consultation Log, a small proportion required or explicitly requested a response or clarification. As a result, a number of specific emails and responses were sent from the project team to help respond to concerns or questions from local people.

As revealed by the Consultation Schedule (Appendix 10), some individuals submitted numerous comments including specific questions or requests for clarification, and where considered appropriate to do so, specific responses were sent. A judgement was made as to whether questions included in comments received were rhetorical or whether they represented a question to aid understanding and to inform further input to the consultation process.

Comments which included fairly generic and commonly raised issues or queries were noted but not generally responded to individually, but Section 5.0 of this Report describes the issues raised most frequently and provides a response to them. Responses are also provided to each comment received in the Schedule at Appendix 10.

Face to face meeting with local residents

Meetings were offered in response to individual comments and queries raised. A specific example includes concerns raised by email from a Kegworth resident who had also attended one of the exhibitions and expressed concerns about the potential impact of the Kegworth Bypass on his property. Several emails were exchanged through which the Applicant’s representatives provided additional information about the NSIP and DCO process and procedures, as well as about specific technical work undertaken to inform the project proposals. This dialogue resulted in the offer from the Applicant to meet in person, and a meeting was held in Lockington on 13th June 2014 to discuss his objections and concerns, and to explain more about the technical work which had been undertaken to inform the
proposals. This focused on the highways modelling in relation to the proposed route and alignment of the Kegworth Bypass.

4.5.14 In addition, in response to the very specific concerns and questions raised, the Applicant used this meeting to explain changes proposed to landscaping at the eastern end of the proposed Kegworth Bypass which would provide additional visual screening from the property in question. Although the resident did not feel these changes would fully overcome his concerns or objections, he thanked the Applicant for the meeting and the opportunity to discuss it in person. The Applicant explained how local people would be able to provide any views or comments to the Planning Inspectorate direct through registering as an ‘Interested Party’ once the application is submitted, and a hard copy of the Planning Inspectorate’s Advice Note 8 was provided.

4.5.15 A meeting was also offered and held with a local resident of Lockington who had attended one of the first round of exhibitions, and subsequently responded by email with reference to existing local flood risk and drainage issues associated with his property. In response, a meeting was held at his property with the Flood Risk and Drainage consultant on 18th March 2014 where the detailed existing issues, and any potential implications from the proposed developments, were discussed. The resident’s main focus related to a historic flooding problem to his property caused by a land drainage culvert passing under his house having inadequate capacity in significant storm events. On review of the site location it was evident that the catchment feeding the field drains upstream of his house does not extend to the development site, and there are no proposed alterations to the catchment which could alter the flows within the culvert. All drainage from the development site is being directed to watercourses away from this property. Therefore the Applicant was able to reassure the resident that given the location of his property, and the design of the proposed drainage strategy, there would be no effect from the development.
5.0 ISSUES ARISING FROM LOCAL CONSULTATION AND THE APPLICANT’S RESPONSES

5.1 Issues raised during consultation

5.1.1 The main themes or issues arising from consultation are summarised in the following section.

5.1.2 Section 5.2 below provides details of the Applicant’s responses to the issues and concerns raised:

General comments about the principle of development

5.1.3 Notwithstanding the general acceptance by many consultees of the strategic case and need for a strategic rail freight interchange at this location, as shown in the Consultation Schedule, many local people chose to engage by questioning the principle of the EMG development, and expressed a general objection to the proposals. This was also reflected in the tone of some discussion at the exhibitions, and in many of the responses received subsequently, with some local people suggesting that the development should not take place at all.

5.1.4 These ‘in principle’ objections were made with reference to a wide range of issues or concerns, including comments such as:

- The jobs which would be created are not needed locally;
- The development would not bring any benefits to the local area;
- There are other more suitable sites elsewhere for an SRFI;
- The development would destroy the existing rural lifestyle of surrounding communities;
- It will negatively affect house values locally;
- Object to the proposals due to the loss of open countryside and informal amenity space, including footpaths.

5.1.5 However, a smaller number of responses were clear in their support for the proposed SRFI and the benefits it would deliver. References were made not only to the positive impacts from job creation, but also to the benefits from increasing rail use for freight movements. There was also support for the proposed highways improvements. In some cases, the general support for the road improvements, including for the provision of a Kegworth bypass, was accompanied by queries or comments about the specific route proposed for the bypass.
Community Benefits

5.1.6 Within the comments received there have been some suggestions that East Midlands Gateway would deliver few if any benefits to the communities located closest to it. This has often included questions over the predictions of the scale of new employment likely to be generated by the rail freight interchange, and concerns that this would not be realised in practice. Also, questions have been raised about whether people from nearby communities would be able to access new jobs created. Some dialogue with local bodies, including Parish Councils, has included suggestions that new jobs are not needed locally where unemployment is generally fairly low.

5.1.7 However, there have also been suggestions that the development should explicitly seek to provide additional benefits by way of funding or delivering other forms of development nearby. For example, more than one Castle Donington resident suggested that the Applicant should provide or contribute towards a leisure centre in the village. Others have referred to minor improvements to the village centre in Kegworth. The clear suggestion is that such measures would be viewed as a form of compensation for any negative effects EMG might bring.

Landscape and Visual impacts

5.1.8 As referred to in the context of the non-statutory consultation which has been underway in earnest since 2011, the potential landscape and visual impacts of the proposals have been raised from the outset of the Applicant’s dialogue with local community representative and other bodies. The Applicant’s awareness of local perspectives and concerns has had a direct influence on the evolution of the project – Section 5.2 below provides further details.

5.1.9 In particular, concerns were raised during the non-statutory stages of consultation about the potential proximity of the rail link and terminal to local communities, as well as the siting and location of buildings on the site. Concerns about the visual effects from Lockington and Hemington in particular were raised from early on during discussions about earlier iterations of the project.

5.1.10 A relatively common question raised by local people is how quickly the proposed landscaping and planting will be effective in contributing towards the visual screening of the proposed development.

5.1.11 The loss of open land, including footpaths which some local people use for recreation and exercise purposes, was also raised as a concern in terms of the change from agricultural use.

Traffic Impacts and Highways

5.1.12 Particular interest was shown throughout the consultation process to the proposals and alterations to the road network. Many local people were very keen to understand the potential traffic impacts of development due to concerns about perceptions that the road network is already at capacity. Given the nature of the EMG proposals, many people were particularly
interested in what impact the development would have with regard to the numbers of HGVs in the local area, particularly in terms of through-traffic.

5.1.13 The EMG proposals include extensive works to improve Junction 24 of the M1. These proposals also generated a lot of interest and comments were received with regard to the timescales for the works, delivery and how they tie in with the rest of the proposed development, and with other ongoing or proposed highway schemes nearby. The potential for improvements to the way Junction 24 would operate, with associated benefits for local journey times and reliability, was generally very warmly received, and often accompanied by a desire to more fully understand why and how that might work in practice.

5.1.14 However, a number of local people raised objections on the grounds of their concerns about traffic and transport impacts, and based on an assumption that – regardless of what the Transport Assessment and modelling might suggest – the proposals would lead to increased congestion and delays.

5.1.15 With regard to traffic and impacts on the local road network the option to close Whatton Road also generated a lot of interest and many comments. It generated greatest interest from residents of Kegworth and Long Whatton, as well as the Parish Councils. The strong consensus of the comments received was that the local preference is for the Whatton Road link to Kegworth to remain open.

5.1.16 To a lesser extent, some local responses also raised concerns that the proposed closure of Ashby Road would create additional local congestion problems, and redirect ‘rat-running’ traffic to other local roads, including Whatton Road.

5.1.17 The proposal to close Church Street in Lockington was of interest to local residents, with mixed views provided in the context of the implications for local journeys. Many respondents at the exhibitions understood that closing Church Street would have safety benefits, while others were resistant to the idea of the new access arrangements to the village which would lengthen some local journeys.

5.1.18 Often associated with more general points made about the extent of local benefits delivered by the scheme (referred to in para 5.1.5), some respondees expressed concerns that any public transport provision to serve the site would be inadequate. In particular, concerns have been raised that new or improved bus services might fail to reach those communities within North West Leicestershire and beyond most in need of new employment and training opportunities.

Kegworth Bypass

5.1.19 Interest in the proposed Kegworth bypass was seen throughout the consultation process, including the consultation exhibitions. There is a long history to the idea of bypassing Kegworth, and so the EMG proposals were received with interest – and some enthusiasm - by many attendees at the exhibitions. There was clear support for the provision of a Kegworth Bypass, especially, and not surprisingly, at the Kegworth exhibitions.
5.1.20 However, the proposed route for the road was a common topic of discussion, with many respondents keen to discuss other potential or historic options and gain an understanding of why the particular route chosen was being proposed. The route proposed by the Applicant is similar, but not identical, to routes previously considered, and it was clear that many local people were familiar with other, earlier options. It was also clear that some of the historic proposed alignments were seen as preferable by some local people.

5.1.21 Associated with the Bypass, the option to close Whatton Road between Kegworth and Long Whatton was a key issue on which the Applicant had explicitly sought local views. This is discussed in further detail below in Section 5.2. The clear consensus was that Whatton Road should not be closed.

Air Quality and Noise

5.1.22 The likely air quality and noise impacts of the proposals on nearby communities was a major theme running throughout the consultation process and this is reflected in the responses received.

5.1.23 Potential noise effects from the proposals were of particular interest concern to residents in Lockington and Hemington close to the proposed site. Comments received specifically referred to the potential noise effects associated with up to 16 trains per day at the proposed rail freight terminal, and the potential 24 hour nature of the operations in due course.

5.1.24 Air pollution was a more general issue raised with reference to the number of HGVs which might potentially visit the RFI site in particular, and in the context of existing air quality issues in communities nearby.

5.1.25 There were concerns raised following the initial consultation exhibitions that the information provided was fairly general and preliminary in nature, and did not present an exhaustive or complete summary of the assessment results. However, the importance of these issues to local people was clear, and influenced the detail provided at the second exhibitions (see Section 5.0).

Flood risk and Drainage

5.1.26 Although the proposed SRFI is not located in an area prone to flooding, some areas within the vicinity of the development are at risk of localised flooding associated with heavy rainfall draining into the Hemington and Lockington Brooks which run across the site. Part of the highways proposals to the north of the SRFI site do relate to established flood-plain. There was interest from the residents of these villages regarding how a development of the size of East Midlands Gateway might impact on this, and concern that built development which created additional run-off might increase the risk of flooding.

5.1.27 Hemington in particular has seen flooding in the past, and residents from the village, and neighbouring Lockington raised this issue very strongly at the exhibitions and in responses provided. The consultation material did include a draft Flood Risk Appraisal, and flooding
issues were included on the exhibition boards. The exhibitions provided an opportunity to present the initial findings which indicated the potential for EMG's drainage strategy to deliver a reduction in flood-risk off-site, to the benefit of Hemington in particular. However, concerns about the risks of exacerbating local flood-risk were a common theme to the responses provided.

**Alternative Sites**

5.1.28 A number of responses received suggest that there are other, preferable and more suitable sites for an SRFI, including brownfield sites which could be brought forward to accommodate EMG. Some comments refer to other sites by name, including the East Midlands Distribution Centre in Castle Donington, and the emerging proposed SRFI site at Eggington, while others do not.

5.1.29 Other responses refer to the SRFI at Daventry in Northampton, which was recently approved for expansion, and suggest that the presence of that facility would reduce the need for the EMG proposals.

**High Speed Rail**

5.1.30 A number of comments refer to the Government’s High Speed Rail (HS2) proposals which, based on the current preferred route, would see the high speed line emerge from a tunnel in the north-eastern corner of the SRFI site. HS2 is being promoted by HS2 Ltd, and the Applicant has engaged with them. This is described in further detail in Section 3.4.

5.1.31 Some comments made in response to the EMG consultation are more about HS2 than about the EMG proposals. Others have questioned the amendments made by HS2 Ltd to extend the proposed tunnel to ensure that HS2 and EMG are compatible.

**Adequacy and nature of Public Consultation**

5.1.32 A further issue arising was continued concern about the extent to which local people were aware of the proposals and of the consultation events, and in particular residual concerns regarding the problems experienced with the initial leaflet distribution. In addition to comments being made direct to the Applicant, comments were also submitted to the Planning Inspectorate in their role as the Examining Authority.

5.1.33 As described above, and below, the Applicant responded to this through a repeat of the public consultation exhibitions, and a continuous statutory consultation period from late January until late June 2014.

5.1.34 Conversations were had with numerous attendees at the exhibitions about the process and procedures, and copies of the Planning Inspectorate’s ‘Advice notes’ on how people can engage with the process (notes 8.1., 8.2, and 8.3) were available and on display at the events. It was emphasised repeatedly that the pre-submission consultation stage was an
important stage, but did not represent the only stage at which local people and communities could comment on, and seek to influence, the project or the decision-making process.

5.1.35 During the week beginning 7th July 2014 the BBC East Midlands television ran a news story focused on the perspective of a local UKIP Parliamentary candidate that the NSIP process was undermining the ability of the District Council, and local communities, to have an input to the process of determining the application. Within the period immediately following this news story, the District Council received a number of emails complaining about consultation. Some were also sent to PINS. This is referred to in further detail in Section 5.2 below.

5.2 Applicant’s responses to key issues arising from public consultation

5.2.1 The following section explains how due regard has been had to the consultation process and to responses received.

5.2.2 Throughout the consultation process, regular EMG Project team meetings and teleconferences have had a regular standing agenda item relating to consultation responses. Since early in 2014, these weekly meetings or teleconferences have involved core members of the EMG project team, including the Applicant, consultant team, and legal team. These weekly discussions about the ongoing consultation process were used to ensure that the outcomes from consultation were considered as the technical work progressed, and that key issues or questions arising were fed into other parts of the team as required.

5.2.3 This approach helped to ensure that an understanding of the perspectives of local communities and bodies were considered throughout the ongoing work to prepare the application for Development Consent Order. This included the Environmental Statement, and associated iterative process of finalising the various technical assessments, plans and other material.

Project evolution

5.2.4 As described earlier in the report, consultation by the Applicant about a proposed Strategic Rail Freight Interchange in this location has been ongoing since late 2010, and the project has evolved and developed over that time with input from consultees. Much of the Applicant’s dialogue and engagement over this extended period has been about relatively local and site specific considerations or issues rather than about the strategic case or need for an SRFI in this location. As referred to earlier in this Report, earlier proposals promoted by other developers in the late 1990s had helped to create a wide awareness by many partners of the potential suitability of this general location for strategic distribution development. This was then further established through the evidence base provided by the AECOM report of 2010 (document 6.15). The recent statutory (Section 42) consultation process described in Section 6.0 of this report underlines that the strategic case for an SRFI in this broad location is supported and accepted by many key partners, including the two LEPs (LLEP and D2N2), the local planning authority, the County Council, and the local MP.
5.2.5 The input received by the Applicant throughout the whole of the consultation process, including the non-statutory stage, has had a direct influence on the proposals as submitted. The range of site specific and local considerations raised through the non-statutory consultation processes saw the proposed scheme evolve significantly in advance of the statutory consultation stage. Having entered into the process of local consultation and engagement in late 2010 the Applicant made changes to many fundamental elements of the proposals. The Design and Access Statement (document 6.9) covers this in further detail. In addition, later sections of this report also refer to the ways in which the proposals have been designed to respond to local issues and comments.

5.2.6 Examples of changes made as a direct response to comments and suggestions made locally by Parish Councils, the Local Authority and others, include:

- Relocation of the proposed new rail link (and terminal) which was previously proposed to run along the northern edge of the SRFI site and enter on the west close to Castle Donington – in response to concerns about noise and disturbance the rail link and terminal were relocated to the far eastern edge of the site adjacent to the A453, A50 and M1 corridor;
- The rail freight terminal being located in deep cut – this in part to ensure visual, noise and other impacts are minimised as much as possible, with additional screening introduced at the shallower end of the cut close to Junction 24;
- Built development moved as far south as possible to reduce the effects on Lockington and Hemington, with site access also moved to the far south-eastern corner of the site away from these settlements;
- Retention of the King Street plantation which was assumed for potential loss in an early iteration of the scheme – ‘The Dumps’ woodland is also to be retained;
- An approach to construction and earthworks to include the provision of significant landscape bunding around the northern and western boundaries in particular to substantially screen the development;
- Introduction of the Kegworth Bypass as part of the highways package in direct response to evidence and concerns regarding through-traffic and congestion.

5.2.7 The non-statutory consultation process ensured the Applicant was fully aware of a range of wider concerns and issues from the perspective of local communities. The Parish Councils in particular were effective and consistent in raising issues regarding the potential local environmental and other effects which had a direct influence on the evolution of the proposals. Many of these issues have remained on the agenda throughout the non-statutory and statutory consultation processes, and feature prominently in the Environmental Impact Assessment and other supporting information which have informed the proposals. Key specific issues are covered in the sections below, and go beyond the physical form and
disposition of the proposals, but also into other elements relating to the Public Transport Strategy, and Skills and Training activities being proposed.

Objections to the principle of development, and concerns about Consultation

5.2.8 The ‘in principle’ nature of many objections received by local people make it difficult for the Applicant to respond positively, or consider making changes as a result. For example, some comments were explicit in suggesting that the proposed SRFI and associated highways and other infrastructure were not wanted, with the suggestion made by some that the Applicant “go away”. In the face of this type of input, while it represents one of a range of valid positions taken by local people, there is little if any scope to give detailed or due consideration or regard to these comments. For example, objections on the grounds of concerns over house values are, while not uncommon with regard to the planning process, not material planning considerations or something about which the Applicant is in a position to speculate.

5.2.9 The Applicant remains clear that in the context of national and local policy and available evidence, as well in light of local and national economic context, the proposals remain valid, viable, and appropriate.

5.2.10 Unfortunately, a theme within the responses received has focused on an alleged lack of consultation rather than the substance of the proposals themselves. The number of responses raising this issue increased, rather than decreased, after additional consultation measures were taken. It is thought this might be a response to awareness by some local people of the importance of consultation to the Acceptance process.

5.2.11 The brief BBC East Midlands news coverage (described in para 5.1.34) in early July 2014 appeared to trigger some complaints to the local authority, and some to PINS, regarding the adequacy of the consultation process and suggestions that there has been limited ability for local communities to comment on the proposals. For reasons explained elsewhere these criticisms are not considered justified. The BBC presented a limited overview of the NSIP process, and in particular failed to explain that the ability of the local authority and other local groups or communities to have a direct input to the process does not end when the Applicant’s pre-submission consultation ends.

5.2.12 A total of 15 complaints were passed by the District Council to the Applicant in July. Of these fifteen, seven were people who had previously provided comments on the proposals as part of the consultation process, with several having submitted comments at the consultation exhibitions. All 15 complaints were registered as comments received, and are reported in the Section 47 consultation log (albeit having been received after the consultation deadline). The emails sent to NWLDC, and the responses provided by the Applicant, are attached as Appendix 14.

5.2.13 The consultation area agreed with the District and County Councils contains around 6000 properties. While it is regrettable that a small number of local people apparently feel that consultation has been unsatisfactory, the Applicant is satisfied that the consultation reach was
very good. Feedback received at the time of the second round of exhibitions suggested that the majority of local people had seen leaflets and other publicity, and were aware of the proposals and the consultation process. From the perspective of the Applicant, it is of particular importance to note that the formal (Section 42) responses of the Parish Councils, District Council, and County Council did not raise any similar concerns about the quality or adequacy of local awareness raising or consultation. This is also referred to below in the context of Section 42 consultation. This, combined with having an agreed Statement of Community Consultation, and informal approval of the local planning authority of additional consultation measures undertaken, provide the Applicant with confidence that the consultation process has been sound, reasonable and appropriate.

Local Benefits

5.2.14 The Applicant understands the need for a balance between any perceived negative effects of the proposed development with a clear understanding of the likely positive effects and impacts. However, this needs to be considered within the legal requirements and tests for any ‘planning gain’ to be appropriate and reasonably related to the development being proposed, and required in order to address key material considerations. For example, suggestions that the Applicant should build a leisure centre in Castle Donington would be very unlikely to meet these and associated legal tests.

5.2.15 The Applicant has sought to provide a balanced picture through consultation of the likely range of effects of the proposals, informed by the Environmental Statement and other supporting documents and evidence. As explained in the detailed responses provided in emails and letters to comments received and in the Consultation Schedule at Appendix 10, the EMG proposals would deliver a range of benefits. Many of these are referred to under the specific and thematic sections below, and are the result of a combination of the design and the proposals, and mitigation measures included to ensure negative effects are reduced or eliminated, and positive effects are maximised.

5.2.16 In addition to the proposals or measures included within the proposed development itself, the Applicant will also enter a Section 106 agreement with the local planning authority to secure additional actions or measures as indicated in the S.106 Heads of Terms (document 6.4).

5.2.17 In addition to local and site specific benefits, the wider socio-economic impacts remain key. Although comments received from some local people and bodies have dismissed these, they remain significant. Employment generated by EMG, likely to be over 7000 jobs once operational, would generate an increase to GVA of around £288m per annum. In addition, opportunities exist for local business rate retention by North West Leicestershire District Council.

Environmental effects – Air quality, noise, and flood-risk

5.2.18 Many responses give the grounds for objection as concerns over the potential environmental impacts of the scheme. As summarised above, and as shown in the Consultation Schedule,
these include assumptions that the proposals would lead to negative effects such as worsening air quality, increased noise levels, additional localised flood-risk, and increased traffic through the surrounding villages.

5.2.19 The Applicant was aware of concerns about such issues from the non-statutory stages of consultation, as well as from the more recent statutory stages. These issues – Air Quality, Noise, Flood Risk, and Transport/Traffic – are fully investigated and assessed in the Environmental Statement (ES) (document 5.2). The consultation exhibition material included information about these issues in response to an awareness that they were seen as being of particular interest locally.

5.2.20 Although the draft ES Chapters have been available since May, it was clear from the discussions had at the exhibitions, and from responses received since, that some local people have not reviewed the evidence base, and others who have reviewed it did not believe or accept it. Whichever may be the case, the consultation process underlines that a large number of local people continue to object on the basis that they consider there will be significant negative environmental effects as a result of the proposals.

5.2.21 These concerns are not supported by the technical assessments undertaken of the proposals. The ES shows that, with the design and mitigation measures proposed, the project would deliver a range of benefits, and that negative effects can be mitigated to minor or negligible in the majority of cases. This is particularly important with regard to concerns over noise and air quality which came through most strongly in the responses received. As a result of the transport proposals and highways improvements, supported by specific mitigation measures proposed, even based on a worst case scenario many communities will see an improvement in air quality compared to the existing. Many of these benefits would be delivered as a result of improvements to Junction 24 and the Kegworth Bypass in particular, especially where reductions in HGV through-traffic are predicted.

5.2.22 The assessments undertaken suggest it will improve air quality for most local people where they live and work, and will result in far fewer people being exposed to pollutant concentrations above objective levels. Therefore, the scheme overall is beneficial in terms of air quality. The air quality improvements forecast are such that the existing Air Quality Management Areas close to the site would no longer be relevant and could be removed.

5.2.23 Similarly, the Environmental Assessment shows that the likely effects on noise are mostly negligible. Again, some areas (or ‘receptors’) will see a reduction in noise due to changing transport flows and reductions in through-traffic. However, the assessments show that most places will see a very slight and barely perceptible change in noise levels. There are a number of reasons for this which include, but are not limited to, the relatively high baseline levels of background noise experienced by many receptors in the area surrounding the proposed development. Additional reasons include the proposed disposition and layout of the development which, in response to comments and concerns expressed from an early stage by Parish Councils and other respondees, has resulted in the rail terminal and buildings being
located as far away from existing communities as possible. In addition, the intended visual screening effects of the landscaping proposed also has some noise screening benefits, as do the proposed buildings themselves, and the mitigation measures incorporated include the erection of acoustic fencing to further limit any noise effects from both the rail link and Kegworth Bypass.

5.2.24 With regard to concerns about existing and potential future flood-risk, the Applicant has ensured the proposals create the opportunity to deliver benefits to local communities in this regard. The Flood Risk Assessment submitted as an Appendix to the ES (Chapter 8) reveals that measures have been proposed within the scheme to ensure flooding is not made worse elsewhere off-site, and reductions in flood risk are achieved where possible. A Drainage Strategy based on Sustainable Drainage principles has been designed within the proposals, storing water in large basins during times of heavy rainfall. By reducing the rate of runoff this strategy will produce a reduction in flood-risk downstream, including in Hemington which has seen particular localised flooding problems historically.

5.2.25 The Applicant therefore feels these issues, while a high priority to many local people, have been dealt with appropriately and positively, both through the technical assessments which underpin the ES, but also in the approach taken to the design and form of the proposals themselves.

Visual effects and loss of amenity space

5.2.26 A relatively common issue raised from the earliest stages of the non-statutory consultation has been the visual effects of the buildings proposed. The importance of this key issue is understood by the Applicant, and has fed into the approach taken to the design and layout of the proposals, and to measures included within the consultation process.

5.2.27 The need to be able to engage properly with local people on the visual effects of the buildings proposed, including being able to provide advice and demonstrations about the likely effectiveness of the landscaping and screening, led to the creation of a 3D computer generated model of the proposals and surrounding area. In addition to forming part of the consultation exercise, earlier iterations of the model were also used to inform decisions about the approach to the landscaping and earthworks, screening and planting.

5.2.28 The 3D model was on display at the exhibitions, and available for use in response to specific queries or questions raised by attendees. The model is flexible enough to allow viewers to observe the proposals from specific places in the surrounding area. Many local people took advantage of this tool to view the development from their property, or from other local viewpoints. When not being actively used, the model showed a ‘fly-through’ around the site on a fixed route.

5.2.29 Although formal feedback received about the 3D model was limited, informally many people expressed recognition of the value this provided in helping them to understand the scale and likely visual impacts of the proposals. The Applicant believes this model, supported by the
Landscape and Visual Assessment work within the ES, demonstrates that the proposals and mitigation measures proposed would be effective in screening the development from the majority of the local communities and key viewpoints nearby. This includes from those communities closest to the development, despite the relative proximity of the proposed buildings.

5.2.30 The Landscape and Visual impact assessment (Chapter 5 of the ES) considers the shorter and longer-term visual impacts (year 0 and year 10) of the proposals, enabling local people and other consultees to understand the likely effects, and timescale, of the maturation of the planting and landscaping.

5.2.31 In addition, the earthworks strategy and masterplan has been developed to mitigate the visual effects of the proposals as far as possible. This has been led by a positive approach to the creation of new landscaped features which also provide additional amenity and biodiversity benefits.

5.2.32 Concerns about the loss of amenity space, including existing footpaths and rights of way across the proposed SRFI site, have been raised by local people and Parish Councils. The proposals include significant new footpath provision around and within the proposed development. The result is that local communities will have access to a significantly network of footpath and cycle links once the development is in place. For example, the landscaping proposed includes around 6.7km of public rights of way (Bridleways, footpaths and cycle links), with new connections established to surrounding communities, as well as existing connections retained through diversions to existing footpaths.

Transport and Highways, including Kegworth Bypass

5.2.33 The early non-statutory consultation and engagement with key bodies reinforced the need for a comprehensive approach to transport infrastructure. In the context of the traffic congestion and delays experienced at and around Junction 24, it was apparent from the early dialogue that any proposed development would need to include significant improvements to the strategic road network to address and mitigate the effects of additional major development in this location. The creation of the Transport Working Group – described in Section 3.2 - was a key outcome from this engagement, and a proactive response by the Applicant to this fundamental issue which has implications in several Highway Authority areas, as well as on the Strategic Road Network managed by the Highways Agency.

5.2.34 Related to this, the need to consider the potential to alleviate local congestion and access issues was also clear from discussions held at the non-statutory stage. Challenges presented by through-traffic in communities nearby was highlighted as a major issue at the outset of dialogue with local partners, as were the wider local effects of the relatively poor performance of Junction 24, and the A453 which generated congestion and delays across a wider area. ‘Rat-running’ of traffic trying to avoid congestion at these locations was raised as a key concern by local Parish Councils, as well as by the Highways Authorities, and subsequently formed an important part of the technical assessments and modelling undertaken, overseen
by the Transport Working Group. An awareness of these issues raised by local consultees from the earliest stages of their engagement with the Applicant has directly informed the proposals.

5.2.35 In general terms it is clear that there is strong support for the provision of a Kegworth bypass. This has been a local aspiration for a number of years, and the benefits it could provide for the village in terms of reductions in noise and air quality as well as reduced congestion, seemed to be well understood and welcomed in principle by the majority. However, there have been mixed reactions to the details of the proposed bypass and other elements of the package of local highways improvements.

5.2.36 The bypass route identified within the proposals represents the results of work undertaken to determine the most appropriate and effective route in transport and other terms. Comments have been received suggesting that a more southerly route, further away from the village edge, would be preferable. However, the assessment and comparison work undertaken shows that the proposed route would be more successful than a more southerly route in attracting traffic out of Kegworth. Given that is the key purpose of the bypass, this was given significant weight in determining the proposed route. In addition, the proposed route has some landscape and visual benefits over a more southern alignment, being better contained by the landform and topography. A bypass route further south would be likely to produce some localised air and noise benefits compared to the proposed bypass route, but these are outweighed by the attributes of the chosen route and in particular its overall effectiveness in transport terms.

5.2.37 The Applicant explicitly sought views about whether Whatton Road link to Kegworth should be closed, or whether it should remain open. It is clear that the preference locally is for Whatton Road to remain open. Although closing Whatton Road has been the Applicant’s preferred approach, in response to the consultation process this has been changed and the proposals as submitted include Whatton Road remaining open, and with an access to the bypass.

5.2.38 However, some local people, and consultation responses (see Section 6.0) received from statutory consultees and other bodies, have questioned whether this might be best provided by provision of a bridge or tunnel rather than an access to the Kegworth bypass. The Applicant’s response to these suggestions is provided in Section 6.5 below.

5.2.39 In response to specific concerns raised by a local resident about the potential effects of the bypass on his property in Kegworth (discussed in paragraphs 4.5.13 and 4.5.14 above), the Applicant has proposed additional landscaping and earthworks at the eastern end of the bypass. This would provide further screening and further reduce the direct effects of the bypass. The Applicant is prepared to take these measures in direct response to the concerns raised by the individual concerned, but is comfortable that the overall effects of the Bypass on Kegworth, and as part of the wider package of highways measures, are overwhelmingly positive.
5.2.40 The proposals have been informed by the modelling and wider assessment work overseen by the Transport Working Group. This demonstrates that the proposals would remove significant volumes of traffic from the local road network around the site, with consequent environmental benefits to the vast majority of residents of Kegworth, as well as many parts of Castle Donington.

Alternative Sites

5.2.41 A proportion of the comments received suggest there are better alternatives elsewhere do not refer specifically to other sites by name or location. Others, as described above, include references to DIRFT or other locations.

5.2.42 In brief, the Applicant’s response is that there is no better site for an SRFI in the East Midlands. EMG has emerged from a supportive regional and local policy context and evidence base, informed by a full and independent assessment of potential and alternative sites. That assessment, carried out for a partnership of local authorities, is referred to in Section 3.0 of this report and forms part of the submission (document 6.15). In addition, the Planning Statement (document 6.6), and Chapter 3 of the ES provide further details of this evidence base and policy context.

High Speed Rail (HS2)

5.2.43 As referred to above, HS2 is being promoted by the Government and the HS2 Ltd company. It is not being promoted by the Applicant, and is not part of the EMG proposals. However, minor refinements have been made to the EMG proposals to ensure that there is the potential for the proposed HS2 tunnel to emerge, as currently proposed by HS2 Ltd, in the north-western corner of the SRFI site.

5.2.44 Given the overlap of the EMG site and HS2 proposal, the local interest in the relationship between the two projects is understandable. The Applicant has been able to confirm that the EMG proposals, and the current preferred alignment of HS2 Ltd for the high speed rail line are compatible in land-use, engineering and deliverability terms. However, beyond that, any consultees who have raised comments or questions about HS2 have been guided to send their comments to HS2 Ltd.
6.0 **SECTION 42 (DUTY TO CONSULT)**

6.1. **Section 42 Consultation**

6.1.1 This section provides an overview of the formal consultation required by Section 42 of the Planning Act 2008. That section refers to consultation with a range of bodies, organisations and interested parties across a wide range of categories. Details of the bodies consulted are attached at Appendix 15. An example of the Section 42 letter sent is at Appendix 19.

6.1.2 Local authorities are an important category of Section 42 consultee, and as required by Section 43 of the Planning Act, the tables below confirm the ‘status’ of local authorities in the area:

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<thead>
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<tr>
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**County councils**

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<td>“D” authority</td>
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<tr>
<td>Northamptonshire County Council</td>
<td>“D” authority</td>
</tr>
</tbody>
</table>
Staffordshire County Council  “D” authority
Warwickshire County Council  “D” authority
Rutland County Council  “D” authority
Cambridgeshire County Council  * see below
Peterborough City Council  * see below

* Please note that although not strictly a “D” authority, Peterborough City Council was consulted as it borders Rutland County Council, which is for some functions considered part of Leicestershire as a whole (e.g. healthcare) and Cambridgeshire County Council was consulted due to the number of agencies whose functions span Peterborough City Council and Cambridgeshire County Council areas.

SECTION 46 (DUTY TO NOTIFY THE PLANNING INSPECTORATE)

6.1.3 The Applicant wrote to the Planning Inspectorate to notify them of the intention to begin the Section 42 consultation on 22\textsuperscript{nd} May 2014. The letter included a copy of the Section 42 consultation letter sent to consultees and statutory bodies on 23\textsuperscript{rd} May, and informed the Planning Inspectorate of the consultation period and deadline. The Section 46 letter sent to the Planning Inspectorate is attached at Appendix 17.

6.1.4 The Planning Inspectorate was also provided the links to the preliminary environmental information and draft DCO documentation which formed the basis of the Section 42 consultation process.

The Process

6.1.5 Section 42 consultation with statutory bodies and other parties began formally on 23\textsuperscript{rd} May 2014. As required by the regulations, Section 48 notices were placed in national and local papers – see section 6.3 below for details.

6.1.6 Letters were sent to around 550 consultees, including consultees in the following broad categories:

- Government agencies and departments, including statutory consultees such as Natural England, the Environment Agency, English Heritage, and others;

- National transport agencies and bodies such as Highways Agency, Network Rail, and HS2 Ltd;
• Local authorities, including those neighbouring North West Leicestershire at both district and county levels – also see above;

• Parish Councils;

• Local Enterprise Partnerships;

• Land-owners and others with an interest in the land;

• Utility providers and network operators;

• ‘Prescribed Persons’ which includes a range of bodies including Police & Crime Commissioners, Health (NHS) bodies, and Emergency Services;

6.1.7 Consultees were guided to the project website to review and comment on the updated draft Environmental Statement (ES) Chapters and other preliminary environmental information which included draft DCO documentation and plans.

6.2 The material consulted upon

6.2.1 The letters sent to the Section 42 consultees (Appendix 19) included a copy of the Section 48 Notice. It also contained a summary description of development, and provided a link to the project website where consultees were able to view the draft technical documentation, but also the ‘Short Document’ (summary of the proposals) and other draft DCO documents and plans.

6.2.2 In many cases, the formal Section 42 consultation process formed a natural continuation of already well-established and ongoing dialogue and engagement with key consultees.

6.3 Consultation Method

6.3.1 To formally start the Section 42 consultation process letters were sent to relevant consultees across the range of categories referred to above.

6.3.2 Section 48 Notices were placed in the following national and local publications on the following dates (a copy of the Section 48 Notice is at Appendix 18):

• Loughborough Echo, 23rd May

• Derby Telegraph, 23rd May

• London Gazette, 23rd May (online), and 27th May (printed);

• Independent newspaper, 23rd May

• Loughborough Echo, 30th May
6.4 Responses Received

6.4.1 As shown in the Section 42 Consultation Summary Schedule (Appendix 16), the proportion of Section 42 consultees who provided responses either within the consultation period, or soon afterwards, is limited. Less than 60 responses were received from the Section 42 consultation process, including some late responses received after the deadline.

6.4.2 Many of the responses from consultees further afield, for example in Lincolnshire, Warwickshire and Cambridgeshire – who were legitimately consulted due to the requirements of the regulations - either chose not to respond at all, or provided brief confirmations that they had no comments to make.

6.5 Summary of key Section 42 responses

6.5.1 The responses received vary greatly in both length, and content. Many responses are fairly standard or generic responses with no detailed response to the EMG proposals. Others are largely descriptive of the ongoing work being undertaken either by the Applicant or by the consultee, or ongoing dialogue between the parties, without providing any conclusions or definitive comments about the proposals.

6.5.2 Some of the key consultees, such as a number of the Local Authorities have responded to provide an interim or holding position, subject to further dialogue with the Applicant on some detailed issues. However, a significant number of key partners responded with positive confirmations of support and recognition of the strategic value and importance of the proposed SRFI. Significant examples include the responses from North West Leicestershire District Council (NWLDC) and Leicestershire County Council.

6.5.3 NWLDC reiterated the position formally adopted by the Council’s Cabinet in December 2013 of supporting the principle of the proposals, subject to detailed appraisal of likely localised effects. The response is clear about the substantial potential for job creation and the likely local, regional and national benefit it could bring. The Council’s input at this stage is of direct relevance to the ongoing work to prepare Statements of Common Ground with the Applicant, and the future Local Impact Report which the Council will prepare.

6.5.4 Similarly, Leicestershire County Council’s response refers to the ongoing work to prepare and agree Statements of Common Ground. The response is premised by the County Council’s recognition of the economic benefits of the proposals for the County and wider region. The County Council are clear on the direct alignment between the proposals and the Strategic Economic Plan priorities for Leicester and Leicestershire, discussed in further detail below in the context of the comments of the Local Enterprise Partnership. It also provides a useful set
of comments on many aspects of the draft ES (document 5.2), with the response informed by both Officers and Members of the Council’s Cabinet. These comments were directly addressed in the work to complete and finalise the ES, and also in the dialogue relating to specific technical Statements of Common Ground.

6.5.5 The key Local Enterprise Partnerships (LEPs) provided brief but explicitly supportive responses to the Section 42 consultation. The Leicester and Leicestershire LEP (LLLEP), and the Derby, Derbyshire, Nottingham, Nottinghamshire LEP (D2N2 LEP) both responded to underline the direct synergy between their recently adopted Strategic Economic Plans and the East Midlands Gateway proposals. Both LEPs have identified the proposed SRFI as a key economic opportunity, with the LLLEP having established one of its five ‘Transformational Priorities’ around the East Midlands Gateway and other key assets in the surrounding area. In that context, the LLLEP offers its full support for the proposed development.

6.5.6 Derbyshire County Council provided a lengthy response which reflected discussion and views expressed by Members as well as Officers, and covered a range of issues. The response was rooted in the positive context provided by the D2N2 LEP’s Strategic Economic Plan, as well as the former regional evidence base and policy which sought to encourage rail freight interchanges. Reference was made to the work undertaken over several years with Derbyshire and other local highways authorities, and the work to prepare and agree a Statement of Common Ground on transport issues. A range of issues and comments were included in the response which provide a helpful basis for further dialogue, particularly in terms of articulating the potential economic impacts for communities in Derbyshire. A response was sent to Derbyshire County Council by the Applicant in early August.

6.5.7 Similarly, Nottingham City and Nottinghamshire County Councils both provided comments focused on transport and highways, including the Travel Plan. These comments were fed into the process for the ongoing work to prepare the Transport Assessment and associated information. In the context of the work undertaken through the Transport Working Group, the County Council is content with the methodology and technical reporting which underpins the assessments undertaken.

6.5.8 The responses from several local Parish Councils, including Castle Donington, Lockington cum Hemington, and Long Whatton and Diseworth outline their grounds for objection to the proposals, and reflect consistent views expressed by many local people through the (Section 47) public consultation earlier in this report. The grounds for objection expressed include:

- Loss of agricultural land and open countryside;
- Concerns about water run-off and the risk of additional localised flooding;
- The scale of the proposed development in the context of villages nearby;
- Concerns about possible impacts on highway congestion and air quality;
• Questions about whether the numbers of jobs forecast will be created, and whether these would bring any benefits to the communities closest to the site;

• Whether alternative, preferable sites exist, specifically brownfield sites.

6.5.9 It is important to note that the Section 42 responses from the Parish Councils did not raise concerns about the consultation process.

6.5.10 The Kegworth Parish Council response was focused on issues relating to the Bypass, and reiterated local views regarding the importance of retaining local access via Whatton Road. Part of their response also included the results from a small independent survey of 40 people. There is a clear preference for Whatton Road not to be closed, and for the existing link between Kegworth and the village of Long Whatton to be retained. The response also raises the question of whether instead of a link to the bypass, Whatton Road should be bridged over or tunnelled under the bypass.

6.5.11 Several other local authorities responded to the consultation process, with many from further afield confirming they have no comments. However, South Derbyshire District Council (SDDC) which shares a boundary with North West Leicestershire close to the proposed development provided a range of comments, many of which relate to the scope and coverage of the Environmental Assessment work. In particular, SDDC raised specific interest in the approach to ground water, noise, and air quality, in the context of the potential for effects on communities within South Derbyshire.

6.5.12 The Applicant has been in dialogue with East Midlands Airport (EMA), a key neighbour to the proposed development, since 2012. The response from EMA gives a description of the work undertaken to date to inform their understanding of the impacts, and provides a clear sense of the Airport’s priorities in terms of effects. The emphasis is on surface access and highways capacity in the local area, and the comments received are of direct relevance to the ongoing work to prepare Statements of Common Ground.

6.5.13 Lafarge as another important neighbour and land-use close to the EMG SRFI site raised a range of issues in their response, mostly focused on ensuring that access to the ongoing quarrying operations would not be compromised or negatively affected by the EMG proposals, particularly regarding changes at M1 Junction 24a.

6.5.14 Other responses received from some consultees are more technical and specific, such as that provided by English Heritage focused on the Cultural Heritage aspects of the draft ES. These comments too helped inform the work to complete and finalise the ES prior to submission.

6.5.15 Other key national bodies, such as HS2 Ltd and Network Rail also provided brief responses which essentially underlined that dialogue has been taking place to date with the Applicant, and is ongoing. Network Rail explicitly welcomes the prospect of the proposed terminal in the context of the national objectives to increase rail freight, and in light of the current dearth of sites. A Statement of Common Ground with Network Rail clarifies the extent and scope of their agreement with the Applicant, and support for the EMG proposals.
6.5.16 Similarly, Natural England welcomes that earlier and ongoing dialogue has resulted in the inclusion of specific technical aspects within the Environmental Assessment. Specific references are made to air quality effects on SSSIs, and the approach taken to the Landscape and Visual assessment.

6.5.17 The Environment Agency provided several separate responses which range from brief and standard responses to more detailed responses. These provide confirmation of the ongoing dialogue had with the Applicant, and also include several confirmations of the Agency having no concerns or objections – for example, with relation to groundwater and contamination – with reference to Statements of Common Ground agreed, or being prepared, with the Applicant.

**Applicant’s responses to key issues raised**

6.5.18 Many of the Section 42 responses provide a helpful basis for the ongoing engagement and dialogue with a wide range of consultees. Some of these are already covered by Statements of Common Ground, or will be in due course. Some of the Section 42 responses represent an interim or holding position in advance of having concluded the ongoing dialogue regarding those Statements. The interim nature of the responses from many consultees reflects their understanding that they will continue to play an active role, and will have further opportunities to comment on the DCO and associated documents later in the process. The Applicant is content that many of the detailed and technical issues will be covered by the ongoing dialogue relating to Statements of Common Ground.

6.5.19 Several of the most substantive comments received were from local Highways Authorities with whom the Applicant is already engaged, and the issues and points included are all being addressed through either the Transport Working Group, or the related Statements of Common Ground.

6.5.20 The Applicant welcomes that many key consultees and bodies are clear in their support for the proposals, based on an understanding of the likely benefits and impacts it would have on issues such as economic development and employment creation, or highways capacity.

6.5.21 In the context of issues and concerns raised by some local people described in Section 4.0, it is noteworthy that the formal consultation responses of the Parish Councils did not raise any concerns about the adequacy or quality of local consultation.

6.5.22 While many Section 42 responses do not require a specific response, a small number clearly outline issues or potential concerns which the consultees suggest must be addressed or justified by the Applicant. Where specific responses have been sent to consultees following comments provided within the Section 42 consultation process these are referred to below:
Local effects

6.5.23 The local Parish Councils raised issues or questions regarding a range of potential environmental effects. There is, not surprisingly, a degree of similarity between the issues raised by the Parish Councils, and those raised by some local people (as described in Section 4.0). Therefore, many of the responses contained in Section 5.0 are also of relevance.

6.5.24 The issues and questions raised are assessed in the ES and associated technical work which forms part of the submission. The assessments undertaken and presented in the ES suggest that many of the concerns raised are unlikely to materialise. For example, the ES suggests that the proposals with the mitigation measures proposed will result in overall benefits in terms of air quality, and that noise from EMG will be negligible and barely perceptible but with noise reductions where there are predicted to be reductions in through traffic.

6.5.25 Similarly, the Flood Risk Assessment submitted as an Appendix to the ES (Chapter 8) reveals that measures proposed within the scheme would help ensure flooding is not made worse elsewhere off-site, and reductions in flood risk are achieved where possible. A Drainage Strategy based on Sustainable Drainage principles has been designed within the proposals, storing water in large basins during times of heavy rainfall. By reducing the rate of runoff this strategy will produce a reduction in flood-risk downstream.

6.5.26 The extent of economic benefit and employment is presented in Chapter 4 of the ES. The separate ‘Market Report’ is also of relevance in terms of the wider context for EMG. There would be significant opportunities for local employment at EMG, supported by local training and skills initiatives, as well as the proposed access and public transport strategies which form part of the proposals.

6.5.27 Responses were sent from the Applicant to the Parish Councils. These sought to guide them to the relevant parts of the submission information as well as providing responses to the issues raised.

Whatton Road and the Kegworth Bypass

6.5.28 It is clear that the preference locally is for the Whatton Road link to Kegworth to be retained. This is a direct and helpful message in response to an issue on which the Applicant had explicitly sought views to inform how the proposals would be finalised. In response to this clear message from the consultation process – both with the community as well as statutory consultees - the Applicant has adopted the option with the Whatton Road link retained and amended the proposals accordingly.

6.5.29 However, a number of Section 42 responses have suggested that this link should not include any connection to the bypass itself, but should be provided either via a tunnel or bridge over the bypass. This included comments from the Parish Council and Kegworth Bypass Group. This is something which the Applicant has considered and investigated, but excluded for reasons explained below.
6.5.30 As part of the transport assessment, the existing traffic flows on Whatton Road have been measured using an Automatic Traffic Counter on the road. This shows that Whatton Road sees local traffic flows, in total, of around 450 movements per day. A bridge would not be a viable solution, particularly for such low levels of traffic. Such additional infrastructure is not justified in financial or engineering terms by the traffic flows using that route, nor does it justify the inevitable additional environmental and/or visual impacts in the context of seeking to ensure sustainable development.

South Derbyshire District, and Derbyshire County Council

6.5.31 South Derbyshire District Council raised a number of questions focused around understanding the potential implications of EMG on communities within their administrative area, and asking questions about the technical and Environmental Assessment work undertaken. A response was sent to SDDC in August 2014 to provide clarifications on a number of the key points raised, including with regard to the assessment of visual effects, contamination, air quality, and transport issues. Cross-reference was also made to dialogue had direct with a County Councillor for Melbourne in South Derbyshire regarding local traffic benefits. The response included confirmation that issues relating to noise monitoring on the wider rail freight network is beyond the scope of the assessments considered appropriate, or required, for the EMG proposals.

6.5.32 A response to the key issues raised by Derbyshire County Council (DCC), which included comments from local County Council councillors, regarding transport and highways, was sent by the Applicant. This cross-referred to separate dialogue had by the Applicant direct with one of DCCs local members (for Melbourne) regarding any traffic effects. The potential for wider economic benefits and synergies between EMG and strategic economic objectives across Derbyshire (and Nottinghamshire) is understood. The Applicant’s response provided DCC with further information about the calculation of employment at EMG once fully operational, with reference to the HCA Employment Densities guide, as well as to the positive response to EMG provided by the D2N2 LEP of which Derbyshire County Council is an active partner.

East Midlands Airport (EMA)

6.5.33 As referred to in para 3.3.11, the Applicant has been working closely with EMA over a number of years. In light of EMA’s desire to ensure they had a full understanding of the likely impacts and implications of the EMG proposals, the Applicant paid for the Airport’s appointment of independent consultants to assess the likely effects with regard to:

- Socio-economic effects
- Utilities
- Aerodrome safeguarding
• Traffic and Transport

6.5.34 A Statement of Common Ground is being progressed with EMA, and is expected to form part of the submission.

Issues relating to Lafarge

6.5.35 The Applicant has held a series of meetings with Lafarge over a number of years. The issues regarding access to the Quarry are well understood by the Applicant and have been the main focus of discussions and dialogue as the EMG proposals have evolved. The needs of Lafarge with respect to the ongoing quarry operations have been taken into account in the Transport Assessment and other related work to design the EMG highways and access proposals. Further meetings and ongoing dialogue are planned between the Applicant and Lafarge.
7.0 SECTION 48 (DUTY TO PUBLICISE)

7.1.1 The Applicant publicised the proposals pursuant to section 48 of the Act and regulation 4 of the Infrastructure Planning (Applications and Prescribed Forms and Procedure) Regulations 2009 by placing a public notice in the Loughborough Echo and the Derby Telegraph on 23rd May 2014, as well as in The Independent on the same date. The notice was published in the online version of the London Gazette on 23rd May and in hard copy on 27th May. In addition, the notice also appeared in the Loughborough Echo and Derby Telegraph on the 30th May.

7.1.2 The Loughborough Echo and Derby Telegraph were specifically chosen by the Applicant because they were aware that the paper has a large readership in the villages where the exhibitions were to be held.

7.1.3 The Section 48 Notice is at Appendix 18.
8.0 CONCLUSIONS

8.1.1 Prior to submitting an application for a DCO to the Planning Inspectorate and in accordance with the requirements set out in the Act, the Applicant carried out public and stakeholder consultation on its proposals. All statutory consultation has been carried out in line with the advice and guidance provided by the Planning Inspectorate and the Department for Communities and Local Government.

8.1.2 Consultation and engagement has been regular and ongoing from the start of the Applicant’s involvement in the process in late 2010.

8.1.3 From the earliest stages of consultation it was clear that, at the strategic level, the rationale behind proposing a Strategic Rail Freight Interchange in this location was understood by many key partners. In the context of the shared evidence base, and planning policies, non-statutory consultation and engagement with many partners strongly suggested that the strategic need to identify and enable development of an SRFI was accepted in principle. This in part stemmed from the understanding provided by the locally prepared evidence base (including the AECOM report) which had established this location as one of a small number of sites potentially suitable for an SRFI to serve the Three Cities area.

8.1.4 Similarly, from the outset of non-statutory consultation, the economic benefits in the context of the strengths of the logistics and distribution sector in the East Midlands, and the Three Cities area in particular, were and remain well understood by many partners.

8.1.5 This apparent early acceptance by many partners of the strategic ‘case’ for an SRFI was evidenced by much of the dialogue and engagement throughout the non-statutory stages of consultation being about relatively local and site specific considerations or issues, rather than strong arguments against the principle of the development proposed.

8.1.6 The responses to the more recent statutory consultation reconfirm the general acceptance by a wide range of consultees and partners of the principle of an SRFI in the proposed location. The proposals explicitly fit within the recently adopted Strategic Economic Plans of the Local Enterprise Partnerships. The principle is supported by not only the LEPs, but key individual members of the LEPs, including the County Councils for Leicestershire, Derbyshire and Nottinghamshire.

8.1.7 The fit with national transport policy and objectives is also clear. Input from Network Rail in particular has emphasised this, complementing the support from an economic development perspective provided by the LEPs.

8.1.8 Naturally, many of the issues and concerns raised through local consultation have focused on the site specific characteristics and effects of the proposals. From the non-statutory stage
onwards, the Applicant has been keen to evolve and adapt the proposals in response to concerns about local potential effects, and as described in this report and the Design and Access Statement (document 6.9), the final proposals have evolved significantly from those originally proposed.

8.1.9 The Applicant has ensured that the Environmental Impact Assessment prepared alongside the proposals has assessed and considered the key issues raised by local bodies and the community. The mitigation measures proposed for inclusion within the scheme minimise the negative effects, and maximise the potential benefits, and the results of the assessments contained in the ES reveal that the proposals will deliver a range of effects, including some significant and notable environmental and economic benefits.

8.1.10 The allegations and concerns of a small number of local people about the adequacy of consultation have been fully and properly considered and addressed by the Applicant. The initial problems encountered with the distribution of the first consultation leaflet in mid-January 2014 were addressed through a range of measures described in this report. These measures were taken having discussed them with the local planning authority and other local bodies. This was centred on an additional round of exhibitions being held in May 2014, and a public consultation process which was open from January until late June 2014. However, the number of responses raising this issue increased, rather than decreased, after additional consultation measures were taken. It is thought this might be a response to awareness by some local people of the importance of consultation to the Acceptance process.

8.1.11 The Applicant is content that consultation was undertaken in line with the agreed Statement of Community Consultation, and in accordance with the requirements of the Act. It is noteworthy that no concerns about the adequacy of consultation or local awareness were raised in the formal (Section 42) consultation responses from the local Parish Councils, the District Council, or the County Council.