

**Application by SEGRO Properties Limited, for an order granting development consent for a scheme comprising the East Midlands Gateway Phase 2 (EMG2)**

**Application by SEGRO (EMG) Limited, for an order making material changes to the previously approved East Midlands Gateway Rail Freight Interchange and Highway Order 2016**

**Agenda for issue specific hearing (ISH):**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Issue specific hearing 1</b>	<p><b>11 March 2026</b></p> <p><b>Hearing starts at 10.00 am.</b></p> <p>Registration and seating available at venue from 9.30 a.m. and virtual registration process from 9.30 a.m</p>	<p>Hilton East Midlands Airport Derby Road Castle Donington Derby DE74 2YZ</p> <p>and</p> <p>By virtual means using Microsoft Teams</p>

## **Agenda**

- 1. Welcome, introductions, arrangements for the hearing**
- 2. Purpose of the issue specific hearing**
- 3. Legal basis of determination of applications**

The Examining Panel (ExP) will ask the applicants and other interested parties as to their understandings as to the operation of sections 104 and 105 of the Planning Act 2008 in respect of the legal basis of determination of the applications. This will also include the relationship between Parts 1, 2 and 3 of schedule 1 of the draft Development Consent Order (dDCO).

There will need to be discussion as to the structure of the environmental statement when compared with that of the dDCO and the implications of those documents for the determination of the two applications.

- 4. Interoperability between the Planning Act 2008 and the Town and Country Planning Act 1990**

The ExP will ask the applicants and North West Leicestershire District Council questions about the interoperability and interconnectedness of the two planning regimes. It will also seek the parties' legal positions in respect of the granted

planning permission relating to height of the container stacks and the original Development Consent Order (DCO).

The ExP would particularly like to discuss:

- legal methods of amending DCOs (see section 153 and schedule 6 of the Planning Act 2008 (PA2008))
- sections 160, 161 and 162 of the PA2008
- the implications of any planning permission in light of the Supreme Court judgement in Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30 (Hillside) on the original DCO and thus the draft MCO
- the implications of any grant of planning permission on the northern part of the EMG2 main site

## **5. Relationship between the application for the DCO and that for the MCO**

The ExP will ask the applicants questions about the relationship between the two applications as well as with the originally granted DCO for EMG1.

The ExP will ask the applicants about those parcels of land that lie within both application sites and the implementation of any consents.

The ExP would particularly like to discuss:

- the implications of the Hillside judgement of the EMG2 proposals on the original DCO and thus the draft Material Change Order (dMCO)
- the area of the entrance to the EMG1 site
- the area of the north end of the rail terminal
- the substation site and its environs

## **6. Need and alternatives**

The ExP will ask the applicants to outline their case as to the need for the proposed development and the alternatives considered.

The ExP will then ask questions of the applicants and interested parties present.

The ExP will ask the applicants to set out their justification for Works No. 19 in Schedule 1 of the dDCO.

The ExP intends to conduct the item in accordance with the following detailed structure:

- Freeport
  - applicants' overview of the need to locate the proposed development in the freeport and the contended benefits of doing so
  - any criteria for leveraging freeport benefits
  - deadlines for leveraging freeport benefits, including construction programme
  - operational benefits of locating EMG2 near the EMG1 strategic rail freight interchange and East Midlands Airport

- EMG2 works
  - applicants' overview of the need case for the EMG2 works
  - establishing the need case in light of the s35 Direction
  - securing the carbon neutral campus in light of the s35 Direction
- Highway works
  - applicants' overview of the need case for the highway works, both those which might be an NSIP and those which might be associated development
  - NNNPS policy and the need for a business case for those highway works that might be an NSIP
  - strategic importance of the highway works that might be an NSIP
  - justifying Works No. 19 as part of the DCO scheme
- EMG1 works
  - applicants' overview of the need case for the EMG1 works
  - original purpose of plot 16 land under the DCO for EMG1
- Alternatives
  - applicants' overview of the alternatives considered, including potential for a multi developer approach to delivering the EMG2 main site
  - consequences of not maximising the freeport designation if only the Prologis and East Midlands Airport joint application was delivered
  - consequences of not providing the highway works if only the Prologis and East Midlands Airport joint application was delivered

## 7. Traffic and Transport

The ExP will ask the applicants and IPs matters relating to:

- traffic modelling
- the relationship between Parts 1 and 2 of schedule 1 of the dDCO and with other proposed developments in the vicinity
- departures from highway standards
- road safety audits
- the Sustainable Transport Strategy
- Framework Travel Plan

The ExP would particularly like to discuss:

- the use of the proposed mezzanine floors
- traffic flows between the rail terminal and the EMG2 main site
- the traffic modelling for the material change proposals.
- PRTM 2019 and PRTM 2023
- specific outputs from the traffic modelling
- the justification for the highway works and when they would be required to be completed
- potential dualling of the A453 to the north of the main EMG2 site
- how the proposed highway works more generally would relate to other proposals for development in the area
- the implications of any departures from highway standards (see appendices 26 and 27 of the TA)
- the latest position relating to road safety audits

- sustainable travel, including between the EMG1 and EMG2 sites and the duration of any requirement relating to travel plans
- the effectiveness of sustainable travel options at the EMG1 site and implications for the EMG2 site
- quantum and funding of the Framework Travel Plan

## 8. Next steps

## 9. Closing

The ExP would ask that the applicant have the following documents available for display at the hearing. It may be that not all these documents need to be displayed or conversely others may be requested. Unless there are extraordinary reasons, documents that have not yet been submitted into the examination should and will not normally be displayed.

<a href="#">[PDA-004D]</a>	Draft Development Consent Order
<a href="#">[AS-015D]</a>	Explanatory Memorandum to the Draft Development Consent Order
<a href="#">[APP-015M]</a>	Draft Material Change Order
<a href="#">[PDA-006M]</a>	Explanatory Memorandum to the Draft Material Change Order
<a href="#">[APP-024D]</a>	DCO Location Plan Order Limits plan
<a href="#">[APP-059M]</a>	MCO Location Plan Order Limits plan
<a href="#">[AS-025]</a>	Chapter 3 of the ES – Project Description
<a href="#">[APP-221]</a>	Highway Works Design Approach Document
<a href="#">[AS-008]</a>	Components Plan
<a href="#">[APP-026D]</a> <a href="#">[APP-027D]</a> <a href="#">[APP-028D]</a> <a href="#">[APP-029D]</a> <a href="#">[APP-030D]</a>	Lands Plans
<a href="#">[AS-032]</a>	Chapter 6 of the ES – Traffic and Transport
<a href="#">[APP-080]</a> <a href="#">[APP-081]</a> <a href="#">[APP-082]</a> <a href="#">[APP-083]</a>	Appendix 6A of the ES – Transport Assessment
<a href="#">[APP-085]</a>	Framework Travel Plan