

PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

APPLICATION BY SEGRO PROPERTIES LIMITED FOR THE EAST MIDLANDS GATEWAY PHASE 2 AND HIGHWAY ORDER 202X

RESPONSES TO ExQ1

ON BEHALF OF

EAST MIDLAND INTERNATIONAL AIRPORT LIMITED (EMA)

EAST MIDLANDS AIRPORT PROPERTY INVESTMENTS (INDUSTRIAL) LIMITED (EMIAL)

Interested Party References: [REDACTED], [REDACTED] and [REDACTED]

EMA and EMIAL have had the benefit of seeing the submissions made by Prologis at Deadline 1, which they endorse and refer to throughout this submission. EMA and EMIAL reserve the right to adopt, refer to and develop further any points raised in Prologis' Deadline 1 submissions.

ExQ No.	Question to:	Question:	Answer:
Q1.0.1	All IPs	<p>Planning and Infrastructure Act 2025 The Planning and Infrastructure Act received Royal Assent on Thursday 18 December 2025. All IPs, including the applicants, are invited to submit comments on the new Act in relation to any implications for the examination of this application.</p>	In EMA's view the Planning and Infrastructure Act 2025 does not have any material implications for the Examination of this application. As such, EMA has no comments at this stage but reserves the right to make further submissions in due course following consideration of comments made by other parties.
Q1.2.2	The applicants	<p>Planning Statement The Planning Statement [AS-018] appears to be missing a detailed planning history of the site and surrounding area. Please can the applicants provide an updated statement accordingly. In doing so, please include the planning history in relation to the EMG1 DCO, the freeport designation and the joint planning application by Prologis and EMIA, and any other relevant planning history, in one coherent section.</p>	Please see Prologis' response to this question which provides the detailed planning history of the site and surrounding area.
Q1.2.8	The applicants NWLDC LCC NH	<p>20% advanced manufacturing floorspace Paragraph 3.2.7 of chapter 3 of the ES [AS-025] states that the development would primarily comprise logistics buildings with up to 20% of the floorspace capable of being used for 'advanced manufacturing'. Please can the applicants clarify how this 20% limitation is secured in the dDCO and explain the environmental effects in the event this 20% limitation is exceeded. For example, why is the limitation important, does advanced manufacturing generate different environmental effects in relation to traffic, noise and disturbance compared to storage and distribution?</p>	<p>EMA welcomes the ExQ's question on this matter and reserves the right to comment further on the applicant's reply.</p> <p>This issue is closely related to Q1.2.9 and the confused description of use class(es) of the buildings that are being applied for as part of EMG2.</p> <p>The inclusion of advanced manufacturing is likely to generate more trips than a standard B8 land use. The following sites were analysed to inform this assessment:</p> <ul style="list-style-type: none"> • Tees Advanced Manufacturing Site • Rotherham Advanced Manufacturing Site

			<ul style="list-style-type: none"> • International Advanced Manufacturing Park (IAMP) – Washington, Sunderland <p>The above sites have been chosen as a comparator based on being advanced manufacturing developments that are close to the strategic road network, similar to EMG2.</p> <p>Although it is noted that each application utilised a different method for assessment of trip generation, including direct numbers of staff from the occupier, surveys of a nearby proxy site, and also a first principles approach, all the sites went through a consultation and agreement process with National Highways. They all resulted in significantly higher trip rates than a B8 use.</p> <p>As such, it is the view of EMA that a sensitivity test for the 20% of the development that could be provided for advanced manufacturing should be undertaken by the Applicant.</p>
Q1.2.9	The applicants	<p>Permitted development rights</p> <p>Are there permitted development rights that would allow a change of use from logistics or advanced manufacturing to another use that might give rise to other environmental effects to those assessed that would not be compatible with existing neighbouring development? Consequently, should the dDCO include a provision limiting specific permitted development rights?</p>	<p>EMA submits that it cannot clearly be deduced what use class(es) the future planning units or the development as a whole fall into, or whether the development would be <i>sui generis</i>. As a result, it follows that effective PD rights from the Use Class Change Order are unclear.</p> <p>The application confuses planning terminology and mixes up B2 and B8 uses that are being applied for. It also then includes a generic “up to 20% advanced manufacturing floorspace”. Therefore, it is unclear as to how this would relate to the precise planning unit, for example whether the advanced manufacturing element would be an ancillary use or create a mixed used unit.</p>

			<p>Given this, it follows that any harm arising is unknown at present. Clarity is needed as to what is actually being applied for and that the necessary assessments are consistent with the development proposed or are on a fully worst-case basis.</p> <p>To ensure no risks to aerodrome safeguarding arise from any possible alterations to buildings that may not comprise development or be otherwise permitted development, discussions are ongoing with the Applicant in relation to draft Protective Provisions for inclusion in the draft DCO. These would cover material alterations that could impact flight safety.</p>
Q1.3.1	NWLDC Prologis EMIA (East Midlands International Airport Limited and/ or East Midlands Airport Property Investments (Industrial) Limited as appropriate)	<p>Planning application on northern part of EMG2 site Could NWLDC provide a copy of the 24/00727/OUTM application. This should consist of the application form, drawings showing any land proposed for development and (indicative) layouts and/ or parameters plans, together with details of any off-site infrastructure which it is intended to secure as part of that development. In addition, could NWLDC provide information, so far as it has it, as to the timetable for consideration of the application and for any subsequent legal agreements, if necessary, to be completed. Could Prologis/ EMIA please set out its intentions for the consideration of the application. If the application is amended so that any of the above details change, can we please be provided with that information.</p>	Please refer to Prologis' response to this question which outlines the timetable for consideration of the application.
Q1.3.2	The applicants Prologis/ EMIA	<p>Planning application on northern part of EMG2 site Could the applicants and Prologis/ EMIA please provide details, including a plan, showing</p>	Please refer to Prologis' response to this question and their Written Representation which provide detail as to the compatibility/ non-compatibility of the two schemes.

		<p>compatibility/ non-compatibility of the proposed development and that subject to application 24/00727/OUTM. They should set out why they hold this position. The ExP is particularly interested where any proposals would mean that the two developments would not physically be able to be provided.</p>	<p>EMA also expands on this in our own Written Representation.</p>
<p>Q1.4.2</p>	<p>The applicants</p>	<p>Community Park The ExP is seeking to understand how attractive the community park would be as an amenity. Therefore, can the applicants provide the following information:</p> <ul style="list-style-type: none"> • isophones (sound levels) across the whole of the park with the proposed development in operation based on the worst-case analysis assessed in the ES • the areas of the site where gradients would be greater than 8% (1 in 12) – contours across the whole area should be shown (this may need to be on a separate drawing if it would result in the drawing being too cluttered) – or which could only be accessed by travelling through such areas • whether the surface water storage areas would be fenced • the months and proportion of the year the surface water storage areas are unlikely to be accessible due to wetness, including boggy ground conditions • those areas where it would not be desirable for the public to visit for ecological and biodiversity reasons (that is, buffer zones), giving any temporal or other restrictions • what assessment has been undertaken of increased human activity in the proximity of the badger setts during the operational phase, and how has this been quantified? 	<p>The serious potential for aerodrome safeguarding risks arising from the proposed community park has been raised with the Applicant by EMA.</p> <p>At the current time, specialist assessment is being undertaken in respect of the potential for the Community Park to result in increased bird activity and the risk of an increased bird hazard and associated aircraft strikes with operating at East Midlands Airport and aircraft flying in the vicinity.</p> <p>Elements of the parkland within the Community Park that could contribute to increasing bird activity comprise but are not limited to; the landscaping, water bodies (either permanent and/or surface water management), littering arising from food consumption and feeding of birds by users and visitors to the Community Park. Littering near airports, especially food waste, creates a severe bird strike risk by attracting large flocks of scavenging birds (gulls, starlings, corvids) to foraging areas. These birds are often attracted to garbage, litter or open refuse areas.</p> <p>A comprehensive and detailed bird hazard management plan will be needed for this part of the proposed development.</p>

		<p>This information should also be provided graphically on a plan of the community park. Where areas are identified, the area in square metres, should also be provided; a table setting out the different areas of the proposed park should be submitted.</p> <p>If the applicants wish to provide a commentary to this information they may do so.</p> <p>The applicants should prepare a separate confidential report for answers relating to badgers. The ExP would ask the applicants send a copy of the confidential report direct to NWLDC and NE for their consideration.</p>	
Q1.4.3	The applicants NWLDC	<p>Community Park</p> <p>Is the size of the community park sufficient to create a meaningful buffer between the EMG2 main site and neighbouring residential development, whilst delivering the multitude of proposed functions (recreation, landscape and ecological mitigation etc.)? To this end, could the community park be made bigger, at the expense of industrial and logistics floorspace, if it was determined that its current size would place unworkable constraints on its intended functions?</p> <p>The ExP also invites comments from NWLDC on this matter.</p>	<p>The potential bird hazard to the operation of aircraft at East Midlands Airport and aircraft operating in the vicinity is an important aerodrome safeguarding consideration. Until such time that the full Aerodrome Safeguarding assessments have been completed, there is a potential risk that the Country Park at its proposed size could represent an increased risk to safe aerodrome operations. A larger park could compound this risk. Further specialist advice is being obtained from East Midlands Airport's bird hazard consultants, and discussions are underway with the Applicant over ecological mitigation and the drafting of appropriate Protective Provisions.</p> <p>Please also refer to our answer to Q1.4.2.</p>
Q5.0.2	The applicants	<p>Biodiversity net gain on the SRN</p> <p>NH [RR-022] set out that 10% BNG is required on the SRN. Can the applicants please clarify whether this has been achieved? If it has not been achieved, please can the applicants provide amended proposals to ensure it is</p>	<p>The approach to BNG (even if non-statutory) must be considered as part of the overall effect of the development on bird activity.</p> <p>The potential bird hazard to the operation of aircraft at East Midlands Airport and aircraft operating in the vicinity is an important aerodrome safeguarding</p>

		achieved or justify why it is not necessary to achieve in this particular case.	consideration. Discussions are underway with the Applicant over ecological mitigation and the drafting of appropriate Protective Provisions.
Q5.0.3	The applicants NWLDC NE	<p>Skylarks Prologis [RR-024D] raised concerns about the delivery of key mitigation, especially for skylarks displaced by the DCO scheme. Please can the applicants provide more details about any mitigation for skylark. The ExP are particularly interested in how any such mitigation located on the community park would be effective in the context of the park's multifunctional use. For example, among other things, would recreational users of the community park have the potential to disturb skylarks and diminish the effectiveness of skylark mitigation (see ExQ1.4.2)? Please can NWLDC and NE provide an updated position in relation to protected species and in doing so comment on the issue of skylark mitigation, and farmland bird species more generally.</p>	EMA reserves the right to provide further comment at Deadline 2 once the Applicant's detailed skylark mitigation has been reviewed.
Q5.0.9	The applicants	<p>Biodiversity net gain The Biodiversity Net Gain Report [APP-116] provides figures for baseline habitat and proposed habitat, among other things. Can additional figures be provided on a larger scale (a more detailed zoomed-in view) similar to the figures presented in the Preliminary Ecological Appraisal [APP-108]. This will make it easier to examine the detail of the proposed changes.</p>	<p>The approach to BNG (even if non-statutory) must be considered as part of the overall effect of the development on bird activity</p> <p>EMA is in discussion with the Applicants over ecological mitigation and its impact on aerodrome safeguarding. Protective Provisions are being drafted to ensure the development is acceptable from an aerodrome safeguarding perspective. The potential bird hazard to the operation of aircraft at East Midlands Airport and aircraft operating in the vicinity is an important aerodrome safeguarding consideration. Discussions are underway with the Applicant over ecological mitigation and the drafting of appropriate Protective Provisions.</p>

Q5.0.16	The applicants	<p>Works no. 10 hedgerow loss Figure 3 of the BNG Report [APP-116] shows what looks to be a significant length of hedgerow loss associated with Works No. 10 (A50 westbound merge). Can the applicants please explain the importance of this length of hedgerow for protected species, including as a foraging or commuting route for bats present in the area? If it is important, please can the applicants provide more detail on how its loss would be mitigated?</p>	<p>There is a need to consider the displacement of wildlife should any hedgerow be lost and any new hedgerow planting will need to be species specific to avoid the new hedgerow providing a food source for birds that are a hazard to aircraft.</p> <p>EMA is in discussion with the Applicant over ecological mitigation and its impact on aerodrome safeguarding.</p> <p>Protective Provisions are being drafted and discussed with the Applicant to ensure the development is acceptable from an aerodrome safeguarding perspective.</p>
Q5.0.27	The applicants	<p>Detailed design and delivery of ecological mitigation outside of the EMG2 main site Detailed design and the delivery of ecological mitigation are secured by requirements 7(2) and 9(1) in the dDCO but these requirements only relate to components on the main site. Please can the applicants explain where ecological mitigation outside of the main site would be secured in the dDCO?</p> <p>For example, should “detailed design information” within paragraph 2(2) of part 1 of schedule 13 include ecological mitigation and biodiversity net gain, to ensure such details are submitted to and approved by NH under paragraph 7(1)(c)? Should similar inclusions be made under paragraph 2(2) of part 2 of schedule 13 so that such details are submitted to and approved by the local highway authority under paragraph 3(1)?</p> <p>Furthermore, it is the Exp’s understanding that the main site as defined in the dDCO does not include the community park. Consequently, please can the applicants clarify how the dDCO</p>	<p>The approach to BNG (even if non-statutory) and other ecological mitigation must be considered as part of the overall effect of the development on bird activity.</p> <p>The potential bird hazard to the operation of aircraft at East Midlands Airport and aircraft operating in the vicinity is an important aerodrome safeguarding consideration. Further specialist advice is being obtained from East Midlands Airport’s bird hazard consultants, and discussions are underway with the Applicant over ecological mitigation and the drafting of appropriate Protective Provisions.</p>

		would secure the detailed design and delivery of ecological mitigation on the site of the community park?	
Q5.0.28	The applicants	<p>LEMP and BNG Report consistency</p> <p>Please can the applicants review the LEMP [APP-117] and ensure it is comprehensive and consistent with the habitat creation proposed in the BNG Report [APP-116]. For example, table 3 in the LEMP [APP-117] lists habitats to be created within the EMG2 main site and community park. However, it does not list habitats that would seemingly be created in and around the highway works as illustrated on figure 2 of the BNG Report [APP-116].</p>	<p>The approach to BNG (even if non-statutory) must be considered as part of the overall effect of the development on bird activity.</p> <p>The potential bird hazard to the operation of aircraft at East Midlands Airport and aircraft operating in the vicinity is an important aerodrome safeguarding consideration. Further specialist advice is being obtained from East Midlands Airport's bird hazard consultants, and discussions are underway with the Applicant over ecological mitigation and the drafting of appropriate Protective Provisions.</p>
Q5.0.21	The applicants NE NWLDC EMIA	<p>Farmland bird habitat</p> <p>Please can the applicants calculate the percentage of existing farmland bird habitat that would be lost as a result of the cumulative projects within the region and indicate what proportion of that loss would be generated by the EMG2 project itself.</p> <p>Does NE or NWLDC have any concerns about the cumulative effects on farmland bird habitat? For example, would farmland birds displaced by the EMG2 project have sufficient habitat elsewhere in the region?</p> <p>Does EMIA have any concerns about the displacement of farmland birds in the immediate area surrounding the airport in regards bird strike risk?</p>	<p>Ongoing assessment by East Midlands Airport's bird hazard specialists is being undertaken, including the consideration of new farmland bird habitat. EMA are in discussion with the Applicants in relation to ecological mitigation and its impact on aerodrome safeguarding.</p> <p>Protective Provisions have been discussed with the Applicants and have been drafted to ensure the development is acceptable from an aerodrome safeguarding perspective.</p>
Q7.0.3	The applicants	<p>Plot 2/6</p> <p>Could the applicants explain why they would need to CA the land on the Active Travel Link (Work No. 14, Plot 2/6) rather than just seeking rights to permit the delivery of the route?</p>	<p>The route of the proposed Active Travel Link broadly follows part of the existing EMA Airport Trail, which is a permissive route for pedestrians only. Appendix 1 to our Written Representation illustrates the existing route of the Airport Trail and that proposed through the ATL.</p>

			<p>EMA is not satisfied that there is a need for the Active Travel Link.</p> <p>The applicants are proposing a 2% active travel mode share target (Paragraph 9.5, Sustainable Transport Strategy (DCO 6.6B)).</p> <p>Table 9-1 in DCO 6.6B shows that the number of employees on site at EMG2 would range from 600 in year 1 to 2220 in year 5 and thereafter. The active travel mode share target therefore ranges from 12 trips daily in year 1 to 44 trips in year 5.</p> <p>Logically, it must be right that not all of that 2% would use the Active Travel Link.</p> <p>Further, it seems unrealistic to expect workers to cycle along an unlit track in the hours of darkness, especially in winter months when the surface would not be gritted during freezing spells. It will be an unattractive route at those times for those reasons. It is also unclear how easy it will be for cyclists to access the northern end of the Active Travel Link from the wider network to Kegworth and Castle Donington. The applicants have not explained whether the need for Work No 14 is reduced or removed if their proposed cycle link to Castle Donington is not consented.</p> <p>EMA is therefore not convinced how the Active Travel Link could be used by users of EMG1 to reach EMG2 in a safe and efficient manner. Even if users of the Active Travel Link did seek to move between EMG1 and EMG2 in the manner which the Applicant expects, it is not clear how many users would choose this route over and above the bus service that the Applicant is placing great weight upon as part of its overall benefits</p>
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			<p>package to justify the need for compulsory acquisition powers.</p> <p>Accordingly, in EMA's view the need for compulsory acquisition of this plot has not been established by the Applicant, as the benefit to be achieved by the Active Travel Link does not outweigh the interference with EMA's property rights.</p> <p>Even if a need for the Active Travel Link can be proven, EMA does not accept that the Applicants need to CA the land rather than seeking rights to permit the delivery of the route. This is an alternative that has not been properly explored and which further undermines the case for compulsory acquisition.</p> <p>Without prejudice to its position on the question of need for Work No 14, EMA is in dialogue with the Applicant about ways in which the Active Travel Link could be delivered without the need for the Applicant to own the freehold of Plot 2/6.</p>
Q7.0.7	The applicants Prologis EMIA	<p>Land north of Hyams Lane</p> <p>Could the applicants, Prologis and EMIA set out their understanding as to how the land north of Hyams Lane was sold by the previous owners. That is, was it offered for private sale, by tender, by 'best and final offers' or any other process such as the parties direct approach to the owner? The ExP would appreciate information as to whether the marketing, if any, related to potential options agreements or only for outright sale. The ExP would also appreciate the parties understandings of the timeframes for any such sale. The parties should also submit any documents they may have to support their positions.</p>	<p>EMA owns a large proportion of the land to the north of Hyam's Lane and to the east of Grimes Gate. The land immediately to the north of the Moto Donington Park Services was acquired in the 1990's by National Express, the former owner of the airport, this land was included in the acquisition of East Midlands Airport by MAG in 2001. The remainder of the EMA land was acquired in 2010 as part of the auction sale of the agricultural Langley Estate (elements of Old Hall and Cross Farm). As the sale was facilitated by auction, this was an outright sale with no ability to take an option agreement from the seller. It is unknown whether SEGRO participated in the auction process at the time.</p>

			For information in respect of the Freeport development of this site, please see Prologis' response to this question.
Q8.0.1	All IPs	<p>Updated DCO at Procedural Deadline A</p> <p>At Procedural Deadline A, the applicant updated the dDCO [PDA-004D] with an explanation for those changes in the Schedule of Changes document [PDA-008]. All IPs are asked to review these changes and the justifications for them and submit any comments that they may have into the examination.</p>	EMA has no comments at this stage but reserves the right to make further submissions in due course.
Q8.0.2	Highway authorities EA LCC as LLFA	<p>Deemed approvals</p> <p>All bodies which would approve approvals are asked to review the time periods set out and to comment as to whether they consider these periods appropriate. If a different period were to be sought, then the body should justify this revised period. Individual periods should be set out by provision.</p> <p>The ExP understands that the provisions are:</p> <ul style="list-style-type: none"> • Articles 9, 11, 13, 17, 19, 20. • Schedule 13, part 1, paragraph 2 • Schedule 13, part 2, paragraphs 4, 13 <p>However, this should not be considered comprehensive, and parties are requested to consider the whole dDCO.</p>	Regardless of whether compulsory acquisition is granted, EMA would have relevant interests in the discharge of requirements and issuing of other approvals under articles of the DCO relating to the operation to East Midlands Airport. EMA will provide further comments on these matters in response to published replies to this question following Deadline 1.
Q8.1.4	NWLDC Highway authorities NE Affected persons Interested parties with land ownerships within 25m of the application site	<p>Article 38 – Felling or lopping of trees and removal of hedgerows</p> <p>Could the identified parties please comment on the distance from the Order limits of 25 metres set out to allow works to trees and hedgerows. The ExP notes that general advice from NE is that 15m is sufficient buffer to ensure ancient woodland is not affected. Given there is no such resource here, any distance will need to be fully</p>	<p>EMA would object to any felling or lopping of trees and the removal of hedgerows which falls on East Midlands Airport land north of the A453 (Ashby Road).</p> <p>The belt of landscaping that forms the southern boundary of the East Midlands Airport Operational Area as shown in the North West Leicestershire Local Plan and it provides valuable screening of the operational airport. The section of this landscape belt</p>

		<p>justified both in response to this question and in the EM.</p> <p>Could NWLDC confirm whether presently there are any trees protected by tree preservation orders within 25m of the Order limits? Should this situation change, could NWLDC ensure this information is submitted into the examination.</p> <p>Is any party aware of any hedgerow within 25m of the Order limits which would be defined as “important” for the purposes of The Hedgerows Regulations 1997 or an “important hedgerow” for the purposes of The Management of Hedgerows (England) Regulations 2024? If so, could this please be identified on a plan, along with the reasoning behind why the party holds that view.</p>	<p>between the main airport entrance and the entrance to Pegasus Business Park is subject to the North West Leicestershire Castle Donington (Ashby Road) Tree Preservation Order 2005 (Council Reference T381).</p>
Q8.4.2	All those with a benefit of protective provisions	<p>All parts</p> <p>All those who would benefit from the protective provision in the dDCO are requested to fully review them. Should the protective provisions not be agreed, then the party is to provide their own set of protective provisions both in ‘clean’ and ‘tracked change’ from that submitted by the applicant. Furthermore, the party needs to explain on a provision-by-provision basis why the drafting provided by the applicants is unacceptable and why its drafting is to be preferred.</p>	<p>The current version of the Protective Provisions in Part 6 of Schedule 13 of the dDCO are not agreed. EMA are working with the Applicant regarding revised Protective Provisions for the benefit of East Midlands Airport.</p> <p>Please see Appendix 2 of our Written Representations for the current draft Protective Provisions in discussion with the Applicant. Owing to the extensive differences between the protective provisions as proposed by the applicant and EMA respectively, a tracked changes version was not thought to be helpful to the ExP so has not been provided.</p>
Q9.0.1	All IPs	<p>Updated MCO at Procedural Deadline A</p> <p>At Procedural Deadline A, the applicant updated the dMCO [PDA-006M] with an explanation for those changes in the Schedule of Changes document [PDA-008]. All IPs are asked to review these changes and the justifications for them and submit any comments that they may have into the examination.</p>	<p>EMA submits that the protective provisions for EMG1 need updating to align them with those proposed for EMG2 and to reflect up to date airport safeguarding protocols.</p> <p>EMA has no further comments at this stage but reserves the right to make further submissions in due course.</p>

Q9.0.5	The applicants	<p>Potential bird strike Could the applicants please explain what specific analysis has been undertaken in relation to the risk of bird strike from the creation of “basins for surface water attenuation” in Work 6A.</p>	<p>EMA’s own assessment of the potential bird hazard risk associated with the proposed surface water attenuation is being undertaken by East Midlands Airport’s specialist independent advisor.</p> <p>From the available materials, the concept of drainage attenuation appears acceptable, providing that East Midlands Airport Safeguarding receives assurances regarding how frequently the attenuation areas will be wet or filled with water and the drain down times. For reasons of aircraft safety in respect of aircraft bird strike, any permanent open water should not be permitted in this location.</p> <p>EMA are in ongoing discussions with the Applicant over ecological mitigation and its impact on aerodrome safeguarding.</p> <p>Protective Provisions are being drafted to ensure the development is acceptable from an aerodrome safeguarding perspective.</p>
Q12.0.12	The applicants	<p>Lighting of highways Could the applicants please set out where consideration of the effects of necessary lighting associated with the highway works has been assessed, for example lighting associated with crossing facilities such as a toucan crossing, and signpost to the relevant parts of ES chapter 11 and appendices. Confirm whether any permanent highway lighting is likely to be required in addition to what is shown in appendix 11E as a result of detailed design/ safety requirements, and if so, explain how the applicant will ensure any such lighting remains within the assessed worst-case scenario; If the effects of such highway lighting (including any additional lighting) have not been assessed to</p>	<p>Highway lighting is an important consideration from an aerodrome safeguarding perspective. This is because road lights if arranged in a particular way, have the potential to confuse or misdirect pilots of landing aircraft. Areas of lighting can also distract pilots during the landing phase, one of the most critical phases of any flight.</p> <p>EMA are in the process of negotiating Protective Provisions which consider lighting from the perspective of aerodrome safeguarding.</p> <p>Discussions with the Applicant are ongoing.</p>

		date, undertake an assessment of those effects, including the cumulative effects of other proposed lighting, and explain how those effects have been considered both in the context of Lighting and in relation to landscape and visual receptors (including any relevant night-time LVIA outputs).	
Q13.0.3	NWLDC LCC Civil Aviation Authority (CAA) EMIA	<p>Scoping and assessment of risks Are you satisfied with the scoping and assessment of MAD in chapter 20 of the ES [AS-071] and appendix 20A [APP-198]?</p>	<p>EMA is not satisfied with the scoping and assessment of MAD in Chapter 20 of the ES and Appendix 20A.</p> <p>The Environmental Statement and associated supporting material must fully consider, manage, and mitigate any hazards or the safety of operations at East Midlands Airport, given the location of the proposed development.</p> <p>Chapter 20 of the Environmental Statement states that the baseline data was collected using a desk-based approach (Para 20.2.7). East Midlands Airport is clearly within the Study Area and Table 1 of Environmental Statement Appendix 20A (Major Accidents and Disasters Long List) identifies (and scopes out) potential effects on fuel storage facilities. It is not clear whether or if so how, the three aviation fuel storage facilities within the East Midlands Airport site have been considered in the Environmental Statement.</p> <p>It should be highlighted that in the assessment of Major Accidents and Disasters in the Environmental Statement, the proposed Management Strategy at para states 20.2.35 states 'Airports and airfields within approximately 13km (the legal distance of the safeguarding zone for licensed airports in the UK)' which is incorrect. The distance is 13km for the assessment and management of aviation bird hazard. The overall airport safeguarded area is considerably</p>

			<p>larger, 15km for the protection of the airport's Obstacle Limitation Surfaces, and up to 30km for wind turbines.</p> <p>EMA require a comprehensive set of Protective Provisions in relation to the safe operation of the airport, aircraft operating at the airport or in its vicinity, and the safety of passengers, airport employees, visitors, and the wider community.</p>
Q13.0.15	The applicants	<p>Aerodrome safeguarding standards EMIA [RR-013D] and [RR-049M] sets out that aerodrome safeguarding standards have been updated since the EMG1 DCO was made. Please can the applicants explain how they intend to address these updates in the dDCO and dMCO?</p>	<p>EMA is in ongoing discussions with the Applicants over ecological mitigation and its impact on aerodrome safeguarding.</p> <p>Protective Provisions are being drafted to ensure the development is acceptable from a safeguarding perspective.</p>
Q13.0.16	NWLDC EMIA CAA	<p>East Midlands Airport public safety zone Paragraph 4.4.18 of chapter 4 of the ES [AS-028] refers to the East Midlands Airport Public Safety Zone. Can the ExP please be provided with a copy of this by NWLDC, including any associated maps. NWLDC, EMIA and the CAA are all asked to comment on the relationship between this and the proposed development in the context of policy EC6 of the NWLLP, setting out whether the presumption against new development should apply in this particular case, and any limitations or restrictions that would need to be secured to make the proposed development acceptable.</p>	<p>Public Safety Zones are areas of land at the end of runways at major airports in the UK where development is restricted for reasons of public safety in the event of an aircraft accident. Public Safety Zone policy and guidance is issued by the Department for Transport (rather than the CAA) and the intention is to restrict the number of people, living, working or congregating in the Public Safety Zone.</p> <p>The areas of the UK airports Public Safety Zones were revised in October 2021. EMG2 sits outside of the Public Safety Zones for East Midlands Airport. The plan for Runway 27 showing the previous and the October 2021 Public Safety Zone is enclosed at Appendix 1.</p> <p>The Public Safety Zone covers land at the end of Runway 27 no significant development works are proposed in this area other than elements of the highway / active travel route. This would not conflict with DfT guidance for Public Safety Zones.</p>

Q13.0.17	The applicants EMIA CAA	<p>Glint and glare Page 60 of the Design Approach Document [APP-220] states that there would be significant glazing as part of a design requirement for distinctive buildings. Is this consistent with aerodrome safeguarding standards in relation to glint and glare? If not, please can the applicants amend the design requirement accordingly or come to an agreement with EMIA regarding appropriate protective provisions.</p>	<p>All buildings (inc roofs, facades and any solar generation panels) will be subject to and require detailed aviation glint and glare assessments. This needs to be secured via the EMA Protective Provisions.</p> <p>Should the assessments predict unacceptable levels of glare towards either pilots or the East Midlands Airport Air Traffic Control tower, then EMA will require an amendment to be made to ensure suitable materials are used to mitigate the glare.</p> <p>Protective Provisions are being drafted and discussed with the Applicants to ensure the development is acceptable from an aerodrome safeguarding perspective.</p>
Q13.0.18	The applicants EMIA CAA	<p>Electromagnetic interference The proposed development would include advanced manufacturing floorspace. Could some advanced manufacturing operations generate electromagnetic fields? Consequently, would there be safeguarding implications for East Midlands Airport relating to electromagnetic interference? If yes, how could such interference be mitigated by provisions in the dDCO?</p>	<p>There are aerodrome safeguarding implications from electromagnetic interference.</p> <p>The applicant will be required by the aerodrome safeguarding authority for East Midlands Airport to commission an aeronautical impact assessment that includes a study of the impact upon Communications, Navigation and Surveillance equipment (CNS) at East Midlands Airport.</p> <p>An ongoing liaison group should be established, secured through a Protective Provision, to oversee compliance with aerodrome safeguarding requirements throughout the construction and operation of the development. It should also be noted that the Applicant and its future site occupants must abide by Ofcom licensing which requires a co-ordination protocol with the frequencies that are used in aviation.</p>

			Protective Provisions are being discussed with the Applicant and are being drafted to ensure the development is acceptable from an aerodrome safeguarding perspective.
Q13.0.20	The applicants NWLDC LCC EMIA	<p>Cumulative assessment of MAD risk Has chapter 20 of the ES [AS-071] assessed the cumulative risk associated with the East Midlands Freeport projects and other large scale projects in the locality? For example, could there be cumulative effects on aerodrome safeguarding through lighting or glint and glare from building materials etc.? Furthermore, has the cumulative displacement of farmland bird species and surface water drainage attenuation been considered in the context of bird strike risk? Does NWLDC, LCC or EMIA have any comments to make in this regard?</p>	<p>Chapter 20 of the ES scoped out aerodrome safeguarding on the basis that it would be addressed through Protective Provisions. This approach is considered appropriate by EMA. The aerodrome safeguarding process considers impacts of aviation safety at a site-by-site basis. Each potential impact on aviation safety is considered and mitigated at the detailed design stage of each relevant development. This process is secured by condition or requirement or protective provision.</p> <p>The result is that impacts should be mitigated before they arise. As such there are no impacts to cumulate if the system is working properly. In this case protective provisions are being discussed and must be secured. The overall approach to aviation safeguarding will be set out in the aerodrome safeguarding assessment with further assessment in accordance with the ASA to be carried out and approved in the discharge of the detailed design for each component of the development. With such Protective Provisions in place the impact of the development will be acceptable from an aerodrome safeguarding perspective.</p>
Q17.0.1	The applicants	<p>Community Park Paragraphs 17.5.96 to 17.5.100 of the ES chapter 17 [AS-065] concludes that provision of the Community Park and associated PRow improvements will deliver long-term beneficial health effects through improved access to open space and opportunities for physical activity, leisure/ play and recreation.</p>	<p>See responses to Q1.4.2 and Q1.4.3.</p> <p>EMA has no further comments at this stage but reserves its position to make further submissions in due course.</p>

		<p>Paragraphs 3.2.16 and 3.2.17 of ES chapter 3 [AS-025] states that the Community Park will be available and open for use by the public before occupation of any authorised buildings and will be available in perpetuity.</p> <p>Please confirm that the deliverability and securing of the Community Park (including the meaning of “substantially” in requirement 28(1), any completion timescale, and how compliance will be demonstrated when requirement 28 is discharged) are addressed in the applicant’s response to the cross-cutting Community Park ExQ1.4.2 and ExQ1.4.3 and that the response to these should be taken as the applicant’s response for these matters for the purposes of ES chapter 17 [AS-065] paragraphs 17.5.96 to 17.5.100.</p>	
Q19		<p>Traffic and Transport</p>	<p>As per our previous comments contained within our Relevant Representation, EMA is awaiting a robust up-to-date TA which uses the 2023 PRTM platform and tested to LCC/NH’s satisfaction, alongside more detailed highway designs which are capable of approval by LCC and National Highways and any required safety assessments to confirm that the highway design would be safe if constructed.</p> <p>We reserve the right to respond on all matters of traffic and transport once the information has been made available.</p>
Q19.0.6	<p>The applicants LCC Prologis EMIA</p>	<p>Dualling of A453 west of Finger Farm Roundabout</p> <p>At ISH1 there was discussion about the potential dualling of the A453 west of Finger Farm roundabout.</p> <p>Could LCC please set out:</p>	<p>As part of developing the evidence base for the Joint Application, an illustrative design has been prepared for the layout of a dual carriageway going the length of the northern boundary of the application side between the A453 Finger Farm roundabout (to the east) and the signalised junction of the A453 and airport access (to the west). Please refer to Prologis response and the relevant plan attached.</p>

		<ul style="list-style-type: none"> • what, if any, proposals have been drawn up for this section of road, providing drawings if necessary • any timetable for potential works or triggers for a requirement, and how land would be secured and funding for the works themselves provided <p>The applicants are asked:</p> <ul style="list-style-type: none"> • does the response have any implications in relation to your response to ExQ1Q2.0.6? <p>Prologis and EMIA are asked to set out their understandings of this matter, along with any matters within the joint application which would impinge on that.</p>	<p>The layout demonstrates how the Joint Application proposal would allow land currently controlled by Prologis/MAG to be set aside for the purposes of A453 dualling. No land in any other ownership would be required to deliver this proposal. As such, the Joint Application would not prejudice the dualling of the A453, if necessary, at a later date.</p> <p>Prologis is working with Leicestershire County Council as part of the Joint Application to consider how the proposed site access for that scheme and the existing roundabout junction at the A453/ Beverley Road would integrate as part of a continuous dual carriageway section to a point west of the Joint Application site, where it would tie back into the existing highway network.</p> <p>Prologis has received initial feedback from LCC on these proposals. Whilst commentary on the precise layout and design details would be expected in the ordinary course of further development of the scheme, these proposals clearly demonstrate how the dualling can be delivered in combination with the Joint Application.</p> <p>Transport modelling for the Joint Application and the DCO are ongoing/ outstanding and therefore EMA reserves the right to comment further upon receipt of the completed highways assessment following D1.</p>
Q19.0.09	NH LCC	<p>Departures from highway standards</p> <p>The applicants have set out various departures from standards for the highways to be provided (see appendices 26 and 27 of the TA [APP-082]). Could NH and LCC please formally consider whether there are likely to be any issues in approving details post-consent? The</p>	<p>Without a fixed alignment we are unable to assess if all the departures have been captured and the level of approval provided, as we do not have the complete trail of information to assess this.</p> <p>We also note that there are a different number of departures reported across the documents. We would</p>

		ExP notes that once in principle consent has been granted the Courts have indicated that it would not be possible to refuse consent at the detailed design stage.	benefit from access to the applicant's submissions to National Highways and the Local Authority to allow detailed comment.
Q19.0.14	The applicants	<p>Traffic modelling</p> <p>The applicants' analysis has been undertaken based on AADT figures. Could a sensitivity analysis be undertaken on a AAWT base, with comparison between the two, so that the effects at the weekend can be understood. The ExP is seeking to understand this on the basis that there may be greater amenity effects at the weekend from changes in traffic flow?</p>	<p>The standard ES methodology assumes the assessment is based on 24 AADT data however this request will provide an assessment of the impact without any weekend traffic.</p> <p>It is also noted the updated 2023 IEMA fear and intimidation guidance quantifies the impact based on an hourly average across the 18hr AAWT traffic levels and should not include the weekend traffic (AADT).</p>
Q19.0.16	The applicants NH LCC	<p>Road Safety Audits</p> <p>There was discussion at ISH1 as to road safety audits. Could the applicants please ensure that any further road safety audits or iterations of those completed to date are submitted as they become available.</p>	EMA believes this is with reference to RSA1, which we are yet to see details of. EMA reserves the right to comment on this after this has been received.
Q20.0.5	The applicants Joint Radio Company National Grid Electricity Distribution	<p>Microwave/ radio link infrastructure</p> <p>ES chapter 16 [AS-063] Table 16.4 states that Joint Radio Company (JRC) and the applicants have previously agreed mitigation measures to reduce impacts on radio link infrastructure operated by local energy networks (NGED), and that JRC do not object provided those mitigation measures are implemented.</p> <p>Appendix 16A [APP-179] states in the Executive Summary that NGED have confirmed existing microwave links cross the EMG2 site and will be affected by the proposed development, and that enquiries have been made to ensure an alternative microwave arrangement can be implemented.</p> <p>Can the identified parties please:</p>	<p>East Midlands Airport operates aircraft communications, navigation, and surveillance equipment that is expected at a major international airport. This includes area and ground radars, Instrument Landing Systems, and Air Traffic Control communication systems. Such systems are critical to aircraft safety and must be safeguarded from any potential interference. Because of the safety-critical nature of such systems and instruments, EMA will not agree to any microwave links crossing the airport site particularly the runway and the areas covered by approaching aircraft at both runway ends.</p> <p>Such requirements are suggested in the relevant draft Protective Provisions.</p>

		<ul style="list-style-type: none"> • describe the agreed mitigation measures (including any safeguarding easements, design parameters, or timing constraints), • confirm whether the mitigation measures are fully agreed with the relevant operator(s) and identify any outstanding matters, • identify precisely where and how the mitigation measures are secured (for example through schedule 13 protective provisions, requirements, a commitment, or other certified documents), and • confirm the point in the programme by which the mitigation must be implemented in order to avoid interruption to radio link services during construction 	
Q20.0.6	The applicants	<p>Utility diversions within highway works</p> <p>ES chapter 16 [AS-063] identifies that diversion enquiries will be progressed for utilities apparatus within the highway to accommodate the EMG2 Access Works and the Highway Works, including:</p> <ul style="list-style-type: none"> • electricity diversions (paragraph 16.5.21) • gas diversions (paragraph 16.5.25) • potable water diversions (paragraph 16.5.28) • telecommunications duct diversions (paragraph 16.5.31) <p>Appendix 16A [APP-179] section 1.1 similarly identifies that, as part of the S278 works along Ashby Road, diversion works may be required for electricity, water, gas and telecoms. The dDCO [PDA-004D] schedule 13 part 2 paragraph 4(2) includes provisions for the carrying out of the county highway works, including compliance with the local highway</p>	EMA reserves its position on this matter until further detail is provided by the Applicant. East Midlands Airport is a key element of national infrastructure and any utility works that might compromise the safe and effective operation of the airport would not be acceptable to EMA.

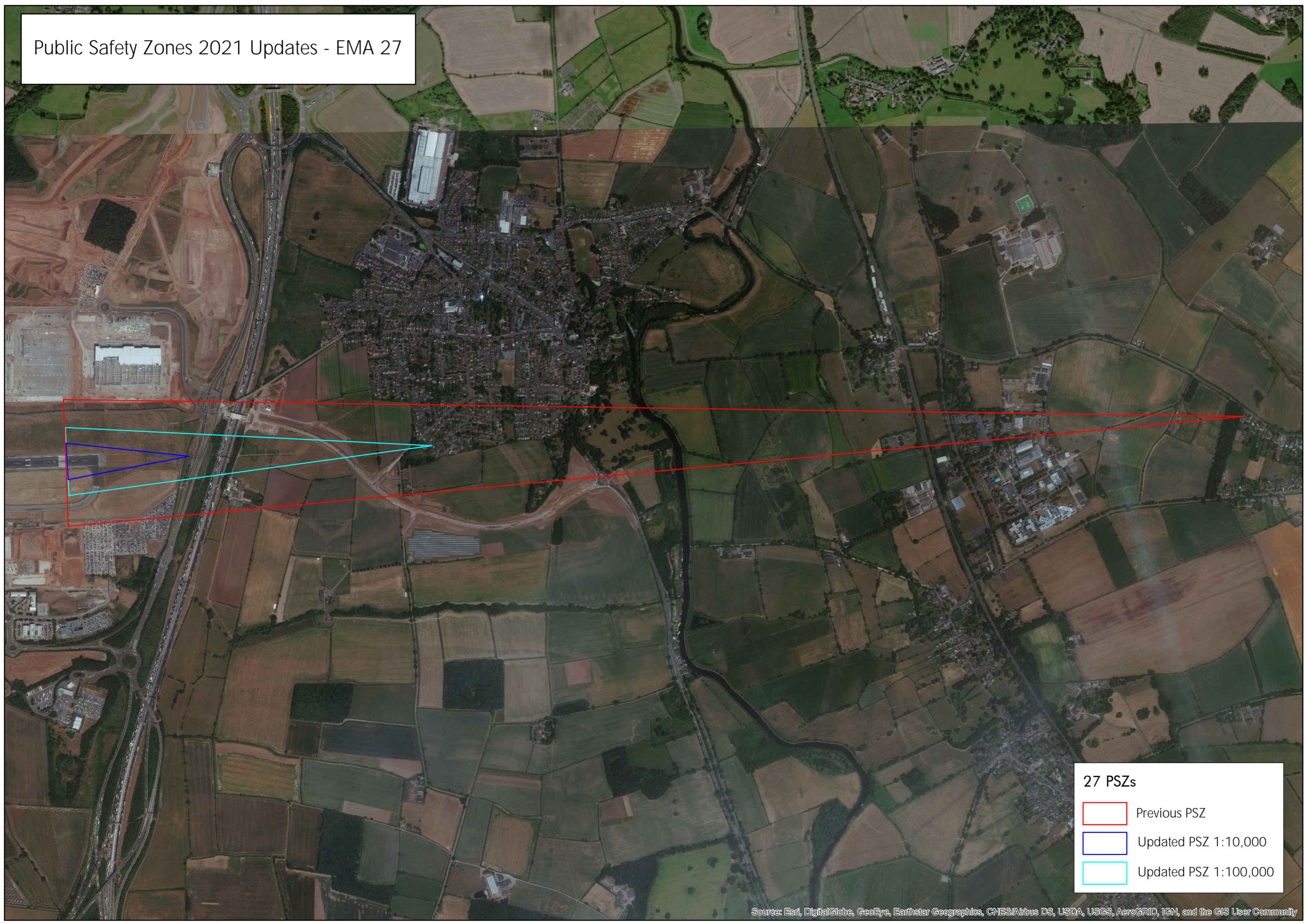
		<p>authority's road space booking procedures prior to and during the carrying out of each phase. Please can the applicants explain:</p> <ul style="list-style-type: none">• what assumptions have been made regarding the likely scale, duration and sequencing of utilities diversion works within the highway in concluding that residual effects are negligible• how utilities diversion scheduling and road space booking will be coordinated with the detailed design and phasing of the Highway Works (including any critical interfaces for Junction 24 Improvements and other highway works areas• whether any additional commitments, controls or drafting (for example within the detailed design approval process for county highway works) are required to ensure that diversion works do not result in materially different effects from those assessed• confirm how the applicants will ensure continuity of supply to existing customers during diversion works, consistent with the statements in ES chapter 16, and• whether, and how, the design and positioning of utility works within/ adjacent to the A453 have been 'future-proofed' to avoid conflict with any future dualling of the A453 section, including whether the applicant has considered positioning diverted apparatus so that it would not need to be re-diverted should dualling require land-take on one side of the A453 corridor (for example the north side), and what engagement has taken place with LCC on this point	
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Q22		CEMP	<p>There are elements of the proposed Construction Environment Management Plan (CEMP) that will need to be developed in detail with considerations for the safeguarding of aviation operations at East Midlands Airport. These will include construction lighting, construction communications, earth movement and storage, and surface water management.</p> <p>EMA will require consultation and the requirement for approval of the CEMP in relation to aerodrome safeguarding. This should be incorporated into the Protective Provisions that are being discussed with the Applicants and are being drafted.</p>
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APPENDIX 1

Public Safety Zone Plan

Public Safety Zones 2021 Updates - EMA 27



27 PSZs

- Previous PSZ
- Updated PSZ 1:10,000
- Updated PSZ 1:100,000