

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**

SUMMARY OF WRITTEN REPRESENTATION

MADE ON BEHALF OF

EAST MIDLANDS INTERNATIONAL AIRPORT LIMITED (EMA)

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

1. INTRODUCTION

- a. This document is a summary of the Written Representation submitted by East Midlands International Airport Limited (“**EMA**”) and East Midlands Airport Property Investments (Industrial) Limited (“**EMIAL**”) (together “the Airport”) in respect of SEGRO Properties Limited’s (“**SEGRO**”) application for a Development Consent Order (“**DCO**”) for the East Midlands Gateway Phase 2 (“**EMG2**”). EMA and EMIAL are both part of the Manchester Airports Group.
- b. The main site is divided by Hyam’s Lane. Land to the north of Hyam’s Lane (the “**EMA/Prologis Land**”) is owned by EMA, EMIAL and Prologis UK Limited (“**Prologis**”). The EMA/Prologis Land benefits from direct access to the A453 and M1 and key utilities connections, making it a strategically important and an advanced development opportunity. SEGRO has the benefit of an option agreement over the land south of Hyam’s Lane and seeks to compulsorily acquire the land to the north of Hyam’s Lane through the DCO.

2. EMA/PROLOGIS JOINT PLANNING APPLICATION

- a. EMA and EMIAL are actively promoting the joint EMA/Prologis Application (“**Joint Application**”) in partnership with Prologis, which can provide up to 135,000 sqm of Class B2/B8 floorspace (plus ancillary offices), together with a new all-movements junction on the A453. The area subject to the Joint Application is the EMA/Prologis Land located north of Hyam’s Lane which consists entirely of land either held by EMA, EMIAL or Prologis.
- b. The Joint Application is significantly advanced towards determination. Whilst target dates have been extended, this is entirely commonplace for planning applications of this size and nature. The Town and Country Planning Act 1990 application route is designed to accommodate that reality: it enables iterative testing of the application material, targeted revisions where appropriate, and structured engagement with highway authorities and other statutory consultees. Those steps have now substantially narrowed the issues, which are set out more particularly in paragraph 4.21 of the Spawforths Planning Note appended to the Prologis Written Representation.
- c. The Joint Application will then be ready to be reported for determination by the Local Planning Authority without further material delay in June/July 2026.

3. DCO APPLICATION

- a. The submissions of both EMA and Prologis have consistently made clear that the following evidence is needed but has not been made available to inform either the RR or the WR made on behalf of affected persons such as EMA and EMIAL:
 - i. Any viability appraisal demonstrating the commercial viability and deliverability of the development pursuant to the EMG2 DCO Application, including the consequences on viability of paying market value compensation in accordance with the Compensation Code and discharging SEGRO’s financial responsibilities in terms of consideration under its option

for the land including within the DCO Application south of Hyam's Lane ("Southern Land");

- ii. SEGRO's environmental statement does not assess the adverse socio-economic and land-use effects of granting a DCO that would frustrate delivery of the Joint Application with no certainty that EMG2 would itself be delivered within the Freeport 'window'.
- iii. A complete highways package including clear, auditable evidence on the deliverability, proportionality as mitigation, or funding of the proposed highway works; and
- iv. Evidence of meaningful or timely negotiation with EMA and Prologis regarding reasonable alternatives to compulsory acquisition.

4. COMPULSORY ACQUISITION

- a. EMA and EMIAL's position on compulsory acquisition is in alignment with the Prologis Written Representation.
- b. In addition, EMA and EMIAL are concerned of the Applicant's need case for acquiring plot 2/6 to facilitate Work No. 14 and consider that these works do not require SEGRO to own the Airport Trail, or any part of it.

5. HIGHWAYS

- a. There is a substantial deficit in the material submitted by SEGRO with respect to the highways impact associated with EMG2. Without this, EMA and EMIAL are unable to properly consider the approach taken in the way that highways impacts have been treated when compared to the EMA/Prologis Joint Application. The outstanding material to be provided by SEGRO has materially disadvantaged EMA.
- b. The ExP must be satisfied that the highway works required to mitigate the impact of EMG2 are proportionate and realistic to deliver on the Applicant's programme and funding assumptions. It is not clear how this could be the case, given the complete lack of viability evidence to support the deliverability of the Applicant's scheme, with or without the land north of Hyam's Lane.

6. OPERATIONAL IMPACTS / AERODROME SAFEGUARDING

- a. The construction and operation of EMG2 poses potentially significant surface access and aerodrome safeguarding constraints on EMA, such as obstacle limitation and instrument flight procedures, bird hazard management, electromagnetic interference, communication and navigation interference, lighting and glint and glare.
- b. These impacts are capable of being addressed through an updated set of Protective Provisions for the benefit of East Midlands Airport, updated to account for new aviation standards and guidance.

- c. These Protective Provisions vary in form to the version which was adopted by EMG1, however in the view of EMA, they do not pose a substantially greater regulatory burden on the Applicant.
- d. EMA expects these Protective Provisions to be agreed for both the DCO and MCO.

7. AMENDMENTS TO THE DCO/MCO

- a. It may be necessary for EMA to have the benefit of approval rights in respect of a number of requirements (for example, the CEMP insofar as matters relate to the ongoing operation of the airport, and lighting, to avoid duplicative controls in the Protective Provisions).
- b. Where compulsory acquisition powers are not granted, EMA would still have a relevant interest in the land affected by the DCO and should accordingly be included as a consultee in a number of requirements.
- c. EMA will continue to engage proactively with the Applicant to agree proportionate controls and provide an update to the ExP in due course.