

Document DCO 7.2

DCO Applicant's Response to Relevant Representations

APRIL 2026

The East Midlands Gateway Phase 2
and Highway Order 202X and The East Midlands Gateway
Rail Freight and Highway (Amendment) Order 202X

**The East Midlands Gateway Phase 2 and
Highway Order 202X**

**DCO APPLICANT'S RESPONSE TO RELEVANT
REPRESENTATIONS**

(DOCUMENT DCO 7.2)

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1 Introduction

- 1.1 This document relates to the applications for a second phase at East Midlands Gateway Logistics Park (EMG1), being an application for a Development Consent Order (DCO) made by SEGRO Properties Limited (DCO Applicant) and an application for a Material Change Order (MCO) made by SEGRO (EMG) Limited (MCO Applicant).
- 1.2 This document contains the response of the DCO Applicant to the relevant representations received to the DCO Application. DCO relevant representations are denoted with a 'D' postfix, such as the representation from Moto Hospitality Limited bearing examination library reference 'RR-021D'. Where a relevant representation has no postfix and was directed to both the DCO and MCO applications, the DCO Applicant has provided a response in this document.
- 1.3 Section 2 of this document deals with the representations made by local authorities, including North West Leicestershire District Council (NWLDC), Leicestershire County Council (LCC) and National Highways Limited (NH).
- 1.4 Section 3 of this document deals with the representations made by statutory bodies and organisations, including Natural England (NE) and the Environment Agency (EA).
- 1.5 Section 4 of this document deals with the representations made Parish Councils.
- 1.6 Section 5 of this document deals with the representations made local interest groups.
- 1.7 Section 6 of this document deals with the representations made by landowners.
- 1.8 Section 7 of this document deals with the representations made by the local community and other interested parties.
- 1.9 Some of the responses raise common issues. The DCO Applicant has sought to avoid duplicating their responses wherever possible by cross-referring to other responses or to other application documents.
- 1.10 Any terms used but not defined in this document shall have the same meaning as in the Glossary accompanying the DCO Application [**APP-067**].

2 Local and Highway Authorities

2.1 Relevant representations were received from:

2.1.1 North West Leicestershire District Council;

2.1.2 Leicester City Council;

2.1.3 National Highways;

2.1.4 Nottinghamshire County Council;

2.1.5 Leicestershire County Council;

2.1.6 South Derbyshire District Council; and

2.1.7 Charnwood Borough Council.

2.2 The DCO Applicant's response is set out in Appendix 1.

3 Statutory Bodies and Organisations

3.1 Relevant representations were received from:

3.1.1 Historic England;

3.1.2 East Midlands Freeport;

3.1.3 UK Health Security Agency;

3.1.4 Natural England;

3.1.5 Environment Agency;

3.1.6 Forestry Commission;

3.1.7 Royal Mail; and

3.1.8 National Grid Electricity Distribution.

3.2 The DCO Applicant's response is set out in Appendix 2.

4 Parish Councils

- 4.1 Relevant representations were received from:
 - 4.1.1 Long Whatton and Diseworth Parish Council;
 - 4.1.2 Breedon on the Hill Parish Council
 - 4.1.3 Castle Donington Parish Council; and
 - 4.1.4 Kegworth Parish Council.
- 4.2 The DCO Applicant's response is set out in Appendix 3.

5 Local Interest Groups

5.1 Relevant representations were received from:

5.1.1 Protect Diseworth; and

5.1.2 CPRE Leicestershire.

5.2 The DCO Applicant's response is set out in Appendix 4.

6 Landowners and persons with an interest in land

6.1 Relevant representations were received from:

6.1.1 East Midlands International Airport Limited / East Midlands Airport Property Investments (Industrial) Limited;

6.1.2 Prologis UK 121 Limited / Prologis UK Limited;

6.1.3 DHL; and

6.1.4 Moto Hospitality Limited.

East Midlands International Airport Limited / East Midlands Airport Property Investments (Industrial) Limited

6.2 A relevant representation was received from East Midlands Airport Limited and East Midlands Airport Investments (Industrial) Limited, being part of the Manchester Airport Group of companies. A separate response to that relevant representation is provided at Appendix 5.

Prologis UK 121 Limited / Prologis UK Limited

6.3 A relevant representation was received from Prologis UK 121 Limited and Prologis UK Limited. A separate response to that relevant representation is provided at Appendix 6.

DHL

6.4 A relevant representation was also received from DHL, part of DHL Group, a leading global brand in the logistics industry. At East Midlands Airport (EMA) and East Midlands Gateway, DHL has a significant footprint across our Supply Chain and our Express divisions.

6.5 In respect of this DCO, DHL's primary concern is regarding road access and transport. Traffic on the A453 – the critical access road to the airport and DHL's operation – and J23A of the M1. DHL seeks a comprehensive review of the traffic and transport routes, across a full 24-hour period to reflect the nature of DHL's operation and the airport's. For DHL, it is the night period which is the peak activity and material flowing into and from the airport. All material to and from the airport is required to be trucked via the A453 to the M1 to minimise disruption to the local communities in the area. Good traffic flow at J23A of the M1 is also critical to DHL's operation and DHL's ability to provide an express service.

6.6 The DCO Applicant recognises DHL's interactions with the air and road networks. The DCO Applicant notes DHL's primary concern is focused on road access via the A453 and J23A of the M1 motorway. The DCO Applicant has completed a detailed assessment of the impacts on the surrounding highway network in Chapter 6 of the Environmental Statement (DCO 6.6 and APP-079). The Transport Assessment is included at Appendix A (DCO6.6A and APP-080 to APP-083 inclusive). The impacts have been tested during the peak hours as worst-case. During all other times, traffic volumes on the A453 between EMG1 and EMA would be lower, so there would be no unacceptable impacts on the movement of goods between the two sites.

Moto Hospitality Limited

- 6.7 The DCO Applicant notes and welcomes Moto's support for the DCO Application, particularly the inclusion of HGV parking in an accessible location, adjacent to the access roundabout.

7 Local Community and Other Interested Parties

7.1 Relevant representations were received from the following organisations:

7.1.1 Uniper UK;

7.1.2 Harworth Group and Caesarea Development Holdings; and

7.1.3 Litton (Donington) Ltd.

7.2 The DCO Applicant's response is set out in Appendix 7.

7.3 Relevant representations were also received from the members of the local community as follows:

7.3.1 Katie Smyth;

7.3.2 Chantel A Ellul;

7.3.3 Carl Sutton;

7.3.4 John Saunders;

7.3.5 Hilary Tansley;

7.3.6 Caroline Smith;

7.3.7 Josaine Cowley;

7.3.8 Andrew Priestley;

7.3.9 John Raymond Sutton;

7.3.10 Dermot Ryan;

7.3.11 Kay Ryan;

7.3.12 Darren Philip Collins;

7.3.13 Carol Ann Sewell;

7.3.14 Abbey Spencer;

7.3.15 Roy Todd; and

7.3.16 Nathan Alton; and

7.3.17 Simon Langley-Evans.

7.4 A summary of their relevant representation and the DCO Applicant's response is set out in Appendix 8.

APPENDIX 1

RESPONSES TO RELEVANT REPRESENTATIONS FROM LOCAL AND HIGHWAY AUTHORITIES

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
1.	North West Leicestershire District Council [RR-003]	North West Leicestershire District Council (NWLDC – the Council) is the host authority for the East Midlands Gateway Phase 2 (EMG2) Development Consent Order (DCO) and Material Change Order (MCO) for East Midlands Gateway Rail Freight Interchange (EMGRFI) (EMG1). The 'order limits' for the DCO and MCO are wholly within the administrative boundary of NWLDC. In accordance with Section 102(1)(C) of the Planning Act 2008 (PA2008), NWLDC automatically qualifies as an 'interested party' (IP) for the purpose of the examination of both the EMG2 DCO and EMG1 MCO. In its capacity as an 'interested party', the Council submits this Relevant Representation (RR) in accordance with Section 56 and 102(4) of the PA2008. The comments expressed in this representation are made without prejudice to any future views that may be expressed by the Council in its capacity as an IP in the examination process and following a detailed assessment of the examination documents. The comments are made following an initial review of the extensive DCO and MCO application material. The Council reserves the right to raise further matters at a later stage as part of our Local Impact Report (LIR) and in subsequent Written Representations (WR). The former is required to be submitted to and endorsed by the Council's Cabinet meaning that the comments set out below cannot be binding on the Council at this stage and may be liable to change.	The DCO Applicant notes North West Leicestershire District Council's (NWLDC) status as a host authority. The DCO Applicant has engaged with NWLDC throughout the pre-application period and continues to engage with NWLDC as the application progresses through examination.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
1.1.		<u>Principle of Development</u> Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of an application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021). The site is located in the 'countryside' for the purposes of this plan where under Policy S3 (Countryside) new development is generally restricted, subject to exceptions listed (a) to (s) in the policy, Policy S3 and linked Policy Ec2 (New Employment Sites) are key policies in reaching a conclusion on the principle of the proposed development. On the 19th November 2025 the Council's Local Plan Committee agreed in principle to the allocation of land identified as EMP90 (being the site associated with EMG2 DCO) for strategic-scale warehousing in the Regulation 19 version of the Council's emerging Local Plan (2023 – 2042) subject to the outcome of traffic modelling, viability and infrastructure requirements. Prior to this, on the 18th December 2024, the Local Plan Committee agreed that land identified as EMP90 be allocated for an element of 'general needs' industry in the Regulation 19 version of the Council's emerging Local Plan. These decisions about land uses reflect the applicant's stance that up to 20% of the site's floorspace could be for industrial uses with the balance for strategic warehousing. The starting point for the determination of an application is the adopted Local Plan. Additionally, the direction of travel of the Council's emerging Local Plan would 'in principle' be	The DCO Applicant would clarify that an application of national significance requiring a Development Consent Order (DCO) is determined under the Planning Act 2008. Such DCO applications are principally determined in accordance with National Planning Statements but the National Planning Policy Framework and North West Leicestershire District Council's Local Plan can be a material consideration. Further details are provided in the Planning Statement which accompanies the applications (DCO 5.4) [APP-222]. The DCO Applicant has also provided written submissions regarding the approach to determination of the DCO Application and the MCO Application. Please see section 4, item 3 of the Applicants' Post Hearing Submissions (DCO 7.3/MCO7.3) and ISH1 Action Point 8 in the Applicants' Response to Post Hearing Action Points (DCO 7.4/MCO 7.4) respectively, which have both been simultaneously submitted at Deadline 1.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		supportive of EMG2 but any weight to be attached to the Planning and infrastructure Council's emerging Local Plan would be limited at this stage. Any such support would also be subject to any matters of 'disagreement' and / or mitigation being satisfactorily addressed / secured as part of the consideration and determination of the EMG2 DCO and therefore what follows should be accounted for, as well as any further details provided as part of the Council's LIR and WR. For the purposes of the adopted Local Plan, the application site associated with the EMG1 MCO is recognised under Policy Ec1d (Employment Provision: Permissions), and whereby it is stated that: <i>"Planning permission has also been granted for a Strategic Rail Freight Interchange on land north of East Midlands Airport / west of Junction 24 of the M1 (site Ec1d on the Policies Map). In the event that the permission lapses the Council will support its renewal through the Nationally Significant Infrastructure Project process (or any equivalent replacement process) subject to the policies of this Local Plan and any other material considerations including any evidence in respect of deliverability."</i> Principally, and subject to relevant mitigation (where required) being secured, the Council would not consider there to be significant issues associated with the development proposed under the EMG1 MCO given that EMG1 is an established employment site.	
1.2.		<u>Statements of Common Ground</u>	The DCO Applicant has engaged with North West Leicestershire District Council (the "Council") throughout the pre-application period and is

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		The Council is in the process of progressing Statements of Common Ground (SoCG) with the applicant (SEGRO) in relation to the following matters: (a) Noise and Vibration; (b) Air Quality; (c) Landscape and Visual; (d) Lighting; (e) Built Heritage; and (f) Planning Policy. It is intended that the SoCGs will be completed and submitted by the applicant early into the Examination process.	continuing to work collaboratively with the Council in agreeing Statements of Common Ground (SoCGs). Draft SoCGs have been submitted simultaneously with this document at Deadline 1.
1.2.1.		<u>Noise and Vibration</u> As part of the statutory consultation exercise, and additional (non-statutory) consultation exercise, the Council's Environmental Protection Team have commented on draft versions of what is now Document 6.7 Chapter 7 Noise and Vibration and its following appendices: (i) Document 6.7A – Appendix 7A: Glossary of Noise and Vibration Terms; (ii) Document 6.7B – Appendix 7B: Construction Data;	The DCO Applicant has engaged with NWLDC throughout the pre-application period and is continuing to work collaboratively with the Council in agreeing a SoCGs on Noise. The current draft SoCG on Noise has been submitted as document DCO 8.3E/MCO 8.3E at Deadline 1.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		(iii) Document 6.7C – Appendix 7C: Operational Data; (iv) Document 6.7D – Appendix 7D: Receptor Plans; (v) Document 6.7E – Appendix 7E: Monitoring Plan; (vi) Document 6.7F – Appendix 7F: Monitoring Equipment; and (vii) Document 6.7G – Appendix 7G: Monitoring Results and Weather Data. The draft SoCG submitted in relation to Noise and Vibration identifies that the following matters are agreed with the Council in relation to both the EMG2 DCO and EMG1 MCO: (a) That the locations where baseline noise monitoring has been undertaken are appropriate for the purposes of the assessment included in Chapter 7; (b) That the results of the baseline noise monitoring as undertaken are representative of the sound environment where the monitoring was undertaken and are appropriate for the purposes of the assessment included in Chapter 7; (c) That the outcome of the determination of representative background sound levels at the sensitive receptor locations are derived from the baseline noise monitoring as undertaken; (d) The sources of noise and vibration that have been included in the scope of the assessment included in Chapter	

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		7, and those that have been scoped out of the assessment included in Chapter 7; (e) The selection / extent of sensitive receptors identified for inclusion in the assessment included in Chapter 7;(f) The noise and vibration prediction methodologies adopted for the assessment included in Chapter 7; (g) The results of the noise and vibration predictions undertaken for the assessment included in Chapter 7; (h) The thresholds identified to assess whether adverse effects or significant adverse effects are predicted (referred to as the Lowest Observed Adverse Effect Level (LOAEL) or Significant Observed Adverse Effect Level (SOAEL)) from the identified sources of noise and vibration at the identified sensitive receptors; and (i) The conclusions of the assessment included in Chapter 7 regarding the predicted noise and vibration effects, the proposed mitigation measures, and the overall conclusions of the assessment included in Chapter 7. At this time, the Council's Environmental Protection Team would wish to raise that heavy goods vehicles (HGVs) mounted with chillers have the potential to utilise the application site and therefore the use of electric hook-ups for the units should be considered as a means of reducing noise impacts. Although reference is made to this on page 7 – 16 of Document 6.7 Chapter 7 Noise and Vibration it does not elaborate on how specifically this issue has been addressed or embedded as mitigation in the proposed noise and	

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		vibration assessment. The Council considers that this matter should be subject to further review. Outside of this the SoCG (once agreed) will confirm the Council's position on the above identified matters. The Council's LIR, as well as any WR, will also address matters further (where required). The mitigation measures identified within Document 6.7 Chapter 7 Noise and Vibration would also need to be appropriately secured within the Requirements associated with the EMG2 DCO. Notwithstanding the above, it is understood that further transport modelling is being undertaken in accordance with Leicestershire County Council's 2023 Pan Regional Transport Model (PRTM) to account for a post-Covid highway situation and such further modelling may therefore require the relevant noise and vibration assessments to be updated. The above position is therefore reserved depending on the relevant conclusions which arise from such modelling work.	
1.2.2.		<u>Air Quality</u> As part of the statutory consultation exercise, and additional (non-statutory) consultation exercise, the Council's Environmental Protection Team have commented on draft versions of what is now Document 6.8 Chapter 8 Air Quality and its following appendices: (i) Document 6.8A – Appendix 8A: Model Verification;	The DCO Applicant has engaged with NWLDC throughout the pre-application period and is continuing to work collaboratively with the Council in agreeing a SoCGs on Air Quality. The current draft SoCG on Air Quality has been submitted as document DCO 8.3C/MCO 8.3C at Deadline 1.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		(ii) Document 6.8B – Appendix 8B: Dust Risk Assessment Methodology; (iii) Document 6.8C – Appendix 8C: Modelled Human Receptor Locations; (iv) Document 6.8D – Appendix 8D: Modelled Ecological Receptor Locations; (v) Document 6.8E – Appendix 8E: Diffusion Tube Monitoring Programme; (vi) Document 6.8F – Appendix 8F: Traffic Data; (vii) Document 6.8G – Appendix 8G: Human Receptor Concentrations and Impacts; and (viii) Document 6.8I – Appendix 8I: Mitigation. The draft SoCG submitted in relation to Air Quality identifies that the following matters are agreed with the Council in relation to both the EMG2 DCO and EMG1 MCO: (a) The baseline nitrogen dioxide (NO2) diffusion tube monitoring locations and programme located in the vicinity of the scheme; (b) The traffic methodology screening criterion to define the study area (including air quality management areas (AQMA) for the air quality impact assessment for both the construction and operation phases);	

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		(c) The air quality prediction methodologies adopted for the assessment; (d) That the traffic elements will be considered in their entirety, using data from the strategic model outputs, and the results of the traffic impacts arising from the scheme will be set out in Chapter 8; (e) That a site suitability assessment will be carried out and the results set out in the Chapter 8; and (f) That the cumulative impacts will be considered in their entirety, and the results set out in the Chapter 8. Section 8.8 of Document 6.8 Chapter 8 Air Quality addresses point (f) above, with point (e) also being incorporated into Document 6.8 Chapter 8 Air Quality. At this time, the Council's Environmental Protection Team do not have any particular comments to make, with the SoCG (once agreed) confirming the Council's position on the above identified matters. The Council's LIR, as well as any WR, will also address matters further (where required). The mitigation measures identified within Document 6.8I – Appendix 8I: Mitigation would also need to be appropriately secured within the Requirements associated with the DCO. Notwithstanding the above, it is understood that further transport modelling is being undertaken in accordance with Leicestershire County Council's 2023 Pan Regional Transport Model (PRTM) to account for a post-Covid highway situation and such further modelling may therefore require the air quality assessment to be updated. The above	

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		position is therefore reserved depending on the relevant conclusions which arise from such modelling work.	
1.2.3.		<u>Landscape and Visual</u> The Council has appointed an external consultant (Gillespies) to assist in the consideration of Landscape and Visual matters. For the purposes of this RR, the Council has considered the following documents: (i) BC0410001-000468-DCO 2.6 Illustrative Landscape Masterplan EMG2 Works; (ii) BC0410001-000507-DCO 6.10 Chapter 10 Landscape and Visual; (iii) BC0410001-000564-DCO 6.10A Appendix A Landscape and Visual Impact Assessment (LVIA) Methodologies; (iv) BC0410001-000565-DCO 6.10B Appendix B LVIA Figures; (v) BC0410001-000566-DCO 6.10C Appendix C Arb Assessment; (vi) BC0410001-000567-DCO 6.10D Appendix D Illustrative Landscape Masterplan and Cross Sections; (vii) BC0410001-000568-DCO 6.10E Appendix E Landscape Effects Table;	The DCO Applicant has engaged with NWLDC throughout the pre-application period and is continuing to work collaboratively with the Council in agreeing a SoCGs on Landscape and Visual matters. The current draft SoCG on Landscape and Visual matter has been submitted as document DCO 8.3F/MCO 8.3F at Deadline 1.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		(viii) BC0410001-000569-DCO 6.10F Appendix F Visual Effects Table; (ix) BC0410001-000508-DCO 6.11 Chapter 11 Lighting; and (x) BC0410001-000561-DCO 6.9J Appendix J Landscape EMP? The Council <u>broadly agree</u> with the results and the locations of significant effects on landscape and visual receptors. The illustrative masterplan remains the same as previously considered by the Council during the non-statutory consultation, but we are now pleased to see the photomontages. Such photomontages illustrate how pushing back the development and creating the community park areas will assist in reducing the landscape and visual effects on Diseworth, albeit such effects are still predicted to be significant until any mitigation planting is matured, and the Council <u>agrees</u> with this. At this time, the Council would wish to raise the following: (a) Lighting – The Council has reviewed the lighting strategy, and from a landscape and visual impact perspective the night time effects are covered within the LVIA in a very short section. It is the expectation of the Council that this would be included in the visual effects table in more detail. It is understood from the lighting strategy that there is an attempt to reduce the effects from lighting, but it is unclear to the Council whether there is a commitment from the applicant not to light the facades of the buildings which point towards Diseworth. It is understood by the Council that low level lighting will be required for safety, but the Council wishes to	

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		ensure that the facades of the buildings are not lit to full height. The applicant should further clarify this. (b) Veteran Trees – It is understood that many of the veteran trees to be lost are Ash which are reported to have Ash dieback disease (<i>Chalara fraxinea</i>) and it is understood that the wood from trees to be lost (including veteran trees) would be reused as features. Whilst the Council would consider it to be low risk to reuse this wood within the Community Park, it would be beneficial for the applicant to specify that any reuse of wood from Ash trees impacted by Ash dieback disease would not risk spreading this disease further. The delivery of the relevant mitigation measures as detailed within Document 6.10 Chapter Landscape and Visual would also need to be appropriately secured within the Requirements associated with the EMG2 DCO.	
1.2.4.		<u>Lighting</u> As part of the statutory consultation exercise, and additional (non-statutory) consultation exercise, the Council's Environmental Protection Team have commented on draft versions of what is now Document 6.11 Chapter 11 Lighting and its following appendices: (i) Document 6.11A – Appendix 11A: Lighting Strategy; (ii) Document 6.11B – Appendix 11B: Lighting Baseline Assessment; (iii) Document 6.11C – Appendix 11C: Lighting Receptor Locations;	The DCO Applicant has engaged with NWLDC throughout the pre-application period and is continuing to work collaboratively with the Council in agreeing a SoCGs on Lighting. The current draft SoCG on Lighting has been submitted as document DCO 8.3D/MCO 8.3D at Deadline 1.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		(iv) Document 6.11D – Appendix 11D: Obtrusive Light Calculation; and (v) Document 6.11E – Appendix 11E: Highways Lighting Strategy. The draft SoCG submitted in relation to Lighting identifies that the following matters are agreed with the Council in relation to both the EMG2 DCO and EMG1 MCO: (a) That the EMG2 DCO application site and surrounding area, as well as the EMG1 MCO application site and surrounding area, are an E2 Environmental Zone and this informs the assessment of lighting effects. The assessment of this environmental zone is based on an on-site lighting survey and desktop assessment using guidance from Institution of Lighting Professionals (ILP) GN01:2021 and PLG04:2013, which includes: a. On-site illuminance measurements (to measure the levels of lighting within both the EMG2 DCO Main Site and EMG1 MCO Main Site); b. Night-time photography (to provide visual context to the illuminance measurements and to evidence the existing lighting); and c. A review of third-party sources including, the Council's maps, Campaign for the Protection of Rural England (CPRE) mapping and satellite imagery (to assist in assessing the character of the areas against the environmental zone definitions from ILP GN01:2021);	

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		(b) That the methodology and approach taken for the assessment of lighting effects in the ES Chapter 11 is appropriate and acceptable, with the methodology for the lighting assessment being based on guidance from ILP PLG04 and the Design Manual for Roads and Bridges V11 LA 104 as is assessed against the obtrusive light requirements from ILP GN01:2021 and GN08:2023; (c) That the information detailed within the ES Chapter 11 and within the supporting appendices (type of lighting, the proposed mitigation, the identified receptors, the baseline assessment, and the lighting calculations) are acceptable; and (d) That the outcomes of the lighting assessment are appropriate and acceptable. At this time, the Council's Environmental Protection Team do not have any particular comments to make, with the SoCG (once agreed) confirming the Council's position on the above identified matters. The Council's LIR, as well as any WR, will also address matters further (where required). The mitigation measures identified within Document 6.11 Chapter 11 Lighting and Document 6.11A – Appendix 11A: Lighting Strategy would also need to be appropriately secured within the Requirements associated with the EMG2 DCO.	
1.2.5.		<u>Built Heritage</u> The Council has appointed an external consultant (FAS Heritage) to assist in the consideration of Built Heritage matters.	The DCO Applicant has engaged with NWLDC throughout the pre-application period and is continuing to work collaboratively with the Council in agreeing a SoCGs on Built Heritage matters. The current draft SoCG on Heritage has been

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		For the purposes of this RR, the Council has considered the following documents: (i) DCO 6.12 / MCO 6.12 – Environmental Statement Chapter 12 Cultural Heritage (Chapter 12); (ii) DCO 6.12A / MCO 6.12A – Environmental Statement Chapter 12 Cultural Heritage Appendix A Built Heritage (Built Heritage Statement); (iii) DCO 6.12G / MCO 6.12G – Environmental Statement Chapter 12 Cultural Heritage Appendix G Heritage Receptors (Heritage Receptors); and (iv) DCO 6.10B / MCO 6.10B – Environmental Statement Appendix B Landscape and Visual Impact Assessment (LVIA) Figures. <u>Identification of Heritage Assets</u> <i>Built Heritage</i> The Council <u>agree</u> with the assessment that the main built heritage assets that would be affected by the development of the EMG2 main site would be: (a) The Grade II* Listed Church of St Michael and All Angels, Diseworth (BH1); and (b) Diseworth Conservation Area (BH2). The Council has previously noted an inconsistency in the treatment of built heritage and archaeological assets which relates to the Church of St Mary and St Hardulph (Grade I	submitted as document DCO 8.3GE/MCO 8.3G at Deadline 1.

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		Listed) and the Bulwarks Scheduled Monument at Breedon on the Hill. The Church of St Mary and St Hardulph sits within (but excluded from) the Scheduled hillfort of the Bulwarks (AR10 on the Heritage Receptors plan). The Church of St Hardulph is scoped out of the Built Heritage Statement and Chapter 12 (12.5.26), while the Bulwarks are included in Chapter 12 (12.5.20 – 3), due to prominent location and intervisibility. Impact on these monuments would be minimal, but this is an inconsistency which is not explicitly noted in the documents. <i>Archaeology</i> Archaeological features across the site have been identified through a programme of desk-based assessment and evaluation; no further comment is provided by the Council on this aspect of the project but any comments provided by the Leicestershire County Council (LCC) Archaeologist should be accounted for. <u><i>Contribution of the Site to the Setting of Heritage Assets</i></u> <i>Contribution to the setting of Church of St Michael and All Angels</i> The Built Heritage Statement and Chapter 12 (12.5.32-5) set out the contribution that the EMG2 main site makes to the setting, and significance, of the Church of St Michael and All Angels at Diseworth, noting views from the EMG2 main site toward the church, and views of the church with the EMG2 site as a backdrop. The Council <u>agrees</u> with the	

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		conclusion that the site makes a low level of contribution to heritage importance / sensitivity. <i>Contribution to the setting of Diseworth Conservation Area</i> The Council <u>does not agree</u> that the EMG2 site provides a low level of contribution to the significance of the Diseworth Conservation Area, as stated in the Built Heritage Statement and Chapter 12. The reasons for this are as follows: (a) The DCO Chapter 12 and Built Heritage Statement state that the EMG2 main site represents a 'small part' of the setting of the Diseworth Conservation Area (12.5.67). The Council feels that this does not accurately represent the scale of the site and its relationship with the village. EMG2 forms a sizeable part of the agricultural landscape associated with Diseworth, in terms of land surrounding the village and also compared to the scale of the Conservation Area itself. (b) Hyam's Lane (within the EMG2 main site) and Long Holden (to the south of the EMG2 main site) are historic routes which connected the village to its surrounding agricultural landscape. Paths radiating from the village are mentioned in the Conservation Area Appraisal as part of the relationship between the Conservation Area and surrounding landscape, which states: <i>"4.25...a number of public footpaths radiate from the principal streets of the village through this surrounding agricultural land. These public rights of way, which may reflect routes formerly taken by agricultural workers, now</i>	

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		<i>provide an important leisure resource to the residents of Diseworth and the surrounding settlements."</i> This historic character and physical connection means that these routes contribute to the setting of the Conservation Area. The contribution of these two lanes to setting and significance is not explicitly set out in Chapter 12 of the Built Heritage Assessment. Reference to impact on the rural approach occurs in the impact assessment (12.5.68) and retention of Hyam's Lane is included in mitigation (12.5.54). (c) Legibility as a discrete village. The rural character of EMG2 allows the compact nature of the village as a standalone, agricultural settlement within a rural landscape to be appreciated, both in views from EMG2 towards Diseworth (spire and roofscape) and in more distant views on the approach to the Conservation Area. Moving along the routes of Long Holden and Hyam's Lane allows the compact nature of the village and its relationship to rural surroundings to be experienced. As noted to the applicant's heritage consultant previously, Chapter 12 and the Built Heritage Statement draw the conclusion that EMG2 forms a small part of setting and makes a low level of contribution to the significance of the Conservation Area. However, the Council's assessment considers that the relationship with the surrounding landscape is recognised in the Conservation Area Appraisal as a factor contributing positively towards the character of the Conservation Area, with historic routes and character of the landscape noted in description. EMG2 forms a sizeable proportion of the land surrounding the village and reflects	

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		historic character and routes and the Council considers that it makes more than a low level of contribution to significance. <i><u>Assessment of Impact</u></i> <i>Impact on the setting and significance of the Church of St Michael and All Angels</i> The Council <u>agree</u> with the assessment set out in the Built Heritage Statement that impact on the significance of the Grade II* Listed Church of St Michael and All Angels is likely to be less than substantial resulting from loss of views of the spire, and alterations of views towards the site that would diminish the rural setting. The Council <u>agree</u> with the Chapter 12 assessment that the operational phase would have a moderate adverse magnitude of impact. The Council <u>does not agree</u> that this would be a short-medium term impact (12.5.66), as the loss of setting and change in views would be long term. <i>Impact on the setting and significance of Diseworth Conservation Area</i> The Council <u>agree</u> that the EMG2 development is unlikely to meet the threshold to be considered substantial harm to the significance of the Conservation Area. However, the Council <u>does not agree</u> that the EMG2 development would represent a 'low level' of less than substantial harm (Built Heritage Statement 5.34), described in Chapter 12 as a low magnitude of impact (Chapter 12 12.5.69). The Council consider that the permanent loss of rural character and agricultural setting of the Conservation Area would have a greater impact than presented in the DCO documents. The	

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		LVIA figures are useful in illustrating the change of rural setting and showing the scale of the development in relation to the settlement (as set out previously to the applicant's heritage consultant). This level of harm needs to be weighed against the public benefits of the proposals. <i>Bulwarks Scheduled Monument (AR10)</i> The Council <u>agree</u> with the assessment of impact on the setting and significance of the Bulwarks Scheduled Monument. <u>Mitigation</u> <i>Embedded Mitigation</i> The proposed Community Park will provide a green buffer between Diseworth and the edge of the proposed development, as shown in the plans and LVIA. It is important that this would be protected and maintained long term as a green, open space, with a rural character. Retention of hedgerow trees along Hyam's Lane is proposed, and this would be a reflection of the former character of the lane, although the presence of development would alter the experience of moving along this route. The proposed embedded mitigation will soften the impact, but the Council <u>do not agree</u> that it will mitigate the impact on the Conservation Area to the level assessed in Chapter 12. The proposed mitigation will screen the development to a degree, and provide a buffer of green space, but there will remain a permanent loss of associated agricultural land and	

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		erosion of rural character, and it is this impact that should be weighed against any public benefit. <i>Archaeological Mitigation</i> Archaeological mitigation will be required to offset the impact on below ground remains; this is set out in Chapter 12 (12.5.71-5). The views of the LCC Archaeologist should also be accounted for. <u>MCO</u> Based on the information provided in Chapter 12 and the Built Heritage Statement, and with regard to the fact that the EMG1 site forms part of an area of existing works, the Council <u>agree</u> with the assessment of potential heritage impacts of the MCO. Specifically, the Built Heritage Statement and Chapter 12 conclude that the main heritage asset that would be affected by the proposed MCO development is identified as the Church of St Andrew, Kegworth (Grade II* Listed). The Built Heritage Assessment considers and scopes out nearby Conservation Areas, including nearby Lockington, on the basis of screening due to existing bunds and woodland. The assessment identifies that views towards the Church of St Andrew are achieved only from landscape bunding north-west of the site, and has no historical association, and so makes no meaningful contribution to setting. There may be some limited visual intrusion during construction, but no operation impacts are anticipated.	

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1.3.		<u>Requirements</u> As part of the statutory consultation exercise, and additional (non-statutory) consultation exercise, the Council has commented on the contents of the proposed Requirements for the EMG2 DCO. At this time the following matters previously raised with the applicant are not addressed within the proposed Requirements for the EMG2 DCO: <i>Provision of Landscaping (Requirement 9 of EMG2 DCO) and Landscape and Ecological Management Plan (Requirement 10 of EMG2 DCO)</i> Part (4) of Requirement 10 specifies that any replacement planting would be provided for a period of 5 years which the Council considers to be wholly inadequate when accounting for Requirement 9 (Implementation and Maintenance of Landscaping) of the EMG1 DCO requiring replacement landscaping for a period of 10 years. Given the importance that landscaping would have to screening the development, as well as the failures in landscaping witnessed by the Council at EMG1 (and for which the Council would recommend the Examining Authority (ExA) review as part of any accompanied site visit), the Council consider that this Requirement should be updated to increase the time period for replacement landscaping to be provided. As a minimum, the Council would consider that the replacement period should be 15 years particularly when accounting for the fact that landscaping at EMG1 is yet to be fully established. Requirement 10 does not include any specification that the ecological mitigation measures / features would (following implementation) be maintained for the lifetime of the development and the Council consider that such a trigger	The DCO Applicant has prepared an updated draft DCO to be submitted at Deadline 2 which incorporates revisions to the Requirements at Schedule 2. However, a summary of the changes that have been made is provided below in response to the issues highlighted by North West Leicestershire District Council in its relevant representation: - Requirement 10 – the DCO Applicant has incorporated lessons learnt from its EMG1 landscaping strategy into the draft landscape and ecological management plan (LEMP) for EMG2 included at Appendix J to Chapter 9 of the Environmental Statement (DCO6.9J) [APP-117]. Notwithstanding those improvements, the DCO Applicant has also increased the period for replacement planting. Sub-paragraph 10(2) secures the ongoing management and maintenance of all green infrastructure in accordance with the LEMP for the life of the authorised development. - Requirement 11 – the DCO Applicant has incorporated the measures referred to. - Requirement 21 – The DCO Applicant has agreed revised wording for Requirement 21 which has been incorporated into the draft DCO to be submitted at Deadline 2.

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		should be added for the purposes of mitigating the impacts of the development. <i>Construction Environmental Management Plan (Requirement 11 of EMG2 DCO)</i> When accounting for the wording of the Construction Environmental Management Plan (CEMP) approved under the EMG1 DCO (Requirement 11) the following matters should also be included: (a) Details of lighting arrangements for construction purposes (criterion (h) of Requirement 11 of the EMG1 DCO); (b) Details of temporary mitigation measures to protect biodiversity interests within the site during the construction phase (criterion (k) of Requirement 11 of the EMG1 DCO); and (c) Details of existing and proposed landscaping which needs to be protected during construction (criterion (p) of Requirement 11 of the EMG1 DCO). <i>Noise During the Operational Phase (Requirement 21 of EMG2 DCO)</i> When compared with Requirement 22 of the EMG1 DCO, the Council considers that the Requirement as worded does not provide the same level of control over the operational noise proposed at EMG2 given the lack of the inclusion of the wording associated with Part (1) of Requirement 22 of the EMG1 DCO which secured a written scheme allowing for the monitoring of noise during the operational phase(s) to	- Requirement 22 – The DCO Applicant is reviewing the documents referred to in order to establish if they are appropriate to include in the requirement. - Requirement 25 – The DCO Applicant has revised the wording of Requirement 25 in the draft DCO to be submitted at Deadline 2. - Requirement 26 – The DCO Applicant has updated the reference to Long Whatton and Diseworth Parish Council in the draft DCO to be submitted at Deadline 2. Castle Donington is already a member of the Community and Liaison Group established in connection with the EMG1 DCO. - Requirement 28 – The DCO Applicant notes that the dDCO submitted at procedural Deadline A [PDA-004] included additional wording to provide certainty by reference to the Community Park Plan and timing for completion of the Community Park. This updated wording will remain in the dDCO to be submitted at Deadline 2. - Requirement 29 – The DCO Applicant has amended the wording to provide certainty that the HGV park will be retained for the lifetime of the development. This amendment is

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		establish baseline noise conditions and maximum noise levels to be observed. The applicant has not provided a clear justification as to why Part (1) of Requirement 22 of the EMG1 DCO has not been included in Requirement 21 of the EMG2 DCO and this would be necessary in determining whether detriment to residential amenity as a result of the development arises. <i>Contamination Risk (Requirement 22 of EMG2 DCO)</i> The Council considers that Part (1) of Requirement 22 should be altered to include reference to the following: (a) British Standard (BS) 10175:2011+A2:2017 – “Investigation of Potentially Contaminated Sites Code of Practice;” and (b) BS 8576:2013 – “Guidance on Investigation for Ground Gas – Permanent Gases and Volatile Organic Compounds (VOCs).” Part (2) should be altered to include reference to the following: (a) Evidence Report on the “Verification of Remediation of Land Contamination Report SC030114/R1, published by the Environment Agency 2010;” (b) BS 8485:2015+A1:2019 – “Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings;” and	included in the dDCO to be submitted at Deadline 2. Monitoring of complaints – The DCO Applicant has added wording to Requirement 21 of the dDCO in respect of the monitoring of noise during the operational phase. <u>Material Change Order</u> The MCO Applicant notes the clarification requested by the Council in respect of the operation of the EMG1 DCO and its existing requirements. The MCO Applicant confirms that insofar as the draft MCO amends the existing EMG1 DCO to relate to the additional development proposed, such additional development will continue to be bound by the EMG1 DCO as amendment by the MCO.

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		(c) CIRIA C735 – “Good Practice on the Testing and Verification of Protection Systems for Buildings against Hazardous Ground Gases” CIRIA 2014. The applicant has not provided a clear justification as why the above documents have not been referred to in Requirement 22, with such documents being consistent with the standard condition which the Council would impose on planning permissions where contamination issues arise. <i>Employment (Requirement 25 of EMG2 DCO)</i> An Employment Scheme (EmS) for EMG1 was secured within a DCO Obligation (DCO Ob), rather than via a Requirement. The Council's preference would be for the EmS to be dealt with via a DCO Ob, so as to be consistent with EMG1, unless evidence, such as case law, can be provided to demonstrate that an EmS can be secured via a Requirement. Whilst such evidence was requested from the applicant, no such evidence has been submitted for consideration to date. Notwithstanding the above, it is the case that the wording of the Requirement needs to be reinforced to include wording in relation to how the staff opportunities would be maximised for the local workforce, and in particular unemployed persons in the locality, as well as how students would be offered workplaces via local colleges. The wording associated with the definition of 'Employment Scheme' within the EMG1 DCO Ob would assist the applicant in this respect.	

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		The Council also considers that the wording for Part (2) of the Requirement should be amended to <i>"Prior to any warehouse being first brought into use,"</i> given that the wording presently proposed would suggest that the Requirement is only applicable to the first warehouse to be occupied. <i>Community Liaison Group (Requirement 26 of EMG2 DCO)</i> As is the case with Requirement 25, the Council's preference would be for the Community Liaison Group (CLG) to be dealt with via a DCO Ob unless case law is provided to demonstrate that a CLG can be secured via a Requirement. Whilst such evidence was requested from the applicant, no such evidence has been submitted for consideration to date. Notwithstanding the above, the wording of the Requirement should be amended to refer to Long Whatton and Diseworth Parish Council, under criterion (e) given that this is the name of the parish council. Representatives of Castle Donington Parish Council (CDPC) should also be included in the CLG given the proximity of the site to the administrative area of CDPC. <i>Community Park (Requirement 28 of EMG2 DCO)</i> Part (1) of Requirement 28 outlines that the Community Park will be 'substantially' complete prior to the occupation of any building. However, 'substantially' is not defined and therefore the Council consider the Requirement as worded to be ambiguous and provides no clarity on the extent of the Community Park which may be delivered. It has previously been suggested to the applicant that a version of the	

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		Community Park Plan (drawing no. EMG2-BCA-ELS-XX-DR-L-2313-23-17-S5 Revision P13) should be referred to within the Requirement which is specifically annotated to define the extent of the Community Park which would be delivered before first occupation for the avoidance of doubt. Additionally, within the Requirement it needs to be specified when the Community Park will be completed as there is no definitive timescale for this at present and therefore no commitment from the applicant for the Community Park to be completed in its entirety. <i>HGV Park (Requirement 29 of EMG2 DCO)</i> Presently the Requirement is not worded to define that the heavy goods vehicle (HGV) park would be retained for the lifetime of the development and the Council consider that the wording should be altered to include such a trigger given the importance such a HGV park would have to the overall development. <i>Monitoring of Complaints</i> Requirement 23 of the EMG1 DCO required the approval of a scheme which addressed the monitoring of complaints. The applicant has previously been requested to provide justification as to why a similar Requirement is not included in the EMG2 DCO but to date no such justification has been provided. <i>Material Change Order</i>	

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		The EMG1 Material Change Order (MCO) does not include its own specific Requirements, with the exception of it being noted at (16) that within Schedule 2 of the Requirements for the EMG1 DCO an additional Requirement (no.27) would be inserted requiring an occupier-specific travel plan. Whilst the applicant has advised the Council that any development consented by the EMG1 MCO would be duly bound by the Requirements within the EMG1 DCO, the Council would request that this be confirmed to be the case by the ExA.	
1.4.		<u>Design Approach Document</u> <i>Overall Design Code</i> The Council has reviewed the 'terminology' used within the Design Approach Document (DAD) Design Code and considers that to be effective a Design Code needs to be clear about what it is specifying and part of that would be through the use of terms like 'must.' Although the Design Code covers a lot of beneficial content, the prevailing language is more in terms of 'should' which provides less clarity and is less definitive overall. Another key aspect of a Design Code is translating the concepts spatially and this is an area that needs to be developed further within the DAD to help understand what is intended in each location. Understanding both of these areas further (i.e. what is intended where and how much potential for deviation there may be) will be critical if the Council is to support the inclusion of the DAD within the proposed Requirements for the EMG2 DCO. In terms of soft landscaping, the Council considers that more could be done to explore how to use landscaping (and trees	The DCO Applicant welcomes the comments provided by NWLDC and is, so far as is practicable, seeking to address the comments received as part of the revisions to the DAD which will be submitted at Deadline 2.

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		in particular) to break down proposed car parking areas. Presently the indicative images show a green strip, and then there are treed areas within the car park areas. However, this is not reflected in the layout plans which show no tree planting. The Council consider it important that such landscaping is re-introduced as it would assist in providing shade (to large areas of tarmac) and would contribute to softening, as well as reducing, the extent of hard surfacing. The specification of tree pits and growing mediums (as well as species choice) would also be important to the Council in making this element of the proposals work successfully. <i>Specific Elements of the Design Code</i> The Design Code for the 'Office Elements' (page 60 of the DAD) specifies that detailing <i>"includes projecting and recessed features that add depth and interest to facades."</i> Although this is the case, the accompanying imagery does not provide clarity in this respect given that the office elements shown are integrated into the rectangular nature of the principal warehouse building and are only defined by Brieze Soleil features. If a DAD is to be approved then the Council considers that the imagery should be expanded on to show office elements which project away from the unit, as is the case with units constructed at EMG1, as well as identifying how office elements would 'wrap around' the elevations if presented to two road locations. The Council considers that the 'Colour Study' on page 61 of the DAD should be renamed as 'Warehouse Colour Study' for the avoidance of doubt given that whilst, due to the physical scale of the warehouses, there is a need for a muted colour palette to be utilised, the office elements, warehouse dock doors and other features at the lower levels could utilise	

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		colour to reflect the individual branding features of the potential future occupiers (i.e. at EMG1, Amazon, XPO, DHL and Maersk have utilised colours which reflect their branding). For the bus interchange (page 63 of the DAD) it is stated that such a bus interchange would “incorporate a consistent colour and material palette to the other buildings across the site” but does not specify which ‘buildings’ this colour and material palette is derived from. The Council considers that if the colour and material palette is to be consistent with the warehouses then this would be wholly inappropriate given the blandness of such colours. In addition, the ‘generic elevations’ do not provide an appearance of building which is architecturally inspiring. Great care was given by the Council to the design of the bus interchange and management suite at EMG1, which was of a more bespoke design in comparison to the warehouses, and therefore the Council has previously requested that the applicant develop the design code so that it provided more ‘flair’ to a building which would be a key marker at a lower level upon arrival into the site. No justification has been provided by the applicant as to why the bus interchange design code cannot be amended to incorporate the request of the Council. The proposed development includes an amenity building which would be associated with the lorry parking, but the DAD as currently drafted includes no design code for such an amenity building. The applicant has provided no justification as to why such a design code is not included within the DAD.	
1.5.		<u>Leicestershire County Council</u>	<u>Leicestershire County Council</u>

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		The Council is fully supportive of any comments within any RR to be provided by Leicestershire County Council (LCC) given that LCC are the technical advisors to the Council in relation to matters addressed within Chapter 6 Traffic and Transportation, Chapter 9 Ecology and Biodiversity, Chapter 12 Cultural Heritage (insofar as the matter relates to archaeology), Chapter 13 Flood Risk and Drainage, Chapter 17 Population and Human Health and Chapter 18 Materials and Waste. <u>Heavy Goods Vehicle Parking</u> Paragraph 3.2.23 of Chapter 3 Project Description outlines that “the proposals include the provision of an HGV parking area (of approximately 95 spaces) within Zone 7 to the north-east of the EMG2 Main Site which will also include the construction of an amenity building for HGV drivers (DCO, Works No. 4). This is provided to ensure the development meets the needs of HGVs visiting the EMG2 Main Site.” The same sentiment is also applied at Paragraph 3.27 of the Planning Statement (“PS”). As part of the statutory and non-statutory consultation the Council has advised the applicant that the East Midlands region has the greatest number of heavy goods vehicle (HGVs) parking in less suitable off-site locations and the highest freight crime rate in the National Survey of Lorry Parking (2018). It has also been advised that the National Highways ‘Lorry Parking Demand Assessment’ (2024) established that North West Leicestershire (NWL) has the most severe lorry parking issues of the Local Authorities in England. On this basis the applicant was informed that the	The DCO Applicant notes NWLDCs position and has responded to the comments raised by LCC on the Requirements. An updated version of the draft DCO will be submitted at Deadline 2. <u>Heavy Goods Vehicle Parking</u> The DCO Applicant can confirm that the lorry parking within EMG2 would be available to occupiers of EMG2 only. Therefore all HGV movements have been considered in the transport modelling which supports the application. The DCO Applicant can also clarify that each unit to be constructed on the EMG2 Main Site (and at Plot 16 on the EMG1 site) will be provided with a policy compliant number of HGV parking spaces. The proposed lorry park would be an overspill for occupiers of EMG2 including providing for early arrivals. The DCO Applicant has updated the Requirement in the draft DCO to be submitted at Deadline 2 to secure delivery of the lorry park prior to first occupation of the EMG2 Main Site and to clarify that it shall be retained for the operational lifetime of the development.

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		proposed development should meets its own needs in terms of facilities and overnight lorry parking as a minimum. Additionally, the Council also strongly encouraged the applicant to use the lorry park as a means of contributing towards the need within the District for additional HGV services including overnight parking, with it being the case that if lorry parking was made available for use by non-EMG1 / EMG2 vehicles, then this would need to be factored into the transport movements and adequately controlled to avoid overloading of the facility (which in turn may cause highway safety issues). Whilst the Council welcomes the delivery of lorry parking, it will need to be determined whether the number of spaces to be delivered will be sufficient. It was also advised by the Council, as part of the statutory and non-statutory consultation, that if the lorry park was not to contribute towards the needs of the District, then this should be clearly justified. At this time the PS does not provide any form of justification as to why the lorry park cannot seek to deliver towards the needs of the District, particularly given the relationship with the Donington Park Service Area (DPSA). The Council consider that this is an issue which should be expanded on in light of the Council's strong view of the District wide benefits a lorry park for all users would provide. Notwithstanding the above, if the lorry parking will be for EMG1 / EMG2 vehicles only and clear justification has been demonstrated, it will be necessary to impose Requirements limiting the use of the lorry park and welfare facilities to those vehicles operating out of EMG1 / EMG2. In addition, any	

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		phasing of the development should seek to deliver the lorry park prior to the first occupation of the first warehouse on EMG2 so that there is no displacement of HGVs in the early years, the lorry parking should also be retained for the lifetime of the development thereafter. Presently the Requirements within the EMG2 DCO do not address the need for the lorry park to retained for the lifetime of the development as is outlined above.	
1.6.		<u>Other Matters</u> At this time the Council would wish to bring it to the attention of the ExA that it is currently considering a planning application for the following: Outline planning permission (means of access from A453 fixed; all other matters reserved for future determination) for the construction of employment floorspace (use classes B2 / B8) with ancillary (integral) uses (use class E(g)(i)(ii)(iii); a training hub (use class F1); a transport hub (sui generis); and associated infrastructure including earthworks and creation of bunds, internal estate road, parking, pedestrian and cycle circulation; and landscaping (all). This outline planning application has a reference of 24/00727/OUTM and is associated with a site known as Land South of 453 (Ashby Road) and North of Hyam's Lane, Castle Donington with the joint applicant's being Manchester Airport Group (MAG) and Prologis. Further information in respect of this outline planning application can be found on the Council's website here. The site location plan associated with the above outline planning application is attached for your information and as	Application 24/00727/OUTM Please refer to the DCO Applicant's response to ExQ1.3.2 about compatibility of planning application 24/00727/OUTM and the DCO Application in the Applicants' Response to the Examining Panel's First Written Questions (DCO 7.5 / MCO 7.5) submitted at Deadline 1. The DCO Applicant has also responded to the relevant representations submitted by Prologis at Appendix 6 to this document.

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		will be ascertained the proposed development would be undertaken on land which is included within the EMG2 DCO. It is unclear to the Council how any positive decision on the application submitted by MAG / Prologis would impact on the potential delivery of EMG2, with the applicant's documents including no reference to the outline planning application. For the avoidance of doubt, as the application is accompanied by an Environmental Statement (ES) the Planning Casework Unit (PCU) have been notified on two separate occasions in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).	
2.	Leicester City Council [RR-001D]	Leicester City Council wish to be consulted to be able to review if there may be any planning/transport impacts that may relate to our area.	The Applicant has consulted Leicester City Council (LCiC) as a statutory consultee and welcomes LCiC's continued participation as the application progresses through examination.
3.	National Highways [RR-022]	The Relevant Representation was provided in a separate document and is set out below.	The DCO Applicant has divided the National Highways response into sections and provided a response where appropriate and necessary.
3.1.		1 Introduction 1.1 This relevant representation constitutes a Relevant Representation being submitted by National Highways' ("NH") to the application by Segro Properties Ltd ("Applicant") for an order granting development consent for the East Midlands Gateway 2 project ("DCO") and East Midlands Gateway Rail Freight Interchange ("MCO"). The	No response required.

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		Applicant seeks development consent for proposed authorised developments described in Schedule 1 of the draft DCO ("Authorised Development"). 1.2 This Relevant Representation is being submitted by NH in its capacity as a statutory consultee in the planning process, as Strategic Highways Authority appointed under the provisions on the Infrastructure Act 2015 with responsibility for operating, maintaining and improving the Strategic Road Network (SRN). 1.3 This relevant representation is for both the DCO and the MCO, in alignment with the Secretary of States letter, dated 22 December 2025, confirming the co-joining of the DCO and MCO for examination purposes. NH has no in principle objection or any comments to make specifically on the MCO proposals. However, as the DCO and MCO impacts have not been assessed independently, NH is unable to adjudge whether additional SRN mitigation would be required in the event that the MCO was approved in isolation. Therefore, NH queries whether the MCO and DCO could be granted independently of each other, given that it is not possible to isolate the impacts of each independently.	
3.1.1.		1.4 NH has several concerns with the Transport Assessment [APP-080 to APP-083] and sections of the Environmental Statement [APP-066 to APP-205] and is not yet in a position to agree with the conclusions set out in the DCO application documents. NH objects to the DCO for the following reasons: a) Although NH has agreed the 2019 Pan Regional Traffic Model (PRTM), the 2023 PRTM sensitivity testing submitted	The DCO Applicant is in regular contact with National Highways through the bi-monthly meetings of the transport working group. That regular and continuing engagement has enabled the DCO Applicant and National Highways to resolve several matters since the representation was published. The DCO Applicant has responded to each point in the order they appear:

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		outside the DCO still requires review, and the findings must be incorporated into the DCO b) An assessment of compliance with the Design Manual for Roads and Bridges (DMRB) for the proposed mitigation (i.e. departures from standards process) on the SRN has not yet been completed c) A Road Safety Audit Stage 1(RSA 1) is required for the proposed mitigation on the SRN and is currently in hand but is yet to be completed d) There remain several technical queries relating to the COBALT assessment e) Whilst the construction impacts on the SRN have been agreed, NH requires further details in the Construction Traffic Management Plan (CTMP) on the formalisation of a cap on the number of construction vehicles that will be permitted during peak hours and details of the proposed monitoring arrangements f) An outline Workforce Travel Plan should be produced g) Personal Injury Collision (PIC) data has been provided; however, several collision patterns have not yet been examined in sufficient detail. h) Clarification on the technical details of the Air quality assessment	a) The 2023 PRTM sensitivity modelling (DCO 7.8) has been completed and the outcomes have been agreed with National Highways, this has not changed the highway works proposed in the DCO. b) Appendix 27 of the Transport Assessment (DCO6.6A) [APP-080 to 83] provides an assessment of compliance with the DMRB. This appendix has been updated and submitted at Deadline 1. The updated appendix provides the current status of each departure from standard. c) Stage 1 RSAs have been undertaken. All issues raised have been responded to within the Design Team Response and updated drawings have been issued to NH for their approval. The Stage 1 RSA (DCO 7.7) and response report (DCO 7.7A), as approved by both NH and LCC, is submitted at Deadline 1 together with updated Highway Plans that incorporate the agreed changes. d) The DCO Applicant's transport consultants, BWB, have updated the traffic flows within the spreadsheet which was included in the revised COBALT Assessment issued on 10 February 2026. NH confirmed their agreement to the revised COBALT Assessment on 20 February 2026. e) Section 4.4 of the CTMP refers to the construction traffic numbers and states <i>"The construction traffic volumes will be capped at the levels set out in Table 7 of the BWB Report, and the values presented in the Construction Traffic</i>

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		i) The biodiversity Net Gain (BNG) assessment does not specify a breakdown of net change in biodiversity units for the SRN j) The lighting assessment will require confirmation once the mitigation on the SRN has been confirmed	<i>Calculations Technical Note at Appendix 3. The contractor will monitor traffic flows during the construction phase and maintain daily records of all vehicle movements and ensure they are compliant with the above assessment calculations”.</i> The CTMP also provides details of monitoring arrangements and enforcement action should traffic levels exceed the cap. f) A Workforce Travel Plan for the construction phase was issued to NH on 19 March 2026. g) The DCO Applicant examined five locations identified by National Highways that required further consideration. The Transport Assessment (DCO6.6A) [APP-080] concluded that there is negligible highway safety impact with no mitigation needed for two out of the five locations. For the remaining three locations, the COBALT and RSA assessments agreed with NH demonstrate that the proposed mitigation will satisfactorily accommodate the EMG2 Project whilst providing improvements to highway safety. h) The DCO Applicant is continuing to engage with NH to ensure it is satisfied with the results of the air quality modelling i) The DCO Application was submitted prior to the mandatory requirement for 10% BNG to be provided. Notwithstanding that position, the DCO Applicant has designed the scheme to achieve

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			10% BNG when assessed across the entire project. j) The DCO Applicant has completed the PRTM 2023 sensitivity test work and document (DCO 7.8) submitted at Deadline 1 provides a review of the assessed lighting classes using PRTM 2023 data. The DCO Applicant looks forward to receiving NH's comments or approval and will respond or update the Statement of Common Ground with NH as appropriate.
3.1.2.		1.5 NH welcomes the exclusion of NH owned land from the scope of compulsory powers. However, NH notes that the DCO seeks compulsory acquisition and temporary possession powers over land in which NH retain an interest (rights). To safeguard NH's interests and the safety and integrity of the SRN, NH objects to the inclusion of these powers in the DCO. NH's interests are relevant rights for the purposes of section 138 (Extinguishment of rights, and removal of apparatus, of statutory undertakers etc) of the Planning Act 2008. NH considers that there is no compelling case in the public interest for powers to be granted over land in which it has an interest. The grant of the DCO with such provisions would result in serious detriment to the SRN, impeding NH's ability to ensure the safe and efficient operation of the SRN. 1.6 NH is reviewing the Book of Reference [AP-021D] and will provide comments directly to the Applicant. However, NH reserves the right to make further comments in the examination should progress not be made with the Applicant.	NH requested shapefiles of the plots of land that it is recorded as having an interest in at ISH1. The Applicant has provided the relevant shapefiles to NH to enable it to confirm at Deadline 1 (7 April 2026) which plots, if any, it holds would be adversely affected. The Applicant will respond to NH's submissions as appropriate at Deadline 2 on 21 April 2026.

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		1.7 The DCO includes a number of provisions which authorise the interference with statutory powers belonging to NH and/or grant the Applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through NH's protective provisions. An analysis of the Articles and NH's concerns in relation to the same is included in section 6 of this relevant representation. 1.8 The form of protective provisions included in the DCO is not agreed. There are a number of material outstanding issues on the Protected Provisions which are set out in section 6. 1.9 NH reserves the right to produce additional grounds of objection to the Examining Authority as the DCO progresses should NH consider it necessary if any further information relating to the impact on the SRN comes to light during the pre-Examination and Examination Stages.	
3.2.		2. National Highways 2.1 NH (being the statutory successor to the Highways Agency) is an arms-length government owned company responsible for the ownership, management and improvement of England's motorways and major A-roads, collectively referred to as the strategic road network ("SRN"). The SRN comprises over 4,500 miles of road sitting at the core of the national transport system, connecting all major economic and resource centres with key markets and conurbations. The SRN is the most heavily used part of the national road network, carrying a third of all traffic and two-thirds of all freight totalling approximately 4 million journeys a day. It provides businesses with the means to get products	The DCO Applicant notes the factual background provided by NH relating to its role and function. A response to each identified concern is provided in the sections that follow.

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		and services to their customers, gives access to labour markets and suppliers, and encourages trade and new investment. It is also a complex network of highway structures, drainage and attenuation apparatus and telemetry and electronic communication assets. In short, the SRN is a critical piece of economic infrastructure, vital to the nation's connectivity and the means for generating economic growth. 2.2 NH is appointed pursuant to section 1 of the infrastructure Act 2015 to act as the highway authority, traffic authority and street authority for the SRN. The effect of this appointment is to make NH the statutory custodian of this national asset, conferring on it the status and legislative functions of a strategic highways company. 2.3 As a strategic highways company, NH must comply with a number of general and specific statutory duties¹, including to: a) co-operate in so far as reasonably practicable with other persons exercising functions which relate to highways or planning; b) have regard to the effect of the exercise of its functions on the environment; c) have regard to the effect of the exercise of its functions on the safety of users of highways. 2.4 The Secretary of State for Transport may from time to time give a strategic highways company directions or guidance as to the manner in which it is to exercise its statutory duties and functions. For the purposes of directing	

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		the functions as regards the SRN, these directions are contained within the 2015 Licence. The directions contained in the 2015 Licence are mandatory and are regulated by the Office of Road and Rail. They include: a. Paragraph 4.1 - The network for which the Licence holder is responsible is a critical national asset, which the Licence holder must operate and manage in the public interest, in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity; b. Paragraph 4.2 – Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to: a) ensure the effective operation of the network; b) ensure the maintenance, resilience, renewal and replacement of the network; c) ensure the improvement, enhancement and long-term development of the network; d) ensure efficiency and value for money; e) protect and improve the safety of the network; f) co-operate with other persons or organisations for the purposes of co-ordinating day-to-day operations and long-term planning;	

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		g) minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment; h) conform to the principles of sustainable development. c. Paragraph 5.37 – The Licence holder must hold and manage land and property in line with, and as a function of, the Licence holder's legal duties as a highway authority, and solely for the purposes of operating, managing and improving the highway, unless otherwise approved by the Secretary of State for Transport. 2.5 More particularly sections 41 and 130 of the Highways Act 1980 contain respectively a statutory duty for NH to ensure it maintains the SRN to the appropriate/sufficient standard, free from any hazards so it is safe to use, and a statutory duty to assert and protect the rights of the public in use and enjoyment of the SRN. Section 16 of the Traffic Management Act 2004 contains a statutory Network Management Duty for NH to manage the SRN with a view to achieving, so far as may be reasonably practicable having regard to NH's other obligations, policies and objectives, securing the expeditious movement of traffic on the SRN and facilitating the same on roads where another authority is the traffic authority. In order to achieve this, the action NH may take in performing that duty includes that which NH considers will contribute to securing the more efficient use of the SRN or avoidance, elimination or reduction of disruption to the above relevant roads and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not	

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		the power was conferred on them in their capacity as a traffic authority). Section 17 of the Traffic Management Act 2004 requires that NH shall make such arrangements as they consider appropriate for planning and carrying out the action to be taken in performing its Network Management Duty and has to establish processes to, as far as reasonably practicable, identify things (including future occurrences) which are causing, or have potential to cause SRN congestion or other disruption to the movement of traffic on it and consider any possible action that could be taken in response to (or anticipation of) anything so identified, e.g. in the event NH considers this particular statutory duty may not be met. Supplementary to this, 4.2 of NH's statutory licence requires NH to act in a manner which it considers best calculated to ensure the effective operation of the SRN. To comply with this, Paragraph 5.1 states that NH should seek to minimise disruption to road users that might reasonably be expected to occur as a result of planned or unplanned disruption to the network, as well as proactively and reactively provide relevant, accurate and timely information about traffic and conditions on the SRN to road users, including when there is disruption. This range of duties demonstrates that NH must always protect road users/the SRN and ensure the SRN retains its integrity, is free from hazard/safe to use and is available for continual uncongested use all year round subject to precise terms of its Network Management Duty which means NH is duty bound to consider carefully any activity that has the potential to impact on any of NH's statutory duties.2.6 Under section 5(2)(b) of the Infrastructure Act 2015, NH is under a duty to have regard to the safety of highway users. Safety is at the heart of NH's function as a statutory undertaker – the safety of the travelling public, the safety of NH staff and the safety of third-party contractors on the network. The SRN is	

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		inherently a dangerous network to operate on, over and under – given the very limited control that NH has on road users operating at high speeds. The potential for catastrophic damage or injury from collision is prevalent – which is precisely why NH has strict procedures for contractors operating on, over or under the SRN, particularly those which it does not itself control. 2.7 NH's concerns relate to the potential impact of the proposed development on the SRN, which, in the vicinity of this proposal includes the M1 motorway and the A453, A50 and A42 Trunk Roads	
3.3.		3 Protecting the SRN 3.1 Unlike other statutory consultees involved in the consenting of nationally significant infrastructure projects, NH is a very active promoter of development consent orders and understands keenly the pressures and requirements placed on applicants to balance the delivery of the scheme with the protections afforded to statutory consultees. NH has been at the vanguard of DCO-consented development since the Planning Act 2008 was introduced and has offered many commitments for the protection of electricity and gas apparatus, water and drainage infrastructure, railway undertakings and other infrastructure owned by statutory consultees as a consequence of its own development consent orders. The SRN deserves the same measure of protection, proportionate to the extent of interference caused by the Authorised Development. 3.2 NH understands the need for proportionality in the context of such protections and considers that a proportionate level of protection in all cases and as a	The Applicant has included protective provisions in favour of NH at Part 1 of Schedule 13 of the dDCO (DCO 3.1; PDA-004D). The Applicant has noted the revised protective provisions appended to NH's relevant representation and is in active discussions with NH to amend, update or reconcile the two sets of protective provisions as required.

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		minimum standard where there is the potential for impact to the SRN should be the following: a) that NH be held harmless from the impact of third party development; b) that NH procedures put in place for the protection of property and persons are adhered to in accordance with NH's strict requirements on network occupancy; c) that any works carried out to the highway, on NH land, underneath the highway, above the highway and to apparatus forming part of the highway estate should be certified by NH and approved by NH on completion of the works; d) that financial provision should be put in place to ensure that in the event of the Applicant commencing works which may impact the SRN (including for example, underground works beneath the SRN or oversailing above it) and falling into financial difficulty or defaulting on completion of the works, NH has the resources needed to put the SRN and the highway estate into the position it was in before the Applicant commenced works; e) that NH be indemnified for any loss or damage to the SRN or the highway estate as a result of the works; f) that the Applicant requests approval from NH before exercising any powers under the DCO in relation to the SRN or the highway estate (such approval not to be unreasonably withheld) to enable proportionate rights and reservations to	

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		be secured for the protection of the SRN through private treaty; g) that emergency procedures be agreed for NH to access the SRN to carry out works or remove dangerous obstacles resulting from the Authorised Development which pose a risk to life. 3.3 These provisions are included in the NH protective provisions, which are appended to this document (Appendix 1). 3.4 NH considers that without the NH protective provisions, there is a considerable risk of serious detriment to the SRN, as any damage or injury to the SRN or wider highway estate would require funding to rectify that is not within NH's budget. There is no recourse to public funding for emergency works of this nature and a reserve of funding is not available. Without prejudice to whether the Authorised Development would cause a serious detriment to the SRN, it remains the case that the public purse should not be left to meet or subsidise costs of impacts caused by third party development to the SRN. 3.5 Further, NH's estate comprises more than just the corpus of the highway (the 'top two spits'). Unlike local roads, where the local highway authority typically controls only the highway strata and sufficient vertical limits above and beneath the highway to maintain necessary apparatus and street furniture, in most cases NH controls the freehold of the land beneath the highway to the centre of the earth and to the heavens above. This estate is held for the benefit of the statutory undertaking, to ensure that the SRN is not compromised and that maintenance or improvement works	

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		at any required depth can take place free from risk of trespass or ransom. Where apparatus is co-located in the highway (which is commonplace), that apparatus has been authorised by NH or has been installed through industry standard processes (such as under the New Roads and Street Works Act 1991), where statutory protection is afforded to NH as the highway or street authority. Whilst NH is prepared to grant a sub surface interest or right to co-locate apparatus in the highway, where it is geotechnically possible and respecting other apparatus that is in, on, under or over the highway – the interest must be proportionate and necessary and cannot be to the detriment of NH, the SRN or other undertakers. It cannot be acceptable that apparatus is placed in, on, under or over the SRN through a DCO by disapplying statutory protections that NH has and not accepting to acquiesce to the terms which are required by NH to manage its network in accordance with regulatory requirements. 3.6 For the sake of clarity and transparency, NH has no desire to stymie development or to impose requirements on the Applicant which are disproportionate to the potential harm that could be caused to the SRN. NH is legally obliged to co-operate with third parties exercising planning or highway functions, which includes the Applicant in this statutory process³. NH is prepared to engage fully and assist in whatever way is reasonable to ensure that the Authorised Development proceeds as quickly and efficiently as possible.	
3.4.		4 The impact of the Proposed Development on the SRN 4.1 Traffic and Transport	

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3.4.1.		Development Proposals 4.1.1 Requirement 27 of the DCO, which limits the use of the proposed mezzanine floor to reflect its treatment in the modelling, does not reflect the wording that had been agreed between NH and the Applicant. The wording which was agreed is as follows: ‘No more than 200,000 sqm of total cumulative mezzanine floorspace shall be provided ancillary to the ground floor logistics and advanced manufacturing development uses. Such floorspace shall be used solely for the purposes of storage and shall not increase the distribution capacity and vehicle trip generation of the development hereby permitted above that presented in the submitted Transport Assessment. Prior to the installation of any mezzanine floorspace, the developer shall submit to and obtain written approval from the Local Planning Authority in consultation with the Highway Authority, of a detailed floor plan identifying the location and extent of such mezzanine floorspace. For the avoidance of doubt, no office use shall be permitted on any mezzanine floor.’ 4.1.2 National Highways requires the wording set out above to replace the current wording for Requirement 27 in the DCO.	Revised wording for Requirement 27 in the draft DCO (DCO 3.1) [PDA-004D] has been approved by NH and will be included in the updated draft DCO to be submitted at Deadline 2 on 21 April 2026.
3.4.2.		Transport Assessment – impacts 4.1.3 The Transport Assessment (TA) presents the development impacts on the SRN. For the impact assessment, a three-pronged approach has been employed, utilising strategic, microsimulation, and standalone junction	The DCO Applicant has completed the PRTM sensitivity test (DCO 7.8) and agreed the findings with NH. This position is reflected in the Joint Position Statement (DCO 8.1) and the Statement

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		modelling to appraise impacts on the SRN. NH has reviewed and agreed the impacts on the SRN in the 2019 Pan Regional Traffic Model (PRTM). In addition to the 2019 core assessment work presented in the TA, the Applicant is undertaking an additional sensitivity test using the recently updated Pan-Regional Transport Model 2023. This is an on-going workstream. Once the assessment is completed and findings of this work are made available, the TA and associated transport documents will require updating to include the detail of this supplementary test.	of Common Ground (DCO 8.5) submitted at Deadline 1.
3.4.3.		Proposed Changes to SRN Roads 4.1.4 Permanent highway works proposed for the project to mitigate its impacts on the SRN include improvements to M1 Junction 24; construction of a new free-flow link road from the M1 northbound to the A50 westbound, widening of the A50 eastbound link, alteration of the west side of the J24 roundabout to provide three lanes from the M1 northbound to A453 northbound, removal of the segregated left-turn lane from the A453 northbound to the A50 westbound, provision of a new M1 northbound exit to the A50 and associated lining and signing amendments. Amendments are also proposed to A453/A42/Finger Farm roundabout. An assessment of compliance with the Design Manual for Roads and Bridges (DMRB) has not yet been undertaken for each of these proposed changes on the SRN. This should be confirmed by the Applicant and is required for any proposed changes to the SRN. Details of any proposed departures from standard should be provided to NH for review as soon as possible and ideally prior to the start of examination.	Appendix 27 of the Transport Assessment (DCO 6.6A) [APP-080 to 83] provides an assessment of compliance with the Design Manual for Roads and Bridges (DMRB). This appendix has been updated and the current status of each departure from standard is provided. The updated appendix has been included within the revised Transport Assessment submitted at Deadline 1.
3.4.4.		4.1.5 The Road Safety Audit Stage 1 (RSA 1) brief has been agreed with NH and has commenced, noting that NH had	Stage 1 RSAs have been undertaken. All issues raised have been responded to within the Design

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		raised some concerns regarding incident clusters (refer to paragraph 4.1.6) on the SRN (M1 junction 24 and Finger Farm roundabout). It is understood that the Applicant will consider these incident clusters in completing the RSA. The RSAs must be completed as soon as possible, ideally before the start of examination. 4.1.6 NH is satisfied with the proposed approach to mitigating the impact of the development on the SRN and, in principle, with the interventions proposed, subject to the successful completion of the compliance assessments against the DMRB and RSA 1. These compliance assessments should be completed as soon as possible.	Team Response and updated drawings have been issued to and approved by NH. The Stage 1 RSA (DCO 7.7) and response report (DCO 7.7A), as approved by both NH and LCC, is submitted at Deadline 1 together with updated Highway Plans that incorporate the agreed changes.
3.4.5.		Road Safety 4.1.7 Personal Injury Collision (PIC) data for the SRN has been obtained for the four-year period excluding COVID-19 years 2019 – 2024 at the SRN junctions included in the assessment. The analysis of PIC data within the TA notes collision clusters at Finger Farm roundabout, M1 Junctions 24 and 25, A453/EMG1 Access Junction and M1 Junction 23. Whilst there is mitigation proposed for M1 Junction 24, A453/A42/Finger Farm roundabout and the A453/EMG1 Access Junction and the RSA 1 is expected to investigate these incidents in light of the proposed mitigation, the other locations where there are clusters should also be investigated to determine whether the proposed development is likely to exacerbate the number of incidents. Consideration should be given to the adequacy of the lane markings and clarity of the signage at these locations in light of the proposed development.	The DCO Applicant has analysed the PIC data and completed the following steps to the satisfaction of NH, as recorded in the Statement of Common Ground (DCO 8.5) submitted at Deadline 1: 1. BWB produced a Highway Safety Position Statement in March 2025 (doc ref: EMG2-BWB-GEN-XX-RP-TR-0015 Revision P1, Transport Assessment Appendix 14) which analysed the existing PIC records and identified where collision clusters have occurred. 2. NH responded to the Highway Safety Position Statement on 30/06/25 and it was agreed that further consideration was required at the following five locations:

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			a) M1 J24 (northbound off-slip) b) A453/A6 Kegworth Bypass c) M1 Junction 23A (Finger Farm) d) M1 Junction 23 e) M1 Junction 25 3. The TA considered the safety impacts of the EMG2 development at M1 Junction 23 (paragraph 10.35) and M1 Junction 25 (paragraph 10.44) concluding that there would be a negligible impact and therefore no mitigation needed from a highway safety perspective. The impacts at M1 Junction 24 and the A453/A6 Kegworth Bypass were covered at paragraph 12.40 of the TA, concluding that the proposed mitigation would result in safety benefits, albeit accepting that further consideration of lane markings and signage would be carried out at the detailed design stage. 4. The COBALT Assessment has been agreed with NH and provides further evidence on the change in the rate of PICs at Junctions a) to c) where clusters of PICs have been identified. The findings show there will be highway safety benefits on the key junctions across the strategic road network where mitigation is being proposed.

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			5. Finally, the Stage 1 RSA (DCO 7.7) has been carried out of the proposed highway mitigation, taking into account existing PIC records and associated clusters. The problems raised have been taken into consideration within the designers response and amended preliminary design information has been issued to NH. Once the detailed designs have been completed, the Stage 2 Road Safety Audit will consider the lane markings and signage in further detail and determine whether there are any issues from a safety perspective which need considering further, over and above that considered to date. The design team can then make any necessary changes to problems that are raised. To summarise, the proposed mitigation is focussed on the locations of the strategic road network where there are existing safety problems to ensure that the EMG2 Project can be delivered and accommodated whilst providing an improvement to highway safety.
3.4.6.		COBALT 4.1.8 A COBALT assessment has been undertaken to assess and quantify the change in PIC rates as a direct result of the new road interventions. The COBALT assessment methodology has been agreed by NH, however, NH is concerned that there is no correlation between the traffic flows in the Forecasting Report and the COBALT assessment. It appears that the economic benefits are	The DCO Applicant's retained highway consultants, BWB, have updated the traffic flows within the revised COBALT Assessment approved by NH on 20 February 2026. The approval of NH is recorded in the Statement of Common Ground (DCO 8.5) submitted at Deadline 1.

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		caused by some large reductions in traffic across the road network, especially in the 2038 forecast. The latest forecasting report suggests there are some SRN links with large traffic increases that are not included in the COBALT network, for example, the M1 northbound mainline. At present it appears where there is a reduction in traffic, the roads have been included in the COBALT network, but the roads to which traffic transfers are excluded. This would result in an overestimate of the safety benefits. Furthermore, the latest version of the COBALT software has not been used. NH seeks clarification concerning the traffic flows used in the COBALT assessment and an explanation of why some links have been excluded from the assessment.	
3.4.7.		Construction Traffic Management Plan (CTMP) 4.1.9 NH has been in discussions with the Applicant regarding the CTMP. Whilst the principles of the impact on the SRN have been agreed, NH requires further details to be included in the document on the formalisation of a cap on the number of construction vehicles that will be allowed during peak hours, the proposed monitoring arrangements (including NH's role in the process) and any associated mitigation measures and the control proposals for ensuring enforcement. 4.1.10 A separate outline Workforce Travel Plan for the construction phase is required, to detail how worker journeys to and from the site will be managed and enforced. This can be included in, or as an annex to, the CTMP.	In accordance with discussions between the DCO Applicant and NH, a cap on construction vehicles was expressly included at Section 4.4 of the CTMP (DCO 6.3A) [APP-074] and details of monitoring arrangements and enforcement action should traffic levels exceed the cap were added. The DCO Applicant has issued a Workforce Travel Plan for the construction phase to NH on 19 March 2026.

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3.5.		4.2 Environmental Statement (ES) Chapter 8 – Air Quality 4.2.1 It is important for NH to be able to discern the impacts of the development, including the proposed SRN mitigation works, on Air Quality (AQ) and especially, on sensitive receptors. NH will be responsible for the operation of the new assets and will be liable should any AQ exceedances occur. 4.2.2 A figure showing the Affected Road Network (i.e. roads which are modelled to be affected by changes in traffic above relevant traffic screening criteria) and Air Quality Study Area (i.e. a buffer of 200m from the ARN) has not been provided. Figures 8f.1 to 8f.19 of Appendix 8F Traffic Data show the extent of the modelled road network, but do not identify which specific road links would be 'affected' by changes in traffic flow above relevant criteria (i.e. the ARN), in particular those expected to experience an increase in traffic flows. Consequently, it is not possible to determine which roads that form part of the SRN would be affected by an increase in traffic flows as a result of the proposed development. While it is recognised that such a figure may need to be split across several pages, such a request is not considered unreasonable. For example, for National Highways DCO projects such figures are routinely produced. Ideally the approximate magnitude of changes in traffic (e.g. in appropriate bands of traffic change (>1,000, >5,000, etc.)) would also be shown, as well as the location of sensitive receptors (including all ecological sites within the Air Quality Study Area) so it can be confirmed that relevant receptors have been included adjacent to all affected road links. Furthermore, an ARN should be shown for both construction and operational phase changes in traffic flows. Given that	The DCO Applicant is continuing to engage with NH to ensure it is satisfied with the results of the air quality modelling.

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		multiple scenarios (and traffic screening criteria) have been considered, NH requests confirmation that a 'combined' ARN has been derived, so that all receptors with the potential to be affected in any scenario have been considered. 4.2.3 The Environmental Statement presents the results for the modelling of road traffic ammonia (NH3) emissions. NH requests further information on the approach taken for estimating and modelling road traffic emissions of NH3 as it is unclear from the Chapter 8: Air Quality how this modelling has been undertaken (e.g. what tool has been used to estimate NH3 exhaust emissions). Furthermore, NH requests additional information on how modelled rates of nitrogen deposition, including the contribution made by road traffic ammonia emissions, have been calculated at sensitive ecological receptors. 4.2.4 The large magnitude of some of the model adjustment factors derived (particularly for the Castle Donnington AQMA model zone) is of concern. NH requests confirmation that the modelled locations of diffusion tubes and sensitive receptors have been reviewed in detail to ensure they are fully within the extents of modelled street canyons (wherever relevant) and that any other relevant factors potentially affecting emissions or dispersion that could explain large discrepancies between measured and modelled values have been fully investigated. 4.2.5 The Applicant has included figures to Appendix 8G for the Castle Donnington area. NH requests additional figures be added for other modelled areas in Appendix 8G. 4.2.6 The ES states "The EMG2 Project will not result in the non-compliance of the East Midlands Non-Agglomeration	

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		Zone (UK0032)". NH requests additional information on any Pollution Climate Mapping (PCM) model links, which coincide with the ARN and how compliance with air quality Limit Values has been assessed adjacent to these links, particularly any such PCM links which form part of the SRN. For context, National Highways' approach to assessing risks to compliance with air quality Limit Values on the PCM road network is set out in DMRB LA 105.	
3.5.1.		Chapter 9 - Ecology and Biodiversity 4.2.7 NH is obligated through its internal KPIs to provide a 10% Biodiversity Net Gain (BNG) when works are undertaken on the SRN. The Applicant should therefore be considering the prospect of gains to existing parts of the NH estate that are affected by the scheme. 4.2.8 In NH's response to the EIA scoping consultation, provided in the Scoping Opinion dated 24 September 2024, it was stated that, "National Highways will require 10 per cent Biodiversity Net Gain to be provided on the National Highways Estate in relation to any loss associated with works to the SRN, due to the targets it is required to meet in respect of the Road Investment Strategy". 4.2.9 NH notes the Biodiversity Net Gain (BNG) assessment [APP-116] for the project. The Biodiversity Net Gain Report identifies that 'Highways Works' are one of three main components of the scheme in addition to the EMG2 and EMG1 works. Baseline habitat information is provided indicating the types of habitats present in the highways works areas. The report subsequently states that;	The DCO Application was submitted prior to the mandatory requirement for 10% BNG to be provided. Notwithstanding that position, the DCO Applicant has designed the scheme to achieve in excess of 10% BNG when assessed across the entire project (See Biodiversity Net Gain Report (APP-116)). In the circumstances where the highway works to the SRN are not being publicly funded by the Road Investment Strategy and the highway works are part of a larger scheme, the KPI referred to by NH does not apply and there is no purpose served in carrying out an assessment purely for the existing SRN estate. It would be disproportionate to require 10% BNG on the National Highways estate alone.

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		"Within the Highway Works habitats have been retained where possible, including large areas of road verges and built linear features". "Hedgerows across the Highway Works area are largely retained, with hedgerows being lost along the proposed new slip road leading off the M1 motorway". 4.2.10 In respect of impacts on habitats and proposed post-development habitats, the only details provided regarding the highways works relate to the habitat 'other neutral grassland' as follows: "Areas along Highway Works Road verges that will likely be lost due to highways improvements are to be reinstated to their baseline condition of poor once all works are completed in those areas. Management should include: • Using a native species-rich seed mix to achieve a diverse sward. • Regular management to prevent scrub/bracken encroachment • Reseeding any areas of failed establishment". 4.1.11 It is not clear if there will be any permanent loss of habitats within the highways areas and there is no mention of any proposed hedgerow creation or enhancement in the highways works areas. It is therefore unclear from the reporting what the impacts to habitats on the NH estate will be. With regard to net change in biodiversity units within the Highway Works areas, the assessment does not present a specific assessment of the Highways Works areas. Rather,	

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		the results are amalgamated for the assessment of EMG2 and the highways works areas. Whilst this combined assessment presents a net gain of >10% net gain for each of habitat, hedgerow and watercourse units, it is not possible to understand what the net change in biodiversity units is for the SRN. 4.1.12 Given habitats in the Highways Works area are described as largely retained or reinstated, with some apparent losses for hedgerows, the assumption would be that in Biodiversity Metric terms, there will be a net loss of units on the SRN for both area-based habitats and hedgerows. This is because where habitats are lost, even if reinstated this usually leads to a loss of units given the risk multipliers applied to habitat creation (including reinstatement). Further, if actions only relate to retention and reinstatement, there can be no gains in units delivered. 4.1.13 NH requires an assessment of net change in biodiversity units, for each unit type present (i.e. area-based habitat units and hedgerow units) for the NH estate specifically. This is so it is clear what the impacts on the highways estate is as a result of these proposals. Further, a 10% net gain must be provided on the NH estate.	
3.5.2.		Chapter 11 – Lighting 4.1.14 It is noted that further details of the lighting assessment have been provided in the application, beyond that which was presented during the consultations. Once the PRTM 2023 modelling has been completed and validated and the mitigation design has been confirmed, NH will review the proposed lighting to be used during both construction of the site and the highways works and operation of the site to	The DCO Applicant has completed the PRTM 2023 sensitivity test work and document (DCO 7.8) submitted at Deadline 1 provides a review of the assessed lighting classes using PRTM 2023 data. The DCO Applicant looks forward to receiving NH's comments or approval and will respond if required or update the Statement of Common Ground with NH as appropriate.

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		ensure there is no driver distraction on the SRN and advise as to whether it is acceptable.	
3.6.		5 Compulsory Acquisition 5.1 The Applicant's draft DCO excludes the majority of NH interests from the scope of compulsory acquisition and temporary possession powers. However, powers are still sought over land in which NH retains an interest. The DCO also includes powers affecting the whole of the Order limits, which includes NH land not subject to permanent or temporary powers. 5.2 The land information provided in the Book of Reference is in a format which makes it disproportionately onerous for NH to check the ownership status of each land parcel, given the large number of plots involved. NH requests that the Applicant provides the shape files to enable the information to be cross-referenced accurately. Once the shape files are received, NH will undertake checks of the information provided to ascertain whether NH assets and operations would be adversely affected by the proposals and whether there are any additional/incorrect interests noted in the Book of Reference. Once the information is received, NH proposes to provide a further response to the Examining Authority. 5.3 In the meantime, NH's holding position, subject to inclusion of its recommended form of protective provisions (at Appendix 1), is that it objects to any compulsory acquisition or temporary possession of its interests.	The DCO Applicant has provided the requested shapefiles to NH to enable it to review and confirm that its operational assets are not adversely affected by the proposals.
3.7.		6 Draft DCO	The DCO Applicant and NH are in continuing dialogue in respect of refinements that may be

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		6.1 Whilst the protective provisions included in the Applicant's draft DCO for NH's benefit include some protections for NH, concerns remain in relation to some of the articles. The form of protective provisions at Appendix 1 addresses those concerns.	required to the Articles of the draft Development Consent Order (DCO) and protective provisions. Where agreed, updated wording will be included in the draft Development Consent Order to be submitted at Deadline 2.
3.8.		7 Statement of Common Ground 7.1 To date, NH has entered into discussions with the Applicant regarding agreeing a statement of common ground and the Applicant provided a first draft of the SOCG on 23 December for review. NH will provide a response to the Applicant as soon as is possible.	An updated draft Statement of Common Ground (DCO 8.5) has been provided at Deadline 1 in accordance with the examination timetable.
3.9.		8 Protective Provisions 8.1 In order to address a number of NH's concerns regarding the DCO and Authorised Development, NH requests that the Applicant includes NH's recommended form of protective provisions at Appendix 1 within the draft Order at the next deadline. A full justification for the drafting of NH's recommended form of protective provisions where this departs from the form included in the Applicant's draft DCO is set out below. The numbering used in the table refers to the numbering used in NH's recommended drafting. NH's representatives are in discussions with the Applicant on protective provisions, and more detailed comments will be made directly to the Applicant. NH will update the Examining Authority on progress as the examination progresses.	The DCO Applicant and NH are in continuing dialogue in respect of refinements that may be required to the protective provisions. Where agreed, updated wording will be included in the draft Development Consent Order to be submitted at Deadline 2.
3.10.		9 Summary 9.1 NH is in a position where it objects to the proposals as contained in the DCO application. Consequently, NH's	The DCO Applicant has provided a Joint Position Statement with NH (DCO 8.1) and an updated Statement of Common Ground (DCO 8.5) at Deadline 1 which identifies all matters which are

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		position is that it is unable to remove its objection unless resolution is reached on all outstanding matters (as raised in this relevant representations) prior to the Examining Authority's recommendation to the Secretary of State.	agreed and those that remain under discussion. The DCO Applicant anticipates that all outstanding matters will be capable of being resolved before the end of the examination period.
4.	Nottinghamshire County Council [RR-004D]	We have considered this project from the perspective of our responsibilities as local highway authority , local lead flood authority and mineral and waste planning authority in Nottinghamshire The County Council does not have any specific comment to make on the application overall and is satisfied to defer to the relevant host local authorities with regards to the level of detail of the Environmental Statement, submission documents and adequacy of consultation.	The DCO Applicant notes Nottinghamshire County Council's (NCC) position and is continuing to engage with host local authorities.
4.1.		In terms of highway and transport matters, there is ongoing liaison with the host authority to which Nottinghamshire County Council as highway authority has been involved and party to. At present we do not understand there to be significant impact arising from this development on our network, but we will continue to engage with the applicants, Leicestershire County Council as highway authority and make any further representations as needed during the examination phase.	The DCO Applicant notes NCC's position in relation to highways [and is continuing to engage with both NCC and Leicestershire County Council (LCC) through the Transport Working Group.
4.2.		In terms of mineral and waste we have reviewed the mineral and waste element of the Environmental Statement and consider the assessment is detailed and well laid out. We appreciate the work done with Leicestershire County Council and support a worst-case scenario for waste being used,	The Applicant notes NCC's position and is continuing to engage with LCC in relation to minerals and waste. The Applicant notes NCC's comments on the mineral and waste element of the Environmental

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		something we have sought from other NSIP applications in Nottinghamshire.	Statement (DCO6.8) [APP-185] and welcomes the confirmation that the assessment is detailed and well laid out. The Applicant notes NCC's support for a worst-case scenario approach to waste and confirms that this approach has been adopted to ensure robustness and consistency with expectations applied to other NSIP applications.
4.3.		In terms of local lead flood authority as this site falls outside the Nottinghamshire county boundary, and therefore isn't within our remit, we defer to Leicestershire County Council flood team for consideration of the local flood impacts and mitigation requirements.	The Applicant notes NCC's position and is continuing to engage with LCC in relation to local flood impacts and mitigation.
5.	Leicestershire County Council [RR-002]	Leicestershire County Council (LCC) recommends that the below should be considered among the main issues and impacts. Matters are categorised by technical discipline.	The DCO Applicant has divided the LCC response into sections and provided a response where appropriate and necessary.
5.1.		Local Highway Authority (LHA) The LHA was first engaged in scoping discussions on the EMG2 site proposals in March 2022. This approach came on the back of Government formal designation of the relevant land as a 'Freeport' site. Positive and ongoing engagement has occurred consistently since this time between the Applicant team, LCC and other interested highway authorities through a formal Transport Working Group (TWG).	No response required
5.1.1.		In addition to this work, the LHA has been engaged in ongoing discussions with a consortium of developers	For clarity and the avoidance of doubt, the Highways Works proposed as part of the DCO

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		(including SEGRO), referred to as 'East Midlands Growth Point,' to progress assessment and strategic infrastructure proposals to support delivery of the wider East Midlands Freeport designation and emerging growth in the local area including through the North West Leicestershire Local Plan. The LHA supports this group's intentions however the work remains at a sapling stage with no policy or plan led evidence or delivery mechanism should a safe and suitable strategy emerge which is demonstrated to mitigate the residual cumulative impact of growth in the area.	Application mitigate the impact of the proposed EMG2 development. The matters considered by LCC and the East Midlands Growth Point are separate to the DCO Application. However, the Highway Works proposed as part of the DCO Application would compliment and not offend the East Midlands Growth Point's emerging proposals.
5.1.2.		Submission and examination of the EMG2 application therefore presents a singular part of an emerging whole. The LHA understands that the EMG2 proposals include significant infrastructure proposals however the acceptability and suitability of these proposals, in the context of the wider growth delivery strategy may not fully be known during the lifetime of the examination. Notwithstanding this the LHA acknowledges that this cannot preclude the consideration and advancement of the EMG2 application and therefore the LHA has committed to engage and consider the development proposals on its own merits.	The latest position in relation to LCC's consideration and approval of the impacts of the proposed development on the local road network is recorded in the draft Statement of Common Ground submitted at Deadline 1 (DCO 8.4B). The DCO Applicant is continuing to engage and work with LCC through the transport working group and will update on those matters shown as still under discussion throughout the course of the examination. A separate Statement of Common Ground between the DCO Applicant and National Highways records the position in relation to the impacts of the proposed development on the strategic road network (DCO 8.5).
5.1.3.		As the LHA highlighted in its response to the non-statutory consultation in July 2025 the development proposals differ in quantum and land use from that which have been tested within the Pan Regional Transport Model (PRTM). In short, the development proposals have evolved over recent months to bolster its mezzanine offering with an additional	Since the submission of the DCO Application and the relevant representation from LCC, the VISSIM modelling based on the PRTM 2019 model has been completed and approved by National Highways. The PRTM 2019 data confirmed that the additional traffic from the 100,000sqm

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		100,000sqm of floorspace. The TWG has been consistent in its advice that the desired quantum of land use should be assessed on the basis of the trip rates that were agreed by the TWG and assessing all land uses and floor area pursued was a specific requirement detailed in the Planning Inspectorate's scoping response to the project. The LHA had suggested that the Applicant team could consider revising their trip rates in light of new information to be agreed by the TWG however this approach was not adopted and therefore unconventionally, they have instead proposed wording as a DCO requirement to seek to limit the highway impact of the additional floorspace pursued. The Applicant team has indicated agreement to this approach has been found with some TWG members and therefore whilst an unconventional approach to transport planning, the LHA remains open minded in its review of the proposals and forecast impacts until it has had the opportunity to review the PRTM 2023 forecasting report received on 12 December 2025.	mezzanine floorspace would have limited impacts on the local road network. The DCO Applicant has prepared PRTM 2023 sensitivity test modelling (DCO 7.8) and additional traffic flow data for the additional 100,000sqm of mezzanine floorspace. A Technical Note assessing the residual impacts on the local road network was issued to LCC on 13 March 2026. The DCO Applicant will continue to work with LCC and will record future progress and the level of agreement secured with LCC in the Statement of Common Ground (DCO 8.4B) between the DCO Applicant and LCC.
5.1.4.		In addition, the Applicant team has provided a breakdown of the additional trips if the 'agreed' trip rates were applied to the additional 100,000sqm mezzanine floorspace and how these would be assigned to the Local Road Network (LRN) in a without mitigation scenario. The LHA will consider the potential impact of these 'additional' flows.	As indicated above, the DCO Applicant will continue to work with LCC regarding traffic data for the additional mezzanine floorspace and will record future progress and the level of agreement secured with LCC in the Statement of Common Ground between the DCO Applicant and LCC.
5.2.		Transport modelling A significant proportion of the transport assessment work undertaken by the Applicant team has used the pre-covid PRTM 2019 strategic transport model. The LHA is pleased that the Applicant team committed to undertake a sensitivity	The DCO Applicant has completed the J24 VISSIM modelling work and provided it to LCC for approval. The DCO Applicant will record further progress and agreement in the Statement of Common Ground with LCC.

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		test of the development and infrastructure proposals in PRTM 2023 i.e. a post covid model. The LHA intends to review the associated assessment and conclusions drawn in the PRTM 2023 forecasting report received on 12 December 2025. The Applicant team have committed to following up this assessment with cordoned input to the J24 VISSIM model for completeness.	
5.2.1.		The LHA has been consistent in its advice that the impact of the development on the Strategic Road Network (SRN) should be prioritised and that the LRN impact should be considered in its residual state following agreement of strategic infrastructure mitigation proposals on the SRN. The LHA continues to be engaged in the advancement and design of the strategic infrastructure proposals. The LHA has recently agreed that the designs can be considered through a Stage 1 Road Safety Audit (RSA1) with the caveat that changes may be required following further modelling.	The DCO Applicant has submitted the Stage 1 RSA (DCO 7.7) at Deadline 1 together with updated Highway Plans that incorporate the agreed changes arising from the Audit.
5.2.2.		The Applicant team has acknowledged the risks associated with submission of a DCO application and fixing of an application boundary in advance of this work being undertaken. Furthermore, microsimulation assessment for the J24 area has yet to be completed by the Applicant team. The LHA are proactively engaged in this work.	The DCO Applicant has agreed the scope of microsimulation modelling with LCC including for the M1 J24 area. This agreement is recorded in the Statement of Common Ground between the DCO Applicant and LCC (DCO 8.4B).
5.3.		Access The LHA has previously raised concerns with how the access and development proposals have evolved between forecast modelling scenarios. For example, the EMG2 access proposals have been amended and a Toucan crossing of the A453 introduced. Inconsistent application of access infrastructure across scenarios undermines the	A consistent approach to modelling the site access is being undertaken in PRTM 2023 (DCO 7.8), building on the PRTM 2019 conclusions, which show that the site access would operate within capacity under the Stage 2A scenario (with development, with mitigation).

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		validity of the outputs and comparisons drawn. The LHA has requested that a consistent approach is taken within the PRTM 2023 assessment work such that these prior discrepancies can be resolved.	The DCO Applicant has agreed with LCC that an appropriate form of access is deliverable from the A453. This position is recorded in the Statement of Common Ground between the DCO Applicant and LCC (DCO 8.4B).
5.4.		Local Highway Impacts Whilst insufficient information is available to the LHA to understand the residual impact on the LRN at this stage, the LHA has reviewed the local junction base models that the Applicant team has prepared and is content that these have been built appropriately.	The DCO Applicant welcomes this confirmation and is working with LCC to confirm and agree the impact on the LRN. A Technical Note assessing the residual impacts on the local road network was issued to LCC on 13 March 2026. The DCO Applicant will record further progress and agreement in the Statement of Common Ground with LCC (DCO 8.4B).
5.5.		Highway Design The LHA has reviewed the highway design, active travel and PRoW proposals. The LHA is generally content with the proposed designs subject to confirmation that they will work operationally noting the modelling concerns outlined above and the findings of the RSA1.	The DCO Applicant has concluded the Stage 1 RSA (DCO 7.7) and response report (DCO 7.7A). Both have been approved by NH and LCC and have been submitted at Deadline 1 together with updated Highway Plans that incorporate the agreed changes.
5.6.		Framework Travel Plan and Public Transport The LHA is aware that EMG2 will adopt the Sustainable Transport Working Group (STWG) approach that has been successful for EMG1. The LHA is generally content with the Framework Travel Plan, public transport proposals, and the arrangements for the STWG.	The DCO Applicant welcomes this confirmation which is also reflected in the Statement of Common Ground submitted at Deadline 1 (DCO 8.4B).
5.7.		Construction Impacts	The DCO Applicant used the latest available metrics available at the point of submission of the

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		With regard to volumes of construction traffic, the Transport Assessment (TA) quotes the EMFM Forecasting Report for the construction traffic scenario (July 2025) that, 'the impact of construction traffic on the local road network is forecast to be minimal'. The LHA notes, as set out below, that the assessment of materials and waste has not used the correct metrics which could affect volumes and hence traffic movements. The LHA also notes that consideration does not appear to have been given to the impact of construction of highway mitigation on the highway network. The LHA is concerned that such impacts could be significant over a prolonged period.	application. Since submission, the DCO Applicant has updated the materials and waste chapter of the Environmental Statement (DCO 6.18) [APP-185] to utilise the latest published metrics. The updated chapter confirms that use of the latest Waste Data Interrogator from 2024 has had no impact on the amount of waste generated or the construction traffic calculations in the Transport chapter of the Environmental Statement (DCO 6.6) [APP-079]. In addition, the CTMP provides a range of measures that will be adopted during the construction phase to minimise impacts of the works on other road users, particularly during peak hours or when there are events at Donington Park. The CTMP is included at Appendix 3 of the revised CEMP (DCO 6.3A) to be submitted at Deadline 2.
5.8.		DCO Requirements With reference to the East Midlands Growth Point work, it is anticipated that additional link capacity (dualling) will be required on the A453 adjacent to the EMG2 access proposals. This does not form part of this application. However, the Applicant team has provided written confirmation of its intention to safeguard the relevant land to enable this capacity enhancement and not stifle wider growth and provision will need to be included within the DCO. Please also see dDCO comments below.	The DCO Applicant has met with officers at LCC following receipt of this relevant representation. The DCO Applicant has agreed to safeguard an area of land to the north of the EMG2 Main Site. That safeguarded land is depicted on a 'safeguarding plan'. The DCO Applicant and LCC have agreed the wording for an additional requirement which will be included in the updated dDCO (DCO 3.1) to be submitted at Deadline 2.
5.9.		Lead Local Flood Authority (LLFA)	The amendment to EMG1 DCO Requirement 17 referred to, prevents the commencement of work

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		East Midlands Gateway Phase 1 Amendments (MCO) Proposals include amendment of the existing Requirement 17 of Schedule 2. Proposals are not fully detailed at this stage, and the LLFA would expect full details demonstrating compliance with Requirement 17 prior to starting the associated work on-site.	on site to construct Plot 16 until a surface water drainage scheme in accordance with the submitted Sustainable Drainage Statement in Appendix 13J of the Environmental Statement (DCO 6.13J) [APP-151] for Plot 16 has been submitted and approved in writing.
5.9.1.		East Midlands Gateway Phase 2 (DCO) The proposals provide adequate surface water mitigation while additionally having the potential to provide betterment to the existing flooding issues experienced by residents of Diseworth.	The DCO Applicant welcomes this confirmation.
5.9.2.		However, the LLFA has consistently raised concerns with the Applicant team relating to the wording of draft Requirement 17. Amended wording was agreed in principle but this has not been incorporated within the draft DCO. It is requested that the following statement be included within the requirement to allow enforcement: "The surface water drainage scheme must be implemented and maintained in accordance with the details approved by the Lead Local Flood Authority or in accordance with any variations to those details agreed in writing by the Lead Local Flood Authority".	The matters identified within the wording proposed by LCC are incorporated into Requirement 17, sub-paragraphs (1) and (2). Save that the tailpiece has not been included. The DCO Applicant has incorporated a separate requirement to cover the situation where subsequent approvals are secured in accordance with the response provided at R6D6 (DCO 3.4; PDA-008D).
5.10.		County Planning Authority – Materials and Waste matters Issues and effects • Inconsistencies and data issues remain, making it difficult to assess impacts. Environmental Statement (ES) Chapter	Consistent Data Sets The DCO Applicant used the latest available metrics available at the point of submission of the application. Since submission, the DCO Applicant has submitted an updated the materials and

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		18 Materials and Waste includes Waste Data Interrogator (WDI) data from 2023. The Waste Data Interrogator 2024 is available. Chapter 18 of the ES should be updated with the latest WDI data.	waste chapter of the Environmental Statement (DCO 6.18) at Deadline 1 to utilise the latest published metrics. The updated chapter confirms that use of the latest Waste Data Interrogator from 2024 has had no impact on the amount of waste generated or the construction traffic calculations in the Transport chapter of the Environmental Statement (DCO 6.6) [APP-079]. In addition, the CTMP provides a range of measures that will be adopted during the construction phase to minimise impacts of the works on other road users, particularly during peak hours or when there are events at Donington Park. The CTMP is included at Appendix 3 of the revised CEMP (DCO 6.3A) to be submitted at Deadline 2.
5.10.1.		The magnitude of impact may be understated due to the way in which national data is used if regional data is not available. This could present a significant impact as insignificant due to the difference in national and regional production of materials and minerals.	2. Magnitude of Effect The DCO Applicant notes LCC's concern regarding the use of national datasets where regional data is unavailable. Planning Inspectorate Advice Note 7 recognises that professional judgement is required where data limitations exist and that the use of proxy or higher-level datasets may be appropriate, provided that assumptions are transparent and the assessment remains proportionate. Advice Note 9 further cautions against delaying decision-making in pursuit of complete or ideal datasets where sufficient information already exists to assess likely significant effects. This is particularly

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			relevant in the NSIP context, where the examination process depends upon clearly defined parameters and a stable evidence base. In this regard, DMRB LA 110 provides an accepted technical framework for applying conservative assumptions where data resolution is limited. National datasets have been used transparently and precautionarily within Chapter 18, and there is no evidence that this approach has resulted in an understatement of impact magnitude or the misclassification of significant effects as insignificant. Importantly, this approach forms part of the same methodology presented during the Scoping and pre-application engagement, at which time no objections were raised. Notwithstanding that position, the DCO Applicant has submitted an updated the materials and waste chapter of the Environmental Statement (DCO 6.18) at Deadline 1 which utilises the latest published metrics.
5.10.2		• LCC has agreed with the Applicant team that a Site Waste Management Plan (SWMP) will be prepared prior to commencement of construction, in line with relevant legislation and best practice (e.g. CL:AIRE Code of Practice). However, this does not appear to have translated into a requirement in the dDCO.	Site Waste Management Plan (SWMP) For clarity, the DCO Applicant notes that a Site Waste Management and Materials Plan (SWMMP) was drafted in support of Environmental Statement Chapter 18 (Materials and Waste) as referenced in paragraph 18.1.3. The SWMMP is provided as Appendix E to

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			Chapter 18, with Document Reference: DCO 6.18E [APP-190]. The SWMMP has been prepared in accordance with relevant legislation and best practice guidance, including the CL Code of Practice, as stipulated within the Environmental Statement. It demonstrates how materials management and waste minimisation will be addressed during construction and provides the framework to be taken forward and refined as part of the detailed construction management process.
5.10.3		Details of what LCC has agreed with Applicant Team • The Zone of Influence for the assessment and its justification for both minerals and waste. • Construction materials, and construction and operational waste arisings and anticipated volumes are considered realistic. • The design has incorporated the waste hierarchy (prevention, re-use, recycling, recovery, disposal) in accordance with the National Planning Policy for Waste (NPPW) and local waste strategies.	The DCO Applicant has submitted an updated the materials and waste chapter of the Environmental Statement (DCO 6.18) at Deadline 1 to utilise the latest published metrics.
5.11.		Public Health LCC agreed to the reporting preference of the Applicant team not to include a Health Impact Assessment (HIA) within the submission on the basis that all information that would	The DCO Applicant considers the Population and Human Health chapter of the Environmental Statement (DCO6.17; APP-180) has satisfactorily assessed the reasonably likely potential impacts of the proposed development. The DCO Applicant

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		have been included in a HIA would be fully integrated into the Population and Human Health chapter of the ES. The Applicant team accepted this position.	also notes the endorsement of the methodology and outcomes in Chapter 17 provided by the UK Health Security Agency in its representation (RR-029). A draft Statement of Common Ground (SoCG) between the DCO Applicant and LCC on matters relating to Population and Human Health, confirms that all matters have been agreed subject to any changes that may arise from the final approval of the effects of the transport modelling. The draft SoCG has been submitted at Deadline 1 under reference DCO 8.4E / MCO 8.4E .
5.11.1		LCC requested that health impacts on vulnerable (to poorer health outcomes) population groups identified in the Leicestershire Health Inequalities Joint Strategic Needs Assessment (JSNA) should be considered. However, most of these groups have been scoped out from the population health assessment and considered only in the Equality Statement. The Applicant team should provide clear justification for the exclusion of any group, referencing local data and JSNA priorities, and commit to revisiting these assumptions once transport modelling is finalised. All groups should be considered in relation to air quality and noise and vibration impacts.	The DCO Applicant has submitted the PRTM 2023 Sensitivity Test (DCO 7.8) at Deadline 1. The DCO Applicant will keep the position under review and update the position in the SoCG (DCO 8.4E / MCO 8.4E) with LCC if necessary.
5.11.2		LCC has raised concerns that the health and equalities impact assessment is based on transport modelling that is not currently complete or agreed. Therefore, conclusions reached in the Population and Human Health chapter of the ES will need to be rechecked once the modelled data is complete and agreed.	The DCO Applicant will record any necessary further updates and agreements arising from updated modelling data in the Statement of Common Ground between the DCO Applicant and LCC (DCO 8.4E / MCO 8.4E).

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5.11.3		LCC welcome the assessment of potential health impacts on the three nearby Gypsy and Traveller sites. However, LCC consider that further work is needed to demonstrate that the Gypsy and Traveller community are not disproportionately impacted compared to the general population, as a population indicated within the JSNA as facing greater risk of health inequalities. Furthermore, an assessment of potential health impacts during the construction phase of the development appears to be missing.	The DCO Applicant will keep the position under review and update the position in the SoCG with LCC (DCO 8.4E / MCO 8.4E) if necessary.
5.12.		Heritage and Archaeology It is recommended that the Planning Inspectorate give due consideration to comments provided by Historic England and North West Leicestershire District Council in respect of designated heritage assets, including but not exclusive to: • The Bulwarks, scheduled monument (NHLE ref.: 1003606), Project ref. AR10; • Moated Site with Fishpond and Flood banks at Long Whatton, scheduled monument (NHLE ref.: 1008551); • St. Michael and All Angels Church, Diseworth, Listed building Grade II* (NHLE ref.: 1083563), Project ref.: BH1; • St Andrew Church, Kegworth, Listed building Grade II* (NHLE ref.: 1084364), Project ref.: BH3; • Langley Priory, Isley cum Langley, Listed building Grade II* (NHLE ref.: 1083563) • Diseworth Conservation Area, Project ref.: BH2; • Old Hall Farmhouse, Grimes Gate, Diseworth, Listed building Grade II, (NHLE ref.: 1064263).	Since this representation was made, the DCO Applicant has entered into Statements of Common Ground with both Historic England (DCO 8.8) and North West Leicestershire District Council (DCO 8.3G) and the latest drafts have been submitted at Deadline 1.
5.12.1		The assessment methodology outlined in the ES is appropriate and in accordance with best practice. However, it is considered that its application underestimates the construction and operational impact of the proposed	The DCO Applicant welcomes LCC's approval of the methodology. Matters relating to the impacts arising from construction and operation of the proposed development on Diseworth Conservation Area are agreed in the Statement of Common Ground with Historic England and still

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		development upon the setting and character of the Diseworth conservation area.	under discussion in the Statement of Common Ground with North West Leicestershire District Council. All parties agree that the harm to Diseworth Conservation Area is less than substantial and the discussion with North West Leicestershire District Council is limited to where the impact registers on the spectrum of less than substantial harm.
5.12.2		The methodology also appears to overvalue the mitigation measures presented in respect of the Diseworth conservation area and St. Michael and All Angels Church. It is noted that regardless of mitigation both designated assets retain a level of harm, and as such warrant justification in accordance with the National Planning Policy Framework paragraph 214.	The impacts of the proposed development on St Michael and the All Angels Church are agreed as less than substantial harm and therefore not significant in Environmental Impact Assessment Terms. Only the level of less than substantial harm to Diseworth Conservation area is still under discussion with North West Leicestershire District Council. Paragraph 214 of the NPPF only applies where a proposed development will result in substantial harm.
5.12.3		The Applicant team has undertaken a robust assessment of the archaeological implications of the proposals, comprising desk-based assessment, geophysical survey, geoarchaeological and field walking surveys, and trial trenching. It is noted, that with the exception of AR9, the project has not completed an evaluation of the impact of the highway network proposals. The Applicant team should make provision for appropriate further assessment and subsequent mitigation. These works should be included within the Written Scheme of Investigation secured by Requirement 13 of the dDCO.	Since this representation was prepared the DCO Applicant has continued to engage with Leicestershire County Council's (LCC) Archaeological Officer. A draft Archaeological Mitigation Strategy has been agreed in principle and the wording for Requirement 13 in the updated draft DCO to be submitted at Deadline 2 has been reviewed and approved. These matters are also recorded in the Statement of Common Ground with LCC on archaeology submitted at Deadline 1 bearing reference (DCO 8.4C).
5.12.4		It is otherwise concluded that the mitigation measures proposed by the Applicant team are appropriate and should	The Applicant responded to the LCC Archaeological Officer on 11 th February 2026 with

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		appropriately focus upon offsetting impacts to sites AR1, AR2 and AR9, with additional works prepared in respect of AR[7]. There remains a need to define the boundary of the necessary mitigation areas and the scope/character of the appropriate archaeological mitigation. It is not accepted that Areas 1-3 identified within the trial trenching report are adequate and greater weight should be placed upon the results of the geophysical survey in defining the boundary of the mitigation areas.	revised proposals for the scope of mitigation and evaluation to be secured within the Archaeological Mitigation Strategy to be secured under Requirement 13. Currently, no further response has been received from the LCC Archaeological Officer. Otherwise, with the exception of the scope of archaeological fieldwork to be included within the Archaeological Mitigation Strategy, all matters have been agreed in SoCG.
5.12.5		In considering the mitigation measures, the Applicant team should ensure effective dissemination of the results of the archaeological mitigation, to include the local community and ensure provision for appropriate archiving as part of the post-excavation process. These outputs should form part of the dDCO Requirement 13. Ecology and biodiversity LCC continues to work with the Applicant team to progress ecology and biodiversity matters.	LCC's Archaeological Officer confirmed by email dated 30 th January 2026 that wording within the draft Archaeological Mitigation Strategy in relation to archiving and public outreach was acceptable. As noted above, the wording for Requirement 13 has been updated in the draft DCO to be submitted at Deadline 2.
5.13.		dDCO LCC have raised concerns with the dDCO particularly in respect of protective provisions and requirements. It is unfortunate that despite our comments on Schedules 1 and 2 being submitted to Gowlings on behalf of the Applicant team on 18th August 2025, they have not contacted us.	The comments provided by LCC in August 2025 on Schedules 1 and 2 arrived at the point of submission of the DCO Application. Notwithstanding the timing, the DCO Applicant had regard to the comments received and appropriate amendments were made prior to re-submission in October 2025. The DCO Applicant has subsequently provided a response to each comment received to clarify how each comment has been responded to. The DCO Applicant and LCC have also subsequently met in March 2026 to discuss LCC's further comments and the updates to the dDCO to

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			be submitted at Deadline 2. LCC has advised that it wishes to make comments on the protective provisions included in its favour at Schedule 13 part 2. LCC has advised the DCO Applicant that it is preparing detailed comments on the protective provisions to be submitted at Deadline 1 and confirmed that it will share a copy of those comments with the DCO Applicant in advance. The DCO Applicant will review and respond to the comments once received.
6.	South Derbyshire District Council [RR-005]		The DCO Applicant has responded to each point raised by South Derbyshire District Council below.
6.1.		South Derbyshire District Council are pleased to note that, as set out in the Environmental Statement Appendix B: Sustainable Transport Strategy, the public transport interchange to be provided as part of the EMG Phase 2 development is to be constructed prior to the first unit reaching practical completion on the EMG2 site. This will help to maximise the use of public transport by providing opportunities to access the site by these means from inception before less sustainable choices have the chance to become established.	The DCO Applicant notes South Derbyshire District Council's support for the inclusion of a public transport interchange.
6.2.		South Derbyshire District Council are also pleased to note that provision is to be made for the public transport interchange to accommodate the Diamond Airway 9 bus service, linking to the site to Burton-on-Trent, South Derbyshire and Ashby de la Zouch. This will allow sustainable transport access to the site from a sizable labour market, benefitting employers on site, whilst minimising	The DCO Applicant notes the response.

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		adverse environmental and highway impacts that could arise were these trips to be made by less sustainable means.	
6.3.		The references to the financial viability of the Airway 9 service and the need to ensure that any investment from EMG2 has the potential to support the service to become commercially viable in the long term are noted. Whilst long term commercial viability is an important objective it is considered that the scope of considerations relating to the return on such investment should be extended to include: • the value that public transport access to the site from an important labour market (South Derbyshire, Burton-on-Trent and Ashby de la Zouch) may offer to EMG2-based employers and; • the environmental sustainability and highway congestion benefits that the availability of public transport access may bring.	The comments from South Derbyshire District Council regarding the importance of considering a broader definition of value when assessing investment in bus services, beyond long term commercial viability alone are noted. The EMG2 Bus Fund will provide the opportunity to maintain and enhance existing bus services, and where appropriate introduce new services, to improve connectivity to the DCO Scheme. While achieving long term commercial viability remains an important objective, any allocation of monies from the EMG2 Bus Fund will be assessed against a broader range of criteria to ensure that funding decisions maximise overall benefit. These criteria are set out in Appendix A of the Sustainable Transport Strategy (STS) included as Appendix 6B to the ES (DCO 6.6B) [APP-084]. The criteria are intended to ensure that investment decisions consider not only service performance and financial viability, but also wider economic, social and environmental outcomes. This includes the role that improved public transport connectivity can play in supporting access to key labour markets. For each allocation from the EMG2 Bus Fund, the Sustainable Transport Working Group (STWG), supported by the EMG2 Travel Plan Coordinator, will collate and review a consistent evidence base

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			to inform decision making. This will include, but will not be limited to: • anonymised employment data to understand the workforce catchment; • analysis of Census and Department for Work and Pensions data to identify latent labour market catchments, including working age populations and those currently seeking employment; and • intelligence from end occupiers regarding recruitment areas and target labour pools. This labour market evidence will be considered alongside assessments of service performance and financial viability to ensure that funding is directed to interventions where the greatest overall impact can be achieved. The strategy also allows for different service models to be considered on their individual merits, reflecting the differing characteristics and needs of both urban and rural locations. It is also noted that the Transport Assessment (see Appendix 6A to the ES [DCO 6.6A]) is based on trip rate assumptions in which all employee trips are undertaken by car, with associated highway mitigation proposed on that basis. The delivery of the EMG2 mode shift targets, including increased use of bus services, would therefore provide additional benefits beyond those

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			assumed within the Transport Assessment, including reduced traffic impacts and improved environmental outcomes.
7.	Charnwood Borough Council [RR-006D]	Charnwood Borough Council recognises that the East Midlands Airport Gateway Industrial Cluster (EMAGIC), as part of the East Midlands Freeport, is a major economic asset, providing significant employment and supporting regional growth and investment. This is recognised and supported in both the emerging Charnwood Local Plan and the Leicester and Leicestershire Strategic Growth Plan as the Leicestershire International Gateway. The proposed East Midlands Gateway Phase 2 Development Consent Order (EMG2) would form an important component of the EMAGIC/Leicestershire International Gateway and the wider East Midlands Freeport and in that respect Charnwood Borough Council is supportive of the general principle of the development.	The DCO Applicant notes the response.
7.1.		Given its location, Charnwood Borough Council would seek to improve the connectivity and accessibility of EMG2 and the wider Gateway with settlements in Charnwood, notably Shepshed and Loughborough, to improve employment opportunities in the Borough. In particular, improved opportunities by cycling and public transport should be considered with Shepshed less than 5km from the site and the centre of Loughborough less than 10km away. This would be beneficial to both Charnwood residents and the EMG2 site in attracting a suitable workforce travelling by sustainable modes of transport.	The comments regarding the importance of improving connectivity between EMG2 and settlements within Charnwood, including Shepshed and Loughborough are noted. <u>Public transport connectivity</u> The Sustainable Transport Strategy, included as Appendix 6B to the ES (DCO 6.6B) [APP-084], recognises that the site already benefits from a high level of public transport accessibility, including direct and frequent connections to Loughborough. The Skylink Derby service operates at a 15 minute frequency from Leicester, calling through Loughborough town centre and

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			will serve the proposed bus interchange within the EMG2 Main Site. The service operates 24 hours a day, seven days a week, providing high frequency daytime connectivity and a reliable hourly overnight service. This level of provision is comparable to urban public transport networks and provides a robust and shift compatible connection between the DCO Scheme and Loughborough. In addition, the Skylink Nottingham service operates south from East Midlands Airport, serving Shepshed and Coalville and providing a further public transport connection to the area. From Shepshed, employees may either alight at Diseworth and access units to the south west of the site on foot via Hyams Lane, or continue north to interchange at East Midlands Airport onto the Skylink Derby, Skylink Nottingham or Skylink Express services before alighting at the on-site bus interchange. Services from Shepshed currently operate on an hourly basis between approximately 05:23 and 19:22, providing access during core shift changeover periods. The potential to enhance bus connectivity from Shepshed and other nearby settlements will continue to be considered through the EMG2 Bus Fund. Any allocation of monies from the EMG2 Bus Fund will be assessed against a broad range of criteria to ensure that funding decisions maximise overall benefit. These criteria are set out in Appendix A of the Sustainable Transport Strategy

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			(STS) included as Appendix 6B to the ES (DCO 6.6B) [APP-084]. The criteria ensure that investment decisions take account of service performance and financial viability, alongside wider economic, social and environmental outcomes. For each allocation, the Sustainable Transport Working Group, supported by the Travel Plan Coordinator, will collate and review a consistent evidence base to inform decision making. This will include, but not be limited to: • anonymised employment data to understand the workforce catchment; • analysis of Census and Department for Work and Pensions data to identify latent labour market catchments, including working age populations and those currently seeking employment; and • intelligence from end occupiers regarding recruitment areas and target labour pools. This evidence will be considered alongside assessments of service performance and financial viability to ensure that funding is directed to interventions where the greatest overall impact can be achieved. The strategy allows for different service models to be considered on their individual merits, reflecting the differing

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			characteristics and needs of both urban and rural locations. <u>Cycling</u> The potential for cycling to the DCO Scheme from nearby settlements has also been considered as part of the STS. While straight line distances between the site, Shepshed and Loughborough are relatively shorter, realistic cycling routes are approximately 13 miles in length, equating to journey times of around approximately 45 minutes. This distance is towards the upper end of what would typically be considered a reasonable and attractive cycling commute for employees, particularly given the nature of warehouse based employment at the site, which often involves long shifts, early start times and late finishes. These factors are reflected in observed travel behaviour, with fewer than 1% of employees currently travelling by active modes, indicating that cycling is likely to play a supporting role rather than forming one of the core sustainable modes for the majority of the workforce. Notwithstanding these constraints, infrastructure is in place to support cycling from Loughborough, including shared use facilities along the A6 corridor and connections via the Kegworth Bypass. In addition, as part of the off site cycling proposals associated with the DCO Scheme, improvements are proposed to deliver a safe and

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			continuous cycle connection between EMG1 and EMG2, addressing the final section of the journey and improving site accessibility for those choosing to cycle. Cycling connections from Shepshed are more rural in character, but the National Cycle Network(NCN) 6 connects from Shepshed travelling north-east towards Belton, from there cyclists could join the NCN15 north to Diseworth. From Diseworth village, employees can use Hyams Lane to reach employment units at the EMG2 Main Site. Overall, the STS seeks to support improved accessibility to the DCO Scheme from surrounding settlements, including those within Charnwood Borough, through a balanced and proportionate approach.
7.2.		The Leicestershire authorities have worked together for a number of years to plan for large, strategic warehousing (B8 units above 9,000sqm) to meet the needs of the logistics industry, recognising that the sub-regional, regional and national nature of the strategic distribution market means that this element is best accommodated through joint working. The most recent evidence is provided by the Leicester & Leicestershire: Strategic Distribution Floorspace Needs Update and Apportionment report (2025) which identifies a need for 3,059,200 sqm of additional floorspace for strategic B8 development in Leicestershire to 2046, taking account of completions and commitments from 2023.	The DCO Applicant notes the response and agrees that the evidence base on the need for strategic warehousing clearly identifies a significant need. The DCO Application is supported by an Environmental Statement and detailed technical information providing an assessment of the environmental impacts of the proposed development. This shows that the DCO Scheme will have some significant adverse effects, principally in terms of landscape and visual

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		The EMG2 proposal would contribute towards meeting this outstanding need. The Strategic Distribution Floorspace report has also undertaken a high-level consideration of locations suitable for such development based on environmental designations, infrastructure and land use. The report recognises, however, that the nature of the work is limited and the availability and deliverability of sites has not been tested in detail. As such, a much more detailed appraisal of sites is required to determine whether their development would be acceptable. The EMG2 site has been identified by the report as potentially providing a suitable location for strategic warehousing development, recognising more detailed assessment is required.	impacts, but also result in significant beneficial impacts. The DCO Applicant considers that the identified adverse impacts of the scheme would not significantly or demonstrably outweigh the benefits.
7.3.		Whilst supportive in principle of EMG2, Charnwood Borough Council would emphasise that the detrimental impacts of the scheme should be carefully considered, and appropriate, detailed mitigation provided to reduce these impacts to an acceptable level. Areas of particular concern to the Borough Council include the impacts upon the highway network; landscape and the open countryside; and the amenities of settlements and communities in Charnwood.	The Applicant has carefully assessed the impacts of EMG2 in the following chapters of the Environmental Statement: Chapter 6 (Highways) () [AS-032]; Chapter 10 Landscape and Visual (DCO6.10) [AS-042] and Chapter 17 (Population and Health) (DCO6.17) [AS-065]. Individual responses to the points raised are provided below.
7.4.		Concerns over impacts on the highway network in Charnwood particularly relate to an increase in traffic and congestion which may result on roads in the Borough. Those of particular concern include M1 Junction 23, the A6 and the A512, with potential impacts in the settlements of Loughborough, Shepshed and Hathern. The cumulative and cross-boundary transport effects of EMG2 in Charnwood	The scope of the transport modelling is described at Appendix 6A to the ES [DCO 6.6A] and has been agreed through pre-application discussions with the Transport Working Group (TWG). The TWG comprises representatives of the key statutory highway authorities including National Highways and Leicestershire County Councils

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		should be considered by the local highway authority and National Highways.	(amongst others) and representatives of the DCO Applicant. The PRTM 2023 modelling [DCO 7.8] confirms that traffic impacts in Charnwood will be negligible. LCC Highways has reviewed the outputs and confirmed that no detailed modelling or assessment is required of any junction in Charnwood.
7.5.		The development will introduce built form of considerable scale into open countryside which could have long distance visual impacts for communities in Charnwood from long distance vantage points. These should similarly be considered and detailed mitigation provided through landscaping which would assist in lessening these impacts.	Figure 7 of Appendix 10B of the ES [DCO 6.10B] shows the Zone of Theoretical Visibility (ZTV) for the EMG2 Works, the MCO Scheme, and the EMG2 Works and MCO Scheme in combination. The ZTV is a computer-generated tool used to identify the 'theoretical' extent of visibility of a development. The ZTV together with map study and field evaluation, has formed the selection of a series of viewpoints representative of views towards the EMG2 Project from surrounding visual receptors. This includes longer distance views as set out in Chapter 10 (Landscape and Visual) [DCO 6.10] and associated appendices.
7.6.		In terms of amenities of Charnwood's communities, there is potential for impacts including from noise, construction traffic and those using EMG2 seeking parking and welfare facilities.	The Applicant has carefully assessed the impacts of EMG2 in the following chapters of the Environmental Statement: Chapter 6 (Highways) (DCO6.6) [AS-032] ; and Chapter 17 (Population and Health) (DCO6.17) [AS-065] .
7.7.		The various evidence and supporting documents accompanying the DCO should be considered by all consultees to consider the impacts of the proposal and their representations considered in the determination process	The Applicant notes and welcomes Charnwood Borough Council's desire to continue to participate

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		along with the relevant legislation and guidance, the development plan and other material considerations. Charnwood Borough Council reserves its position to comment further on the proposed development as the examination progresses and wishes to be fully involved in the examination process as a neighbouring local authority.	and represent residents of Charnwood throughout the examination process.

APPENDIX 2

RESPONSE TO RELEVANT REPRESENTATIONS FROM STATUTORY BODIES AND ORGANISATIONS

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8.	Historic England (HBMCE) [RR-019]	The Historic Buildings and Monuments Commission for England (HBMCE) is better known as Historic England, and we are the Government's adviser on all aspects of the historic environment in England, including historic buildings and areas, archaeology and historic landscapes. We have a duty to promote conservation, public understanding and enjoyment of the historic environment. We are an executive Non-Departmental public body and we answer to Parliament through the Secretary of State for Culture, Media and Sport (DCMS). Proposal East Midlands Gateway: Material Change Order and Phase 2 Development Consent Order Applications Representation We note the above applications are to be examined together and are submitting this same Relevant Representation on both cases. We are in discussion with applicant on a draft Statement of Common Ground. We will work towards agreement on the characterisation of designated heritage assets and the setting contribution made to their significance by the application site. We will explore further with the applicants the setting impact of the proposed developments and any additional refinements / safeguards to assist in addressing those impacts. Our current focus is on assets; At Diseworth, including the Conservation Area and Grade II* listed Church of St Michael and All Angels and the experience on approach there-to along Hyam's Lane. Also the GII* Langley Priory to the south west of Diseworth and the Grade ii listed Old Hall Farm. At	The DCO Applicant has advanced a Statement of Common Ground with Historic England (HE) (DCO 8.8). A copy of the draft SoCG has been submitted simultaneously with this response at Deadline 1 and records the level of agreement between the Applicant and HE in relation to all of the assets listed.

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		Bulwarks Hill Fort (Scheduled Monument) with the Grade I listed Church of St Mary and St Hardulph Breedon-on-the-Hill (including the associated monastic remains). The Grade II* Listed Church of St Andrew, Kegworth. In this case we anticipate archaeological matters will be addressed by the County Council's archaeological advisers but we remain available to answer such questions as the ExA may wish to address to us regarding cultural heritage.	
9.	Turley on behalf of East Midlands Freeport [RR-014]	This letter provides our initial comments on the EMG2 proposals alongside background context regarding the UK Government's Freeport and Industrial Strategy Zones agenda, which EMF is established to help deliver, and the identification of the East Midlands Airport and Gateway Industrial Cluster (EMAGIC) as one of the three identified Tax sites within the wider East Midlands Freeport. Executive Summary EMF's Full Business Case forecast the potential for the whole EMAGIC tax site to directly generate 6,800 jobs with a GVA impact of £260m over a 30 year appraisal period from occupation, rising to £470m once indirect and induced impacts across the wider region are taken into account. The majority of these benefits arise from full development of EMG2, the subject of this application. In order to meet our objectives, the EMF are committed to ensure the remainder of EMAGIC is comprehensively developed as quickly as possible so as to maximise these economic impacts. The Applicant, SEGRO, is a member of EMF and as a landowner of significant parts of the EMAGIC tax site, a crucial partner in delivering the Freeport. It is noted however, that a concurrent planning application (24/00727/OUTM),	The importance of the EMG2 scheme to enabling delivery of the objectives of the Freeport is understood, and noted. This risks and severity of the consequences to those objectives should the whole EMG2 site not be deliverable, or should development be delayed and miss the 2031 Freeport 'benefits window', are equally well understood.

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		submitted by MAG and Prologis UK Limited for up to 135,000sqm of industrial logistics facilities alongside a new Training Hub and Sustainable Transport Hub, is currently under determination by North West Leicestershire. This application covers circa 41ha of the northern area of the EMG2 Main Site and is therefore a material consideration in the examination of the EMG2 proposals. Both SEGRO and MAG are EMF board members. As set out in our pre-application stage representations in March 2024, EMF has sought to work alongside all site landowners and interested parties to ensure EMF outcomes are realised at EMAGIC at pace in order to maximise the financial and economic benefits of the Freeport and our objectives for the wider East Midlands region. EMF facilitated productive discussions between the relevant parties took place in November 2025, where all sides expressed desire to reach some agreement. However, at time of writing we are not aware of such agreement being reached and therefore the differing approaches to development at this site remain. If the agreement advocated by the parties cannot be crystalised quickly, this carries significant risks. Beyond the quantifiable economic impact that the inability to deliver and occupy the full site before the 2031 deadline will have by way of the reduction in retained business rates which would otherwise be reinvested to drive regional growth, it also creates considerable uncertainty for local communities and investors. EMF are actively engaged with several high-value, priority inward investors whose presence and involvement will be fundamental to EMF meeting its objectives and to the economic future of the region. Failure to deliver at EMAGIC will not just have site specific impacts, but risks bringing a negative reputational impact on EMF and the whole	

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		proposition of an East Midlands Freeport. EMF will be responding to the planning application, via North West Leicestershire as the Local Planning Authority, in the same vein. EMF recognise that there are different means of bringing forward the EMG2 site and there is no legislative requirement as to the delivery mechanism for development or for the entirety of the site to be brought forward by a single developer/as a single development. This response is not intended to provide comment or judgement on the compulsory acquisition powers sought through the DCO for third party land outside of the Applicant's ownership. EMF expects all parties to actively work together to achieve a solution to ensure the full site can be developed. However, the importance of the 2031 deadline to EMF and wider region should not be understated and, notwithstanding the respective merits of the MAG/Prologis planning application, the DCO scheme is currently the only submitted scheme proposing the comprehensive development of the entirety of the EMG2 site. As such, our comments below then are provided as an initial assessment of the DCO scheme against the EMF objectives.	
9.1.		1. Background to Freeports & EMF In January 2020, the UK Government formally announced its intention to create a number of Freeports across the UK, with the aim of promoting job creation and regeneration, boosting trade, investment and innovation, and supporting the 'levelling up' agenda.	The DCO Applicant notes the helpful background information provided by the Freeport.

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		Freeports offer various tax and customs reliefs, simplified import and export procedures, enhanced trade promotion, and additional support for innovation, increasing their attractiveness to both domestic and international businesses. They also benefit from an injection of seed capital from central Government and the local retention of the uplift in business rates revenue the Freeport generates between April 2023 and March 2048 from qualifying new development, in order to enable investment in complementary infrastructure and skills to further drive growth in the region over 25 years. The previous government announced in its 2023 Autumn Statement an intention to extend the window for claiming Freeport tax reliefs from five to ten years, until September 2031 in English Freeports. The Government therefore negotiated a Tax Extension Delivery Plan with English Freeports, through which local partners and landowners reaffirmed their commitments to delivering the vision outlined in their business cases. Following this, the Government legislated in April 2024 to extend the window for UK Government reliefs. The Freeport policy benefit of EMF retaining the uplift in business rates the Freeport generates to reinvest over 25 years remains the same. Despite the changes in national government, Freeports remain a key element of the UK's industrial strategy. Two key documents relating to Freeports were published in June 2025, in conjunction with the Industrial Strategy announcement: The Industrial Strategy Zones Action Plan¹ and the Freeports Programme Report. The strategy makes clear that Freeports have a key role to play in driving growth and creating jobs in sectors which are	

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		central to the Government's modern Industrial Strategy and have the potential to make some of the most significant contributions to our national growth mission.	
9.2.		East Midlands Freeport East Midlands Freeport is uniquely located in the centre of the UK and it the UK's only inland Freeport. In March 2022 the Government formally designated the EMF's three tax sites, each of which benefit from excellent transport links and freight infrastructure to support trade and connect to all areas of the country, including other freeports: • East Midlands Airport and Gateway Industrial Cluster (EMAGIC) in Leicestershire; • Ratcliffe-on-Soar Power Station site in Nottinghamshire; and • East Midlands Intermodal Park (EMIP) in Derbyshire. EMF became fully operational, following approval of the Full Business Case by the Government in March 2023, and the designation of its first customs site at Space Park Leicester. EMF anticipates an economic output of £9 billion GVA over the next 25 years and the creation of 28,000 jobs directly at Freeport sites. The Business Rates that are retained locally, we anticipate that c.£1 billion can be re-invested back into the region. The EMF is governed by a Board of Directors nominated by its public and private sector Members including	The DCO Applicant is a member of the Freeport Board and has submitted simultaneous applications for the MCO and DCO to actively work towards delivering development in support of the Freeport designation and the Government's growth agenda.

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		Leicestershire County Council, North West Leicestershire District Council, Nottinghamshire County Council, Rushcliffe Borough Council, Derbyshire County Council, South Derbyshire District Council and the industry partners including SEGRO, East Midlands Airport (Manchester Airports Group / 'MAG'), Goodman, Maritime Transport, Etwall Land Limited and Uniper UK.	
9.3.		East Midlands Airport and Gateway Industrial Cluster (EMAGIC) The EMAGIC tax site is within the district of North West Leicestershire and its boundaries configured in dialogue with the Department for Levelling Up, Housing and Communities (DLUHC) - now the Ministry of Housing, Communities and Local Government (MHCLG) - and HM Treasury. It consists of four key components: SEGRO Logistics Park East Midlands Gateway (SLPEMG), East Midlands Airport developments, a Strategic Rail Freight Interchange (SRFT) and the 'East Midlands Airport & SEGRO South' site, the entirety of which is subject to this application. Given its position and proximity to major road, rail and air connections, EMAGIC presents a unique opportunity as a low carbon freight and manufacturing hub, supporting growth sectors as well as the transition to net zero. The world-class multimodal transport connectivity of EMAGIC makes this location particularly attractive as it ensures that businesses can access domestic and global markets efficiently.	The Freeport's aspirations to see comprehensive development of the sites designated, including the EMAGIC sites, is noted and welcomed. The DCO Application would see the EMG2 Main Site comprehensively developed, maximising the potential benefits and the site's contribution to the Freeport's objectives. The EMG2 proposals build on the successful delivery of the EMG1 site (referred to as SLPEMG in the response) which forms part of the EMAGIC area. There is clear need, as well as opportunity, for additional development and growth in this location. This has been evidenced not only by work undertaken by the DCO Applicant, but also in the recently published updated employment land evidence by ICENI for the Leicestershire Local Authorities. That ICENI assessment confirms the very significant levels of land and floorspace required, including notably in North West Leicestershire. The EMG2 proposals,

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		As a matter of principle and as noted previously the EMF are committed to ensure EMAGIC is comprehensively developed as quickly as possible in order to maximise the economic impact of the Freeport through job creation, growth and maximising retained rates for reinvestment.	including the proposed additional floorspace on Plot 16 of EMG1, will make a direct contribution to helping meet some of that need where the benefits of proximity to the rail freight terminal, and those offered by development in the Freeport, can be realised.
9.4.		2. Planning Policy Context The Development Plan for North West Leicestershire comprises the North West Leicestershire Local Plan which was initially adopted in November 2017, with a partial review adopted in March 2021. It covers the plan period 2011 - 2031. The adopted Local Plan therefore pre-dates EMF and the Freeport becoming operational, however the EMAGIC area was acknowledged in the Local Plan Vision (p19-20) as part of the 'East Midlands Enterprise Gateway' which "will be recognised as a key destination in its own right." The plan's business needs for large scale distribution uses were being met by the East Midlands Gateway Strategic Rail Freight Interchange (SRFI / EMG1) near to the East Midlands Airport (EMA)/J24 of the M1 (EMG1) which was approved by the Secretary of State in 2016. Policy Ec2 allows for ad hoc unplanned employment development to come forward where justified. The policy notes that where evidence indicates an immediate need or demand for additional employment land that cannot be met from land allocated in this plan, the Council will consider favourably proposals that meet the identified need in appropriate locations subject to requisite assessments of accessibility, impact on the strategic highway network and nearby residential amenity.	The submitted Planning Statement (Document DCO 5.4/MCO 5.4; APP-222) provides a comprehensive overview of the planning policy context for the proposals. The Local Plan context is evolving in light of the ongoing review process. Since the submission of the DCO Application, further evidence has become available (Leicester & Leicestershire Needs Update and Apportionment Study, 2025) which further substantiates the need for additional strategic warehousing development in the area and supports the proposed allocation of land south of the EMA in the North West Leicestershire Local Plan.

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		North West Leicestershire District Council is currently preparing a new Local Plan, and this was subject to Regulation 18 consultation from February to March 2024 and a further Regulation 18 consultation from 21 March to 2 May 2025. It is expected to cover the period to 2042. Draft paragraph 7.7 references the Freeport, and the designation of the EMAGIC site as benefiting from a package of financial (tax) incentives. The local plan makes clear that they will allocate sites for strategic B8 use to accord with the joint approach between Leicestershire authorities when it is agreed. Nevertheless, the EMAGIC site is identified in the draft Proposed Housing and Employment Allocations for Consultation document (2024) as one of the potential allocations along with land at Junction 11 of the M42 (Mercia Park). The draft states (para 6.6-12) affirms that the Freeport is “an economic designation” and that the “acceptability of the proposal in planning terms is a matter for this new Local Plan (and/or a planning application)”. It notes a number of ‘key planning considerations’ including impacts on the road network, Diseworth Conservation Area, rural landscape and nearby residential amenity, and that a ‘firm position’ on whether an allocation is justified will be taken at the next plan stage. It is noted that the boundary of the potential allocation did not cover the entirety of the Freeport designation due to ‘potential impacts on Diseworth’ as shown below: [Plans not included]	

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		Figure 1 – Site EMP90 (source: Proposed Housing and Employment Allocation, Draft North West Leicestershire Local Plan) EMF is continuing to work with the LPA to ensure Local Plan alignment with the Freeport Designation. EMF Engagement on EMG2 The EMG2 Works has three sub-component sites, comprising the EMG2 Main Site, a Community Park and a small pocket of land at EMG1 for the proposed substation upgrade. EMG2 Main Site extends to approximately 87.6ha and currently comprises undeveloped, predominantly arable, land with hedgerows and trees dividing the various fields. As shown below, the EMG2 Main Site represents a substantial portion of the overall EMAGIC tax site. [Plans not included] EMF and SEGRO have been in regular liaison regarding the EMG2 proposals, including a meeting in March 2024 and subsequent response to the Pre-application Stage consultation in March 2025. This response highlighted that the Applicant, SEGRO, is a critical partner in delivering the Freeport and affirmed EMF's commitment to work alongside other site landowners and interested parties to ensure EMF outcomes at EMAGIC are realised at pace. To date no agreement has been reached between SEGRO and MAG/Prologis who have a live planning application for circa 41ha of the northern area of the EMG2 Main Site. As noted previously, fundamentally EMF want to see the full tax site delivered as quickly as possible, to maximise the	

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		financial and economic benefits of the Freeport and our objectives for the wider East Midlands region. Any delay reduces the retained business rates that the Freeport's public sector partners can reinvest to drive growth across the region. Conflicting approaches to development at this site risks this, and risks causing confusion to communities and stakeholders. EMF reaffirms its commitment to actively engage with the relevant parties to promote a collaborative approach to ensure the full EMAGIC site can be developed and occupied before the 2031 deadline.	
9.5.		3. Appraisal Given its position and proximity to major road, rail and air connections, EMAGIC presents a unique opportunity as a low carbon freight and manufacturing hub, supporting growth sectors as well as the transition to net zero. This ambition sits behind EMF's work to develop a Green Freight Corridor connecting to Freeport East at Felixstowe. EMF has strongly advocated for joined up, comprehensive solutions which take account of the cumulative impact of development in the area. As such, EMF provide below our initial appraisal of the DCO proposals against our four key objectives as set out in the Full Business Case. 1) Driving significant and transformative economic regeneration across the East Midlands The predicted socio-economic benefits of the EMG2 project are summarised in the table below (reproduced from Table	The DCO Applicant recognises and welcomes the clear synergy between the EMG2 proposals and the four key objectives of the Freeport. The opportunity offered by EMG2 to extend and expand the success already seen at EMG1, including to further enable and encourage use of rail freight, is seen as a key benefit of the EMG2 scheme, as is the ability to expand the established work by Segro at EMG1 around Employment & Skills, and Sustainable Transport. The EMF support for EMG2, including the role of the proposed Community Park, and the improved 'active travel' connectivity and infrastructure, is noted and welcomed by the Applicant.

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		5.38 of Document DCO 6.5) and demonstrate the significant and transformative impacts the proposed development could have for the local economy. [Table 5.38 Benefits of EMG2 Project – not reproduced] Figure 3 – DCO Socio-Economic Benefits (Table 5.38 of Document DCO 6.5) As Business Rates are retained locally, the proposals if delivered, would drive represent a significant financial benefit which can be re-invested back into the region. The socio-economic benefits of the proposed development are therefore in line with EMF objective to drive significant and transformative economic regeneration across the East Midlands. <i>2) supporting target sectors – including green energy generation, low-carbon freight, advanced manufacturing and logistics – which meet our gateway tests for business rates relief, including demonstrating “additionality” to the regional and UK economy;</i> EMG1 was authorised by the EMG1 DCO in 2016 and has provided over 4.5m sqft of strategic logistics floorspace and a rail terminal operated by Maritime Transport. The site is now providing up to 7,500 on-site jobs. EMG1 is currently subject to a concurrent MCO application which is also in the pre-examination phase. EMF will be registering and commenting on the MCO under separate cover. SEGRO, the developer for EMG1 is the Applicant for the EMG2 DCO scheme and as such, the DCO scheme would	

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		be expected to function as a fully second phase, operated as a fully integrated extension with shared operational management and ownership. The EMG2 proposals are for logistics and advanced manufacturing development, in line with the EMF objectives. As indicated in the Planning Statement (Document DCO 5.4), it is anticipated that circa one third of the EMG2 Main Site would be anchored by a new centralised UK operation for Maersk. A letter of support from Maersk is appended to the Planning Statement which evidences the demand for additional logistics floorspace and the importance / advantages of the location of the EMG2 Main Site in meeting that demand. It is noted that the submission includes a letter of support from Maritime Transport, the operators of the EMG1 rail terminal. The ability of EMG2 occupiers to access the EMG1 rail freight terminal will help achieve the Freeport objectives around low-carbon freight by reducing HGV traffic generation and increasing the volume of freight traffic travelling by rail. Sustainability and environmental performance are key elements of the EMF vision, and it is noted that all buildings are designed to have the ability for occupiers to be net zero in operation, targeting EPC A and BREEAM Outstanding ratings. It is proposed that all buildings will be designed to accommodate solar photovoltaic (PV) panels on their roofs - initially to cover 20% of the roofs of buildings (with a generating capacity of 5.8MW) but with the structural capacity to support 100% PV coverage of available roof	

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		space if required giving a potential electricity generation capacity of up to 29MW across the site. 3) boosting employment and skills As set out in Figure 3 above, the EMG2 proposals in their operational phase are estimated to create 4,000 on-site jobs (gross) and 5,250 net additional jobs once displacement and multipliers are accounted for. This is in addition to the estimated 320 on-site construction jobs per annum during the estimated 5.6-year construction period (480 net additional construction jobs on and off-site per annum once displacement and multipliers are accounted for). It is noted that Requirement 25 of the draft DCO (Document DCO 3.1) provides for employment schemes to be prepared and approved by NWLDC covering both the construction and occupation of a building. The requirements for each scheme is defined in Schedule 2 Part 1 and must set out how employment opportunities will be advertised, how training opportunities will be provided, details of apprenticeships and training, as well as other measures to assist those out of work to rejoin the workforce and will apply throughout occupation. As at EMG1, an Employment and Skills Group will also be formed consisting of representatives from the DCO Applicant, contractor, tenants, local colleges, local authorities, and employment groups/organisations (e.g. Job Centre Plus) to promote opportunities for training and employment to attract employment from the local area.	

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		<i>4) delivering upon investment and development into the area in a way which is sensitive to the community and the environment.</i> As set out previously, EMF are liaising with North West Leicestershire regarding the alignment of the proposed Local Plan allocation with the aims, objectives and extent of the tax site designation. It is noted that the relationship of any development with surrounding residential communities, including Diseworth is of particular importance. EMG2 includes a new 14.3 hectare Community Park, secured for public recreation and play in perpetuity, located on the western boundary of the EMG2 Main Site. In addition, improvements will be made to the local public right of way network including the provision of new public footpaths, the upgrading of existing public footpaths to cycle tracks and the extension to bridleways. A HGV park will also be provided to serve visitors. A new bus interchange will be provided within the EMG2 Main Site and a private electric shuttle bus will operate within the EMG2 Main Site which will stop at the bus interchange to connect to local services. The DCO Applicant has proposed providing for the shuttle bus to stop close to Diseworth which would allow the general public to use the shuttle bus free of charge to get to the interchange to use local services. A community liaison group will also be formed before the DCO Scheme commences pursuant to Requirement 28 of the draft DCO (Document DCO 3.1). Representatives from the local authorities and parish councils will be invited to attend the group and the purpose of the group will be to	

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		facilitate liaison between the DCO Applicant and the local community during construction and operation of the DCO Scheme. These initiatives are supported by EMF.	
9.6.		4. Highways The DCO Scheme includes the highway works which include a package of strategic highways improvements which is intended to form part of the emerging strategic highways solution to existing challenges and problems around Junction 24 of the M1 – including the provision of a new dedicated free flow link from the M1 northbound to the A50 westbound, with a new bridge over the A453. The submission notes that the specific highways scheme and mitigation for the DCO Scheme is “entirely supportive of, and consistent with the emerging draft wider proposals around Junction 24 but is not reliant upon those coming forward”. We note that other stakeholders are responsible for overseeing an assessment of the scheme on the highway network and that the previous response to the pre-submission consultations from Leicestershire County Council, as highways authority, highlighted concerns regarding gaps in the highways and transport modelling evidence. This evidence will be appropriately explored in detail during the examination, however the principle of ‘plugging in’ private sector proposals to form part of a wider strategic solution is supported by EMF.	As reflected in the Relevant Representation, both the DCO Applicant and EMF have worked as part of the wider consortium of interested parties to identify a package of mitigation works and improvements at and around Junction 24 of the M1. This includes the Highway Works which form part of the EMG2 proposals and which represent ‘the green package’ within the wider strategic highways solution. If EMG2 is approved, the DCO Applicant will deliver the green package, which are DCO Works Nos. 8 to 12 as a major first part of the wider package of improvements envisaged for Junction 24 which will aid delivery of wider growth planned in the area.

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		We would however also highlight the active role EMF is taking in coordinating highway mitigation delivery across the Freeport area. This is promoting a joined up and comprehensive approach to a package of strategic highways improvements to remove the restricted capacity at Junction 24 which risks prejudicing the growth of the wider region. In response to a recent EMF / EMCCA transport meeting with chief executives across the EMCCA and Leicestershire geography, EMF agreed to set out and approach the development of an EMF contributions supplementary planning document (SPD) and supporting Infrastructure Delivery Plan (IDP). The SPD will specifically aim to ensure that the costs of delivering strategic infrastructure at the EMF is equitably and proportionately apportioned between the different development parcels forming part of the Sites, regardless of when those development parcels come forward. Where the infrastructure has been forward funded or delivered by others, the SPD proposes a mechanism to ensure that a proportionate contribution can be sought from all benefiting major development.	
9.7.		Summary & Conclusion EMG2 represents a significant portion of the overall EMAGIC tax site, and therefore the development of the Site is of critical importance to EMF and achieving the objectives in our full business case. The comprehensive development of the site as proposed through the DCO accords with the objectives of EMF, however it is noted that there are currently two conflicting proposals on the site with the concurrent outline planning application. Productive discussions between the relevant	The DCO Application as submitted represents a comprehensive approach to development of the EMG2 Main Site. Given the direct and significant impact which would be had on the viability and delivery of development, as proposed, the DCO Applicant agrees there are significant risks to delivery of Freeport objectives should the site not be delivered comprehensively.

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		parties have taken place however any failure to reach suitable agreement risks prejudicing the timely development of this important tax site which could have significant detrimental impacts on growth in the region. EMF therefore confirm their desire to support the examination process as necessary and commitment to working with the Applicant and other relevant parties to unlock the development potential of the site and maximise the socio-economic benefits of the EMAGIC tax site.	
10.	UK Health Security Agency [RR-029]	The UK Health Security Agency (UKHSA) welcomes the opportunity to comment on your proposals at this stage of the project. Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided is sent on behalf of both UKHSA and OHID. We can confirm that: With respect to Registration of Interest documentation, we are reassured that earlier comments raised by us on 17 March 2025 have been addressed. In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health. UKHSA/OHID is satisfied with the methodology used to undertake the environmental assessment. Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion.	The DCO Applicant notes and welcomes the response from the UK Health Security Agency confirming its satisfaction with the methodology and outcomes of the Population and Human Health Chapter of the Environmental Statement (DCO 6.17/MCO 6.17) [APP-180].

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		Please do not hesitate to contact us if you have any questions or concerns.	
11.	Natural England [RR-023D]		Natural England provided its full Relevant Representation in a separate document together with a summary of the key issues it identified. The DCO Applicant has responded to each point raised in the summary below. The DCO Applicant has also submitted a draft Statement of Common Ground with Natural England at Deadline 1 (DCO 8.7) which summarises all matters agreed and any that remain under discussion.
11.1.		Following a review of the ES, Natural England have no 'red' issues raised by this application. We agree with the conclusions of the shadow Habitats Regulations Assessment that there will be no adverse effects on integrity to the River Mease Special Area of Conservation. Impacts to the hydrologically connected Sites of Special Scientific Interest are adequately identified and mitigated through embedded mitigation and additional measures. However, these should be secured for the lifetime of the development via appropriate requirement. As such this has been marked as 'amber' within our detailed comments (Table 1).	The DCO Applicant welcomes the confirmation that Natural England (NE) agrees with the conclusions of the shadow Habitats Regulations Assessment (DCO 6.9H and APP-115). The mitigation for impacts to the hydrologically connected Sites of Special Scientific Interest is secured by Requirement 16 of the draft DCO. The DCO Applicant has provided the sustainable urban drainage solution (SuDS) design to NE who has confirmed it is suitable for the mitigation of water quality impacts to designated sites. This position is recorded in the draft Statement of Common Ground between the DCO Applicant and NE submitted simultaneously at Deadline 1 (DCO 8.7).
11.2.		We welcome the requirements within the draft Development Consent Order to secure the embedded and additional mitigation measures. We suggest that a Silt Management Plan is included within Requirement 11 for the Construction	The DCO Applicant can confirm that the Silt Management Plan is appended to the CEMP at Appendix 4 (DCO 6.3A; APP-074) and is

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		Environment Management Plan and that the Sustainable Drainage Systems are secured for the lifetime of the project within Requirement 17. These have been marked as 'amber' due to them having potential indirect impacts to designated sites where they are not secured adequately (Table 2). Requirements for the Material Consent Order should be secured appropriately.	therefore secured as part of Requirement 11 of the draft DCO (DCO 3.1; PDA-004D). The Applicant can also confirm that Requirement 17(2) secures the long-term maintenance of the surface water drainage system. The Applicant has however clarified the wording at Requirement 16(2) to confirm that the drainage system is secured for the lifetime of the development (project) in the updated draft DCO to be submitted at Deadline 2 on 21 April 2026. The draft Material Consent Order updates the EMG1 DCO and secures the updated requirements applicable to Plot 16. See [PDA-009M] for a copy of the EMG1 DCO as amended by the draft MCO.
11.3.		We welcome the retained, enhanced and additional green infrastructure and Public Rights of Way. We recommend the Leicestershire, Leicester and Rutland Local Nature Recovery Strategy is referenced to ensure they contribute to wider landscape scale nature restoration. The projects should have regard for this document as outlined in the National Network National Policy Statement. We recommend the Natural England Green Infrastructure Framework is referenced to ensure the green infrastructure is designed, implemented and maintained to a high standard. This has been marked as 'yellow' as it is unlikely to make a material change to the outcome of the projects.	The DCO Applicant notes that the objectives of the Leicester, Leicestershire and Rutland Local Nature Recovery Strategy and the Natural England Green Infrastructure Framework may be applied as general good practices in relation to design and management. However, there are no mapped objectives in the LLR-LNRS that are relevant to the EMG2 proposals. Although there are no mapped LLR-LNRS measures directly applicable to the EMG2 proposals, the design of the green infrastructure is broadly aligned with the underlying principles of both the LLR-LNRS and the Natural England

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			Green Infrastructure Framework. The scale of habitat creation and enhancement proposed is considered to represent a contribution to nature recovery in the wider landscape, irrespective of its location outside the mapped LLR-LNRS zones. The proposals include habitat creation, enhancement, and management focused on locally appropriate grassland, scrub, and woodland; enhancement of green and blue corridors; and measures to support habitat connectivity, all of which are consistent with the strategic objectives of landscape-scale nature recovery.
12.	Environment Agency [RR-016D]	Our detailed issues can be found in Appendix 1. We believe these issues can be resolved through the inquiry process with the developer's cooperation.	The DCO Applicant has responded below to each of the issues raised by the Environment Agency in Appendix 1 to its relevant representation. The DCO Applicant is also continuing to liaise with the Environment Agency and has submitted a draft Statement of Common Ground at Deadline 1 (DCO 8.10/MCO 8.10).
12.1.		Groundwater and Contaminated Land	
12.1.1.		Document Reference(s): APP-012D DCO 3.1 dDCO – Requirement 11 & Requirements 22 to 23	The DCO Applicant has included the EA as a named consultee at Requirement 22 of the dDCO to be submitted at Deadline 2.

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		Issue The Environment Agency is not included as a consultee for approval of P-CEMP, geo-environmental interpretative report or remediation scheme and verification. Impact Matters regulated by the EA might not be adequately assessed. Solution Include the Environment Agency in the list of parties to approve each P-CEMP and any geo-environmental (land contamination) investigation and reporting works, remediation strategies and verification. Additional narrative/ explanation We note that the Environment Agency is named as a consultee with respect to Requirement 22 in APP-074 DCO 6.3A Appendix A CEMP DCO only, Section 5.2.	
12.1.2.		Document Reference(s): APP-012D dDCO – Requirement 22. (3) Issue Contamination (if encountered) to be reported in writing to the local planning authority within 10 working days. Impact This is a long timescale, and further investigations may need to commence sooner. Solution Suggest it be revised to "contamination must be reported in writing to the local planning authority as soon as possible and within 10 working days".	The DCO Applicant has included the EA as a named consultee at Requirement 22 of the dDCO to be submitted at Deadline 2.

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12.1.3.		Document Reference(s): APP-073 Chapter 3 – 3.2.18 & 3.2 Issue Reference to an "earthwork's strategy" and "earthworks phase" in Section 3.3, but section 3.3 is for the MCO, not the DCO, and DCO earthworks are not discussed. Impact The reference appears incorrect so additional information cannot be easily found. Solution Supply the correct reference	Earthworks are discussed within section 3.2 (DCO) (Sections 3.2.33 to 3.2.36) and Chapter 14 [AS-059].
12.1.4.		Document Reference(s): APP-074 DCO 6.3A Appendix A CEMP DCO only – Section 5.4 APP-152 DCO 6.14 ES Chapter 14 – Sections 14.5.101, 14.5.102 & 14.5.105 APP-226D DCO 5.8 Commitments Register – Ref. G2 Issue Inconsistent information regarding management of unexpected contamination encountered during construction. Not all sections reference DCO Requirement 22 with respect to suspected contamination uncovered during works. Impact Insufficient and inconsistent detail is given, and correct procedure may not be followed. Solution Ensure Requirement 22 is followed when any contamination is encountered, whether this be expected or previously unknown. This applies before, during and after construction works. Additional narrative/ explanation	Requirement 22 of the dDCO [PDA-004D] will ensure that the appropriate steps are followed if any contamination is encountered.

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		In the CEMP, the procedure set out in Section 5.2 should be followed if the situation set out in Section 5.4 arises. In Chapter 14, the instruction for unexpected contamination given in 14.5.102 differs from that given for suspected contamination in 14.5.105. We consider that 14.5.105 is the appropriate response. Item Ref. G2 in the Commitment Register (APP-226D) is consistent with Chapter 14 Section 14.5.105.	
12.1.5.		Document Reference(s): APP-074 DCO 6.3A Appendix A CEMP DCO only – Section 5.5 Issue Insufficient information to provide surety that adequate Pollution and Contamination control measures have been considered and will be in place. Impact Insufficient detail may lead to insufficient controls and residual risks to receptors. Solution Provide further detail about the controls that will or may be used to ensure that hazardous or polluting substances do not cause harm. Additional narrative/ explanation In Section 5.5 it states: "The contractor shall plan and execute his work to ensure that hazardous or polluting substances do not cause harm to underlying aquifers, surface water systems, landscaping and associated ecology." Without further detail, we cannot be confident that the plan and execution will provide sufficient mitigation. We note that some fuel storage controls are outlined in Section 11, however these are not referenced in Section 5.5. The measures outlined in the CEMP are repeated in Chapter 14,	Changes will be made to the CEMP to address this comment. A revised CEMP (APP-074) is to be submitted at Deadline 2.

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		Section 14.5.102. We recommend the relevant part of this chapter also be updated for consistency.	
12.1.6.		Document Reference(s): APP-141 DCO 6.13 ES Chapter 13 – Section 13.5.151 Issue Controls to secure mitigation are unclear. It states: "in the event that permeable soils or geology are exposed following the proposed reprofiling of the topography, then the SuDS will be lined". It is unclear how this will be monitored, assessed and implemented. Impact Residual risk could remain if not adequately monitored, assessed and implemented. Solution Provide further detail and demonstrate where this commitment is secured. Additional narrative/ explanation We have not identified this control secured in either the CEMP (APP-074) or Commitment Register (APP-226D).	The underlying soils have been shown to have poor permeability that will limit the transmission of pollutants into the underlying ground waterbody. However, to ensure resilience and address the residual risk, it is proposed to line the SuDS to prevent the potential formation of pollution pathways into the underlying ground waterbody. The CEMP [APP-074] will be updated at Deadline 2 to reflect this change.
		Document Reference(s): APP-141 DCO 6.13 ES Chapter 13 – Section 13.5.152 Issue Specific details and timings of drainage maintenance are not given. Impact We cannot determine if the proposed inspection and maintenance schedule appears sufficient. Solution Provide this information.	Please note, an outline maintenance schedule is included in Section 4 of the Sustainable Drainage Statement [APP-149] based on recommendations of the SuDS manual, which includes frequency. Also please note that agreement on the long-term maintenance of the drainage is secured in Requirement 17 of the dDCO [PDA-004D].

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		Additional narrative/ explanation We have not identified an outline or indicative maintenance schedule or procedure in the submitted documents.	
12.1.7.		Document Reference(s): APP-073 DCO 6.3 ES Chapter 3 – Sections 3.2.32 & 3.2.41 APP-141 DCO 6.13 ES Chapter 13 – Section 13.5.153 APP-147 DCO 6.13F ES Appendix F Water Framework Directive WFD Screening – Section 2.16 APP-012D DCO 3.1 dDCO Issue Contradictory or misleading information about potential requirement for piled foundations for buildings. Recommended DCO requirement outlined in APP-147 not included in draft DCO. Impact Potential harm to receptors if requirement for Foundation Works Risk Assessment may be missed. Solution Update Chapter 3 and all other relevant documents to include potential for piled foundations for buildings if this is the case. Or update other documents to clarify if piled foundations will not be used. Update draft DCO with requirement as outlined in APP-147. Additional narrative/ explanation In Chapter 3, it states piled foundations will not be used for buildings but may be used for a road bridge. Similar information is given in Chapter 14, where the production of a	The DCO Applicant will include a FWRA to a Requirement in a revision to the dDCO [PDA-004D], which will be submitted at Deadline 2.

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		FWRA specifically for the highway works is confirmed (Section 14.5.83). In 13.5.153 it states: "Detailed foundation design has not been undertaken at this stage". This section does not specify if it relates to bridges, buildings, or all works, so the implication is that buildings may require piled foundations. It goes on to say: "if deeper piled foundations are required then, if not already completed, a Foundation Works Risk Assessment (FWRA) will be undertaken". We agree with this approach. A similar phrasing is used in the WFD screening (APP-147, Section 2.16), where it states: "This is expected to be secured as a requirement in the DCO."	
12.1.8.		Document Reference(s): APP-141 DCO 6.13 ES Chapter 13 – Section 13.5.188 Issue Further detail needed about proposed penstock valve for pollution control. See additional dialogue. Impact Design and operation of valve may be inadequate. Solution Provide this information in subsequent revisions of documents. Additional narrative/ explanation It is stated: "A penstock will be provided on the outfalls so that the discharge into the receiving watercourse or drainage system can be stopped in the event of a pollution incident." We support this measure, but further information is needed. The application should explain how this will be activated, such as automatically or manually, and if this will be an electronic or physical task. We would like to see the penstock included in any maintenance schedule. The penstock is	Penstock(s) are currently proposed for the construction phase. At the operational phase full retention separators in each service yard and at HGV parking areas are proposed. However, it is acknowledged that also offering penstock(s) on the outfall from SuDS basins(s) in the operational phase would add greater resilience to in the event of a possible pollution incident. Requirement 17 of the dDCO [PDA-004D] includes final agreement of the construction and operational phase drainage strategies, on which the EA will be added as a named consultee.

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		discussed in the context of the construction phase, but we consider it would also be valuable during the operational phase.	
12.1.9.		Document Reference(s): APP-152 DCO 6.14 ES Chapter 14 – Section 14.5.7 Issue Assessment of PFAS risk is of limited extent and appears to be based on speculation. Impact Potential for PFAS contamination within groundwater underlying the DCO site cannot be ruled out based on the argument presented. PFAS could pose a risk to future site users and the environment. Solution CEMP to include testing for PFAS in any groundwater encountered during the construction phase. Include testing for PFAS in groundwater if any further intrusive ground investigation works are required. Additional narrative/ explanation The applicant speculates where a fire training area might be but has not clearly identified this. The speculative location of the fire training area is at a topographic high point, so surface water and groundwater might flow in either direction, not just to the north as stated. While the fire training area might have the "highest potential for PFAS impact" it does not mean that other areas of the site have some potential for PFAS impact. Fire-fighting foam may have been used in many locations on the site. PFAS testing and monitoring data undertaken at the East Midlands Airport is not currently available to the applicant, so they cannot use this as an assessment of the potential for PFAS to impact the wider area. East Midlands	The Applicants position is that that due to the lack of hydraulic connectivity there is not considered to be a geo-environmental risk to onsite receptors from PFAS/PFOS associated with the operation of the site. In addition, due to the depth of the groundwater table the proposed construction works will not encounter the aquifer. However, the EA have suggested that its concerns would be overcome by a monitoring obligation, and the Applicant is content to agree with this – which is captured in the CEMP.

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		Airport is also known to have recently breached permit conditions for use of de-icer, allowing release into the environment. We strongly suggest that any testing of water also includes glycol and potassium acetate. See: East Midlands Airport fined £900,000 for plane de-icer pollution - BBC News	
12.1.10.		Document Reference(s): APP-152 DCO 6.14 ES Chapter 14 – Section 14.5.109 Issue Potential need for shallow dewatering does not have sufficient information. Temporary construction dewatering, and permanent dewatering may require a permit; this is not stated. Impact Dewatering without appropriate permits or exemptions secured is an offence. Solution Update the report and any associated discussion of dewatering elsewhere to include relevant information. Additional narrative/ explanation Shallow groundwater should be tested for PFAS and other contaminants of potential concern prior to release into the environment.	As above - the EAs concerns would be overcome by a monitoring obligation, this is captured in the CEMP.
12.1.11.		Document Reference(s): APP-152 DCO 6.14 ES Chapter 14 – Section 14.5.112 Issue Maintenance of pollution prevention controls is not listed as a mitigation measure.	Requirement 17 of the dDCO [PDA-004D] includes agreement of the construction phase drainage strategy through to completion, on which the EA will be a named consultee.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Impact Pollution prevention controls may become faulty if not properly maintained. Solution Ensure a detailed and thorough maintenance schedule is produced and followed. Additional narrative/ explanation Maintenance should include testing penstocks designed to capture substances within drainage areas in case of a pollution incident or other spillage.	
12.2.		Biodiversity Document Reference(s): APP-107 DCO 6.9 ES Chapter 9 – Section 9.3 Issue Section 9.3 Policy Guidance and Legislative Context does not include reference to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. Impact Risk of not considering new environmental definitions in legislation in respect of BNG, such as 'irreplaceable habitat', along with related offences to said habitats. Solution Include the following legislation, policy and guidance: Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 for completeness. Additional narrative/ explanation	Noted.
12.2.1.		Document Reference(s): APP-107 DCO 6.9 ES Chapter 9	Appendix 9f Water Vole and Otter Report [APP-113] details survey effort, results and impact on

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Issue Potential construction and operation effects on Other Species (which include water vole) have not been included within Table 9.15 and Table 9.16. Impact We are unable to assess how the applicant has reached the conclusions outlined within the Summary of Impacts (Table 9.17) regarding the magnitude and significance of the Schemes impacts on water vole. Solution Include an assessment of the potential construction and operational impacts of Other Species which includes water vole within Table 9.15 for construction effects and Table 9.16 for operational effects.	water vole. No evidence of water vole was detected, and no further assessment of impact was undertaken. Otters were detected and considered at local importance, with further assessment made.
12.2.2.		Document Reference(s): APP-107 DCO 6.9 ES Chapter 9 APP-074 DCO 6.3A Appendix A CEMP DCO only APP-018 DCO 6.9A ES Appendix A Preliminary Ecological Appraisal Issue No details of biosecurity measures to prevent the spread of invasive non-native species is given within Chapter 9 Ecology and Biodiversity or within the CEMP. Impact The absence of a biosecurity measures could result in the uncontrolled spread of invasive and non-native species (INNS) listed in Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). There is also an increased risk of legal non-compliance. The accidental spread of invasive species is an offence under the Wildlife and Countryside Act 1981.	No significant invasive species have been identified on the site.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Solution Strict and robust biosecurity measures should be incorporated into the CEMP. Additional narrative/ explanation The Preliminary Ecological Appraisal makes no reference to invasive species presence within the baseline condition for the EMG2, Highways Works or EMG1 Works. Although, it should be noted that the full botanical species list included within Appendix B has been censored. However, even if absent, there is still a risk that without robust biosecurity measures, invasive species may be accidentally transported to and spread within the EMG2 Project site.	
		Document Reference(s): APP-113 DCO 6.9F ES Appendix F Otter and Water Vole Report Issue The water vole and otter survey report has been censored to protect details regarding the location of water vole and otter signs. Impact We are unable to fully assess the content of the report. Solution An uncensored version of the report should be provided to the Environment Agency. Additional narrative/ explanation	An uncensored version of the report has been provided to the Environment Agency.
12.2.3.		Document Reference(s): APP-107 DCO 6.9 ES Chapter 9 Ecology and Biodiversity APP-074 DCO 6.3A Appendix A CEMP DCO only	It is agreed riparian mammal pre-construction checks/surveys should be undertaken, and will be part of P-CEMPs, which the EA will be a named consultee.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		APP-113 DCO 6.9F ES Appendix F Otter and Water Vole Report Issue Water vole and otter surveys were undertaken in 2024, and construction is estimated to start in 2027. The Ecology and Biodiversity Chapter (Chapter 9) and the CEMP does not mention whether pre-construction surveys are planned for otters and water voles in addition to baseline surveys. CIEEM's Advice Note 'On the lifespan of ecological reports & surveys' states that species survey data may be out of date around 12-18 months following a survey. Impact Changes in the baseline of species presence and distribution. For example, water voles could colonise ditches and construct burrows prior to, or during construction. This may result in damage or destruction of burrows or disturbance during construction, which are offences under the Wildlife and Countryside Act 1981 (as amended). Solution Riparian mammal pre-construction checks/surveys should be conducted prior to the construction of each watercourse, to determine any changes in presence or distribution of otters and water voles. Additional narrative/ explanation	
12.2.4.		Document Reference(s): APP-117 DCO 6.9J ES Appendix J LEMP Issue We are supportive of the plans to install an otter holt along the Diseworth brook tributary. However, details of the timings for the installation are missing from Table 4: Work Schedule within the LEMP.	Timings for the installation of the otter holt, along with details of any required monitoring or pre-installation checks, will be included in the LEMP.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Impact Without clear timings for the installation, there is a risk that the otter holt may be delayed, overlooked, or inconsistently programmed within the wider works. This lack of clarity could lead to confusion among contractors, increasing the likelihood that the holt is not installed as intended. Solution Include timings for the installation of the otter holt, along with details of any required monitoring or pre-installation checks, within Table 4 of the LEMP. Additional narrative/ explanation Although outside of the EA's remit, we are also supportive of the Applicants plans to create artificial badger setts and hibernacula and log piles for great crested newts. Details of the timings for installation should also be included within the Table 4: Work Schedule.	
12.2.5.		Document Reference(s): APP-107 DCO 6.9 ES Chapter 9 Ecology and Biodiversity APP-074 DCO 6.3A Appendix A CEMP DCO only Issue Insufficient information regarding buffer zones around watercourses. Impact Insufficient buffer zones between development and watercourses can disrupt the integrity of the natural river corridor and impact riparian ecology. The free movement of riparian mammals can be restricted, there is a potential for habitat fragmentation, and potential impacts on water quality	The requirement for buffers is set out in para 16.77 of the CEMP [AS-027D].

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		and aquatic ecology from any increases in sediment and pollutant run-off into rivers. Solution The development should maintain a riparian buffer around all watercourses. As a minimum we would expect this to be 10 metres from the top of the bank. It should be clearly demonstrated that there is a sufficient buffer between the development, any fences and any watercourse or ditch. This will allow for the natural river corridor to be maintained and free movement of riparian mammals up and down the system. During the construction phase, temporary construction compounds within 15 metres of watercourses could be screened with fencing on sides adjacent to the watercourse, and working lighting could be positioned to avoid light-spill onto sections of the watercourse. Both measures would lower the risk of disturbance to riparian mammals occupying the watercourse. Additional narrative/ explanation Within the Ecology and Biodiversity Chapter (Chapter 9) reference is made to the use of buffer strips along the edge of watercourses to avoid run-off (section 9.5.167) and the CEMP refers to exclusion fencing along the routes of watercourses (Section 16.11) which we are supportive of but no details regarding the distance of buffer zones is given. The CEMP refers to a minimum 10m buffer zone and exclusion fencing around watercourses in relation to water vole and otter but it is outlined that this is only where practicable (Section 16.77).	
12.3.		Water Quality	As requested, the DCO Applicant will include the EA as a named consultee with respect of

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Document Reference(s): APP-012D dDCO 3.1 Issue The Environment Agency is currently not included as a named consultee in Schedule 2 for the Requirement 11 for the Construction environmental management plan; Requirement 17(1) for the Flood risk and surface water drainage; or Requirement 18 for the Foul water drainage. Impact If the Environment Agency is not named on the relevant requirements, then we may not be able to secure the required details post-consent. Solution We request to be named as consultee for Requirements 11, 17(1) and 18 to ensure that we can comment on them from a water quality perspective.	Requirements 11, 17(1) and 18 of the dDCO to be submitted at Deadline 2.
12.3.1.		Document Reference(s): APP-072 DCO 6.2 ES Chapter 2 Site and Surroundings APP-074 DCO 6.3A Appendix A CEMP DCO only APP-197 DCO 6.20 ES Chapter 20 Major Accidents and Disasters Issue Section 2.2.1 suggests there is going to be a 'small pocket of land at EMG1 for the proposed substation upgrade', however it is unclear what upgrades are intended. There must be suitable drainage and pollution mitigation measures in place at the substation. Further details are required about penstocks and removing firewater.	The upgrades to the EMG1 sub-station are limited to installation of a new switch room enclosure adjacent to the existing Primary substation compound to enable the installation of a new 33kV switch board. This will allow for the termination of the 3rd cable circuit from NGED Toton Substation into the EMG1 Primary substation. The existing EMG1 sub-station will remain in situ. Fire alarm monitoring and fixed fire suppression systems are not standard requirements for a primary switchgear building.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Impact Uncontrolled firewater drainage from substations poses an unacceptable risk to water environment receptors and will deteriorate water quality unless it is contained. Solution The Applicant should confirm that the substation drainage design would be able to manage firewater. In event of a fire, there must be the provisions to contain sufficient volumes of firewater to prevent release to environment, and this should be disposed offsite. Additional narrative/ explanation A sealed drainage system needs to be put in place to adequately contain and manage any fire-fighting effluent, or contaminated surface waters generated by a fire at the site. This will ensure that there is no discharge of polluted water to ground or surface water bodies. This should include: • An impermeable base or layer beneath the substation compound to ensure infiltration beneath the site can be controlled. • Any system for the storage of contaminated firewater should have sufficient capacity/headroom for the volumes expected in the event of a fire, even during periods of intense rainfall. • The system for containing firefighting effluent, like a penstock valve, should close automatic, with a backup system in place in case of power failure, and there should be a maintenance regime to ensure that working condition is secured. The Applicant also needs to confirm the trigger for closing a penstock, i.e. a fire suppression system activating. • Any equipment, such as oil transformers, should be bunded, where possible. Whilst it is good that "any firefighting water from the separators or SuDS would need to be removed by a specialist", this must be secured in the CEMP/OEMP, and any removal to an appropriate offsite	

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		treatment facility should also be included in the waste management plan.	
12.3.2.		Document Reference(s): APP-012D dDCO 3.1 APP-141 DCO 6.13F ES Appendix F Water Framework Directive WFD Screening APP-149 DCO 6.13H ES Appendix H Sustainable Drainage Statement EMG2 Works APP-197 DCO 6.20 ES Chapter 20 Major Accidents and Disasters Issue In Schedule 2 of the Requirements, there is no operational environmental management plan (OEMP) secured. Section 13.5.120 of Chapter 13 says that surface water drainage infrastructure will manage the quality of runoff from operational phase of the development, however there should be an OEMP too. Impact If suitable environmental management is not secured then there is a risk that certain on-site activities could result in negative effects that result in a deterioration of water quality. Solution The Applicant should commit to producing an operational environmental management plan (OEMP) and reference this in relevant documents. Suitable mitigation measures currently secured in the CEMP should be reflected in the OEMP to ensure that activities like fuel and oil management, equipment maintenance, and sediment controls are still consistent during operation phase.	There is no objection in principle to the preparation of an OEMP. However, it is important that its scope is clear and proportionate. The EA have recently provided example OEMPs relating to other sites, but none are comparable.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Additional narrative/ explanation We would encourage the OEMP to be mentioned as mitigation in Tables 4.1, 4.3 and 4.5 of the WFD Assessment, and should be included in section 6.6 as a summary of embedded mitigation. An OEMP should also be included in APP-149 DCO 6.13H Environmental Statement Appendix H Sustainable Drainage Statement EMG2 Works (like section 3.4.5) to ensure that the surrounding watercourses are not adversely affected during the operation stages. An OEMP should be included within Table 20.6 in APP-197 DCO 6.20 Environmental Statement Chapter 20 Major Accidents and Disasters as operation phase environmental mitigation.	
12.3.3.		Document Reference(s): APP-073 DCO 6.3 ES Chapter 3 Project Description APP-074 DCO 6.3A Appendix A CEMP DCO only APP-149 DCO 6.13H ES Appendix H Sustainable Drainage Statement EMG2 Works Issue It is suggested in Chapter 3 that the Community Park will be used for 'surface water drainage attenuation', however it is unclear how drainage is intended to flow across site, and where the proposed discharge locations are. The surface water drainage strategy says that surface water run-off from the development will be treated, but it is unclear what type of treatment is proposed. Section 5.8 of the CEMP says that water pollution will be controlled based on CIRIA documents, but there is no specific reference to the CIRIA SuDS Manual.	The location of the SuDS basins within the Community Park are illustrated within the drainage strategy plan included as Appendix 6 of the Sustainable Drainage Statement [APP-149], but also on the Illustrative landscape masterplan [APP-040D]. A simplified schematic of the proposed surface water drainage and treatment stages at the EMG2 Main Site development is presented below, illustrating the various stages of reuse, pre-treatment, conveyance, and treatment. The CIRIA SuDS manual is already referenced in the Sustainable Drainage Statement [APP-149], and ES Chapter 13 [APP-141]. The CEMP [AS-027D] already references the SuDS manual (ref: para 19.3). See Flow chart attached at Annex 2A to this Appendix

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Impact If drainage plans details are not provided, then they cannot be appropriately assessed. Solution It is acknowledged that surface water run-off is intended on being discharged to a local watercourse, but a water discharge activity permit may be required. Ensure the CIRIA SuDS Manual is referenced in relevant documents. Additional narrative/ explanation It should be noted that Appendix 6 of APP-149 DCO 6.13H Environmental Statement Appendix H Sustainable Drainage Statement EMG2 Works was hard to interpret due to the multiple colours and textboxes, and it is was not able to be viewed consistently due to the size of the image taking time to load to view it. Given the timeframe to determine environmental permits we encourage applicants to engage with us on permit requirements at the earliest possible stage. Guidance in relation to discharging and permits is available at: • Discharges to surface water and groundwater: environmental permits - GOV.UK	
12.3.4.		Document Reference(s): APP-074 DCO 6.3A Appendix A CEMP DCO only APP-094 6.7E EA Appendix E Monitoring Plans APP-147 DCO 6.13F ES Appendix F Water Framework Directive WFD Screening Issue Section 5.8 of the CEMP says that there will be arrangements for monitoring water bodies but it is unclear what this is. Section 19.4 says that regular monitoring of downstream water quality will be undertaken during	The CEMP [AS-027D] proposes that “regular monitoring of the downstream water quality will be undertaken during the construction phase to ensure that the sediment and pollution control measures are working effectively. Details of the monitoring plan shall be set out in each P-CEMP. Testing parameters shall be agreed with the Environment Agency or lead local flood authority as appropriate”. Additionally, in Appendix 4 of the CEMP [AS-027D] the Silt Management Plan, a section on

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		construction phase, but this should continue into the operation phase too. In Appendix E Monitoring plans currently doesn't include any water quality monitoring. Impact If a monitoring plan is not suitably designed then it may not be able to detect relevant trends, if any, on water quality during the construction and operation phases. Solution The Applicant should provide further details of water quality monitoring. Additional narrative/ explanation A monitoring plan should provide details of frequency, quantity, location and method of monitoring. These locations should include monitoring upstream and downstream of any proposed surface water outfalls and water crossings. Methods may include in-situ hand held devices or samples sent off to laboratories. Monitoring should start at prior to construction so that the water quality of any possibly affected areas are known before significant sediment is disturbed and hazardous substances are on site, it should continue throughout construction and into operation to ensure there is no decrease in water quality as a result of the phase change. Table 5.1 of the WFD Assessment does include regular monitoring, but it is absent from Table 4.1, 4.3 and 4.5 so these should be updated.	proposed monitoring procedures and a plan of monitoring points is included. To address the EA comment, the final details of the monitoring plan will be set out in the future P-CEMP(s), which will include the final testing parameters and locations, for agreement with the Environment Agency. The requirement for a P-CEMP is secured as Requirement 11 in the dDCO.
12.3.5.		Document Reference(s): APP-073 DCO 6.3 ES Chapter 3 Project Description APP-141 DCO 6.13 ES Chapter 13 Flood Risk and Drainage	To confirm, in accordance with ES Chapter 13 [APP-141]: At the construction phase, welfare facilities will be required. These will be self-contained sealed units with built-in

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		APP-149 DCO 6.13H ES Appendix H Sustainable Drainage Statement EMG2 Works Issue Section 3.2.32 says that there will be installation of 'foul water infrastructure' but the foul water strategy during construction and operation is unclear. Section 13.5.134 of Chapter 13 says that, during the construction phase, welfare facilities will be self-contained with built-in drainage tanks (septic tanks), however given that soakaway tests at the EMG2 works have identified a low permeability of the soils, it is unclear how this will work. Section 13.5.136 of Chapter 13 suggests that at the operational phase, a new formal connection to the local public foul water sewers will be made from the EMG2 Works, but there appears to be uncertainty over the deliverability of this due to capacity at the sewage treatment works. It is unclear if an alternative option is planned. Impact Foul water treatment and disposal must be sufficient to minimise risk entering the water environment and deteriorating the water quality. Solution Foul water disposal strategy during construction and operation should be clarified. The Applicant should confirm if septic tanks are intended to drain to the environment, or if they will be fully sealed. It should be acknowledged that a permit may be required. Additional narrative/ explanation Information on septic tank permits can be found at: Septic tanks and sewage treatment plants: what you need to do: Apply for a permit - GOV.UK If road transport to an offsite disposal facility is required to remove foul water from the	drainage tanks (septic tanks), which will require the foul water to be removed to an offsite licensed facility for disposal. Once Severn Trent Water (STW) have completed any necessary reinforcement works (see below), then it could be possible to form a new connection to local foul sewers to serve the welfare facilities instead. However, this option would only be available after STW have confirmed capacity. In either scenario foul water will not be directed to surface water or groundwater bodies. At the operational phase, foul water will be directed to the local public foul water sewers. STW have confirmed that hydraulic sewer modelling will be required to identify what reinforcement works are required on the network to accommodate the scheme, and that this will be undertaken by them once the EMG2 Project, and its component parts, have received approval. Consultation with STW will continue so that they are aware of the development programme and can make any network upgrades that they consider to be necessary, prior to occupation. We welcome the recommendations relating to best practice for waste and wastewater management. We can confirm that these matters have been accounted for within the Site

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		forementioned "self-contained" units, then there should be regard for this within the waste management procedures. Currently there is no mention of this in the APP-190 DCO 6.18E Environmental Statement Appendix E Site Waste Management and Materials Plan. We acknowledge section 5.1-5.6 of Appendix H describe pumping options, but if disposal via the sewer network isn't possible, other alternatives should be described.	Waste Management and Materials Plan (SWMMP), and that relevant controls will be secured through the Construction Environmental Management Plan (CEMP). Responsibility for implementing and upholding these standards will sit with the Principal Contractor, once appointed. This will include compliance with the Environmental Protection (Duty of Care) Regulations 1991, application of the waste hierarchy, appropriate waste classification, and the use of suitably authorised contractors for any off-site movements of waste or wastewater. We consider this framework to be appropriate and proportionate, ensuring that waste and wastewater are managed responsibly and in accordance with regulatory and best-practice requirements.
12.3.6.		Document Reference(s): APP-073 DCO 6.3 ES Chapter 3 Project Description APP-074 DCO 6.3A Appendix A CEMP DCO only Issue Section 11.4 and 11.5 of the CEMP describes oil interceptors and drip trays, but it is unclear if these measures will be used for the HGV parking described in Section 3.2.23 of Chapter 3. Impact If fuels and oils are not suitably stored then there is an increased risk of them entering the water environment and decreasing the water quality.	To confirm at the operation phase, full retention separators will be installed on service yards and HGV parking areas. Requirement 17 of the dDCO [PDA-004D] includes final agreement of the construction and operational phase drainage strategies, on which the EA will be a named consultee.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Solution The Applicant should confirm what fuel and oil mitigation measures will be provided for the HGV parking. Additional narrative/ explanation.	
12.3.7.		Document Reference(s): APP-073 DCO 6.3 ES Chapter 3 Project Description APP-074 DCO 6.3A Appendix A CEMP DCO only Issue Section 3.2.32 of Chapter 3 says that the construction of building foundations and bases will be required, however important concrete mitigation measures have not been seen in relevant documents. Section 5.8 of the CEMP says good practices will be used to control concrete washout arrangements, but further mitigation details are required. Section 19.3 says that wastewater will be adequately treated prior to disposal, but the level of treatment and disposal plan is unclear. Impact Construction of concrete can be a risk to water quality as it is a known source of hazardous substances, particularly during the curing phase. Solution Provide further details on the use of concrete and how it will be managed. Additional narrative/ explanation We acknowledge that section 3.2.42 of Chapter 3 says that detailed information on construction techniques and consequently the plant and machinery to be used is not available yet. However, this means that adequate mitigation may not yet be secured. Further details should include: • Identify all areas where concrete works are proposed •	To address the EA comment it is the intention that the CEMP [AS-027D] be updated to include the following text for deadline 2: <i>“on site in-situ concrete casting (if required) will include containment measures to capture potential wash in lined pits/bunded areas. Any washout will be attenuated, stored and treated alongside the runoff from the wider construction site, until it is of a standard which can be discharged to the local watercourse, subject to any required permit. Areas where concrete works are proposed will be identified in each P-CEMP”</i>.

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		Specify whether these will be cast in situ or precast and delivered. We acknowledge that Section 19.3 of the CEMP says that concrete will be mixed off-site but further details are required. • For in situ concrete pours, suggest timing, weather conditions, and runoff control. We acknowledge that it is already secured that construction works will be minimised during heavy precipitation events and carried out during dry months where practicable. • Describe containment measures for concrete washout (e.g. lined washout pits, bunded areas)	
12.3.8.		Document Reference(s): APP-074 DCO 6.3A Appendix A CEMP DCO only Issue Section 14.1 of the CEMP says that there will be measures for cleaning vehicles, but it is unclear if this will be via dry brushing or if wheels will be washed. Where wash water is used, it is currently uncertain how it will be contained and disposed of. The need for an environmental permit to carry out a water discharge activity has not been specifically recognised. Impact If wash water is not managed correctly, it can enter watercourses then it has the potential to decrease water quality due to contamination that may be present. Solution It should be made clear that wheel washing activities will be undertaken within a designated impermeable or lined area and should not be allowed to discharge into a watercourse or infiltrate to groundwater. Washing waters should be able to be contained to prevent contaminated water entering waterbodies or groundwater. If discharge at the site is required, you should consider any potential impacts of this discharge and confirm that a water	To address the EA comment, it is proposed that the CEMP [AS-027D] be updated to confirm that the wheel washing will be undertaken within a designated area that will be lined to prevent infiltration into the ground. Runoff from the wheel washing area will be attenuated, stored and treated alongside the runoff from the wider construction site, until it is of a standard which can be discharged to the local watercourse, subject to any required permit.

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		discharge activity permit will be sought from the Environment Agency. Given the timeframe to determine environmental permits we encourage applicants to engage with us on permit requirements at the earliest possible stage. However, preferably the contaminated water will be collected and tankered offsite by a licensed contractor. Additional narrative/ explanation Section 19.3 of the CEMP says surplus water from wheel washing facilities will be disposed of via the foul water system or treated prior to discharge, however it should be acknowledged that the latter may require a permit. Only clean, uncontaminated water should be discharged to surface water or groundwater and any permits need to be planned for well in advance of construction. Additional guidance in relation to discharging and permits is available at the following links: Discharges to surface water and groundwater: environmental permits - GOV.UK	
12.3.9.		Document Reference(s): APP-197 DCO 6.20 ES Chapter 20 Major Accidents and Disasters Issue Table 20.4 of Chapter 20 suggests that Table 20.6 confirms "an Emergency Preparedness and Response Plan will be prepared for the EMG2 Project", however there is no reference to this plan in Table 20.6. Impact If suitable response plans are not secured, then they may not be able to provide relevant actions in the event of an emergency.	Noted. Consideration is being given to how best to secure this in the dDCO.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Solution The Applicant should ensure that Table 20.6 is updates to mention the Emergency Preparedness and Response Plan.	
12.3.10.		Document Reference(s): APP-073 DCO 6.3 ES Chapter 3 Project Description Issue Section 3.2.14. says that the proposed buildings within the EMG2 Main Site "will be designed to accommodate solar photovoltaic (PV) panels on their roofs." However, it is unknown is there is any PFAS contained with the panel materials, and what the suggest cleaning regime of the panels will be. Impact PFAS are 'forever chemicals' that will negatively affect water quality. Risk from PFAS can be increased during washing to keep them clean, for maximum efficiency of energy generation. Solution The Applicant should check with panel manufacturers if the materials used have any PFAS risk, and confirm the cleaning regime (i.e. use of water or cleaning foams etc).	The DCO Applicant is happy to commit to only using solar photovoltaic panels that are PFAs free.
12.3.11.		Document Reference(s): APP-073 DCO 6.3 ES Chapter 3 Project Description Issue Section 3.2.32 says that one of the principal construction activities will be the installation of service trenches, however it is unclear if this will be completed via open-cut trenches or a trenchless method.	The onsite trenches on the EMG2 Main Site will be open cut, with no need for directional drilling. In the wider area, the preference is to construct the service trenches via open cut trenches as well, but at this stage the use of directional drilling cannot be ruled out completely. This will only be known following further design and stakeholder engagement. If directional drilling is identified as a requirement, then a drilling fluid breakout plan will be prepared at the appropriate

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Impact Drilling fluid can highly deteriorate water quality if there is a breakout and it is not managed sufficiently. Solution The method of installation must be clarified by the Applicant, if horizontal directional drilling is proposed as a trenchless method then they will need to produce a drilling fluid breakout plan.	stage which will set out measures to ensure that the risk of drilling fluid breakout is managed, and local water quality is protected. Therefore, to address the EA comment, it is proposed to add reference to a drilling fluid breakout plan to the CEMP [AS-027D] .
12.3.12.		Document Reference(s): APP-073 DCO 6.3 ES Chapter 3 Project Description APP-074 DCO 6.3A Appendix A CEMP DCO only Issue Section 3.2.38 of Chapter 3 says that intercepted surface water runoff will be discharged from the construction site at a rate no greater than existing, whereas section 19.2 of the CEMP says it will apply the greenfield rate. Impact Discharge rates should be detailed to provide accurate assessment. Solution We encourage consistent language to be used and we support the use of the greenfield runoff rate.	To confirm, runoff from the EMG2 Main Site will be discharged at 114.4l/s, a rate that is below the equivalent greenfield rate, but which is required to prevent an adverse impact on a National Highway asset (the A42 culvert). Other construction areas in the EMG2 DCO order limits will discharge at a rate no greater than existing. The CEMP [AS-027D] will be updated accordingly for Deadline 2.
12.3.13.		Document Reference(s): APP-074 DCO 6.3A Appendix A CEMP DCO only Issue Section 19.7 and 19.8 of the CEMP says that flocculants may be used. Impact Chemicals used in the treatment of water can deteriorate water quality if used incorrectly or in wrong quantities.	An Outline Silt Management Plan has been prepared and is appended to and forms part of the CEMP [APP-074]. It sets out measures to minimise the mobilisation of silt in surface water runoff, treat surface water runoff to remove silts and suspended solids, and minimise the release of silts and suspended solids from the construction site. The measures set out in the Silt Management Plan shall be taken into account in the preparation of each P-CEMP. The

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		Solution Provide further details of flocculants in water management.	requirement for a P-CEMP is secured as Requirement 11 in the dDCO. Where the suspended solids are particularly fine, flocculants may be used to help maximise removal. Dosage and type of flocculant will be determined for each phase specific CEMP and permit application. The discharge of treated surface water from the construction site, and use of flocculants, may constitute a water discharge activity and therefore an environmental permit may be required. The permit requirements will be discussed and confirmed with the EA at the appropriate time. However, until the details are known it is not possible to apply for a permit. Examples of how the use of flocculants could be applied are included in Appendix A of the Silt Management Plan.
12.4.		Additional Information Flood Risk and Modelling The applicant has used the correct climate change allowances for the development for the 2080s epoch. The development would be classed as less vulnerable and has an anticipated lifetime of 75 years.	The DCO Applicant has noted the comments. No action required.
12.4.1.		The applicant has used the latest hydraulic models for the Lockington Brook, River Trent, and River Soar and has undertaken detailed localised models for small ordinary	The DCO Applicant has noted the comments. No action required.

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		watercourses where crossings are proposed, we are satisfied with this approach.	
12.4.2.		The applicant has adopted an avoidance strategy in terms of the encroachment into the design flood extent. The development is located outside of the Hall Brook, Diseworth Brook, and Long Whatton Brook floodplains. In terms of the Lockington Brook the highway works on the A50 west bound slip road encroach slightly into the 1 in 1000 year and 1 in 100 year plus 60% floodplain extent but these scenarios are larger events than the design flood event (1 in 100 year plus 28% CC). The works on junction 24 are within the River Trent and River Soar floodplains, however, this embankment is raised above the design flood level. Works on Junction 24/A453 east bound slip road are all above the design flood level for the River Trent and River Soar. The applicant has undertaken hydraulic analysis of the footpath and cycleway improvement schemes which cross a minor tributary of the River Soar. We have reviewed this and confirmed the existing culverts have sufficient capacity to convey flow and there are no impacts from the proposed improvement works. Similarly hydraulic analysis was undertaken for the proposed cycleway improvement works over the headwaters of the Lockington Brook. Again, we have reviewed this analysis and can confirm no impacts and a betterment in terms of existing culvert design (increased culvert capacity).	The DCO Applicant has noted the comments. No action required.
12.4.3.		We note that the CEMP will ensure surface water runoff is intercepted, safely stored to design storm standards, and discharged from the construction sites at a rate no greater than existing.	The DCO Applicant has noted the comments. No action required.

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12.4.4.		With respect to the Lockington Brook re-alignment the applicant has provided suitable evidence to demonstrate that the current alignment of the Lockington Brook does not follow what is shown on the Environment Agency's Main River map. This watercourse was re-aligned as part of the East Midlands Strategic Rail Interchange project in 2014. The applicant has provided sufficient evidence to demonstrate that the Main River alignment for the Lockington Brook is incorrect. We have previously reviewed this document and have found it to be satisfactory.	The DCO Applicant has noted the comments. No action required.
12.5.		Waste Waste to be taken off site The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf If you need to register as a carrier of waste, please follow the instructions here: https://www.gov.uk/register-as-a-waste-	The DCO Applicant has noted the comments regarding waste to be taken off site and used on site. No further response is required.

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		carrier-broker-or-dealer-wales In order to meet the objectives for the waste hierarchy and obligations under the duty of care, it is important that waste is properly classified. Some waste (e.g. wood and wood-based products) may be either a hazardous or non-hazardous waste dependent upon whether or not they have had preservative treatments. Proper classification of the waste both ensures compliance and enables the correct onward handling and treatment to be applied. In the case of treated wood, it may require high temperature incineration in a directive compliant facility. More information on this can be found here: https://www.gov.uk/how-to-classify-different-types-of-waste Use of waste on site If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us. A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:	

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		- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. - We have produced guidance on the recovery test which can be viewed at https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits#how-to-apply-for-an-environmental-permit-to-permanently-deposit-waste-on-land-as-a-recovery-activity.	
12.5.1.		Site Waste Management Plans (SWMP) are no longer a legal requirement, however, in terms of meeting the objectives of the waste hierarchy and your duty of care, they are a useful tool and considered to be best practice.	Thank you for the comments. No action required.
13.	Forestry Commission [RR-017]	Thank you for consulting the Forestry Commission on this proposal. As a Non-Ministerial Government Department, the Forestry Commission provide no opinion supporting or objecting to an application. Rather we provide advice on the potential impact that the proposed development could have on trees and woodland including ancient woodland.	The DCO Applicant notes the response.
13.1.		We note that 15 trees within the site have been identified as being veteran, six of which are to be retained. The trees identified for removal are suffering Ash die back and would likely have been required to be removed in the medium term whether the development proceeds or not.	As set out at Chapter 9 of the ES (DCO 6.9) [AS-039], 16 trees have been identified as veteran, seven of which are to be retained (1 within the Highway Works and six within the EMG2 Works). A Veteran Tree Strategy has been prepared and included as Appendix B to the Landscape and

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			Ecological Management Plan (LEMP) provided as Appendix 9J to the ES (DCO 6.9J). This sets out the result of the tree survey and assessment undertaken to identify veteran trees on the site and outlines the proposed mitigation for the nine veteran trees to be lost.
13.2.		We have engaged with the applicant on both this DCO application and the material change application to ensure that trees and woodlands have been considered appropriately and to develop mitigation measures to compensate for the loss of trees on site. These include retained dead wood monoliths, significant woodland creation proposals and the long term management of both new and existing trees and woodland on site following development. Retained trees and woodland are being afforded suitable buffer zones and protection measures.	As noted, the Applicant has engaged with the Forestry Commission and, as set out in the draft Statement of Common Ground (SoCG) between the two parties (DCO 8.9), it is agreed that the bespoke compensation strategy provides adequate mitigation for the unavoidable loss of the veteran and irreplaceable trees. It is further agreed that the approach to the retention, mitigation and management of trees and woodland is appropriate.
13.3.		Proposed woodland planting will increase the canopy cover of the site, in line with Environmental Improvement Plan targets to increase the net area of tree canopy and woodland cover to 16.5% of total land area in England by 2050. This will also enhance the connectivity between trees and woodland both within the site and in the wider landscape.	The DCO Applicant notes the response.
13.4.		It is stated that most trees planted will be native varieties. With a changing climate, a wide species selection will be beneficial, mixed woodland is usually of maximum benefit for habitat provision.	The DCO Applicant notes the Forestry Commission's advice and agrees that planting mixes comprising a variety of native species will be beneficial. The planting mix will be representative of local native woodlands.

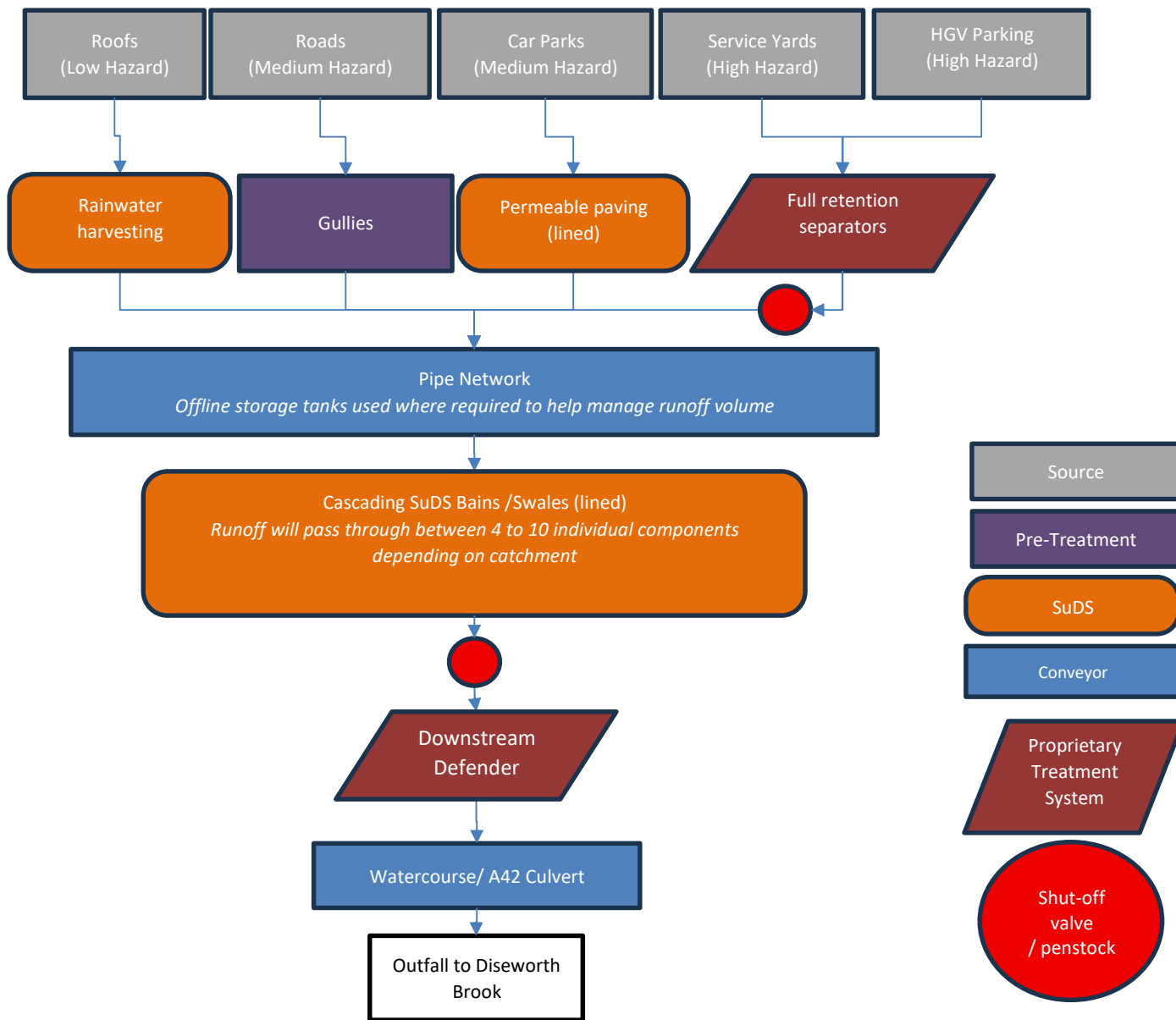
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		Use of the Forestry Commission Ecological Site Classification Tool (ESC) can assist with selection of tree species that are ecologically suited to particular sites, this includes climate change predictions to allow for future suitability and woodland resilience.	Management will encourage the development of structurally diverse woodland.
13.5.		Long term management of both new and existing trees and woodland in line with our recommendations is also proposed and should be secured.	Long-term management of the green infrastructure including retained and new trees/woodland, is secured through Requirement 10 and 28 of the draft DCO.
14.	BNP Paribas Real Estate on behalf of Royal Mail [RR-026D]	Royal Mail Group Limited (RM) supports the development of Segro Properties Ltd's East Midlands Gateway Phase 2. However, on a practical level RM is seeking to ensure that its road-based operations are not adversely impacted by construction traffic and any changes to local highway capacity during the scheme's construction phase. RM has seven operational properties within 10 km of the proposed scheme boundary. These operational facilities rely on frequent use of the local road network on a daily basis. Accordingly, RM wishes to draw its operational obligations and requirements to the attention of both the Applicant and the Examining Authority. Furthermore, RM is registering as an Interested Party to reserve its position to make further representations at the Examination, if required. Under section 35 of the Postal Services Act 2011, RM has been designated by Ofcom as a provider of the Universal Postal Service. RM is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory	The Applicant notes and welcomes Royal Mail Group Limited's response. The importance of mitigation of transport effects during both construction and operational phases is well understood by the Applicant. The. The Construction Traffic Management Plan (CTMP) is appended to the CEMP Construction Environmental Management Plan (CEMP, Document 6.3A) [APP-074D], and aligns with its objectives but provides specific detail on the management of construction-related traffic to minimise environmental impacts, ensure safety, and maintain local amenity. Future phases of development will be required to provide (and agree) phase specific 'pCTMPs' prior to commencement. The construction traffic forecasts have been modelled in PRTM 2019 and 2023, which confirmed there would be minimal changes to

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		duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on RM, requiring it to provide the Universal Postal Service. The Act includes a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. RM's performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, RM seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development. RM's postal sorting and delivery operations rely heavily on road communications. It's ability to provide efficient mail collection, sorting and delivery to the public is highly sensitive to changes in the capacity of the highway network. RM is of the view that the construction phase of this scheme has potential to impact on its operational interests, especially when combined with any potential cumulative highways impact of other major developments in the surrounding area. RM is grateful for and welcomes section 4.6 of the draft CTMP (document ref PC24-004 EMG 2) as appended to the CEMP which is broadly in line with the mitigations that RM requested during the s42 consultation and which indicates commitment by Segro Properties Ltd or its contractors to giving RM the required advance notification of works affecting the highway. However, the DCO process has some way to go before section 4.6 of the draft CTMP will be finalised for	the operation of the existing highway network and therefore no mitigation needed. While some temporary disruption during construction is unavoidable, the CEMP and CTMP (and pCTMPs) will minimise that disruption and ensure information is available to help Royal Mail and other road—users understand the works and their programme. Royal Mail will be notified prior to works taking place.

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		implementation. Accordingly, RM will monitor the progression of the DCO application through the Examination to determination in order to ensure that the requested mitigation measures set out in section 4.6 of the draft CTMP are included in the final CTMP.	
15.	National Grid Electricity Distribution [AS-001]	NGED's relevant representation regarding the Order Having reviewed the plans relating to the Project, NGED have confirmed that they do have assets in or upon the land included within the Order. While NGED will seek to have positive engagement with the Applicant in relation to the Project, NGED needs to ensure that the wider powers being sought in the Order will not have a detrimental impact on NGED's electricity network and its duties under the EA 1989. This includes ensuring acceptable terms of any proposed protective provisions. NGED is therefore making this representation as a holding objection to the application until an asset protection arrangement has been agreed between the parties. NGED shall look to engage with the Applicant at the earliest convenience to discuss a formal agreement, but, for the reasons set out above, this has yet to be concluded. Accordingly we are lodging this representation to protect NGED's position pending conclusion of an appropriate agreement. NGED therefore kindly requests that the Planning Inspector accepts their apologies for submitting this letter after the deadline, but requests that their discretion is exercised to	The Applicant has included protective provisions in favour of NGED in Part 3 of Schedule 13 of the dDCO (DCO 3.1) and [APP-012D] . The protective provisions are in a form accepted by NGED on other projects. The Applicant is in contact with the legal representatives acting for NGED to agree and confirm that those protective provisions are in a form acceptable to NGED and to enable them to withdraw their holding objection at the earliest opportunity.

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		accept this holding objection to the application until an asset protection agreement has been agreed between the parties. Once NGED is satisfied that its network is protected, we will confirm this with the Planning Inspectorate and promptly withdraw the objection.	

ANNEX 2A
FLOW CHART



APPENDIX 3

RESPONSES TO RELEVANT REPRESENTATIONS FROM PARISH COUNCILS

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
16.	Long Whatton and Diseworth Parish Council [RR-010D]	East Midlands Gateway Phase 2 - SEGRO DCO The following is the relevant representation by Long Whatton and Diseworth Parish Council (LWDPC) in regard to the SEGRO plans for industrial and logistics development of land south of A453, immediately adjacent to the village of Diseworth. This is for the construction of employment floorspace (use classes B2/B8) with ancillary (integral) offices (use class E(g)(i)); and associated infrastructure including earthworks, internal estate roads, parking, and landscaping (all). The proposed site is the land south of the A453, to the east of Diseworth, including Hyam's Lane extending to Long Holden. Background Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant part of the Development Plan in the case of this planning application is the North West Leicestershire Local Plan 2011 to 2031. The Local Plan was adopted by North West Leicestershire District Council on 16 March 2021 following a partial review.	The Applicant would clarify that an application of national significance requiring a Development Consent Order (DCO) is determined under the Planning Act 2008, rather than the Town and Country Planning Act 1990 with which Long Whatton & Diseworth Parish Council will have greater familiarity. Such DCO applications are principally determined in accordance with National Planning Statements but the National Planning Policy Framework and North West Leicestershire District Council's Local Plan can be a material consideration. Further details are provided in the Planning Statement which accompanies the applications [DCO/MCO5.4; APP-222].
16.1.		Freeport The application is based on the East Midlands Freeport designation made by the Government in March 2021; this decision was taken with no local consultation or involvement. We believe the designation, so close to an already hemmed-in conservation village, adds to the	The Applicant has carefully assessed the impacts of EMG2 in the following chapters of the Environmental Statement: Chapter 10 Landscape and Visual [DCO6.10], Chapter 12

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		unacceptable cumulative effect of industrialisation of the area. The proposed development is too large, too close and will have an unacceptable overbearing effect on Diseworth.	(Cultural Heritage) [DCO 6.12] and Chapter 21 (Cumulative Impacts) [DCO 6.21].
16.2.		The Parish Council have been consistent in its view that there needs to be acceptable separation between Diseworth and any development, both in terms of distance, visual impact and to lessen the noise and light pollution that are bound to be created (particularly during construction). We note the distance between SEGRO's EMAGIC1 and its neighbouring settlement (Lockington) is substantially greater than that between this proposal and Diseworth.	As set out in the Consultation Report [DCO 5.1] and further explained in the Design Approach Document (DA) [DCO 5.3], the proposals for the EMG2 Works have evolved iteratively and the impact on Diseworth has been a key consideration. In response to concerns raised by the Parish Council, the landscape buffer between Diseworth and the built development has been increased and floorspace decreased as the proposals have evolved. Detailed proposals for the Community Park were developed and are included as part of the DCO Application.
16.3.		There is industrial capacity elsewhere for the Freeport so this should have no relevance to this application. North West Leicestershire Local Plan North West Leicestershire Local Plan Policy S3 provides for large-scale employment development in the countryside where it would comply with Local Plan Policy Ec2. Policy Ec2 supports additional employment development where evidence indicates an immediate need or demand for additional employment land (B1, B2 and B8) subject to the proposal: a) Being accessible, or will be made accessible, by a choice of means of transport, including sustainable transport modes, as a consequence of planning permission being granted for the development; and b) Having good access to the strategic highway network (M1, M42/A42 and A50) and an acceptable impact on the capacity of that network, including any	As set out at Chapter 4 (Consideration of Alternatives) [DCO 6.4], the other East Midlands Freeport sites are not considered as reasonable alternatives. The Freeport comprises three complementary locations, East Midlands Airport and Gateway Industrial Cluster (EMAGIC) (including the EMG2 Main Site), Uniper's Ratcliffe-on-Soar site located south-west of Nottingham, and Goodman's East Midlands Intermodal Park (EMIP) site located south-west of Derby on the A50/A38 Interchange adjacent to the Toyota plant. To realise the Freeport's ambitions of delivering significant investment and creating thousands of new job opportunities, all three

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		junctions; and c) Not being detrimental to the amenities of any nearby residential properties or the wider environment.	sites are proposed to come forward and it is therefore not a matter of progressing one in preference to another. The economic case for the DCO Scheme is underpinned by the comprehensive market need analysis prepared by Savills which has been included as Appendix 5A to the ES [DCO 6.5A]. The assessment demonstrates a significant shortfall of industrial and logistics (I&L) floorspace across North West Leicestershire and the wider region. Existing allocations and consents are insufficient to meet projected demand, and there is a pressing requirement for new strategic sites. Since the submission of the DCO Application, further evidence has become available (Leicester & Leicestershire Needs Update and Apportionment Study, 2025) which further substantiates the need for additional strategic warehousing development in the area and supports the proposed allocation of land south of the EMA in the North West Leicestershire Local Plan.
16.4.		North West Leicestershire District Council is undertaking a Local Plan Review. The review will update the adopted Local Plan. Public consultation on proposed policies and land allocations took place from 5 February to 17 March 2024. The Draft replacement Local Plan aims to fully meet, and exceed, employment land requirements to 2040 by	The DCO Applicant has engaged in the preparation of the Local Plan throughout and supports the identification of the land south of East Midlands Airport as a location for large scale employment development.

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		allocating sites at Ellistown, Castle Donington, Kegworth and the proposed new settlement at Isley Woodhouse.	
		Long Whatton and Diseworth Neighbourhood Plan The current draft version of the Long Whatton and Diseworth Neighbourhood Plan now carries weight in the determination of planning applications. It has been approved by the Parish Council and submitted to North West Leicestershire District Council for independent external inspection prior to the required referendum. So, will be an important material consideration in the determination of any planning application.	The Long Whatton and Diseworth Neighbourhood Plan (LWDNP) was submitted by the Parish Council in Autumn 2025. It is not a 'made' (final) LWDNP and as such does not form part of 'the development plan'. The LWDNP has been subject to various consultation comments including unresolved objections. This includes objections from North West Leicestershire District Council, as well as the DCO Applicant who have objected to the NP as there is a conflict between policies contained in the draft LWDNP and the emerging Local Plan.
16.5.		To help with the interpretation of Local Plan Policy Ec2 at a local level, particularly criterion 'c', the Neighbourhood Plan directs large-scale employment development to those parts of the countryside that are less sensitive, especially in terms of landscape, heritage, and nature conservation.	It should be noted that North West Leicestershire District Council objected to Policy LW&D30 'Employment Development in the Countryside' as it would restrict development within the Freeport and conflict with the draft allocation of this land for strategic employment in the emerging Local Plan.
16.6.		Landscape In 2023, Long Whatton and Diseworth Parish Council commissioned its own study which builds on three previous studies to understand in more detail the characteristics of the landscape surrounding Long Whatton and Diseworth.	We note that a Landscape Sensitivity Report was prepared for the Parish Council in 2024 to inform the LWDNP.
16.7.		The Study concludes that the landscape to northeast of Diseworth transitions beyond the settlement fringe out to a simple, agricultural landscape. This landscape's value is	The likely significant environmental landscape and visual effects of the DCO Scheme are

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		derived from the separation and protection it affords the settlement from the large-scale developments of East Midlands Airport, transport infrastructures of the M1 and A42 and Donington Park Services to the north and east. This landscape retains a hinterland to the settlement, which has already been compromised, protecting the identity and character of the settlement and landscape beyond. This results in a medium – high sensitivity to employment and a medium sensitivity to housing.	assessed at Chapter 10 of the ES [DCO 6.10] and associated appendices. Reference to the Landscape Sensitivity Report is included at Paragraph 10.5.44-10.5.46 of Chapter 10 [DCO 6.10]. A review of the DCO Scheme against the draft LWDNP policies is provided at Appendix 1 of the Planning Statement [DCO 5.4].
16.8.		This parcel of land's strong role in the setting of the settlement is represented by key views along Hyam's Lane which show the nucleated settlement of Diseworth buffered by the surrounding countryside. Key Views show how only the spire of the church breaks the skyline with built elements of the settlement surrounded by vegetation against a backdrop of the rising land to the west. From the settlement and national trail visual receptors' views and experience of the landscape are buffered from the industrial developments to the north by this landscape. It follows that the proposed development would have a significant adverse impact on the landscape contrary to Local Plan Policy Ec2.	The DCO Applicant has carefully assessed the likely landscape and visual impacts of EMG2 as set out at Chapter 10 of the ES [DCO 6.10]. In respect of landscape and visual matters and considerations, mitigation has been 'embedded' into the DCO Scheme through an iterative design process and includes the creation of a Community Park and perimeter mitigation mounding. The proposed landscape mitigation will assist in reducing the influence of the proposed development on the site's immediate landscape context and in assimilating the build development proposals. The assessment shows that the EMG2 Works will inevitably remain a strong influence over its immediate landscape context. As set out in Chapter 10 [DCO 6.10], the residual landscape effect of the proposed EMG2 Works after 15 years on the site itself and its immediate

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			context will be moderate/major adverse, which is significant in EIA terms. The residual landscape and visual effects identified in the ES will have to be weight against the significant socio-economic benefits of the scheme.
16.9.		Heritage The Church of St Michael, Clements Gate, Diseworth is Grade II* Listed. North West Leicestershire District Council is reminded that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72 contains similar requirements with respect to buildings or land in a conservation area. In this context 'preserving' means doing no harm.	The DCO Applicant has engaged with North West Leicestershire District Council to agree a Statement of Common Ground (SoCG). A draft SoCG has been submitted to the Examining Authority at Deadline 1 (DCO 8.3G). As set out at 4.15 of the draft SoCG, agreement has been reached between the parties that <i>"The proposals for the EMG2 Main Site will have an effect on the architectural and historic interest of the Grade II* listed Church of St Michael and All Angels through the reduction in views of it within a rural setting; the change in land use and character within the EMG2 Main Site; and the alteration of some long-distance views which will, to a degree, diminish its landmark status. This will give rise to less than substantial harm to the asset's significance."</i>
16.10.		The scale of the proposed development within the application site will result in a substantial visual change within the setting of the Conservation Area and various Listed Buildings, including the Church of St Michael. The proposed development will be visually dominant in views to the north taken in the vicinity of the Conservation Area. It	The likely significant environmental effects on heritage assets is considered at Chapter 12 of the ES [DCO 6.12]. Regarding the Church of St Michael and All Angels, the assessment at Chapter 12 [DCO

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		follows that the proposed development would have a significant adverse impact on heritage assets contrary to Local Plan Policy Ec2.	6.12] acknowledges that the EMG2 Works will result in negative changes to views of the Church's spire from public views within the application site and to some longer-distance views from the surrounding landscape. The proposals will remove or alter these views, with the introduction of large-scale built form into this part of the Church's wider setting. Embedded mitigation in the form of landscape mounding and planting and the Community Park within the EMG2 Works will help reduce the proposed buildings that will be visible. After fifteen years, the embedded mitigation will help to reduce the significance of effect on the listed church to moderate-minor adverse which is not significant in EIA terms.
16.11.		Noise and Air Pollution Diseworth's residents are constantly affected by noise, light and air pollution from aircraft and airport operations, road traffic (particularly the A453 and A42/M1), businesses, Donington Park Race Track, and the annual Download Festival.	The Applicant has carefully assessed the impacts of EMG2 in the following chapters of the Environmental Statement: Chapter 6 (Transport) [DCO 6.6], Chapter 7 (Noise) [DCO 6.7], Chapter 8 (Air Quality) [DCO 6.8] and Chapter 11 (Lighting) [DCO 6.11].
16.12.		The proposed strategic distribution site would bring an additional source of noise, light pollution, and disturbance even closer. The never-ending noise and light pollution will cause serious issues both physically and mentally. Communities that are exposed to sound pollution can experience a range of negative effects, including hearing loss, sleep disruption, and stress. In some cases, exposure	An assessment of the potential impacts of the DCO Scheme on population and health matters is provided at Chapter 17 of the ES [DCO 6.17]. The assessment has specifically considered the potential health effects arising from change in air quality, noise and vibration, transport and from changes in the visual environment and

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		to sound pollution can also lead to cardiovascular problems and cognitive impairment in children. The proposed development would have a significant adverse impact on residential amenities contrary to Local Plan Policy Ec2.	other environmental health determinants. It did not identify any significant health impacts.
		Drainage The proposed application site lies within the catchment of the Diseworth Brook. Flood risk is a major concern for local people- 60% of respondents to our 2021 Questionnaire Survey were concerned about flood risk where they lived.	The DCO Applicant acknowledges the Parish Council's concerns.
16.13.		The Parish Council is keen to ensure that the proposed development includes both attenuation of runoff from new roofs and hardstanding, and new areas of flood storage to intercept surface water in order to alleviate flood risk in both Long Whatton and Diseworth villages. Water quality is also important, and the District Council will be aware of multiple criminal charges being brought against East Midlands Airport Ltd by the Environment Agency for pollution entering the river system. The proposed development could have a significant adverse impact on the water environment contrary to Local Plan Policy Ec2.	An assessment of the potential significant effects of the DCO Scheme in respect of flood risk and drainage is provided by Chapter 13 of the ES [DCO 6.13] and associated appendices. This includes consideration of the impacts of the proposed development on the surface water run-off from the construction and operational phases and how this will be managed to ensure that the proposed development is acceptable from a flood risk and drainage perspective. The assessment shows that the DCO Scheme will divert surface water runoff downstream of Diseworth offering a moderate-minor benefit to flood risk. Additionally, the outfall from the EMG2 Works will be restricted to the 1 in 1-year greenfield runoff rate from just the southern half of the site (the area that currently

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			drains to the A42 culvert). As a result, the total peak discharge rate from the EMG2 Works will be reduced below the baseline conditions. This will result in a moderate-minor benefit to flood risk to the Diseworth Brook floodplain. Surface water runoff from the construction and operational phases will also be managed in terms of quality to ensure that surface water discharged to the downstream water body has been appropriately treated to remove sediments and pollutants. This ensures that the DCO Scheme complies with the objectives of the Water Framework Directive.
16.14.		Transport and Traffic The location of the application site is poorly served by public transport. There is no genuine choice of transport modes - the proposed new development will be reliant upon road distribution and workers using the private car or limited rural bus services. Indeed, the majority of those travelling to East Midland Airport already travel by car which adds to congestion on the highway network.	There are five bus services operating at East Midlands Airport (Airway 9, Skylink Derby, Skylink Nottingham, Skylink Express and My15) connecting with key settlements including Nottingham, Ilkeston, Stapleford, Long Eaton, Leicester, Loughborough, Coalville, Ashby de la Zouch, Swadlincote, Burton-upon-Trent and Derby and therefore capture a large proportion of the nearby population. The peak time frequency of services are: • Skylink Derby – 15 minutes • Skylink Express – 30 minutes • Skylink Nottingham – 20 minutes

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			• Airway 9 – 60 minutes • My15 – 30 minutes Modal split data recorded at EMG1 confirms high take up of public transport, which is due to high quality of services. A Sustainable Transport Strategy (STS) [DCO 6.6B] and Framework Travel Plan (FTP) [DCO 6.6C] have been produced and form part of the wider mitigation strategy presented in the Transport Assessment and Chapter 6 of the ES [DCO 6.6]. The STS involves significant on-site and off-site infrastructure improvements to the surrounding active travel routes. This includes the delivery of a new shared footway/cycleway along the A453 between EMG2 and EMG1, works to Hyams Lane to provide a dedicated cycle link and the provision of a purpose-built bus interchange accommodating both existing public bus services and a dedicated electric shuttle service. A central part of the STS for the EMG2 Main Site will be a shuttle bus service. This will be a free service for all site employees providing a highly sustainable and affordable alternative to single occupancy car travel, replicating a similar service operated at EMG1. It will operate by providing a 'last mile' service for employees with links from their workplaces to

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			existing local bus operator services through a dedicated on-site interchange at the site entrance. Using state of the art fully electric shuttle buses, patronage at EMG1 has to date far exceeded expectations, with some 4,800 trips per week achieved in 2023. The EMG2 shuttle service will be co-ordinated through the expanded Sustainable Transport Working Group (STWG) in operation at EMG1. The STWG ensures that through close cooperation between all parties, bus services operate throughout the day to support the shift patterns of the businesses. East Midlands Parkway railway station is located in close proximity to EMG2. Should there be sufficient demand, the shuttle bus could be used to transfer employees to the EMG2 development. The Framework Travel Plan seeks to reduce total vehicle trips by 24%.
16.15.		The traffic generated by the proposed strategic distribution site would have a significant impact upon the local and strategic road network. Contrary to the NPPF, there would be no genuine choice of sustainable transport modes. It follows that the proposed development would be contrary to Local Plan Policy Ec2.	The STS [DCO 6.6B] shows that there is already comprehensive network of bus services surrounding the DCO Scheme. A comprehensive range of measures is proposed to maximise sustainable transport opportunities including a purpose-built bus interchange within the site amongst other on-site and off-site sustainable transport infrastructure improvements. The DCO Applicant considers that a choice of

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			sustainable transport modes will be available to access the site.
16.16.		The Parish Council must have sight of a traffic impact study and ask that a full strategic highway review is undertaken without delay.	As set out at Chapter 6 of the ES [DCO 6.6] and the accompanying Transport Assessment (TA) included as Appendix 6A to the ES [DCO 6.6A], extensive transport modelling and assessment work has been undertaken. These documents form part of the DCO Application and are available online on the Planning Inspectorate's Project Information page.
16.17.		Parking For several years, particularly during school holidays and the summer months, parking nuisance has been a significant issue in Diseworth and Long Whatton.	In response to representations received during the period of statutory consultation prior to an applicant being made, the Applicant incorporated design changes to include a dedicated HGV parking facility and to restrict parking in areas where access from Diseworth to the EMG2 Main Site was proposed.
16.18.		Workers at the airport, and nearby businesses, park in the villages to avoid car parking charges at their place of work as well as do holidaymakers using East Midlands Airport. Cars have been left on pavements, verges etc. daily and often for 2-3 weeks at a time. The Parish Council is keen to ensure that the proposed development does not exacerbate the current problems. The proposed development could worsen residential amenities contrary to Local Plan Policy Ec2.	In response to representations received during the period of statutory consultation prior to an applicant being made, the Applicant incorporated design changes to include parking restrictions in areas where access from Diseworth to the EMG2 Main Site was proposed.
16.19.		Consideration The Parish Council strongly objected to the plans presented at various consultation events due to the potential impact on Diseworth, particularly in terms of	The DCO Applicant has carefully assessed the impacts of EMG2 in the following chapters of the Environmental Statement: Chapter 6

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		heritage, landscape, and amenity, all of which are an unacceptable burden on the village.	(Transport) [DCO 6.6], Chapter 7 (Noise) [DCO 6.7], Chapter 8 (Air Quality) [DCO 6.8], Chapter 10 (Landscape and Visual) [DCO 6.10], Chapter 11 (Lighting) [DCO 6.11] and Chapter 12 (Cultural Heritage) [DCO 6.12].
16.20.		This proposal is not the only large-scale development in the immediate area, there is a current application to build a new settlement of 4,700 new homes to the west of Diseworth and we believe the cumulative impact of all of these developments must be an important consideration in determining EMG2. The demand on the highway network and traffic safety in the area need to be properly addressed. As stated earlier the Parish Council have been consistent in its view that there needs to be acceptable separation between Diseworth and any development, both in terms of distance, visual impact, and to lessen the noise and light pollution particularly during construction. Should the SEGRO project proceed, any loss of amenity for Diseworth, and its community, must be mitigated against and suitable compensation agreed before approval of any planning application. We would welcome the opportunity to discuss these when appropriate.	An assessment of cumulative impacts is provided within the individual assessment chapter with further detail provided at Chapter 21 (Cumulative Impacts) [DCO 6.21]. With specific reference to transport, the DCO Applicant notes that extensive transport modelling and assessment work has been undertaken as set out at Chapter 6 of the ES [DCO 6.6] and the accompanying Transport Assessment (TA) included as Appendix 6A to the ES [DCO 6.6A]. This factors in existing baseline conditions, consented and committed developments and potential future growth (draft Local Plan allocations and redevelopment of the Ratcliffe on Soar Power Station site). The DCO Application proposals have evolved through an iterative design process involving a series of stages of assessment and engagement, scheme refinement, further assessment and further refinement. This has led to a number of measures targeted at avoiding, reducing or mitigating environmental effects becoming 'embedded' in the proposals.

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			A comprehensive range of additional mitigation measures has also been identified and will be secured through DCO Requirements. This includes a Construction Environmental Management Plan (CEMP). A summary of both the embedded and additional mitigation is set out at Chapter 22 of the ES [DCO 6.22] with further detail on the proposed mitigation provided within the individual assessment chapters of the ES [DCO 6.5-6.21].
17.	Breedon on the Hill Parish Council [RR-007D]	Response to East Midlands Gateway Phase 2 Statutory Consultation Thank you for consulting with Breedon on the Hill Parish Council (BPC) regarding SEGRO's proposals to develop land south of East Midlands Airport and the A453, and west of the M1 motorway, for a new warehousing and manufacturing employment park known as East Midlands Gateway Phase 2 (EMG2).	The DCO Applicant notes the response.
17.1.		Highways and Traffic (Primary Concern) The Parish Council's greatest concern relates to highways capacity, traffic generation and road safety impacts arising from the proposed development. The application site is poorly served by public transport and offers no genuine choice of transport modes. As such, the development will be overwhelmingly reliant on road-based distribution and private car use by employees. This will inevitably add to congestion on an already constrained highway network and increase carbon emissions. The	There are five bus services operating at East Midlands Airport (Airway 9, Skylink Derby, Skylink Nottingham, Skylink Express and My15) connecting with key settlements including Nottingham, Ilkeston, Stapleford, Long Eaton, Leicester, Loughborough, Coalville, Ashby de la Zouch, Swadlincote, Burton-upon-Trent and Derby and therefore capture a large proportion of the nearby population. The peak time frequency of services are:

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		majority of those currently travelling to East Midlands Airport already do so by car, exacerbating these issues.	• Skylink Derby – 15 minutes • Skylink Express – 30 minutes • Skylink Nottingham – 20 minutes • Airway 9 – 60 minutes • My15 – 30 minutes Modal split data recorded at EMG1 confirms high take up of public transport, which is due to high quality of services. A Sustainable Transport Strategy (STS) [DCO 6.6B] and Framework Travel Plan (FTP) [DCO 6.6C] have been produced and form part of the wider mitigation strategy presented in the Transport Assessment and Chapter 6 of the ES [DCO 6.6]. The STS involves significant on-site and off-site infrastructure improvements to the surrounding active travel routes. This includes the delivery of a new shared footway/cycleway along the A453 between EMG2 and EMG1, works to Hyams Lane to provide a dedicated cycle link and the provision of a purpose-built bus interchange accommodating both existing public bus services and a dedicated electric shuttle service. A central part of the STS for the EMG2 Main Site will be a shuttle bus service. This will be a

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			free service for all site employees providing a highly sustainable and affordable alternative to single occupancy car travel, replicating a similar service operated at EMG1. It will operate by providing a 'last mile' service for employees with links from their workplaces to existing local bus operator services through a dedicated on-site interchange at the site entrance. Using state of the art fully electric shuttle buses, patronage at EMG1 has to date far exceeded expectations, with some 4,800 trips per week achieved in 2023. The EMG2 shuttle service will be co-ordinated through the expanded Sustainable Transport Working Group (STWG) in operation at EMG1. The STWG ensures that through close cooperation between all parties, bus services operate throughout the day to support the shift patterns of the businesses. East Midlands Parkway railway station is located in close proximity to EMG2. Should there be sufficient demand, the shuttle bus could be used to transfer employees to the EMG2 development. The Framework Travel Plan seeks to reduce total vehicle trips by 24%. Requirement 4 of the draft DCO secures the establishment of the STWG, the provision of occupier-specific travel plans and the implementation of the STS.

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17.2.		At the Diseworth exhibition, consultants indicated that the early phase of the Freeport development alone could generate approximately 400–450 vehicle movements during the two daily peak commuting periods. Breedon on the Hill already experiences high volumes of commuter traffic, with the village frequently used as a rat run between Ashby and the airport and industrial areas. This situation will be further intensified by the forthcoming Money Hill residential development in Ashby, which will introduce thousands of new homes and potential employees for the Freeport.	Extensive transport modelling has been undertaken which factors in future committed growth. The scope of the transport modelling is described at Appendix 6A to the ES [DCO 6.6A]. The strategic modelling using PRTM 2023 confirms that with the proposed mitigation in place, the EMG2 development will result in a negligible increase in vehicle trips through Breedon.
17.3.		Using the standard metric of 5.7 metres per vehicle, the cumulative impact of additional traffic—without corresponding highway improvements—will be very significant. The Parish Council is concerned that Breedon on the Hill will be overwhelmed by increased commuter traffic, creating unacceptable risks for residents, pedestrians and [redacted]	A range of highway, active travel and public transport improvements are proposed to maximise sustainable transport opportunities and reduce the vehicular impacts of the EMG2 Works on the surrounding network. A package of highway works is proposed including substantial improvements to M1 Jct 24, as well as minor works on the local highway network, and pedestrian/cycle route enhancements. The assessment shows that the identified highway improvements would result in benefits to the operation and capacity of the existing highway network surrounding the site and improve highway safety at locations with existing issues.
17.4.		The Parish Council has consulted residents at recent public meetings to explore potential mitigation measures. In particular, the PC requests that:	As set out at Chapter 6 of the ES [DCO 6.6] and the accompanying Transport Assessment (TA) included as Appendix 6A to the ES [DCO 6.6A], extensive transport modelling and assessment work has been undertaken. This

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		• A 20 mph speed limit is introduced through the village, replacing the existing 30 mph limit; • Traffic calming and highway restrictions, such as chicanes with alternating priority (similar to those on Castle Donington High Street), are implemented to discourage commuter traffic and reduce vehicle speeds. The Parish Council considers that such measures would be effective in addressing traffic volumes and safety concerns. Accordingly, the PC requests sight of the Traffic Impact Study and calls for a full Strategic Highway Review to be undertaken as part of this project. Any agreed traffic calming measures should be secured within the Development Consent Order (DCO) documentation to ensure delivery.	has included detailed consideration of the impacts of the development on the safety of both road users and pedestrians. The assessment concluded that the proposed capacity improvements on the Strategic Road Network (SRN) would lead to a reduction in traffic along a significant number of roads on the local highway network, in turn resulting in beneficial impacts to road user and pedestrian safety. No specific road safety issues in Breedon on the Hill were identified which would necessitate the implementation of mitigation measures such as traffic calming.
		Other Key Concerns In addition to highways and traffic, the Parish Council raises the following significant concerns: • Landscape and Visual Impact Breedon Hill rises to 122 metres above sea level within a generally low-lying landscape and affords long-distance views across several counties. It is one of North West Leicestershire's most important environmental assets and is identified as a primary landmark in the emerging Breedon on the Hill Neighbourhood Plan. The proposed development would have a significant adverse impact on the character, prominence and setting of Breedon Hill.	The likely significant environmental landscape and visual effects of the DCO Scheme are assessed at Chapter 10 of the ES [DCO 6.10] and associated appendices. This includes consideration of the impacts on Breedon on the Hill. The assessment of landscape impacts considers Breedon on the Hill as part of the County-level Langley Lowlands Landscape Character Area (LCA) and concludes that the development will result in minor adverse impacts on this LCA both during construction and operation.

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			In terms of visual impacts, visitors to the high point at Breedon on the Hill are specifically considered with the assessment concluding that given distant elevated views towards the site, the construction stage of the development will result in moderate adverse effects on visitors to the Breedon on the Hill highpoint reducing to minor/moderate adverse 15 years post completion.
17.5.		Heritage Assets The Bulwarks, a Scheduled Monument comprising earthworks around Breedon Hill; the Grade I listed Church of St Mary and St Hardulph; and the Breedon on the Hill Conservation Area are all highly sensitive heritage assets. Breedon Hill SSSI also represents the largest area of species-rich Carboniferous Limestone grassland in Leicestershire. The development would result in harm to the setting and significance of these designated assets.	The likely significant environmental effects on heritage assets is considered at Chapter 12 of the ES [DCO 6.12]. This includes an assessment of impacts on the Bulwarks Scheduled Monument. The assessment concludes that due to the extended distance between the asset and the EMG2 Works, impacts are likely to be limited during the construction stage. The operational development will result in negative changes to views of The Bulwarks due to the introduction of modern built forms within some longer-distance views from the Scheduled Monument with the surrounding landscape intruding within the wider setting of the monument. Embedded mitigation in the form of extensive bunding and landscaping, will reduce the level of visual intrusion, with the overall residual effect considered to be negligible. An initial assessment on the Grade I listed Church of St Mary and St Hardulph was undertaken as set out in the Built Heritage

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			Statement included as a Appendix 12A to the ES [DCO 6.12A]. This concluded that the EMG2 Main Site forms a very tiny part of the asset's huge wider setting predominantly made up of rural fields, woodland belts and intermittent settlements. As the site has no meaningful contribution to the asset's significance, the Church of St Mary and St Hardulph was not given further consideration in the heritage assessment presented in Chapter 12. As set out at Chapter 9 of the ES [DCO 6.9], impacts on Breedon Cloud Wood and Quarry SSSI arising from an increase in traffic in proximity to this SSSI and resulting air quality changes have been considered. The assessment concludes that this SSSI will not be exposed to significant increased in pollutants and so the potential impacts are considered to be negligible both during the construction and operational phase.
17.6.		• Policy and Legal Considerations North West Leicestershire District Council is reminded of its statutory duties under Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require special regard to be given to the desirability of preserving listed buildings and conservation areas. Case law (including the Barnwell Manor and Forge Field decisions) confirms that "considerable importance and weight" must be given to heritage conservation, in line with the National Planning	The DCO Applicant notes the response. An assessment of the DCO Scheme against the relevant planning policy documents is provided in the Planning Statement [DCO 5.4]. The Planning Statement sets out the Applicant's conclusions regarding the overall 'planning balance' of issues and any policy or other 'harms' identified from the appraisal process.

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		Policy Framework. In this context, preserving means doing no harm.	
17.7.		Uncertainty Due to Reserved Matters The full extent of landscape and heritage impacts cannot yet be properly assessed, as key details such as the scale of development and landscape mitigation are reserved matters. Nonetheless, based on the information available, the proposal appears contrary to Local Plan Policy Ec2.	The DCO Application seeks approval for a set of parameters for the DCO as described at Chapter 3 of the ES [DCO 6.3] and relevant plans and secured in the draft DCO. It is considered that the defined parameters provide sufficient clarity and certainty to enable a robust EIA to be undertaken.
17.8.		Conclusion The Parish Council objects to the proposals presented at this consultation due to their potential adverse impacts on traffic and highways, heritage, landscape and transport sustainability within Breedon on the Hill Parish. The Parish Council requests that it is consulted and called upon as further information becomes available, particularly in response to any additional requirements or clarifications sought by the Examining Authority and wishes to remain actively engaged throughout the examination process.	The DCO Applicant notes the response.
18.	Castle Donington Parish Council [RR-008D]	Planning Inspectorate Reference: BC0410001 The Parish Council supports the [redacted] approach for development of this area, versus piecemeal applications i.e. the Airport application for only part of the site.	The DCO Applicant notes the response and welcomes the support for the development.
18.1.		However, its main concern is in relation to highway matters.	The DCO Applicant has responded to the points raised below.
18.1.1.		The Parish Council would insist that due consideration is given in respect of all other developments around the main	Extensive transport modelling has been undertaken which factors in future committed

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		motorway junctions and also the impact of the creation of a new town – Isley Woodhouse, including during construction phases for both sites and also the longer term once both developments are at full operational and inhabitancy.	growth. The scope of the transport modelling is described at Appendix 6A to the ES (DCO 6.6A).
18.1.2.		In the locality there is a high level of car cruising activities along the existing road networks. Due consideration should be given to ensure new roads prevent this happening on [redacted]. Close working arrangements should be implemented with the Local Police Team and Community Safety Partnership in this respect.	As set out at Chapter 6 of the ES [DCO 6.6] and the accompanying Transport Assessment (TA) included as Appendix 6A to the ES [DCO 6.6A], extensive transport modelling and assessment work has been undertaken and this has included consideration of highway safety matters. The existing and proposed highway network has been modelled in PRTM 2019/2023 and VISSIM to understand the impacts of the EMG2 development on traffic re-assignment. The mitigation seeks to ensure that more traffic is drawn back onto the SRN to limit impacts on the local road network. The results show that there will be no significant residual impacts on the local road network. The proposals do not therefore promote or encourage the activities referred to.
18.1.3.		The implementation of a Toucan crossing on the main arterial A453 raises concerns in terms of the safety of users, both pedestrian and non-motorised. Will this area of the roads be lit to improve safety of users? Also, what will the effect be on the free flowing of motorised traffic, especially at peak times? Will the introduction of a crossing, and the	A new Toucan crossing point for pedestrians and cyclists to safely cross the A453 to/from the EMG2 Main Site has been identified as part of a range of improvement measures. As set out at Chapter 6 of the ES [DCO 6.6], traffic modelling which includes all the proposed highway works including this new crossing point has been undertaken and the outcome of

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		potential effect on free-flowing traffic, encourage people to find alternative routes through the surrounding villages.	this assessment work shows that the identified highway improvements would result in benefits to the operation and capacity of the existing highway network surrounding the site and improve highway safety at locations with existing issues. Specifically, the Toucan crossing is to be located between the Finger Farm and Hunter Road roundabouts, this section of the A453 is lit and will remain lit. The Toucan crossing will be supported by appropriate lighting in accordance with current design standards. The Toucan crossing has been modelled with a 240 second cycle time and 8 second red time based on demand calculated within the TA. This has been agreed with the TWG and coded into the PRTM and VISSIM modelling which confirms that there would be no significant delays/queues during the red signal, with no prejudicial impacts on the road network.
18.1.4.		Concern is also raised about the potential of construction traffic rat-running to get to different access points. Signage should be relevant and prevalent to stop this potential, so it is simple and understandable, even for the potential foreign drivers.	Construction traffic impacts have been considered as set out at Chapter 6 of the ES [DCO 6.6] and associated Appendix 6A [DCO 6.6A]. A Construction Traffic Management Plan (CTMP) is contained in the Construction Environmental Management Plan (CEMP) included as Appendix 3A to the ES [DCO 6.3A]. This includes a commitment to monitor construction traffic numbers to ensure they fall

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			within the maximum limit specified in the CTMP and to ensure compliance with the agreed HGV route. The CTMP submitted with the DCO is an outline document. Prior to construction starting, a detailed CTMP will be produced that will provide full details of the route for construction vehicles, the signage strategy, as well as other measures to control vehicular access such as a cap on construction traffic numbers at the thresholds that have been tested as part of the highways modelling analysis.
18.2.		It is noted that a condition of the development is the creation of a Consultative Committee, similar to [redacted] and this is supported as it is felt strongly that the developer of this site needs to work with the local community and continue to have open dialogue in terms of traffic, visual impact, flooding, environment and heritage etc.	The DCO Applicant welcomes the Parish Council's support for the establishment of a Community liaison group which is secured by Requirement 26 of the draft DCO.
18.3.		A Community Fund was created as part of [redacted] 1 development for the surrounding villages. Will this be the case for [redacted]? If so, what will be the extent of this?	The DCO Applicant has provided a response to the Examining Panel's question 1.2.11 regarding a community fund in the Applicants' Response to First Written Questions (DCO 7.5/MCO 7.5) submitted at Deadline 1.
19.	Kegworth Parish Council [RR-009D]	Kegworth Parish is uniquely well placed to comment on the DCO application. It has a population of 5000 and is identified in the NWLDC Local Plan as a 'Local Service Centre'. Its character in recent years has been defined by sensitive and	The DCO Applicant notes the response.

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		well-paced housing growth, with the M1 and A453 to the West and North acting as de facto development boundaries in a rural hinterland bounded by the River Soar to the East. Kegworth is in Leicestershire but lies on the Nottinghamshire and East Midlands Combined Authority boundary. Parts of EMG1 site, the East Midlands Airport (EMA) site and M1 J24 are within the Parish boundaries. The EMG2 site is outside but close to the Kegworth Parish boundary. Kegworth Parish Council has already submitted responses to the DCO statutory consultation in March and July 2025. These are pertinent to the current consultation and are included in Appendix 1 and Appendix 2 below.	
19.1.		HEADLINE OBJECTIONS A DCO is for developments of strategic national importance. It is difficult to see how this criteria is met for a circa 90Ha of predominantly B8 warehousing. It is notable that this site is included in the NWLDC Section 19 draft local plan for B8 development and that there is an existing planning application (24/000727/OUTM) for primarily B8 development on approximately half of the DCO site.	In January 2024, the DCO Applicant made an application to the Secretary of State under s.35 of the Planning Act 2008 for a direction to recognise the development as being of national significance for which development consent is required. The Secretary of State issued a direction dated 21 February 2024 confirming that the proposed scheme by itself is nationally significant because the proposal would: • be likely to have significant economic impact; • be important in driving growth in the economy; • have an impact on an area wider than a single local authority area;

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			• be of a substantial physical size and scale; • contribute to delivering the outcomes of the Freeport; and • benefit from the application being determined through a single, unified consenting process provided by the Planning Act 2008 which would remove the need to apply and the uncertainty of applying for separate powers and consents.
19.2.		To grant a DCO with compulsory purchase powers based on 'national strategy' when a large part of site is already being promoted by the lawful owners by the normal local planning processes and for the same type of development seems at best a mis-use of power and wholly inappropriate. The DCO application is bypassing democratic local planning processes that can deliver the same 'strategic benefits'. It appears there is no actual need for a DCO other than to favour SEGRO in promoting this development in preference to the landowners.	The DCO Application seeks permission for development at a scale which is nationally significant. The consenting procedure for such development is via the Planning Act 2008 with determination by the Secretary of State rather than under the Town and Country Planning Act 1990 (TCPA). Notwithstanding the difference in procedure to be followed, North West Leicestershire District Council (NWLDC), are a host authority and actively involved in the examination of the DCO Application under the Planning Act 2008. Although NWLDC are usually the determining authority for TCPA applications, the Secretary of State retains an ability to 'call-in' applications where they are of greater than regional significance. The DCO Application does include compulsory purchase powers to ensure that delivery of the proposed development can be delivered in the required timescales. However, such powers do not preclude landowners agreeing terms for the sale of their land at any time in advance. For all these reasons the DCO Applicant considers that due process is being followed and all

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			appropriate democratic planning processes are being adhered to including through engagement with interested parties as required by the relevant legislation.
19.3.		1. A key part of the DCO justification is the integration of the SRFI and potential net zero benefits. This argument seems entirely [redacted]. The potential benefits are the same whether this site is development by DCO or local planning processes. Notwithstanding that point, the current rail freight (RF) at EMG1 is a container freight operation that predominantly handles inward goods for regional distribution. Use of the RF operation by the existing EMG1 is minimal. It is notable that SEGRO have not provided (or otherwise published) any supporting data on this aspect because doing so would expose the [redacted] of the integrated RF argument. It makes little sense to load containers onto a truck for a journey of less than 2 miles and then unload. For true net zero benefit the containers need delivery to local distribution centres are a genuinely within the 'last mile' of the final destination. The current EMG1 RF has a capacity of 16 trains per day and has no land available for expansion. Current regular utilisation seems to be about 25% (4 per day), though with net zero pressures one would expect this to grow organically, independently of EMG2 happening or not. If EMG2 were to be a substantial user of the RF (unlike EMG1) then one would expect there to be a capacity constraint. It would make more sense to promote rail freight at other more suitable locations. SEGRO should be challenged to provide data on	The EMG1 development permitted and assessed the impact of up to 16 trains per day. There are no changes planned to the existing Rail Freight Terminal as part of the EMG2 DCO, other than to increase the permitted height of the cranes, which has no effect on traffic generation. The transport modelling work has assumed that 100% of vehicles, including HGVs, will assign to the external road network. A separate sensitivity test has been carried out that assigns HGVs between EMG2 and EMG1 rail freight terminal which confirms there will be no impacts on the surrounding network. In terms of demand, a letter of support from Maritime, the EMG1 rail freight terminal operator, is included as Appendix 2 to the Planning Statement (DCO 5.4; APP-222). Maritime is fully supportive of the DCO Scheme as this will drive growth in demand for rail freight and use of the terminal which is currently operating well within capacity.

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		the current and forecast use of the RF site in relation to EMG1, EMG2 and the wider region.	
19.4.		2. The evidence for economic need seems based on highly optimistic strategic B8 warehouse growth forecasts that are at odds with national GDP growth (ONS), GDP growth per capita or indeed potential growth in the e-commerce share of the goods market. There is a lack of evidence of collaboration with geographically close areas in mapping low levels of site take up and unused warehouse capacity in the vicinity. Such consultation and evidence should include Freeport partners, EMA, other adjacent local authorities and other parties.	The economic case is underpinned by the comprehensive market need analysis prepared by Savills which has been included as Appendix 5A to the ES [DCO 6.5A]. The assessment demonstrates a significant shortfall of industrial and logistics (I&L) floorspace across North West Leicestershire and the wider region. Existing allocations and consents are insufficient to meet projected demand, and there is a pressing requirement for new strategic sites. Since the submission of the DCO Application, further evidence has become available (Leicester & Leicestershire Needs Update and Apportionment Study, 2025) which further substantiates the need for additional strategic warehousing development in the area and supports the proposed allocation of land south of the EMA in the North West Leicestershire Local Plan.
19.5.		3. There is a sole focus on a narrow range of skills and jobs in the logistics sector, many low paid and of no benefit to local people, the local economy and the Kegworth community (and not the advanced manufacturing, high tech industries that the Freeport has set out to promote).	There is a misconception that the logistics sector only offers low paid and low skilled jobs. As set out in Chapter 5 of the ES [DCO 6.5] and associated Appendix 5A, the DCO Scheme will generate high quality employment opportunities across a range of occupations as well as training and upskilling opportunities.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
19.6.		4. The democratic NWLDC Local Plan process appears to be superseded by a 'nexus' argument from SEGRO that is already creating speculator activity locally and an avalanche of proposals for unwanted and unnecessary employment and strategic warehousing sites on the Kegworth side of the M1.	The Secretary of State issued a direction dated 21 February 2024 confirming that the proposed scheme by itself is nationally significant and that the proposed development is to be treated as a development for which development consent is required.
19.7.		5. There is insufficient acknowledgement of the complex set of existing and proposed developments to be accessed via the single carriageway A453: the proposed Isley Woodhouse development, Donington Park/Download festival, and EMA's passenger terminal, car parking and cargo operations. Site access and A453 mitigation issues have not been adequately addressed and local road users have not been consulted on important matters of detail and contingency. The impression of incremental change does not have a strategic or collaborative feel.	Extensive transport modelling has been undertaken which factors in future committed growth, proposed Local Plan allocations and the full redevelopment of the Ratcliffe on Soar Power Station. The scope of the transport modelling is described at Appendix 6A to the ES [DCO 6.6A] and has been agreed through pre-application discussions with the Transport Working Group (TWG). The TWG comprises representatives of the key statutory highway authorities including National Highways and Leicestershire County Councils (LCC) (amongst others) and representatives of the DCO Applicant. In relation to the A453, the existing layout of the A453 has been assessed using the PRTM model and then in detail using VISSIM. This confirms that the wide single carriageway layout would be suitable in accommodating traffic from EMG2. This would also be wide enough to manage traffic during an emergency, if required.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			LCC, as the highway authority responsible for that part of the A453 comprising a single carriageway has identified a potential future need for dualling between the Beverly/Hunter Road roundabout and Finger Farm. Whilst LCC and the promoters of future developments will need to complete additional work to evidence this need through transport modelling and to understand wider mitigation requirements for the cumulative impacts, the DCO Applicant commits to safeguarding land to allow dualling to take place in the future. This will form part of the DCO requirements in Schedule 2 of the draft DCO and will be included in the updated draft to be submitted at Deadline 2.
19.8.		6. The M1 Junction J23A/J24 changes, proposed as part of the DCO but separate from EMG2, are not comprehensive. Compared to the EMG1 changes at J24, including the building of the Kegworth Bypass, the single new slip road that is proposed in isolation for EMG 2 cannot offer a balanced or effective solution to J24, one of the busiest strategic road hubs in the UK. The Parish Council believes that National Highways should be leading on the junction design and future-proofing. Integrating national traffic modelling outputs with local traffic data from county councils is key. Local road users who know the road system and its interdependencies, and issues that can arise, need to see and scrutinise modelling data.	As set out at Chapter 6 of the ES [DCO 6.6] and the accompanying Transport Assessment (TA) included as Appendix 6A to the ES [DCO 6.6A], extensive transport modelling and assessment work has been undertaken. Transport modelling has considered scenarios without and then with the proposed highway works to understand the highway impacts of the EMG2 Project. The assessment concludes that the proposed capacity improvements on the Strategic Road Network (SRN) would lead to a reduction in traffic along a significant number of roads on the local highway network.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			The proposed mitigation scheme has been derived in consultation with NH. NH has confirmed that the proposed mitigation is suitable in addressing the impacts of the EMG2 development on the SRN, based on the transport modelling using both PRTM 2019 and 2023.
19.9.		7. Environmental and community impact measures do not go far enough. For example: a) We will continue to pursue the visual impact of EMG2, because EMG1 is a permanent eyesore on the horizon from many local rural vantage points on the Kegworth side, b) Noise and the public safety aspects of a site so close to EMA are of continuing interest in terms of emerging national policy which looks set to discourage new development in close proximity to airports, c) Kegworth's waste water plant is still a key part of Severn Trent's foul drainage network and we would question whether capacity has been properly considered, d) Any impacts associated with the well documented surface water management issues at the vast EMA site may yet have to be addressed e) Surface water management and design for EMG 1 and the bypass may have contributed to unforeseen flooding consequences for Kegworth. This has not been properly assessed.	<u>Landscape and Visual Impacts</u> The likely significant environmental landscape and visual effects of the DCO Scheme are assessed at Chapter 10 of the ES [DCO 6.10] and associated appendices. Figure 7 of Appendix 10B of the ES (DCO 6.10B) shows the Zone of Theoretical Visibility (ZTV) for the EMG2 Works, the MCO Scheme, and the EMG2 Works and MCO Scheme in combination. The ZTV is a computer-generated tool used to identify the 'theoretical' extent of visibility of a development. Figure 7 highlights that Kegworth lies within the ZTV of the MCO Scheme, but outside the ZTV for the EMG2 Works. Visual impacts on Kegworth have therefore only been assessed with regard to the MCO Scheme as fully detailed at Chapter 10 of the ES [DCO 6.10]. <u>Noise</u> It should be noted that the East Midlands Freeport was specifically designated as it is connected by road, rail and air offering a

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			unique location at the centre of the UK with transport links to the rest of the country and the world. The likely significant noise and vibration impacts of the DCO Scheme are assessed at Chapter 7 of the ES [DCO 6.7] and the operational risk of accidents associated with East Midlands Airport are considered as part of Chapter 20 of the ES [DCO 6.20] as part of an assessment of potential risks of major accidents and disasters. <u>Flood risk and drainage</u> An assessment of the potential significant effects of the DCO Scheme in respect of flood risk and drainage is provided by Chapter 13 of the ES [DCO 6.13] and associated appendices. This includes consideration of the impacts of the proposed development on foul drainage infrastructure and the surface water run-off from the construction and operational phases and how this will be managed to ensure that the proposed development is acceptable from a flood risk and drainage perspective. With regard to Kegworth bypass, it should be noted that the drainage system for the bypass discharges water at a controlled rate equivalent to the former greenfield run off rate. As a result, the bypass has not added to or

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			exacerbated pre-existing difficulties. Other sources of runoff that feed into the same watercourse that passes through Kegworth are uncontrolled and may contribute to the existing drainage infrastructure being overwhelmed after periods of excessive rainfall and saturated ground conditions.
19.10.		APPENDIX 1: 4 March 2025 – Response to East Midlands Gateway Phase 2 Statutory Consultation Kegworth Parish Council submits the following response to the consultation on the Development Consent Order (DCO) for SEGRO East Midlands Gateway Phase 2 (EMG2). We outline below our significant concerns regarding the proposed development: • The DCO route signals a wish by SEGRO to drive forward in spite of democratic local government process and community engagement in contrast to East Midlands Airport, now well on in the local planning process for their Freeport land, and the Uniper/Rushcliffe Local Development Order on which Kegworth Parish Council (KPC) were fully consulted and engaged. • The focus is clearly on low-paid logistics jobs and we still question whether this application, on this land, is the best use of a valuable Freeport site when other Freeport land is available at the Ratcliffe-on-Soar site and the Toyota site and live development opportunities are available at nearby 'Fairham' (Notts) close by on the A453. • East Midlands Gateway 1 (EMG1) has brought relatively little in either quality or quantity to already buoyant	A summary of the issues raised by Kegworth Parish Council in response to the statutory consultation, the DCO Applicant's response and any scheme changes that were made in response are set out in the Consultation Report [DCO 5.1; APP-208].

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		employment take-up in surrounding communities and EMG2 too is [redacted]. Kegworth's experience of the EMG1 DCO process and aftermath • We are the closest community to the now-completed EMG1 with only the M1 cutting separating the top of the parish from the A453, SEGRO and the railhead. • There are no records of intense or determined engagement by SEGRO with KPC in 2014-16 in the lead up to the DCO decision when the government minister overturned the appeal inspector's decision in. The result in surrounding communities has been ultimate distrust and despair in both the DCO process and [redacted] Visual and Rural Impact of EMG2 • The attempts at landscaping and visual mitigation of the very high warehouses and other structures at the heart of the EMG2 proposal are inadequate. All panoramic views towards the site from the South East across the length of the Soar Valley will include this inappropriate development. It is incidentally important to note that EMA itself is a little lower and not so visually intrusive at present. • Near Diseworth, the loss of rural walks along ancient footpaths will be lost forever along with the environmental diversity and richness that sustains them. The footpath diversions and in-estate walks intended to mitigate the loss can never do so (see comments on Unit 16 and EMG1 variations, and Integrated Transport below.	

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		A453 • Dualling the single carriageway section of the A453 by the Airport through the additional Freeport land is not included and is a failure to grasp the additional and immediate pressures of the proposed EMG2 development on an already sensitive bottleneck on the local network serving EMA, DHL, Donington Park, Castle Donington. When there are accidents on the adjacent national network or major events like Download 2023, the same road serves as a bottleneck and commerce can grind to a halt. • There are no measures to improve the M1 J23A roundabout and reference to measures along the dual carriageway from there to the EMG1 entrance need to be strengthened. This section currently lacks safe pedestrian and cycle access and serves as a dangerous and noisy raised track for nocturnal car cruisers. Integrated Transport • EMG1 has left Kegworth pedestrians and cyclists with few options to leave the parish safely to the West. The ancient links between Kegworth and Lockington cum Hemington were severed. Yet emerging plans worked up by local authorities for cyclist travel to work across the Freeport and between settlements have been ignored at this indicative first stage of planning for EMG2 and its implications for all travellers beyond the immediate workforce on the additional Freeport land. • The well developed thinking about a tramway extension from Clifton (EM Combined Mayoral Authority) to EMA (Leics) via SEGRO is ignored. Strategic Highways • Kegworth and surrounding communities took the pain of the National Highways work to improve M1 J24 concurrently with EMG1 and also has the	

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		'gain' of the SEGRO-funded Kegworth by-pass which facilitates EMG1 access from the East and South. • Regardless of the state of the public finances, we believe that the private sector-led initiative by SEGRO to remodel M1 J24 to facilitate and fast-track SEGRO expansion would be a dangerous substitute for independent public sector strategic planning of the National Highways network and strategic land use considerations for both road and rail at this crucial and nationally significant transport hub. In that sense we applaud the caution being exercised by Whitehall over HS2 safeguarding which directly affects Kegworth. • There has been no attempt by any partner to consult KPC as consortium plans for J24 have emerged and we note now that including in your proposals a single slip road from M1 North to the A50 is, on its own, the a relatively insignificant may very well cause more problems for J24 users overall than it solves. Unit 16, visual impacts, noise and proposed modifications to EMG1 • EMG1 'mission creep' has impacted Kegworth in SEGRO's eventually exceeding the height restrictions imposed by EMG1 for both warehouses and rail container stacking • The visual impact of the top of the EMG1 site on the horizon is severe in parts of the parish but also for miles around to the East • Noise impacts of EMG1 coming down the contours to Kegworth were never seriously considered and the proposed 5-tier gantry crane, taken with comments under 'A453' suggests that EMG2 continues in the same vein. Dialogues	

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		with SEGRO about container stacking noise instigated in recent years by local councillors have been parried over time. • We have until now been pleased with the visual appearance of EMG1 from J24 and the success of landscaping and the bund. We oppose Unit 16 because it represents further 'mission creep' and a willingness to sacrifice environmental priorities in the interests of commercial gain. It will, incidentally, detract from the landscaped appearance at the North end of the site regardless of the final height that SEGRO chooses. Provision for 'truckers' • This high profile national and local issue is not addressed. • 'Just-in-time' deliveries dictated by logistics industry schedules and real-time variations have exacerbated the lack of adequate provision of a rest area for truckers: toilets, off-tachograph parking and food and drink. EMG1 has already added pressure locally, with no obvious or sustained interest in the issue by SEGRO and specifically in the EMG2 proposal. • The ill-planned, littered, and fouled state of the lay-bys on the A453 by EMG1 is a live issue recently featured on BBC East Midlands through Clean Up Britain and local volunteers. The Road Haulier Association are therefore on record as saying that North West Leicestershire is a national blackspot because of the high concentration of logistics centres and the low proportion of dedicated and affordable lorry parks. Now is the time for SEGRO to make proper provision.	

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
19.11.		APPENDIX 2: 24 July 2025 - East Midlands Gateway Phase 2 (EMG2) Additional Consultation 1/7/25 – 29/7/25 Kegworth Parish Council submits the following response to the additional consultation held from 1 July to 29 July 2025 regarding the Development Consent Order (DCO) for SEGRO East Midlands Gateway Phase 2 (EMG2). The Parish Council maintains its objection to the proposed DCO. Visual Impact While the proposal now includes an increase in the height of the landscaping bund along the western boundary of the main EMG2 site, no measures have been put forward to mitigate the visual impact from the south and south-east. This remains a significant concern for the Council. Site Access and Egress The consultation does not propose any changes to address the Council's ongoing concerns regarding the single point of access and egress to the site. The Parish Council considers this arrangement to be inadequate, both in terms of emergency response capabilities and general traffic management. Strategic Highways and M1 Junction 24 Changes The additional consultation fails to address concerns regarding piecemeal development in the area and its impact on M1 Junction 24 and surrounding local roads. There is an absence of published traffic modelling data and no assurances have been provided to mitigate worries about the open-ended nature of a Development Consent Order (DCO), especially given the ongoing uncertainty surrounding the J24 partners.	A summary of the issues raised by Kegworth Parish Council in response to the additional consultation, the DCO Applicant's response and any scheme changes that were made in response are set out in the Consultation Report [DCO 5.1 APP-208].

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		Principle of Development • The proposed changes in the additional consultation documents do not address the fact that this development goes against the principle of development in this area, as advised in our original response and detailed below: • The DCO route signals a wish by SEGRO to drive forward in spite of democratic local government process and community engagement in contrast to East Midlands Airport, now well on in the local planning process for their Freeport land, and the Uniper/Rushcliffe Local Development Order on which Kegworth Parish Council were fully consulted and engaged. • The focus is clearly on low-paid logistics jobs and we still question whether this application, on this land, is the best use of a valuable Freeport site when other Freeport land is available at the Ratcliffe-on-Soar site and the Toyota site and live development opportunities are available at nearby 'Fairham'(Notts) close by on the A453. • East Midlands Gateway 1 (EMG1) has brought relatively little in either quality or quantity to already buoyant employment take-up in surrounding communities and EMG2 too is [redacted].	

APPENDIX 4

RESPONSES TO RELEVANT REPRESENTATIONS FROM PUBLIC INTEREST GROUPS

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
20.	Protect Diseworth <u>[RR-025D]</u>		The Protect Diseworth ('PD') representation covers a number of points over nearly 80 pages, starting with some general points over pages 3 – 10. This table includes a response to those general points, with a separate appended response to detailed topic specific points.
20.1.		General points (page 3) • No consideration of alternative size buildings; • Cumulative effects; • Nuisance; • Freeport and economic arguments; • Local Plan and Neighbourhood Plan.	The Applicant acknowledges that the EMG2 Main Site is not allocated in the adopted Local Plan. The proposals have evolved over time, with considerable effort made to respond to the specific characteristics and context of the site. This evolution, including with regard to building or plot sizes, and maximum building height and other parameters, is described in the submitted Design Approach Document (DAD, Document 5.3), particularly Section 3 of that document. The illustrative masterplan does show how plot/building sizes would vary across the site, in part a reflection of the proposed variations in maximum heights proposed (to help minimise the likely visual effects on Diseworth). However, as a strategic and nationally significant site intended to help meet some of the identified need for

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			additional strategic-scale buildings, the focus has remained on large-scale buildings. PD's interest in, and questions about, potential cumulative effects are understood. Consideration of potential cumulative effects is an explicit requirement of the Environmental Impact Assessment (EIA) process, and the submitted EMG2 ES does consider this. The Transport Assessment (TA) as a key element of the ES is explicitly cumulative in nature with the modelling undertaken including consideration of all other consented and planned ('committed') development. The comments regarding statutory nuisance are noted. Issues relevant to potential statutory nuisance are defined in statute, and are directly linked to the likely extent and nature of noise and similar potential effects. In particular, such effects are commonly defined as "serious, unreasonable, and persistent" in order to meet the tests of 'statutory nuisance'. The submitted ES includes comprehensive assessments of the relevant topics (Air Quality, Noise & Vibration), and identifies that with mitigation measures proposed the effects of the Proposed Development on the vast majority of 'receptors' are below significant levels. With regard to the status of, and weight attached to, the EMG2 Main Site's inclusion in the Freeport, it is important to note that the Freeport is a national initiative focused on enabling economic

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			investment and trade. The criteria for, and process of, applying to secure a Freeport designation did not involve the Applicant. The economic case and need for the EMG2 proposals (and likely economic benefits) do not rest solely on the Freeport context. The economic case is underpinned by the comprehensive market need analysis prepared by Savills which has been included as Appendix 5A to the ES [DCO 6.5A]. The assessment demonstrates a significant shortfall of industrial and logistics (I&L) floorspace across North West Leicestershire and the wider region. Existing allocations and consents are insufficient to meet projected demand, and there is a pressing requirement for new strategic sites. Since the submission of the DCO Application, further evidence has become available (Leicester & Leicestershire Needs Update and Apportionment Study, 2025) which further substantiates the need for additional strategic warehousing development in the area and supports the proposed allocation of land south of the EMA in the North West Leicestershire Local Plan. The emerging Local Plan process is ongoing led by NWLDC, and indeed has moved on again since the relevant representations process. Additional progress has been made by NWLDC and its partner LPAs (in February and March 2026) with regard to the approach to planning to meet

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			employment land needs. This has confirmed the very significant unmet needs to be met in North West Leicestershire. The extent and detail of the proposed allocation of the EMP90 site is not yet finalised or confirmed, but the Applicant considers there is a good degree of alignment between the Council's emerging objectives and priorities for this site and the submitted EMG2 scheme, including with regard to minimising the effects on Diseworth. The emerging Diseworth Neighbourhood Plan is currently at Examination Stage, and the Applicant made representations earlier in the process. ES Chapter 6 and associated Appendices, including the Transport Assessment (TA, Document 6.6A) provide a comprehensive assessment of the likely transport and highways issues from the Proposed Development. The process of preparing the TA was steered and agreed by the Transport Working Group including National Highways and Leicestershire County Highways. A detailed response to the points raised by PD is appended.
20.2.		Transport and Highways (page 11)	ES Chapter 6 and associated Appendices, including the Transport Assessment (TA, Document 6.6A) provide a comprehensive assessment of the likely transport and highways issues from the Proposed Development. The process of preparing the TA was steered and

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			agreed by the Transport Working Group including National Highways and Leicestershire County Highways. A detailed response to the points raised by PD is at Annex 4A
20.3.		Noise and Vibration (page 20)	ES Chapter 7 provides a comprehensive assessment of Noise and Vibration during construction and operational phases. The methodology applied, and the sources of data, follow standard best practice, and were informed by dialogue with relevant consultees. The Applicant's response to the detailed issues raised by PD relating to noise and vibration is at Annex 4A.
20.4.		Landscape (page 34)	The likely significant environmental landscape and visual effects of the DCO Scheme are assessed at Chapter 10 of the ES [DCO 6.10] and associated appendices. This includes assessment of likely (temporary) effects during construction as well as operational stages. As acknowledged by PD, despite the significant mitigation proposed, the Applicant's assessment does identify likely residual significant landscape effects. The LVIA presents a comprehensive assessment of the likely landscape and visual effects of the Proposed Development. This takes into account the character, value and sensitivity of the

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			landscape of the Site and its immediate and wider context; including the relative presence and influence of other surrounding landscape features, areas and activities. It will result in some likely significant landscape and visual effects but it does also encompass a well-considered landscape solution, with mitigation mounding and extensive planting and habitats that draw upon the existing landscape and will be effective in mitigating and assimilating the proposals. A detailed response to PD's Relevant Representation is at Annex 4A
20.5.		Diseworth Flood Working Group Flood Risk Assessment (page 41)	The Applicants response at Annex 4A addresses each of the detailed points in the 16 pages. By way of context for this response, the submitted FRA (APP-148) acknowledges the historical flooding issues in Diseworth, and this local issue has informed the design of the proposed drainage strategy. Diseworth is identified in the ES Chapter (APP-141) as a High sensitivity receptor. LCC LLFA have confirmed that they are comfortable with the proposed drainage approach on EMG2.
20.6.		Diseworth Flood Working Group response to NWLDC Strategic Flood Risk (page 57)	These comments appear to provide a critique of the local Strategic Flood Risk Assessment (SRFA), which was not prepared by the Applicant. However, the responses provided to the Flood Working Group's main comments (page 41

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			onwards, above) do address some of the key points.
20.7.		Diseworth Flood Working Group Flood Risk Mitigation & Resilience Report (page 64)	These comments appear to provide a critique of the Local Lead Flood Authority (LLFA) modelling of the area, which was not prepared by the Applicant. However, the responses provided to the Flood Working Group's main comments (page 41 onwards, above) do address some of the key points.
20.8.		Air Quality (page 69)	The DCO Applicant has engaged with North West Leicestershire throughout the pre-application period and is continuing to work collaboratively with the Council in agreeing a SoCG on Air Quality. The EMG2 Project is not located within either of the two extant AQMAs in NWLDC's area. A detailed response to PD's comments is at Annex 4A.
20.9.		Heritage	The DCO Applicant has engaged with North West Leicestershire throughout the pre-application period. More recently the Applicant has entered into Statements of Common Ground with both Historic England (DCO 8.8) and North West Leicestershire District Council (DCO 8.3G) on heritage and archaeological issues (which will be submitted at Deadline 1).

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			A detailed response to the PD Relevant Representation is at Annex 4A.
21.	CPRE Leicestershire [RR-011D]	Impact on the road network. Visual and environmental impact.	The DCO Applicant has carefully assessed the impacts of EMG2 on the road network and visual impacts. The outcome of that assessment is contained in the following chapters of the Environmental Statement: Chapter 6 (Highways) (DCO6.6) [AS-032]; Chapter 10 Landscape and Visual (DCO6.10) [AS-041]. The proposed mitigation scheme has been derived in consultation with NH. NH has confirmed that the proposed mitigation is suitable in addressing the impacts of the EMG2 development on the SRN, based on the transport modelling using both PRTM 2019 and 2023.

ANNEX 4A

RESPONSE TO PROTECT DISEWORTH

Response to Protect Diseworth (RR-025D)

The Protect Diseworth ('PD') representation covers a number of points over nearly 80 pages set out in topic specific sections.

Transport and Highways (from Page 11)

The Applicant's response to the key points under headings included in the Relevant Representation is set out below.

Rail Freight Connectivity

No reductions have been made to the development trip generation to account for distribution via the rail freight terminal. Occupiers of EMG2 would be entitled to use the rail freight terminal, but nonetheless, the transport modelling assumes all vehicular movements, including HGVS, would assign to the external highway network as worst-case.

Section 7 of the Transport Assessment carries out a further assessment that considers higher numbers of HGVs travelling between EMG2 and the EMG1 rail freight terminal and shows there will be no material differences to the modelling results or capacity of the A453/A6 Kegworth Bypass / EMG1 access roundabout.

Baseline modelling

The PRTM 2019 and 2023 models have gone through a base model validation exercise and calibrates to an acceptable level, which identifies existing congestion levels. The VISSIM, LinSig and Junctions 11 base models also validate to acceptable levels and have been agreed with NH and LCC ahead of forecast year scenarios being tested.

Forecast modelling

The modelling inputs for the standalone models take outputs from PRTM that has the ability to account for traffic re-assignment. Nonetheless, the development trips have been assigned manually on top to avoid any re-routing as worst-case.

Proposed mitigation

The mitigation has been tested in PRTM 2019, PRTM 2023 and VISSIM and is shown to provide an overall benefit to the operation of the Strategic Road Network from both a capacity and safety perspective. Additional sensitivity tests have been undertaken in VISSIM to consider the sensitivity of the network under slightly different conditions, with further detail submitted at Deadline 1. NH has confirmed that the proposed mitigation provides a suitable

strategic solution on the SRN to accommodate the EMG2 development.

Rail Freight Connectivity

No reductions have been made to the development trip generation to account for distribution via the rail freight terminal. Occupiers of EMG2 would be entitled to use the rail freight terminal, but nonetheless, the transport modelling assumes all vehicular movements, including HGVS, would assign to the external highway network as worst-case.

Section 7 of the Transport Assessment carries out a further assessment that considers higher numbers of HGVs travelling between EMG2 and the EMG1 rail freight terminal and shows there will be no material differences to the modelling results or capacity of the A453/A6 Kegworth Bypass / EMG1 access roundabout.

Cumulative assessment

The planning data assumptions for the PRTM 2019 and 2023 modelling have been agreed with NH and LCC and account for all planned growth. The schemes individually referenced in Protect Diseworth's representation have all been accounted for in the modelling and can be seen at Appendix 8 of the Transport Assessment.

Lorry Parking

The lorry park would be available for occupiers of EMG2 only. The EMG1 management company (which would be extended to cover EMG2) monitors compliance of their HGV drivers and the routes they use. There have only been two complaints of contravening the weight restrictions during the lifetime of EMG1; one legitimate and one an accident.

The management company have not received any complaints of dangerous driving during shift changeover times and recorded PIC data has been reviewed which shows there are no issues with HGVs.

Noise and Vibration (from Page 20)

A summary of the key concerns from PD's RR is set out below:

- The Environmental Statement does not adequately assess the duration, intensity and significance of construction noise impacts arising from prolonged earthworks in close proximity to sensitive receptors
- The application relies on BS 5228 Annex E significance criteria without properly accounting for the exceptional duration of construction activities, contrary to established best practice. • Independent expert reviews identify material deficiencies in the noise assessment methodology, including optimistic assumptions regarding mitigation effectiveness.

- The assessment fails to demonstrate that significant adverse effects can be avoided or mitigated, particularly for residential properties within Diseworth Conservation Area.
- The proposed mitigation strategy does not provide sufficient certainty regarding trigger thresholds, monitoring, enforceability, or rehousing provisions where significant impacts are predicted.
- Operational noise impacts associated with 24-hour activity, plant operation, and vehicle movements have not been robustly assessed in combination.
- Potential vibration impacts have been prematurely scoped out without adequate justification, despite proximity to sensitive and historic structures.
- The cumulative noise impacts arising from other committed and proposed developments in the area have not been comprehensively assessed.

The Applicants response is:

Construction Noise

The construction noise assessment methodology as detailed in paragraphs 7.2.9 to 7.2.13 of ES Chapter 7 has been based of a review of all the example methods from the informative Annex E of BS 5228-1, as well as benchmark schemes such as HS2 and the Northampton Gateway Rail Freight Interchange. Both the noise level and duration of noise have been considered. In accordance with relevant policy requirements, where construction noise levels are identified as resulting in adverse effects, they will be mitigated and minimised, and where they are identified as significant effects, they will be avoided. Further details will be set out in the relevant P-CEMPs, following the principles of best practicable means (BPM). The assessment methodology as stated in the chapter is considered to be appropriate.

Table 7.5 of the ES Chapter provides details of the primary approach to the assessment of significant effects with respect to construction noise. Regarding consideration of the duration of construction noise, note 4 of that tables states that “*A significant effect is predicted if the programme of works indicates that the SOAEL threshold is likely to be exceeded over a period of at least one month.*” This duration is referenced in one of the example methods in BS 5228 (see paragraph E.3.3 of that standard). As described in paragraph 7.2.10 of the ES, the assessment of construction noise is based on a set of the worst-case combinations of overlapping works using programme provided in ES Appendix 7B. The results of the construction noise assessment (see Table 7.31 of the ES) indicate that none of the predicted noise levels exceed the SOAEL, and therefore no significant effects are predicted (the duration would only be considered if the SOAEL was exceeded).

Regarding the potential use of the duration criteria stated in paragraph 2.2.2.2 of the Protect Diseworth RR [RR-025D], while this is not considered to be appropriate, as stated above, the SOAEL is not predicted to be exceeded and therefore consideration of the duration criteria is not required. Consequently, there would be no changes with respect to conclusions regarding likely significant effects from construction noise.

Regarding the potential use of the methodology described in section E.5 of BS 5228-1, it is not considered that the bulk earthworks construction activity is akin to the activities involved in surface mineral extraction. Rather, bulk earthworks relate to the formation of flat plateau areas required for the employment units as well as moundings and will vary in location over the stated periods. Therefore, the methodology described in section E.5 of BS

5228 is not considered to be appropriate.

Construction Vibration

The consideration of vibration related to construction activities has not been overlooked in the ES; no piling works are proposed within the boundary of the Main Site. Predictions have been undertaken to determine the effects of vibratory compaction at the nearest sensitive receptors (paragraph 7.5.28 ES Chapter 7).

Piling is proposed and was assessed for the highway bridge works at J24 M1. Continuous flight auger piling (CFA) is proposed which, which is generally associated with low levels of noise and vibration. Regarding the potential vibration effects, the piling works associated with the new gantries would be over 100m from any sensitive receptor and therefore in accordance with paragraph 7.2.16 of ES Chapter 7 would not be expected to generate any adverse vibration effects.

As stated in paragraph 7.5.46 of ES Chapter 7, the CEMP will define good working practices to manage construction noise and vibration and a detailed P-CEMP will be developed for each package of works serving as an additional mitigation measure where required.

Operational Vibration

Operational vibration has been scoped out of the assessment on the basis that the development is primarily associated with logistics facilities and advanced manufacturing uses that are not expected to generate significant levels of vibration at the relevant receptors. Use of this assumption is considered to reflect a reasonable worst-case in terms of considering the likely noise impacts for the purpose of the Environmental Impact Assessment (EIA).

While it is considered that significant levels of operational vibration are unlikely, at this stage, the end-users of the units are not known. Therefore, to provide additional controls, it is proposed to modify Requirement 21(1)b of the DCO to include the need to consider operational vibration, in addition to operational noise, as part of the assessment to be submitted to and approved by the local planning authority.

Paragraph 2.2.5 of the RR from Protect Diseworth [RR-025D] adds no further explanation of why traffic induced vibration cannot be eliminated by routine maintenance therefore the applicants position is unchanged from that stated in paragraph 7.5.2 of ES Chapter 7. Furthermore the note to paragraph 1.4 of the scope of LA111 Noise and Vibration (Highways England, 2020) states that operational vibration is scoped out of the assessment methodology as a maintained road surface will be free of irregularities as part of project design and under general maintenance, so operational vibration will not have the potential to lead to significant adverse effects.

Baseline Survey

Paragraph 2.11 of RR [RR-025D] suggests that the Applicant's baseline noise survey does not adequately represent existing conditions because it is based on "short-duration attended measurements (typically 15 minutes) and limited night-time sampling". This is incorrect. Details of the noise survey undertaken in the areas around the EMG2 Works are provided in paragraphs 7.5.4 to 7.5.10 of the ES, but, in summary, comprised continuous unattended noise monitoring at five locations for a period of at least one week, with additional attended monitoring undertaken at two locations for a total

duration of 1.5 hours at each location. All monitoring locations followed the guidance given in paragraph 6.2 of BS 4142:2014+A1:2019. Note that separate monitoring was also undertaken in the areas around the MCO Scheme, which is detailed in paragraphs 7.6.2 to 7.6.8 of the ES.

The noise surveys conducted and resulting measured noise levels are considered to be robust, of suitable duration, and representative of existing conditions with respect to the assessment of operational noise at the relevant receptors as detailed in the ES chapter. No additional monitoring locations or sensitivity checks are proposed.

Operational noise effects and their mitigation

The operational noise assessment considers the dominant sources of noise associated with this type of development, i.e., HGVs travelling to/from the warehouses and then, once within the service yards, the HGV manoeuvres and loading/unloading. The reversing source sound data used in the assessment includes a reversing alarm. Other sources of noise may occur on occasion, but these would not be expected to result in any adverse effects at the nearest receptors or be dominant over the noise arising from HGV activities.

Requirement 21 of the DCO specifically relates to operational noise from fixed mechanical and ventilation plant (including substations) and any other noisemaking machinery, as well as all mobile plant (including HGV chiller units), and therefore relates to any types of noise associated with these sources.

Mitigation

Section 2.5 of the RR refers to the request for acoustic fencing along the western boundary of the site. As described in Chapter 7.5.20 of the ES Chapter, embedded mitigation was included in the design of the DCO Scheme through the implementation of buffers and landscape bunds created around the perimeter, particularly on the western side. While they may be referred to as landscape bunds, they will provide acoustic mitigation from the development proposals. Appendix 10.D of the ES shows the Illustrative Cross Sections between Diseworth and the EMG2 Main Site and show that the bunds achieve a height of at least 3m compared to the finished floor level at the warehouses (cross section A) and in many cases substantially higher and that there are buffer zones of at least 200m between the edge of the development's service yards and Diseworth.

The results of the operational noise assessment (see paragraphs 7.7.11 to 7.7.15 of the ES chapter) indicated that no adverse effects were predicted at receptors to the west of the EMG2 Main Site, and therefore no additional mitigation (i.e., in addition to the embedded mitigation that had already been implemented) was considered as it was not required to comply with the relevant policy on noise (see Section 7.3 of the ES), including the National Networks National Policy Statement. The only area where additional mitigation was identified as being required to comply with relevant policy on noise was along the northern boundary of Zone 5, based on the reasonable worst-case assumptions as discussed in paragraph 7.7.28 of the ES chapter,

Requirement 21 of the DCO, requiring an assessment to be submitted to the local planning authority with details of operational noise impacts and how, if required, they will be mitigated, will ensure that noise during the operational phase demonstrates compliance with the relevant policy on noise.

Cumulative Effects

Paragraph 2.12 of PD RR suggests that in section 7.8 of ES Chapter 7, cumulative effects have been dismissed without proper justification, making

reference to the adjacent solar farm and growth at East Midlands Airport. These are discussed in turn below

Solar Farm

The noise impact assessment submitted in support of the solar farm development does not provide any assessment of construction noise and vibration. The developments construction and decommissioning management plan submitted indicates that the construction of the solar farm would occur over a 12 week period and involve a maximum of 41 vehicles per day.

Regarding construction vibration, the nearest receptor not associated with the service station, is over 100m from the solar farm boundary, therefore as indicated in paragraph 7.2.16 of ES Chapter 7 would be outside of the distance within which vibration could adversely affect receptors. The receptors in Diseworth are generally over a kilometre away from the boundary of the solar farm.

Regarding construction noise, given the short length of the construction programme (12 weeks) and the relatively large separation distances between the solar farm and all noise sensitive receptors not associated with the service station there would not be any cumulative effects which are worse than those identified from the EMG2 development alone.

In the unlikely event that any cumulative effects occurred, the CEMP for the Proposed Development would ensure that this was mitigated and managed through Best Practicable Means.

As a sensitivity check the noise chapters for East Stour Solar Farm¹ and Green Hill Solar Farm² indicates that the source construction noise levels could range from a sound power level of 101 – 108 dB respectively. Taking the highest value, this equates to a sound pressure level at 10m of 80 dB. Considering the distance to Diseworth (1km) there would be at least 50 dB of distance attenuation assuming propagation over soft ground, this would equate to a sound pressure level from construction activities of no higher than 30 dB which is considerably below the LOAEL. Therefore, when considered in the context of the potential for cumulative construction noise effects with EMG2, there would be no adverse effects beyond those identified from the Proposed Development in isolation.

References:

- ¹ <https://www.edf-powersolutions.ie/wp-content/uploads/2022/07/East-Stour-ES-Volume-2a-Chapter-13-Noise.pdf>
- ² https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010170-000211-GH6.2.14_ES%20Chapter%2014_Noise%20and%20Vibration.pdf

Growth at East Midlands Airport

Regarding growth at East Midlands Airport (EMA), any growth in airport operations would be offset by the long-standing established trend for the proportion of the fleet using the airport classed in the quieter 'Chapter 14' standard increasing over time, with an associated reduction in the proportion of aircraft in the noisier 'Chapter 4' class. Figure 8 of the 2024-2028 EMA Noise Action Plan shows the strategic trend for less noisy aircraft to be used

overtime. Therefore, it is not considered necessary to give any further consideration to the cumulative effects of the scheme with regards to future airport growth.

Please note that references to Chapter 4 and Chapter 14 refer to the noise standard of the aircraft in accordance with Annex 16 to the Convention on International Civil Aviation Volume 1 – Aircraft Noise.

Landscape (from Page 34)

PD's overall position in summary is that they disagree with Applicant's assessment (which does identify Major Adverse effects during construction, and Moderate to Major Adverse residual effects during operation, even after 15 years of mitigation).

PD considers that the character of the landscape and the visual amenity experienced by the community and by the users of the local recreational routes will be Permanently Adversely Impacted through the proposed development and that these effects do not reduce in time as a result of the proposed mitigation. The mitigation strategy, of which the key component is the introduction of large, engineered bunds, themselves out of character, overbearing and have detrimental, negative effects on both the landscape setting of Diseworth and the existing visual experience. Critically, they are inadequate in screening the proposed built form.

When assessed cumulatively with existing and consented development, including EMG1, East Midlands Airport in its current form (noting the planned vast expansion noted above,) the proposed new settlement of Isley Woodhouse, and associated highway infrastructure, the evidence demonstrates a step-change in the urbanisation and industrialisation of the landscape, not a marginal or localised impact. These harms engage the core tests of NPS NN and should be afforded substantial weight in the planning balance.

Specific topics covered in the representation include:

- *Landscape Sensitivity and Value*
- *Scale of Harm and Cumulative Change*
- *Reliance on Engineered Earth Bunds as Mitigation*
- *Over-Reliance on Long-Term and Optimistic Mitigation*
- *Community Park*
- *Public Rights of Way and Recreational Users*
- *Setting of Diseworth and Its Conservation Area*

- *Cumulative Night-Time Landscape and Visual Effects*
- *Challenges to the views and receptors utilised by the Applicant*

The Applicant's responses are as follows:

The likely significant environmental landscape and visual effects of the DCO Scheme are assessed at Chapter 10 of the ES [DCO 6.10] and associated appendices. This includes assessment of likely (temporary) effects during construction as well as operational stages.

As acknowledged by PD, despite the significant mitigation proposed, the Applicant's assessment does identify likely residual significant landscape effects.

The LVIA provides a comprehensive and appropriate assessment of the landscape and visual effects of the Proposed Development, in accordance with recognised guidelines (GLVIA3). We note that PD disagree with the assessment, yet they do not put forward their own LVIA undertaken in line with any recognized approach. The extent and parameters for the proposed development; including the mitigation mounding/ bunds and the associated landscape and GI proposals have all be considered and assessed as part of this process. This approach reflects the requirements of the NPS NN.

Landscape Sensitivity and Value

The assessment of Landscape Value and Sensitivity has also been undertaken in accordance with the relevant guidelines; including GLVIA3 and the Landscape Institute's Technical Guidance Note 02-21 "*Assessing landscape value outside national designations*". These judgements and the criteria underpinning them are included with ES Chapter 10 and Appendix 10A. The classification is not 'primarily driven by the absence of formal designation' as alleged. This is explained further in Chapter 10 and Appendix 10A. It should be noted that 'susceptibility to change' does not inform landscape value, as this is a separate and distinct matter; albeit that both landscape value and susceptibility to change (as separate matters) inform the appraisal of landscape sensitivity. This is also explained in GLVIA3, the methodology adopted for the LVIA.

Scale of Harm and Cumulative Change

The LVIA has assessed both the Proposed Development against the existing baseline conditions and also in cumulative terms, in line with the relevant guidelines (GLVIA3). Some likely significant landscape and visual effects will arise from the Proposed Development for some receptors and these and the other non- significant effects arising should be taken into account in the overall planning balance.

Reliance on Engineered Earth Bunds as Mitigation

In respect of landscape and visual matters and considerations, mitigation has been 'embedded' into the DCO Scheme through an iterative design process and includes the creation of a Community Park and perimeter mitigation mounding. The proposed landscape mitigation will assist in reducing the influence of the proposed development on the site's immediate landscape context and in assimilating the build development proposals.

Over-Reliance on Long-Term and Optimistic Mitigation

The proposed mitigation mounding/ bunding has been considered and assessed as an integral part of the overall development. It is considered that this proposed mitigation mounding/ bunding is an important part of the overall design and development solution for the Project. In conjunction with the extensive outer landscape and planting; including the Community Park, it will be effective in reducing and mitigating some of the landscape and visual effects and in integrating the built development proposals.

In relation to views from Diseworth and the relationship of the Proposed Development to the settlement, this approach will be effective in screening and filtering views towards the built development, particularly over time. It will not fully screen the proposals yet, that is not the design intent and they will filter and also screen the active lower parts of the Proposed Development.

The design and form of the proposed mitigation mounding/ bunding would not however be effective if it simply reflected the gentler slopes present within the existing surrounding landscape. The proposed mounding/ bunding will however include variations in terms of gradients, heights and slope profiles and coupled with the proposed planting they will be effective and appropriate in landscape and visual mitigation terms.

Community Park

The proposed Community Park will be a multi functional part of the overall scheme and will satisfy a range of aims; including increased public access and amenity; enhanced habitats and biodiversity and as part of the landscape and visual mitigation strategy. It will also maintain an open and undeveloped area between the edge of Diseworth and the proposed built development area.

It is considered to be a notable and beneficial feature of the scheme.

Public Rights of Way and Recreational Users

The applicant has assessed the visual effects of the Proposed Development on users of the Public Rights of Way (PROW) and roads, taking into account the sequential experience of these users when travelling along these routes, where there will be any views towards the Proposed Development. This accords with the approach detailed in the relevant guidelines (Guidelines for Landscape and Visual Impact Assessment (GLVIA3)).

The assessed visual effects for these PROW and road users are not based upon a single representative viewpoint; albeit that a proportionate number of representative viewpoints are included within the LVIA to assist in the description and understanding of the nature of the likely visual effects.

Contrary to the views expressed by Protect Diseworth, the assessment does not rely on 'isolated viewpoints', as alleged. As noted above, the visual impact assessment is based upon the view(s) towards the Proposed Development along the route of the PROW/ road. In some instances, this is split into sections, where appropriate, to assist with changes in the nature of the available views (eg views from the Cross Britain Way (ES Appendix 10F Refs F3 and F4)).

In total, there are thirty Representative Viewpoints included within the LVIA at ES Chapter 10 (Appendix10B; Figures 9 and 10). Of these, ten have also

been progressed as Visualisations (Figure 12). This number and range of viewpoints were agreed with NWLDC as part of the Scoping process and are considered to be sufficient and proportionate to the nature of the Proposed Development and the likely views towards the proposals.

For reference, there are three viewpoints from Hyams Lane (Appendix 10B; Figure 9; Viewpoints B, C and D) and the visual effect of the Proposed Development upon users of this route is detailed at ES Appendix 10F Ref F1.

With regard to the un-named road extending towards Diseworth from the A42/ Gelscoe Lane direction, the visual effect of the Proposed Development upon users of this road are detailed at ES Appendix 10F Ref V7. The relevant Photo Viewpoint and Visualisation for users of this road is VP I.

In the context of this matter, it is important to note that the number and location of the viewpoints is not determinative of the visual effects of the Proposed Development.

Setting of Diseworth and Its Conservation Area

Please see the response provided to PD's comments about Heritage issues which focus on the assessment of likely effects on the Conservation Area.

Cumulative Night-Time Landscape and Visual Effects

Night-time views and photomontages are included at Appendix 10B; Figures 14 and 15.

ES Appendix 10F has considered and taken into account the night time visual effects of the Proposed Development; to provide an overall assessment of the Visual Effects and not separate daytime and night-time Visual Effects assessments. Inevitably, the daytime visual effects are typically of most note, although that is not always the case and largely depends on the nature of the development and the surrounding landscape and night time environment.

We note that explicit references/ narrative to the night-time change and effects arising from the Proposed Development are not included within this table. We therefore propose to provide an updated Appendix 10F table, including references to the night-time visual effects where relevant.

Challenges to the views and receptors utilised by the Applicant

In visual terms, residents are generally assessed to be of Medium/ High susceptibility to change and from the majority, if not all of the views from the residential properties/ areas, the 'value' of the existing views has been assessed as Medium. This follows the relevant guidelines (GLVIA3) and is explained in Chapter 10 and Appendix 10A. The resultant visual sensitivity of the majority, if not all of the residential views is Medium/ High. This is not out of line with the guidelines or comparable assessments.

The applicant has assessed the visual effects of the Proposed Development on users of the Public Rights of Way (PROW) and roads, taking into account the sequential experience of these users when travelling along these routes, where there will be any views towards the Proposed Development. This

accords with the approach detailed in the relevant guidelines (Guidelines for Landscape and Visual Impact Assessment (GLVIA3)).

Night-time views and photomontages are included at Appendix 10B; Figures 14 and 15.

Conclusion and Planning Balance

The LVIA presents a comprehensive assessment of the likely landscape and visual effects of the Proposed Development. This takes into account the character, value and sensitivity of the landscape of the Site and its immediate and wider context; including the relative presence and influence of other surrounding landscape features, areas and activities. It will result in some likely significant landscape and visual effects but it does also encompass a well-considered landscape solution, with mitigation mounding and extensive planting and habitats that draw upon the existing landscape and will be effective in mitigating and assimilating the proposals.

Flood Risk Assessment (from Page 41)

See tabular response below.

Air Quality (from Page 69)

The DCO Applicant has engaged with North West Leicestershire throughout the pre-application period and is continuing to work collaboratively with the Council in agreeing a SoCG on Air Quality.

The EMG2 Project is not located within either of the two extant AQMAs in NWLDC's area.

Air quality monitoring carried out by NWLDC closest to the EMG2 Project shows a compliance of the NO₂ annual mean objective in 2023, the most recent representative year.

Construction Phase Impacts

A dust risk assessment has been undertaken in line with nationally recognised guidance, and the associated proposed mitigation measures would be secured through phase specific Construction Environment Management Plans (PCEMPS).

In terms of the requirements for future locations of dust monitoring / triggers etc, this is will be built into Dust Management Plans (which would also set out the process should complaints / dusty episodes occur).

A construction traffic impact assessment which included assessment of emissions resulting from increased HGV movements has been undertaken in line with the nationally recognised methodologies, which concluded the temporary impacts would be 'not significant'. This made use of robust assessments of likely construction traffic.

Operational Air Quality Phase Impacts

Traffic-Related Emissions

The changes in air quality concentrations have been considered against nationally acknowledged air quality guidance, which was also agreed with the local authority.

In regards to the modelling of queueing and conditions at junctions, this has all been modelled in line with nationally acknowledged air quality guidance. The applicant kindly requests specific examples of where junctions, access roads and queueing locations have not been adequately addressed are provided.

The future fleet composition is based upon the national recognised DEFRA Emission Factor Toolkit, and is the most appropriate method to predict future air quality impacts. A worst-case assessment year of 2028 was assessed, therefore the results present a worst-case assessment.

Sensitive Receptors and Human Health

For planning purposes, the assessment considers whether the development would materially affect local air quality and whether pollutant levels at sensitive locations remain within the applicable air quality standard. Further comments have been received regarding PM_{2.5} targets, and these have been addressed where necessary.

In regards to the potential impact on Human Health, a separate Chapter has been produced.

Cumulative and In-Combination Effects

The scenarios set out in the Chapter have considered both the EMG2 Project and any further forthcoming developments. These such developments have been agreed with the project transport consultant and the associated transport modelling which feeds into the air quality modelling works.

Modelling Assumptions and Uncertainty

Within any modelling there is always some level of uncertainty. However, all the methodologies and associated assessment works within the Chapter are in line with nationally recognised guidance documents and have been agreed with the local authority. The ES intentionally assesses worst case scenarios and follows precautionary methods throughout.

Should PD disagree with specific assumptions it is requested to identify the points in dispute to enable the Applicants to review and respond as necessary.

Monitoring, Mitigation and Post-Consent Control

The mitigation embedded within the application is enforceable through planning conditions etc, which obligate the applicant to implement measures

such as dust suppression and any traffic management. These measures are recognised best practice and provide effective operational control over air quality impacts.

Operational air quality monitoring is not a regulatory requirement for developments not predicted to have significant impacts. The Chapter uses conservative assumptions and established assessment methodologies to ensure confidence in its 'not significant' conclusions. Preventive mitigation measures are enforceable via planning conditions, and mechanisms exist for authorities to require additional mitigation if unforeseen impacts occur.

Heritage (from Page 74)

The DCO Applicant has engaged with North West Leicestershire throughout the pre-application period. More recently the Applicant has entered into Statements of Common Ground with both Historic England () and North West Leicestershire District Council (**DCO 8.3G**) on heritage and archaeological issues (which will be submitted at Deadline 1).

Diseworth Conservation Area

The Applicant's assessment shows that the EMG2 Works forms a small part of the Conservation Area's setting. The effect of the proposed scheme will include changes to the rural approach to the Conservation Area from the northeast and changes in views from and to the Conservation Area and in parts of the wider landscape, resulting in the alteration of an element of its rural setting. It will, however, not affect the Conservation Area's character and appearance in itself.

The proposed Community Park forms a key part of the proposed mitigation addressing impacts to Diseworth Conservation Area in the western and southwestern parts of the EMG2 Works by maintaining some of the landscape character of open fields and tree belts. PD's suggestion is that physical separation is given undue weight in the assessment of likely effects, but this separation is considered directly material to the likely extent and scale of the likely residual effects (coupled with the limited relationship of the Main Site to the setting of the Conservation Area, as referred to above).

Regarding the Church of St Michael and All Angels, the assessment at Chapter 12 [DCO 6.12] acknowledges that the EMG2 Works will result in negative changes to views of the Church's spire from public views within the application site and to some longer-distance views from the surrounding landscape. The proposals will remove or alter these views, with the introduction of large-scale built form into this part of the Church's wider setting. However, the Church will remain a prominent feature in the landscape.

The Applicant remains of the view that a robust and reasoned assessment has been provided which helps inform decision-making.

Applicant's assessment and judgements re: sensitivity and likely effects

The Applicant's assessment applies a standard and best practice methodology which was set out clearly and agreed as part of ES Scoping.

The Applicant has welcomed approval by LCC to the methodology, and matters relating to the impacts arising from construction and operation of the proposed development on Diseworth Conservation Area in the Statement of Common Ground with Historic England. A Statement of Common Ground is still under discussion with NWLDC. However, all parties agree that the harm to Diseworth Conservation Area is '*less than substantial*' and the

discussion with North West Leicestershire District Council is limited to where the impact registers on the spectrum of less than substantial harm.

4.14 in the updated SoCG says: “*The proposals for the EMG2 Main Site will have an effect on the ability to appreciate the architectural and historic interest of the Church of St Michael and All Angels through the reduction in views of it within its rural setting; the change in land use and character within the EMG2 Main Site; and the alteration of some long-distance views which will, to a degree, diminish its landmark status. This will give rise to less than substantial harm to the asset’s significance, which is likely to represent a medium level of less than substantial harm. This is not considered significant in Environmental Impact Assessment terms.*”

Cumulative Effects

Cumulative impacts have been considered as part of the assessment at Chapter 12 including consideration of the impacts of the EMG2 Works together with Isley Woodhouse on the Diseworth Conservation Area. The assessment concludes that cumulatively these two projects are likely to result in minor adverse effects on the Diseworth Conservation Area both during the construction and operational phase.

An assessment of cumulative impacts is provided within the individual assessment chapter with further detail provided at Chapter 21 (Cumulative Impacts) [DCO 6.21].

Type and effectiveness of proposed mitigation.

As set out in the Consultation Report [DCO 5.1] and further explained in the Design Approach Document (DA) [DCO 5.3], the proposals for the EMG2 Works have evolved iteratively and the impact on Diseworth has been a key consideration. In response to concerns raised by the Parish Council, and Protect Diseworth. The landscape buffer between Diseworth and the built development has been increased and floorspace decreased as the proposals have evolved as a direct response to issues raised regarding both heritage and visual issues.

Embedded mitigation in the form of landscape mounding and planting and the Community Park within the EMG2 Works will help reduce the proposed buildings that will be visible. After fifteen years, the embedded mitigation will help to reduce the significance of effects. This includes not only on the Conservation Area, but also on individual assets including the listed church (where moderate-minor adverse, not significant) effects are assessed and clearly set out in Chapter 12 of the ES [DCO 6.12].

Consultee Comment	Applicant Comment/Response
1.1 Uncertainty of baseline hydraulic modelling It is unclear if the hydrograph modelling compensates or errs to caution with respect to known shortfalls in baseline flood severity levels in Diseworth, noting current EA data is out of date.	The Leicestershire County Council (LCC) Lead Local Flood Authority (LLFA) Diseworth and Long Whatton hydraulic flood model was updated with new topographical information of the site and reviewed against the latest rainfall data before it was used to assess the impact of the Proposed Development in the Diseworth Brook catchment.

	As confirmed in the Flood Risk Assessment (FRA) (APP-148) the modelling was independently reviewed and approved as fit for purpose. This has satisfied LCC LLFA and the Environment Agency (EA).
1.2 No retention of first 5mm rainfall The Drainage Strategy does not appear detail full retention of the first 5mm of rainfall to reduce outfall volumes. Neither is there a commitment to a lawfully binding maintenance contract for the life of development, nor plan for post-development liabilities.	Please note the latest DEFRA SuDS standards relating to interception are not legislative and are non-statutory. However, attempts to maximise interception have been made within the constraints of the site. Rainwater harvesting of roof water will be implemented. This, in combination with the permeable paving offered in the carparks, and the SuDS treatment train will help towards intercepting the first 5mm of rainfall. To prevent any water from leaving the site for the first 5mm of rainfall would necessitate disposal of runoff into the ground via infiltration, and due to the unfavourable ground conditions and the need to protect ground water quality, this is not viable in this instance. Therefore, interception has been maximised within the constraints/ circumstances of the site. Also, to manage runoff volume, the DEFRA SuDS standards recommend the peak allowable discharge rate from the development for the 1% AEP (1in100-year) event shall be limited to the 50% AEP greenfield runoff rate (QBAR) or 3l/s/ha, whichever is the greater. Whereas the Proposed Development improves upon this recommendation by offering a discharge rate significantly below QBAR, and also below the 1 in 1-year rate. Therefore, the volume control criteria are more than fulfilled. The long-term maintenance of the drainage is a Requirement of the draft DCO. LCC LLFA have confirmed that they are comfortable with the proposed drainage approach on EMG2.
1.3 QBar-based discharge control not proven to be protective Restriction of discharge to QBar is assumed to provide benefit without any clear modelling of hydrograph timing or peak synchronization with East Midlands Airport balancing ponds releases with respect to vulnerable receptors.	As identified in the Sustainable Drainage Statement (SDS) (APP-149), the EMG2 Main Site development proposes a discharge rate that is equivalent to a 39% reduction to the greenfield 1 in 1-year rate and a 50% reduction to the greenfield average annual runoff rate (QBAR). This goes above and beyond national and local requirements and best practise. Hydraulic modelling has confirmed that the over attenuation of surface water runoff offered by the development will offer a betterment to downstream flood risk. The modelling

	was independently reviewed and approved as fit for purpose. This has satisfied the LCC LFFA and the EA.
1.4 Failure to assess exceedance routing to vulnerable receptors Exceedance routing is mapped within the site boundary, though it is unclear whether culvert performance has been evidenced as satisfactory in extremis. The Flood Risk Assessment does not assess effects of exceedance flows upon nearby vulnerable receptors (Diseworth), i.e. if the berms are breached, nor the consequences of significant blockage or system failure.	In accordance with national and local guidance and best practise the proposed drainage basins are designed to accommodate a 1in100-year+25% storm. The resilience of the drainage has been assessed against the credible maximum storm event in accordance with EA and National Networks National Policy Statement (NNNPS) requirements. This has shown that even at the credible maximum storm event the capacity of the detention basins are not exceeded. Additionally, in the event of exceedance overflow weirs are to be included that will direct flows around the control structures and into the downstream drainage system. Identification and agreement on the long-term maintenance of the drainage system is a Requirement of the draft DCO.
1.5 Climate change sensitivity and resilience Climate change uplift has been limited to +25%, with +40% assessed to ensure surrounding area is not placed at significant risk over the development 75-year design life. It is not clear how 'significant risk' has been defined. Or what the time duration for a +40% peak storm event - is it based on 6hrs + rainfall only, or does it also include a ramp up and ramp down over the 72hr period? Will realistic scenarios be tested? For instance, the flood in the village Jan 2024 occurred through rapid melting of ground snow plus storm rainfall, essentially a double quantity of runoff on already saturated and frozen ground.	EA climate change guidance identifies that the central allowance should be considered in the design of the proposed development. The central climate change allowance for the 2070s (up to 2125) is +25%. This was agreed with the EA as the appropriate design event. However, in accordance with EA climate change guidelines and the NNNPS, the upper end allowance was also assessed as a credible maximum storm event to check resilience – this is a +40% uplift in rainfall intensity. The drainage will retain the 100yr+40% storm on site. Regarding storm duration, in accordance with best practise each return period storm event, including the 1 in 100-year+40% event, is tested at a range of durations, from 15mins to 7 days. LCC LLFAs review of Storm Henk (2nd Jan 2024) is reported to be still ongoing, but in previous studies the rainfall recorded at Sutton Bonnington gauge has been used to approximate the rainfall in the Diseworth area. On the 2nd Jan 2024 this recorded 22.8mm over 9.75hrs, which was preceded by 11.2mm of snow/rain on the previous day (a total depth of 34mm). This is consistent with Met Office reports of Storm Henk. For comparison, the depth of rainfall from the synthetic storms used in the design of the drainage at this duration are shown below. These significantly exceed the combined observed rainfall during Henk and the preceding day.

Table 1 – Synthetic Rainfall Depths

	Return Period	Rainfall Depth (mm)
Synthetic Rainfall 9.75hr Storm	1 in 2-year	29.7
	1 in 30-year	59.0
	1 in 100-year	78.8
	1 in 100-year+40%	110.3

Furthermore, previous flood studies that have been commissioned by LCC LLFA have been reviewed to identify past events with recorded rainfall depths. The 2014 Flood Study prepared by URS on behalf of LCC discusses a series of three storms that contributed to the Nov 2012 flood event – an event that was identified to be in the region of a 1 in 20-year flood by Leicestershire's 2020 flood study. This recorded rainfall data has been obtained, and the total depth and duration for each is summarised in **Table 2** below. The equivalent synthetic rainfall depths from the same storm durations have added for context. This table shows that the recorded rainfall in 2012, while appearing heavy and resulting in flooding of the village, was not as significant as the synthetic rainfall that is being used in the design of the development's drainage. Even if the 3 recorded storm depths are combined, they are exceeded by the depth of single synthetic storm.

Table 2 – November 2012 Recorded Storm Durations with Modelled Rainfall Depths

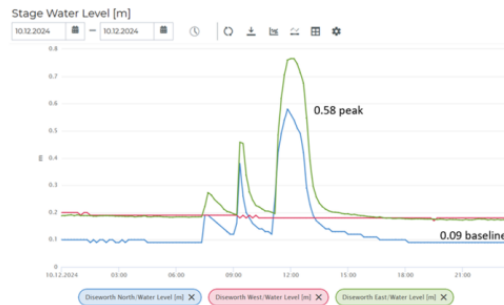
Nov 2012 Observed Storm Event	21/11/2012 03:00 – 14:15	22/11/2012 18:15 – 23:00	24 - 25/11/2012 13:45 – 06:15	Combined Events 21/11/2012- 25/11/2012
Duration (hrs)	11.5	5.0	16.75	99.25

	<table><tr><td colspan="2">Observed Rainfall (mm) @ Sutton Bonnington</td><td>23.0</td><td>12.6</td><td>28.8</td><td>64.4</td></tr><tr><td rowspan="4">Synthetic Rainfall Depths for observed storm duration (mm)</td><td>1 in 2 year</td><td>30.8</td><td>24.9</td><td>33.2</td><td>49.8</td></tr><tr><td>1 in 30 year</td><td>60.6</td><td>51.5</td><td>63.3</td><td>87.4</td></tr><tr><td>1 in 100-year</td><td>80.8</td><td>68.9</td><td>84.9</td><td>105.6</td></tr><tr><td>1 in 100-year+40%</td><td>113.1</td><td>96.5</td><td>118.9</td><td>148.8</td></tr></table>	Observed Rainfall (mm) @ Sutton Bonnington		23.0	12.6	28.8	64.4	Synthetic Rainfall Depths for observed storm duration (mm)	1 in 2 year	30.8	24.9	33.2	49.8	1 in 30 year	60.6	51.5	63.3	87.4	1 in 100-year	80.8	68.9	84.9	105.6	1 in 100-year+40%	113.1	96.5	118.9	148.8
Observed Rainfall (mm) @ Sutton Bonnington		23.0	12.6	28.8	64.4																							
Synthetic Rainfall Depths for observed storm duration (mm)	1 in 2 year	30.8	24.9	33.2	49.8																							
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	1 in 100-year	80.8	68.9	84.9	105.6																							
	1 in 100-year+40%	113.1	96.5	118.9	148.8																							
1.6 Cumulative effects not accounted for Failure to assess or model the cumulative impacts of this development in combination with other submitted developments within the same upstream catchment with respect to sensitive downstream receptor (Diseworth).	The EMG2 Main Site development proposes to divert all surface water runoff downstream of Diseworth at a discharge restricted to well be the equivalent greenfield (pre-development) conditions. Hydraulic modelling of this arrangement has identified betterment within the village, and in the downstream floodplain. Therefore, the development will not contribute to a cumulative adverse impact to the village or elsewhere in the catchment. The EA and LCC LLFA have confirmed that they are comfortable with the assessment of flood risk from the Proposed Development.																											
1.8 Summary conclusion These evidential failures risk preventing the Planning Inspectorate from concluding with certainty that the development will not increase flood risk elsewhere. Because the effectiveness of proposed mitigation has not been fully demonstrated or stress tested, these matters cannot be addressed through planning conditions.	The FRA (APP-148) summarises the relevant sections of the SFRA. The FRA also goes on to acknowledge the historical flooding issues in Diseworth, and this local issue has informed the design of the proposed drainage strategy. Diseworth is identified in the ES Chapter (APP-141) as a High sensitivity receptor.																											

3.0 Limitations of Input data The FRA does not sufficiently account for: 1. Limitations in the NWLDC SFRA which is used as baseline justification in the FRA. Principal concern is that Diseworth is not identified as a vulnerable flood risk area, which is evidently not the case. Reference supporting doc: Diseworth FWG response to NWLDC SFRA 15dec2025.	

2. Significant limitations in the LCCLLFA Arcadis FRM&R 2020 report being used to reference baseline data for hydrograph modelling. Reference supporting doc: Diseworth FWG response to LCCLLFA Arcadis FRM&R 2020 15dec2025. a. FRA 3.4.11 states: <i>“The model was shown to correlate well wrt depths & extents in areas demonstrating historical flooding in Diseworth.”</i> Since this report had been written, monitoring of flood extents in the village show otherwise. EA flood level data is out of date. b. FRA 3.4.13 states: <i>“The report concludes the existence of the EMIA provides a significant level of protection to Diseworth.”</i> This can be demonstrated for lower intensity storm events only. With limited EMA pond capacity, for high intensity storms the opposite has been witnessed, measured and demonstrated by the FWG:	Para 3.4.11, 3.4.13, and 3.4.14 of the FRA (APP-148) provide a summary of the findings reported in the Long Whatton & Diseworth Flood Risk Mitigation & Resilience Study for context. The LCC LLFA hydraulic model includes for the contributing runoff from the East Midlands Airport drainage and its operating regime, in accordance with the document: <i>Description of Operation - East Midlands Airport (P65827-Doo-Misc-H)</i>, which includes controlled and uncontrolled outfalls towards Diseworth. The primary objectives of an FRA are to establish whether a proposed development is likely to be affected by current or future flooding; whether it will increase flood risk elsewhere; and whether the measures proposed to deal with these effects and risks are appropriate. The FRA identifies that the Proposed Development is well removed from the Hall Brook and Diseworth Brook’s floodplain and the influence of the airport’s drainage. The development’s drainage strategy offers attenuation of runoff well below the existing greenfield runoff rates from the site and redirects runoff asway from the village. Analysis in the hydraulic model has shown that this will offer betterment to flood levels in the village and within the downstream floodplain. The nuance of potential changes to the airports drainage will not affect the flood risk to the EMG2 development or change the fact that the development will reduce the contributing runoff rate from the site towards the village and the downstream floodplain. The modelling was independently reviewed and approved as fit for purpose. The EA and LLFA are satisfied with the findings of the FRA.

With EMA releases during storms, our brooks run over full capacity.
 When the village floods, the last 0.2 / 0.3m water height causes property damage.
 On 10th Dec '24 the airport released through Hall Brook only, giving a net rise of 0.49m.



On its own, airport release into Hall Brook is not a problem.
 Combined with releases into Diseworth Brook during peak storm events or OT1 release,
 airport release significantly contributes to more severe flooding in the village. **It tips us over the edge.**

- c. FRA 3.4.14 states: *“A range of mitigation options for Diseworth were tested and no effective solution could be found, therefore PLR was proposed.”* The report shows the principal driver for this conclusion was based on cost rather than technical delivery. With the scale of proposed development, this conclusion should be reviewed. Some at risk properties in Diseworth cannot be protected through PLR available measures.
3. Updated EMA pond connectivity and discharge behaviour not being factored. Flood Working Group monitoring shows EMA pond releases can add +0.5 m to Hall Brook during peak storms, as well as, OT1 releases further contributing to flood levels, contradicting the FRA’s assumption of significant attenuation from pond releases in all conditions.

4.1 Surface Water Drainage Strategy 1. The FRA benchmarks against the 1:1 year greenfield runoff rate of the southern catchment only, justified solely by reference to DfT Circular 01/2022 para 59, which applies only to connections into highway drainage system and proposes a 39% reduction in discharge compared to the greenfield 1 in 1-year runoff rate. Table 1 - Return period compliance gap (Data from SEGRO Tables 3.1 & 3.2) <table><tr><th>Return period</th><th>Existing runoff (l/s)</th><th>Proposed discharge (l/s)</th><th>Compliance</th></tr><tr><td>1 year</td><td>186.5</td><td>114.4</td><td>Yes</td></tr><tr><td>QBAR</td><td>228.0</td><td>114.4</td><td>Assumed</td></tr><tr><td>30 year</td><td>455.9</td><td>114.4</td><td>Not demonstrated</td></tr><tr><td>100 year</td><td>580.3</td><td>114.4</td><td>Not demonstrated</td></tr><tr><td>100 + 40%</td><td>Not stated</td><td>114.4</td><td>Not demonstrated</td></tr></table> To mimic hydraulic equivalence, will the Northern catchment runoff be restricted to 72.1 l/s into the Southern catchment?	Return period	Existing runoff (l/s)	Proposed discharge (l/s)	Compliance	1 year	186.5	114.4	Yes	QBAR	228.0	114.4	Assumed	30 year	455.9	114.4	Not demonstrated	100 year	580.3	114.4	Not demonstrated	100 + 40%	Not stated	114.4	Not demonstrated	To clarify, the entirety of the EMG2 Main Site development (development located to the north and southern side of Hyam's Lane) will discharge to the A42 culvert at 114.4l/s for all return period events up to and including the 1 in 100-year+40% storm. This is the only proposed outfall from the EMG2 Main Site development. The drainage is set out in detail within the Sustainable Drainage Statement (SDS) (APP-149). This discharge rate represents a 39% reduction to the existing 1 in 1-year (pre-development) runoff rate from the site. To confirm, when compared to the current greenfield conditions from the whole site, this represents a significant reduction to the runoff rate, it is not an artificially high rate.
Return period	Existing runoff (l/s)	Proposed discharge (l/s)	Compliance																						
1 year	186.5	114.4	Yes																						
QBAR	228.0	114.4	Assumed																						
30 year	455.9	114.4	Not demonstrated																						
100 year	580.3	114.4	Not demonstrated																						
100 + 40%	Not stated	114.4	Not demonstrated																						
2. The SuDS diverts the entire northern catchment into the southern outfall, but benchmarks discharge only against the southern catchment's 1-year rate, giving an artificially high allowable discharge and increased runoff volume resulting in an increased downstream loading. If the northern catchment was restricted to the 1:1 greenfield 72.1 l/s rate would that reduce runoff volume into the offsite catchment?																									
3. With respect to vulnerable downstream receptors, policy CC2 of North West Leicestershire District Council Local Plan (Adopted 2021) requires runoff rates to be no greater than greenfield rates across all relevant return periods. As flood risk to downstream receptor (Diseworth) is driven by higher-order events (1:30, 1:100, 1:100+CC), should the 1:100 +40% CC be designed in rather than the proposal to only +25%? This is reenforced by NPPF 5.126, 5.127 and 5.128 whereby development should be made safe without increasing risk elsewhere.	[Please note that the highlighting shown was included in the PD relevant representation and has been reproduced but not added by the DCO Applicant] To confirm, the development offers attenuated storage of surface water for all storm events up to and including the 1in100-year +40% storm event, discharging downstream of Diseworth at a fixed rate of 114.4l/s. This is a significant reduction to the existing (pre-development runoff rate from the site)																								

4. Is FRA's reliance on a single return period (1-year) is a misapplication of Policy CC2? The policy requires: a. No increase in runoff for all relevant storm events, not just the 1-year. b. Runoff rates to be no greater than greenfield for the site as a whole, not selectively for one event. c. Demonstration that downstream receptors are not exposed to increased peak flows.	and is above and beyond what national and local policy and best practise require.
5. Does the EMG2 SuDs plan depart from national SuDA requirements as it demonstrates: a. Only 1-year peak flow control b. No runoff volume control c. Insufficient interception storage for first 5mm, or calculations to show otherwise d. No justification for omitting first 5mm interception e. No assessment of partial infiltration, soil moisture storage, or reuse f. Ignores the calculated greenfield runoff volume (307 m³/ha)	Please note the latest DEFRA SuDS standards relating to peak flows, volume control, and interception are not legislative and are non-statutory. However, please see commentary below: Segro incorporate rainwater harvesting in their standard build specification, which will also be applied to this development. This fulfils the recommendation for rainwater reuse in the development. The rainwater harvesting in combination with the permeable paving offered in car the parks, and the SuDS treatment train will also help towards intercepting the first 5mm of rainfall. To prevent any water from leaving the site for the first 5mm of rainfall would necessitate disposal of runoff into the ground via infiltration, and due to the unfavourable ground conditions, this is not viable in this instance. But interception has been maximised within the constraints/ circumstances of the site. To manage peak flows, the latest DEFRA SuDS standards recommend the discharge rate for greenfield sites to be limited to the equivalent 50% AEP greenfield runoff rate, or 3 l/s/ha, whichever is the greater. The development goes beyond this by offering substantial improvements, by attenuating below the greenfield rate. Greenfield QBAR: 3.3l/s/ha. Proposed rate: 1.66l/s/ha. To manage runoff volume, the new DEFRA SuDS standards recommend the peak allowable discharge rate from the development for the 1% AEP event shall be limited to the 50% AEP greenfield runoff rate or 3l/s/ha, whichever is the greater. As identified above the development goes beyond the required volume control in the latest SuDS standards.

6. With calculated existing 100 year runoff at 580.3 l/s and a proposed discharge of 114.4 l/s, is there sufficient on site storage and control structures to manage the 5x reduction working reliably?	Yes, the drainage has been designed to accommodate the required storage for the 1 in 100-year storm with a 25% and 40% increase to rainfall intensity.
7. All rainfall runoff is routed directly to a single outfall at the A42 culvert. Though the runoff rate is being reduced below 1:1 for current Southern catchment, with the addition of the Northern catchment is there a risk of increasing runoff volumes to adversely affect the connected sensitive downstream catchment. Has this risk been assessed with respect to peak storm release timings from EMA outflows to understand the risk to Diseworth?	The site in its current form contributes runoff during storm events to the Hall Brook and Diseworth Brook. The development proposes to redirect the outfall to downstream of Diseworth, and to restrict the discharge to a rate much lower than the equivalent greenfield rate. This arrangement has been assessed within the hydraulic model (which include the EMA controlled and uncontrolled outfalls) which has demonstrated betterment (lower flood levels) on the Hall Brook in Diseworth and in the Diseworth Brook floodplain downstream of Diseworth. The modelling was independently reviewed and approved as fit for purpose. The EA and LLFA are satisfied with the findings of the FRA.
8. The FRA does not provide: a. Greenfield not post-development runoff rates for QBAR, 1:30, 1:100, 1:100+CC. b. A clear comparison table showing compliance across the full storm spectrum. c. Any justification for selecting the 1-year event as the benchmark.	Details of the proposed drainage strategy are provided with the SDS (APP-149), including the greenfield runoff rates, a comparison table of greenfield and proposed rates at different return period storms, and reasoning behind the choice of discharge rate – i.e.: it is the rate of flow currently entering the A42 culvert from the site.
9. Is benchmarking against storm event rates (where flood risk exists to downstream receptors) more representative of requirements for Suds rather than 1:1 rate?	The drainage has been designed against a range of storm events to ensure that the on-site drainage can accommodate the required surface water storage, and the LCC LLFA Diseworth and Long Whatton hydraulic model has been used to assess the proposed drainage arrangements impact in the wider catchment. This has demonstrated betterment (lower flood levels) on the Hall Brook in Diseworth and in the Diseworth Brook floodplain downstream of Diseworth. The modelling was independently reviewed and approved as fit for purpose. The EA and LLFA are satisfied with the findings of the FRA.
10. By selecting the 1-year event only, the FRA has chosen the <i>least demanding</i> standard and avoided demonstrating compliance with the return periods that actually drive flood risk in Diseworth (1:30, 1:100, 1:100+CC). Is this a material omission and renders the FRA non-compliant with Policy Cc2 and NPPF para 167(b)?	To clarify, when compared to the greenfield conditions, the proposed discharge rate offers a 39% betterment over the existing 1in1-year runoff rate from the site. This fixed discharge rate (114.4l/s) will be maintained for all storm events between a 1 in 1 year to a 1 in 100-year+40%CC storm. This represents a significant reduction to the current runoff from the site; thereby, offering downstream betterment.

4.2 Climate Change Allowances 1. The FRA applies +25% rainfall uplift for design, with +40% only as a sensitivity test to ensure runoff is retained on site without the surrounding area being placed at significant risk.	EA climate change guidance identifies that the central allowance should be considered in the design of the scheme. The central climate change allowance for the 2070s (up to 2125) is +25%. This was agreed with the EA as the appropriate design event for the scheme.
2. The FRA's climate change approach is inconsistent with: a. EA guidance for sensitive downstream receptors. b. NPPF para 159-167 (must be safe for lifetime). c. NPSNN para 5.128 (must use credible maximum climate change scenarios).	However, in accordance with EA climate change guidelines and the NNNPS, the upper end allowance was also assessed as a credible maximum storm event – this is a +40% uplift in rainfall intensity.
3. Diseworth is: a. A documented flood hotspot (2000-2024). b. A downstream receptor with limited conveyance with compromised floodplain. c. A settlement with known surface water and fluvial interaction.	Please note, that the LCC LLFA hydraulic model is a direct rainfall model, therefore a 40% increase in rainfall intensity is representative of the credible maximum storm for the catchment under EA guidelines. The proposed development has been assessed at the 1 in 100-year+40% storm and is shown to offer betterment to the surrounding area.
4. Under EA guidance, this requires: a. Upper-end rainfall allowance (+40%) for design, not sensitivity. b. Upper-end river flow allowance (+60%) for design, not sensitivity. c. Quantified modelling of downstream impacts under upper-end scenarios.	
5. How is this +40% sensitivity risk being determined to draw the conclusion there is no significant risk?	
6. What is the actual increase in flood risk to Diseworth from +25% to +40% rainfall uplift e.g. measured at the village centre conjunction of Hall Brook and Diseworth Brook?	The LCC LLFA Diseworth and Long Whatton hydraulic model predicts flood depths at the conjunction of the Hall Brook and Diseworth Brook will increase from 1.37m at the 1 in 100-year+25%CC event to 1.60m at the 1 in 100-year+40%CC event, under the baseline conditions. The modelling also identifies that the proposed development will reduce 1 in 100-year+40% flood depths by up to 0.1m and 1 in 100-year+25% flood depths by up to 0.08m, in the same location.

7. EA guidance requires upper end allowances (+40%) where downstream receptors are vulnerable.	EA climate change guidance identifies that the central allowance should be considered in the design of the scheme. The central climate change allowance for the 2070s (up to 2125) is +25%. This was agreed with the EA as the appropriate design event. In accordance with EA climate change guidelines and the NNNPS, the upper end allowance was also assessed as a credible maximum storm event – this is a +40% uplift in rainfall intensity.
8. Given Diseworth's history of flooding (2000-2024), is reliance on the central allowance adequate and does it meet NPPF resilience requirements?	
9. The FRA's use of the central allowance is not justified and is contrary to EA guidance for developments discharging into catchments with known flood history. The FRA must be revised to use the upper-end allowance as the design standard, not merely a sensitivity test.	
4.3 Downstream Betterment Claims 1. The FRA asserts that site runoff will be directed downstream of Diseworth, reducing flows into the village. This is welcomed, provided the downstream floodplain does not back up faster and cause flooding in the village. 2. The FRA claims betterment because flows bypass Diseworth, but: a. Hydraulic modelling provided for the downstream reach is mapped with low fidelity in Diseworth and is too crude to identify less or worse impacts to properties. b. The baseline water level comparisons in Diseworth are too low (ref: out of data data). c. It is not clear if worse case modelling includes timed releases from EMA during peak storm events (when flooding occurs). d. No floodplain storage loss assessment is included, particularly within Diseworth. e. No cumulative impact assessment is undertaken including Isley Woodhouse development nor EMA new developments. 3. We are concerned this “betterment” claim is unsubstantiated for all flood risk events.	The site in its current form contributes runoff during storm events to the Hall Brook and Diseworth Brook. The development proposes to redirect the outfall to downstream of Diseworth, and to restrict the outfall to a rate much lower than the equivalent greenfield rate. A comparison against the existing runoff regime by itself is enough to demonstrate a betterment over existing conditions, but for completeness the arrangement has been assessed within a hydraulic model. This analysis has confirmed betterment to the Hall Brook (in Diseworth) and the Diseworth Brook floodplain (downstream of Diseworth). The hydraulic modelling includes contributing controlled and uncontrolled outflows from the airport, in accordance with the EMA operating manual. The FRA (APP-148) demonstrates that the Proposed Development is well removed from the Hall Brook and Diseworth Brook floodplain, as the development is located outside of the floodplain it does not displace any floodplain; therefore, an assessment of lost floodplain is not required. The development's drainage strategy offers attenuation of runoff well below the existing greenfield runoff rates from the site, and analysis in the hydraulic model has shown that this will offer betterment to the village and downstream floodplain. Cumulative impacts are discussed in ES Chapter 13 (APP-141), under the NNNPS and NPPF/PPG all development is required to prevent an adverse impact on downstream flood risk, but even if a third-party development were to be allowed to cause an adverse impact to the village, the betterment offered by the EMG2 development would only help to reduce this impact.

5.0 Flood Risk to Downstream Receptors 5.1 Diseworth Village 1. Historical flooding events (2000-2024) demonstrate vulnerability. 2. FRA acknowledges surface water overland flow pathways towards Diseworth Brook. 3. Drainage strategy may reduce direct inflows, but residual risk remains if climate change uplift is underestimated or drainage fails. 4. SDS 3.28 states 1:100 6 hr runoff volume will increase, but as the max discharge rate will be below QBar for all events including 1:100 yr +40% then volume criterion is met. If climate allowance applies to runoff rates it should also apply to runoff volumes? Due to the sensitivity of Diseworth to peak storm events, should the calculations err to caution and be calculated at 1:100 +40% 6 hr runoff volume to reduce risk?	The FRA (APP-148) and ES Chapter 13 (APP-141) acknowledge the historical flooding in Diseworth and that it is a sensitive receptor. For resilience, and in accordance with the requirements of the EA guidelines and the NNNPS, the drainage has been tested against the credible maximum storm at a wide range of storm durations to ensure resilience. This is discussed within the SDS (APP-149). To manage runoff volume, the new DEFRA SuDS standards recommend the peak allowable discharge rate from the development for the 1% AEP event shall be limited to the 50% AEP greenfield runoff rate or 3l/s/ha, whichever is the greater. As identified in the preceding points the development goes beyond this volume control. Also, the drainage arrangement has been tested in a catchment wide hydraulic model to demonstrate a betterment. The modelling was independently reviewed and approved as fit for purpose. The EA and LLFA are satisfied with the findings of the FRA.
5.2 Diseworth Brook 1. Outfall downstream of Diseworth increases discharge into Diseworth Brook. 2. Without cumulative modelling, the risk of backwater into Diseworth is unquantified.	The EMG2 Main Site development proposes to divert all surface water runoff downstream of Diseworth. Hydraulic modelling of this arrangement has identified betterment within the village, and also in the downstream floodplain (thereby reducing any potential backwater effect to the village from the downstream floodplain). Therefore, it will not contribute to a cumulative adverse impact to the village or elsewhere in the catchment. The EA and LCC LLFA have confirmed that they are comfortable with the assessment of flood risk from the Proposed Development.
6.0 Non-Compliance with SuDS Volume Control Standards (First 5 mm Retention) 1. The Sustainable Drainage Statement (SDS) and Flood Risk Assessment (FRA) for EMG2 fail to demonstrate compliance to retain or infiltrate the first 5 mm of rainfall (interception storage). This omission is material because interception is the primary mechanism for reducing runoff volume, improving water quality, and in particular mimicking natural hydrology.	Please note the latest DEFRA SuDS standards relating to peak flows, volume control and interception are not legislative and are non-statutory. However, please see commentary below:

2. Site Parameters: a. Total contributing area: 69.08 ha b. Greenfield runoff volume (1:100yr, 6hr): 307 m³/ha (SDS Section 2.20) c. Total greenfield volume: 307 m³/ha × 69.08 ha = 21,232 m³ (<i>matches SDS Section 2.19</i>) Interception volume = rainfall depth × area Rainfall depth = 5 mm = 0.005 m Area = 69.08 ha = 690,800 m² Required inception storage = 0.005 m × 690,800 m² = 3,454 m³ 3. The submitted drainage strategy relies solely on attenuation and peak flow control, with no provision for: a. interception storage, b. volume reduction, c. source control SuDS, or d. any demonstration that interception is technically unachievable. 4. This is contrary to: a. DEFRA Non-Statutory Technical Standards for SuDS (Standards S4-S6), which require limiting post-development runoff volume to greenfield levels and providing volume reduction where infiltration is not viable. b. CIRIA SuDS Manual (C753), which requires the first 5 mm of rainfall to be retained on site wherever practicable. c. Leicestershire LLFA guidance, which expects interception storage unless robust evidence demonstrates infeasibility. d. NPPF / PPG, which require development to mimic natural drainage and reduce runoff volumes where possible.	Segro incorporate rainwater harvesting in their standard build specification, which will also be applied to this development. This fulfils the recommendation for rainwater reuse in the development. The rainwater harvesting in combination with the permeable paving offered in car the parks, and the SuDS treatment train will also help towards intercepting the first 5mm of rainfall. To prevent any water from leaving the site for the first 5mm of rainfall would necessitate disposal of runoff into the ground via infiltration, and due to the unfavourable ground conditions, this is not viable in this instance. Interception has been maximised within the constraints/ circumstances of the site. Also, to manage runoff volume, the new DEFRA SuDS standards recommend the peak allowable discharge rate from the development for the 1% AEP event shall be limited to the 50% AEP greenfield runoff rate (QBAR) or 3l/s/ha, whichever is the greater. The development improves upon this recommendation by offering a discharge rate significantly below QBAR, and also below the 1 in 1-year rate. Therefore, the volume control criteria is more than fulfilled. Additionally, an appropriate treatment train is proposed that will manage water quality leaving the site. LCC LLFA have confirmed that they are comfortable with the proposed drainage approach on EMG2.

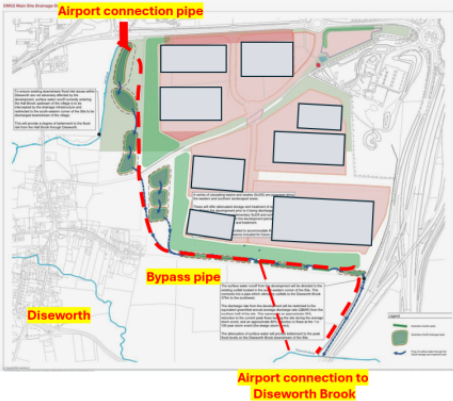
1. The SuDS appears to provide no calculations, no interception modelling, and no justification for omitting the 5 mm retention requirement. The strategy therefore fails to comply with national SuDS standards as does not minimise runoff volume, particularly relevant given the known flood history of Diseworth.	
2. The Examining Authority is therefore requested to require the applicant to: a. Provide interception storage calculations for the first 5 mm rainfall event; or b. Provide robust, evidence-based justification for why interception cannot be delivered; and c. Redesign the drainage strategy to incorporate volume reduction measures consistent with national SuDS standards.	
7.0 Exceedance FRA states “exceedance flows will be managed on site.”	

The plans do not demonstrate: 1. Exceedance flows remain safely within the site boundary nor controlled exceedance routes. Containment is not demonstrated. There is no mapped exceedance plan. 2. That no exceedance routes flow toward Diseworth. FRA states “surface water overland flow pathways... flow towards the local watercourses that pass through the village.” If the exceedance plan does not interrupt, intercept, or redirect these pathways, it fails NPPF para 167(b). 3. It is unclear if exceedance volumes will not flow own Hyams Lane into the village or into Clements Gate. 4. That no exceedance routes use public highways as conveyance - does this include Hyams Lane and Long Holden Lane? 5. That no exceedance routes discharge into ordinary watercourses upstream of the village, i.e. Hall Brook. 6. That no exceedance routes pass through third-party land. 7. That exceedance storage or routing is not dependent on embankments that could fail or if drainage fails. 8. Climate-change +40% rainfall exceedance is shown (not just design-storm). NPPF requires lifetime safety, not just design-storm safety. 9. Appendix H does not clearly demonstrate: a. Interception b. Redirection c. Attenuation d. Containment e. Safe routing f. Climate-change robustness 10. The FRA acknowledges overland flow routes toward Diseworth but provides no exceedance design to interrupt or redirect them. This is a direct conflict with NPPF para 167(b), which requires developments to be safe for their lifetime, including under exceedance and system failure conditions.	EA climate change guidance identifies that the central allowance should be considered in the design of the scheme. The central climate change allowance for the 2070s (up to 2125) is +25%. This was agreed with the EA as the appropriate design event. In accordance with EA climate change guidelines and the NNNPS, the upper end allowance was also assessed as a credible maximum storm event – this is a +40% uplift in rainfall intensity. To confirm, the drainage basins can accommodate the credible maximum storm with no exceedance. However, in the event of potential exceedance overflow weirs are to be included that will direct flows around the control structures and into the downstream drainage system. The proposed development’s drainage will intercept and redirect the majority of runoff from the site. Additionally, a cut off drain is proposed on the south-western boundary to intercept runoff from the undeveloped landscaped area in the south-western corner of the site, north of Clements Gates/Long Holden. This is shown on the drainage plan appended to the SDS (APP-149). LCC LLFA have confirmed that they are comfortable with the proposed drainage approach on EMG2.

7.2 Exceedance undermines routine mitigation benefits 1. The FRA demonstrates mitigation for design events only. 2. Appendix H does not demonstrate: a. Safe exceedance routing beyond attenuation features b. Containment under 1:100+40% exceedance c. Behaviour under blocked or partially blocked outfalls 3. No evidence is provided that exceedance flows would not: a. Re-enter overland pathways toward Diseworth b. Use highways or third-party land as conveyance	
8.0 Cumulative impacts 1. There is a risk that development pressures can collectively increase flood risk, as Diseworth is a vulnerable downstream receptor with a catchment which already has: a. Historic flood incidents b. High surface-water susceptibility c. Large impermeable area d. Limited drainage capacity	The EMG2 Main Site development proposes to divert all surface water runoff downstream of Diseworth. Hydraulic modelling of this arrangement has identified betterment within the village and in the downstream floodplain. Therefore, it will not contribute to a cumulative adverse impact to the village or elsewhere in the catchment. Under the NNNPS and NPPF/PPG all new development is required to prevent an adverse impact on downstream flood risk, but even if a third-party development were to be allowed to cause an adverse impact to the village, the betterment offered by the EMG2 development would only help reduce this impact.
2. The FRA treats EMG2 in isolation, despite: a. Airport expansion b. A453 works c. M1 junction works d. Local development allocations e. Loss of permeable land across the catchment f. Increased runoff from upstream logistics platforms g. Submitted plans for large scale town within same upstream catchment	The EA and LCC LLFA have confirmed that they are comfortable with the assessment of flood risk from the Proposed Development. [Please note that the highlighting shown was included in the PD relevant representation and has been reproduced but not added by the DCO Applicant]

3. NPPF para 159 and 167 requires authorities to “consider cumulative impacts in, not just the effect of one individual site, or affecting local areas susceptible to flooding”. A catchment-wide flood risk understanding and consideration of multiple developments contributing to downstream risk is required.	
4. Even if each individual development claims “no increase in flood risk,” the combined effect can still: a. Increase runoff across a catchment b. Reduce infiltration c. Overload drainage networks d. Increase downstream flood peaks e. Remove incremental amounts of floodplain storage f. Add pressure to already sensitive areas	
5. “No increase in flood risk” claims can be taken at face value when cumulative impacts are ignored.	
6. The FRA does not provide: a. A cumulative runoff model b. A cumulative floodplain storage assessment c. A cumulative surface water impact assessment d. A cumulative climate-change scenario	
7. The FRA’s failure to assess cumulative impacts is a material deficiency. Diseworth’s flood risk arises from catchment-wide pressures, not a single site. The FRA’s siloed approach is inconsistent with NPPF para 159 and 167.	
8. While EMG2 reduces routine flows toward Diseworth, exceedance events may coincide with: a. EMA discharges b. A453 drainage c. Other upstream developments	The drainage has been designed to accommodate the credible maximum storm event. The reduction in flows offered by the development applies from routine storms to the credible maximum storm without exceedance. This arrangement has been assessed within the LCC LLFA catchment wide model that includes EMA discharge, runoff from the A453 and other land in the upstream

9. The FRA does not assess whether exceedance during such conditions could overwhelm the intended bypass strategy.	catchment, this has identified a betterment in the village and downstream floodplain. Under the NNNPS, and NPPF/PPG all new developments are required to prevent an adverse impact on downstream flood risk.												
10. By assessing only the red-line boundary and ignoring other known proposed developments, the FRA does not demonstrate that the development is safe for its lifetime or that it will not increase flood risk to the downstream receptor. The Examining Authority cannot rely on untested assumptions of neutrality or on mitigation that may or may not be delivered by a separate applicant.	The primary objectives of an FRA are to establish whether a proposed development is likely to be affected by current or future flooding; whether it will increase flood risk elsewhere; and whether the measures proposed to deal with these effects and risks are appropriate. The FRA (APP-148) demonstrates that the Proposed Development is at a low risk of flooding for its lifetime and that it will not increase flood risk elsewhere up to and including the credible maximum flood. The EA and LLFA are satisfied with the findings of the FRA.												
9.0 Betterment demonstrated for routine events only Betterment is expressed only for controlled discharge scenarios. No evidence is provided that: a. Betterment persists under exceedance b. Betterment persists under system failure Without this, the net benefit to Diseworth cannot be confirmed for extreme events. Table 2 - Betterment claim vs evidence <table border="1" data-bbox="219 890 963 1026"> <thead> <tr> <th>Claim</th><th>Evidence provided</th></tr> </thead> <tbody> <tr> <td>Reduced discharge</td><td>Yes (rates only)</td></tr> <tr> <td>Reduced flood depth in Diseworth</td><td>No</td></tr> <tr> <td>Reduced flood extent</td><td>No</td></tr> <tr> <td>Reduced flood duration</td><td>No</td></tr> <tr> <td>No backwater effect</td><td>No</td></tr> </tbody> </table>	Claim	Evidence provided	Reduced discharge	Yes (rates only)	Reduced flood depth in Diseworth	No	Reduced flood extent	No	Reduced flood duration	No	No backwater effect	No	The SDS (APP-149) demonstrates a reduced discharge rate from the site for events up to and including the credible maximum storm event, this improves upon the required peak flow and volume control criteria. The FRA (APP-148) demonstrates that the catchment wide hydraulic model has been used to demonstrate betterment to the village as well as the downstream floodplain (i.e.: from where a backwater would occur) under the credible maximum storm event.
Claim	Evidence provided												
Reduced discharge	Yes (rates only)												
Reduced flood depth in Diseworth	No												
Reduced flood extent	No												
Reduced flood duration	No												
No backwater effect	No												
The FRA states the betterment to vulnerable downstream receptor of Diseworth is marginal. Cumulative impact modelling, particularly with respect to timings of water releases during peak storms reveals EMA releases contribute significantly to flood extents in Diseworth.	The Proposed Development's drainage strategy offers attenuation of runoff well below the existing greenfield runoff rates and redirects the outfall to downstream of Diseworth. Analysis in the LCC LLFA hydraulic model has shown that this will offer betterment to the village and downstream floodplain. The hydraulic model includes for the controlled and uncontrolled releases from the EMA.												

	Potential changes in flows from the EMA will not affect the flood risk to the EMG2 development site, or change the fact that the development will reduce the contributing rate of runoff from the site towards the village below the current conditions.
9.1 Betterment opportunity As well as objecting to shortfalls in the application, we welcome constructive betterment such as an EMA release pipe diversion away from Hall Brook across the applicant's site exiting at the South East corner to Diseworth Brook. This bypass pipe would offer a significant (and meaningful) contribution to reducing flood extent in Diseworth - dropping Hall Brook water level by 450mm during EMA controlled peak releases and protect Diseworth further during OT1 or higher-level releases. Sergo plan proposal 2: EMA release connection + Hall Brook bypass pipe  Keep planned balancing pond capacity. Run EMA bypass pipe direct into Diseworth Brook, running across the Segro site to divert peak storm release water out of Hall Brook and completely away from Diseworth.	Diverting the EMA surface water drainage through the EMG2 Main Site would compromise the development's surface water drainage strategy in terms of its ability sufficiently attenuate, store, and treat runoff from the EMG2 development. Also, the additional pass-on flow would likely overload the National Highways A42 culvert. As set out in the DfT circular 02/2013 and written into the DMRB (CG 501 paragraph 6.3.1) <i>"Where there is already an existing informal or formal connection into the highway drainage system from a proposed development site, the right for a connection may be allowed to continue provided that the flow, rate and quality of the discharge into the highway drainage system remains unaltered or results in a betterment"</i>. Directing the EMA drainage into highway drainage system would contravene this requirement. Diverting the EMA drainage through the southern fields would require land outside of the Order Limits. [Please note that the highlighting shown was included in the PD relevant representation and has been reproduced but not added by the DCO Applicant]

10.0 Conclusion - Residual and Exceedance Flood Risk (EMG2) The EMG2 scheme incorporates welcome mitigation measures that route routine surface water runoff away from Diseworth village. However, the Flood Risk Assessment and Sustainable Drainage Statement do not demonstrate that this mitigation remains effective under exceedance conditions or system failure. The FRA and SDS acknowledge that runoff areas, storage volumes, and discharge characteristics may change as the DCO is built out. No maximum parameters are provided to bound worst-case flood risk. This uncertainty prevents a lawful conclusion that flood risk will not increase elsewhere. The following five evidential failures remain decisive: a. Exceedance routing is acknowledged but not demonstrated The FRA recognises baseline overland flow pathways toward Diseworth but does not provide a mapped, quantified exceedance strategy showing interception, containment, or safe routing under extreme rainfall or drainage failure.	The proposed drainage strategy goes beyond the required peak flow and volume control criteria to offer downstream betterment. The drainage strategy is based upon the parameters plans and maximum limits of deviation. Additionally, the Requirements of the draft DCO include agreement of the final drainage strategy with LCC LLFA, including its long-term maintenance. EA climate change guidance identifies that the central allowance should be considered in the design of the scheme. The central climate change allowance for the 2070s (up to 2125) is +25%. This was agreed with the EA as the appropriate design event. In accordance with EA climate change guidelines and the NNNPS, the upper end allowance was also assessed as a credible maximum storm event – this is a +40% uplift in rainfall intensity. To confirm, the drainage basins can accommodate the credible maximum storm with no exceedance. However, in the event of potential exceedance overflow weirs are to be included that will direct flows around the control structures and into the downstream drainage system. LCC LLFA have confirmed that they are comfortable with the proposed drainage approach on EMG2.
b. Lifetime safety under extreme events is not demonstrated Mitigation performance is shown only for design events with fully functioning systems. The behaviour of the drainage network under 1:100+40% exceedance, blockage, or partial failure is not assessed.	
c. Claimed betterment is conditional and untested While routine flows are redirected away from Diseworth, no evidence is provided that this benefit persists during exceedance or compound events. Flood risk reduction is therefore not demonstrated for the full range of credible scenarios.	There is no requirement in the NNNPS for a development to resolve an existing flood risk issue. However, the applicant sees the benefit in offering betterment where possible and making use of the land within the order limits. The claimed betterment is derived from the significant attenuated storage that the proposed development offers, and the redirection of runoff to outfall downstream of Diseworth. The proposed discharge rate from the development is equivalent to a 39% reduction to the 1 in 1-year greenfield runoff rate. This low rate is to be maintained up to and including the credible maximum storm event (the 1 in 100-year+40% event). The rainfall depth at the credible maximum storm event significantly exceeds the storms recorded in the area.
d. Opportunities for further risk reduction are not assessed Given the scale of the scheme, the FRA does not assess whether additional offline storage, earlier interception, or failure-tolerant design could further reduce residual risk to Diseworth.	

e. DCO parameters do not bound worst-case exceedance impacts The DCO does not fix maximum exceedance volumes, flow paths, or off-site consequences. This uncertainty prevents a lawful conclusion that flood risk will not increase elsewhere for the lifetime of the development.	The drainage design considers the maximum limits of deviation as set out in the parameters plan.
10.1 Conclusions The EMG2 scheme represents an improvement in routine surface water management. However, the absence of demonstrated safety under exceedance and system failure means that residual flood risk to Diseworth has not been minimised or proven acceptable. These matters cannot be deferred or conditioned, as the effectiveness of mitigation under extreme conditions has not been demonstrated in principle. The EMG2 FRA fails to demonstrate compliance with NPPF, PPG, and Local Plan policies with respect to: a. Drainage strategy benchmarked against an inadequate runoff standard. b. Climate change allowances insufficient for sensitive downstream receptors. c. Claims of betterment unsupported by quantified downstream modelling fidelity. d. Uncertainty whether data gaps for modelling flood severity in Diseworth has been sufficiently compensated for.	Please see preceding comments. [Please note that the highlighting shown was included in the PD relevant representation and has been reproduced but not added by the DCO Applicant]

APPENDIX 5

RESPONSES TO RELEVANT REPRESENTATION FROM EAST MIDLANDS AIRPORT

DOCUMENT DCO 7.2 Appendix 5 RESPONSE TO EMA RELEVANT REPRESENTATIONS

EXECUTIVE SUMMARY

INTRODUCTION

1. This is SEGRO's response to the relevant representations submitted by East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (together "EMA") in connection with the Development Consent Order (DCO) Application for the EMG2 site (**RR-013D and RR-015D**). The relevant representations are based on three points.
2. The first two points relate to an alleged lack of a compelling case in the public interest to justify compulsory purchase powers, given reasonable alternatives put forward by EMA and Prologis and the suggestion that the benefits of EMG2 can be realised more swiftly under the Joint Application. These points are the same as made by Prologis and so this response cross references to the Prologis response rather than repeating it, although additional points made by EMA are responded to. The third point relates to EMA's role as airport operator. The headings of sections are taken from the relevant representation.

EMA PLANNING APPLICATION AND PLANS FOR ORDER LAND

3. EMA's relevant representation omits the fact that the identification of the Freeport site south of the A453 as a potential location for strategic distribution in the emerging Local Plan followed representations submitted by SEGRO in conjunction with. SEGRO collaborated with EMA on a promotion document submitted to North West Leicestershire District Council (NWL) on 20 October 2020 as part of a "Call for Sites" exercise. The document was subject to discussion, amendments, and final sign-off from EMA. It was submitted in SEGRO's name alone due to EMA's desire not to be seen promoting development proposals.
4. SEGRO assumed that the submission of the Joint Application in June 2024 was a defensive move by EMA to underpin land value in the face of potential compulsory acquisition following the Secretary of State's section 35 Direction in February 2024. That seemed to be the reason why the original planning application was so rushed, with substantial further work required by Prologis post-submission, effectively amounting to a re-submission in November 2025.
5. There remain significant unresolved highway modelling issues in respect of the Joint Application, as evidenced by the latest holding response from National Highways. This is contrary to EMA's characterisation of this as a single "technical highways point".
6. There have been several anticipated determination dates for the Joint Application which have passed. Prologis advised in March 2025 that planning permission was expected in late Summer 2025; the Prologis/MAG website stated on 9 March an anticipated Planning Committee in Winter 2025; and the website was subsequently updated to state Spring 2026, which was already out of date at the time of posting.

7. The DCO Application offers certainty of delivery of the entire Freeport site, in contrast to the possible, uncertain delivery of only one-third of the site under the Joint Application.

RELATIONSHIP WITH PROLOGIS

8. EMA's representation states that between July and October 2024 it sought a development partner. It fails to acknowledge the extensive discussions between EMA and SEGRO dating back to January 2020 as set out in the main text in paragraphs 1.20 – 1.28.
9. SEGRO understands that the “ongoing further conversations” referred to by EMA process arose from an intervention by the Chief Executive of the Freeport, who asked EMA to give SEGRO a chance to outbid the successful bidder.
10. SEGRO had agreed to purchase land from a third-party landowner (Messrs Jarrom) in September 2024, with a completion date agreed before the budget in October 2024, but Prologis made a higher offer which was accepted by the landowner. SEGRO contrasts the speed at which Prologis acquired the land with the many years of discussions SEGRO had held with local authorities, highway authorities, and other stakeholders in identifying, promoting, and understanding the development of the site and its infrastructure needs. It is SEGRO's belief that the speed on Prologis's part contributed to the difficult viability situation Prologis now faces, having not fully understood the local context and infrastructure requirements — in particular the Junction 24 situation — when acquiring the land.

HISTORY OF NEGOTIATIONS WITH SEGRO

11. Discussions between SEGRO and EMA commenced in January 2020 — earlier than the Summer 2022 date referred to by EMA. Initial discussions in 2020 focussed on joint planning promotion through the Local Plan and a potential option agreement. In 2021, the parties sought to explore a Joint Venture encompassing both the land south of the A453 and airside land. SEGRO undertook detailed appraisals and shared them with EMA in October 2021.
12. In May 2022, SEGRO made an offer to EMA for the land south of the A453. In July 2022 SEGRO provided Heads of Terms for an Exclusivity Agreement and a conditional contract. Terms were agreed and recommended by EMA's independent agent. SEGRO's executive approved the terms in October 2022. To SEGRO's surprise, the EMA Board rejected the recommended terms in December 2022. SEGRO had by then entered into the Exclusivity Agreement (upon payment of a substantial sum) and had worked with EMA to enter onto their land to undertake intrusive surveys.
13. A further offer was made in August 2023 without a positive response. The section 35 Direction was obtained in February 2024 following the failure to make meaningful progress. Improved offers were made in June, July, and August 2024.

14. SEGRO firmly rejects the characterisation of its negotiations as lacking coherence or propriety. This appears to be because SEGRO had not offered terms that were acceptable to EMA rather than due to any incoherence or impropriety.
15. SEGRO's approach to acquiring land for EMG2 has been the same as for EMG1 and Northampton Gateway, both of which required extensive land acquisition from a variety of landowners, including developers. EMA itself was a beneficiary of this in respect of its land at the back of the EMG1 site (in respect of which SEGRO did not extract a ransom). Discussions were in the case of the EMA land at EMG1 also very protracted, and EMA were the final party to contract.

COMPULSORY ACQUISITION

16. EMA suggest that higher tests apply when a private developer seeks compulsory acquisition powers over another private developer's land. That is without foundation; no such different test exists. The compulsory purchase provisions in the Planning Act 2008 were included to enable private entities to obtain such powers where needed to implement nationally significant infrastructure projects. A compelling case in the public interest must be established irrespective of the identity of the landowner. To the extent that particular circumstances are relevant, the guidance attributes these to those whose homes are acquired (residential/domestic interests) rather than private developers such as Prologis who hold commercial interests and who acquired those interests in the knowledge of the pending DCO Application.

Viability

17. In response to viability the ExP is referred to the response to Issue 1 in the response to the Prologis relevant representation (**Document DCO 7.2 Appendix 6 page 10**) and the separate information on Viability submitted at Deadline 1 (**Document DCO 4.5**).
18. Issues of viability have been the subject discussion between SEGRO and Prologis over the last few months. The information submitted at Deadline 1 is substantially the same as that already discussed with Prologis.
19. EMA state that the EMA/Prologis land could contribute to the highways mitigation package, although they still appear to contest the need for it. This does not correlate with the discussions which have been held between Prologis and SEGRO. There has been no offer to contribute, and the northern land could not afford it on the basis of what SEGRO understands was paid for the land. SEGRO would not take on the risk of delivering the highway mitigation in the DCO Application based on the development of part only of the EMG2 Main Site the development of which would be subject to agreement between Prologis and SEGRO which the last few months have shown would be difficult and, at best, would be likely to cause delay.

Reasonable Alternatives Exist

20. In relation to reasonable alternatives the ExP is referred to the Response to Issue 7 in the response to the Prologis relevant representations (**Document DCO 7.2 Appendix 6 page 23**) which deals with the alternatives suggested
21. It is suggested that SEGRO *“has never explored the possibility of entering into a joint venture with EMA/Prologis”*. This is simply untrue. SEGRO has explored that possibility with Prologis in recent months and paragraphs 1.20 – 1.28 of the main response detail SEGRO's attempts to negotiate with EMA. These included exploring a joint venture in 2021 when EMA were keen to see if SEGRO could be involved not only in the land south of the A453 but also land on the airside (the redevelopment of what was known as the Western Maintenance Area and the Western Car Park) drawing on SEGRO's experience of airside development at Heathrow.

Single developer not required

22. There are particular circumstances that apply which mean that piecemeal development of the site would not succeed which are set out in the letter of objection contained in Annex 3 of the response to Prologis representations (**Document DCO 7.2 Appendix 6**).
23. Collaboration with Prologis presents a particular difficulty, with the experience of recent months suggesting the necessary co-operation would not be forthcoming or would carry a high risk of delay. Significantly, it would not be in Prologis's commercial interests to enable the swift delivery of a second, potentially competing, phase. By contrast, the DCO process provides a largely one-stop delivery vehicle, obtaining all necessary powers — including, in the absence of agreement, compulsory land acquisition — on a certain timeline.

Other Matters

24. On the topic of synergies between EMG1 and EMG2, EMA's representation overlooks specific benefits, including the integrated power network providing approximately 50MVA across both developments, the creation of a Skills, Employment and Supply Chain Task Force, and the ability to provide a wider sustainable transport network modelled on and integrated with EMG1.

HIGHWAYS

25. The ExP is referred to the response to Issue 4 in the response to the Prologis relevant representations (**Document DCO 7.2 Appendix 6 page 19**).

FUNDING

26. SEGRO has extensive experience in funding and developing large schemes, including DCO developments, and a proven track record with EMG1 and Northampton Gateway. Decisions on precisely what funding will be used will be taken at the appropriate time in light of the costs of alternative funding streams.

PROTECTIVE PROVISIONS

27. Regarding protective provisions, SEGRO has consistently sought to discuss these with EMA and a recent meeting has taken place, following which SEGRO awaits the detail of the protective provisions being sought.

1. INTRODUCTION

- 1.1. This is the Applicant's response to the relevant representation submitted on behalf of East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (together "EMA") (**RR-013D and RR-015D**).
- 1.2. The relevant representations contain an objection to the DCO Application on the basis of three points as set out in paragraphs 2.1.1 – 2.1.3. The first two points relate to the alleged lack of a compelling case in the public interest to justify compulsory purchase powers on the basis that there have been reasonable alternatives put forward by EMA and Prologis and the suggestion that the benefits of EMG2 "can be realised more swiftly under the EMA/Prologis Application". These points are essentially the same as those made on behalf of Prologis. This response does not repeat the full response to those points and instead cross reference is made to the response to the Prologis relevant representation. Any additional points raised by EMA are addressed.
- 1.3. The third point, in paragraph 2.1.3, relates to the role of EMA as airport operator and the response to those points is contained wholly within this response.
- 1.4. This response does not deal with the requests for the Examination to be delayed since that issue has already been adjudicated upon.
- 1.5. This response addresses points made in the order in which they are made, cross referring to the response to Prologis where appropriate. The section headings are those used in the EMA relevant representations. Not all sections require a response.

EMA PLANNING APPLICATION AND PLANS FOR ORDER LAND

- 1.6. In paragraph 5.1 reference is made to the Local Plan consultation exercise and the identification of the entirety of the Freeport site to the south of the A453 as a potential location for strategic distribution. What is not mentioned is that the identification of the site and its inclusion within the emerging Local Plan followed representations submitted by SEGRO, in conjunction with EMA, promoting the land in its entirety.
- 1.7. In response to a "Call for Sites" from North West Leicestershire District Council (NWL) EMA and SEGRO worked together on a "promotion document" which was submitted to NWL on 20 October 2020. The document was prepared in collaboration between SEGRO and EMA and was subject to discussion, amendments and final sign off from EMA¹.
- 1.8. The promotion document was submitted on behalf of SEGRO only, due to EMA's desire not to be seen to be promoting development proposals.

¹ Iterative versions were amended, and the final version signed off, by Jon Bottomley, then Planning Manager, Manchester Airport Group. It was also reviewed before final sign off by Clare James then Managing Director of Manchester Airport Group.

- 1.9. In paragraph 5.2 reference is made to the “EMA/Prologis Application” being validated on June 2024. At that time, it was solely an EMA Application. Prologis did not enter into an agreement with EMA until October 2024 and did not become a joint applicant of the application until some time later.
- 1.10. The submission of the Joint Application in June 2024 was assumed by SEGRO to be a defensive move on the part of EMA to underpin land value in the face of potential compulsory acquisition following the s.35 Direction (in February 2024). That seems to be the explanation for why the original planning application was so rushed and so much further work had to be done by Prologis post submission to effectively re-submit the application in November 2025.
- 1.11. Paragraphs 1.20 – 1.28 below summarise the history of the negotiations between EMA and SEGRO.
- 1.12. In paragraph 5.4 reference is made to the holding responses of Leicestershire County Council and National Highways to the Joint Application which are characterised as relating to a single “*technical highways point*”. The latest holding response of National Highways is contained in **Annex 2** of the response to the Prologis relevant representation (**Document DCO 7.2 Appendix 6**) from which it can be seen that this is a mischaracterisation. There is clearly much modelling work still to do with an uncertain outcome both in terms of timeline and substance.
- 1.13. In paragraph 5.9 reference is made to “*the anticipated determination date*” of the Joint Application and a programme laid out based on that date. No date is referred to, nor could there be because it is not known when the application will be determined.
- 1.14. There have been many anticipated determination dates:
- a) In the response to the DCO statutory consultation for EMG2, in a letter dated 17 March 2025, Prologis advised that they would be lodging an amended application and supporting documentation in Spring 25 with planning permission expected in late Summer 2025. In the event, the substantially revised planning application was not submitted until November 2025, well after the date that Prologis had advised that they expected a planning permission to be issued.
 - b) As recently as 9 March 2026 the Prologis/MAG website had a timeline stating an anticipated Planning Committee in Winter 2025 with submission of reserved matters in Spring 2026. That did not happen.
 - c) The relevant website has since then been updated and currently² states that the anticipated Committee date is Spring 2026. That is clearly already out of date and must have been so when the website entry was changed. The dates need to change again.

² As at 18 March 2026

- 1.15. In paragraph 5.10 it is stated that the importance of the Freeport benefits cannot be overstated. The Applicant agrees and it follows therefore that the importance of the delivery of the entirety of the site cannot be overstated. The certainty of delivery of the entire Freeport site afforded by the DCO Application is in contrast to the possible, uncertain, delivery of 1/3rd of the site under the Joint Application.

RELATIONSHIP WITH PROLOGIS

- 1.16. Paragraph 6.1 commences with “*Between July-October 2024 EMA sought to secure a development partner for its land interests within the Main Site*”. No reference is made to the extensive discussions which had already taken place over an extended period between EMA and SEGRO prior to that date. Those discussions are referred to in more detail in paragraphs 1.20 – 1.28 below. Having rejected SEGROs several offers it appears that EMA were undertaking an exercise to sense check the SEGRO offers and see if they could improve their return with an alternative/different development partner.
- 1.17. Paragraph 6.1 goes on to say “*After interviewing a number of prospective partners (including engaging in further conversations with SEGRO) Prologis UK Limited was selected*”. It is SEGRO’s understanding that the “ongoing further conversations” with SEGRO in fact arose out of an intervention from the Chief Executive of the Freeport who, on becoming aware that SEGRO had not been included in the selection process, asked EMA to give SEGRO a chance to outbid their successful bidder.
- 1.18. In paragraph 6.2 reference is made to Prologis acquiring land from a third party landowner (Messrs Jarrom – being the owner of the land north of Hyam’s Lane not owned by EMA). On 24 September 2024 SEGRO had agreed a purchase of that land from Messrs Jarrom which was to complete before the Autumn Statement (29 October 2024). Prologis/EMA however made a higher offer and on 11 October Messrs Jarrom advised SEGRO that they were accepting that offer.
- 1.19. It is worth noting the speed at which Prologis acquired both the EMA and Jarrom land in contrast to the many years/months of discussions that SEGRO had held with various local authorities, highway authorities and other stakeholders in identifying, promoting and, crucially, understanding the development of the site and its likely infrastructure needs. It is SEGROs belief that this speed on the part of Prologis contributed to the difficult situation regarding viability that Prologis now find themselves in in that they did not fully understand the local context and the infrastructure requirements (in particular the J24 situation) when acquiring the land owned by Messrs Jarrom and entering into an agreement with EMA.

HISTORY OF NEGOTIATIONS WITH SEGRO

- 1.20. In paragraph 7.1 EMA refer to discussions between SEGRO and EMA since Summer 2022. In actual fact those discussions began in in January 2020 with EMA being open

to discuss possibilities with SEGRO regarding the development of their land south of the A453.³ Discussions, and attempts to have discussions, continued with various differing personnel on behalf of EMA from time to time right up until September 2024⁴.

- 1.21. Initially, in 2020, discussions focussed on joint planning promotion through the Local Plan and a potential option agreement. The discussions broadened out in 2021 with the parties seeking to explore a Joint Venture to bring land forward for development airside in conjunction with the land to the south of the A453 (now EMAGIC Freeport sites). SEGRO were keen to respond to the needs articulated by EMA and so the discussions also explored alternative land uses over part of the site to the south of the A453 such as airport related car parking and hotel. Appraisals were undertaken by SEGRO and shared with EMA in October 2021.
- 1.22. Discussions continued and in May 2022 SEGRO made an offer to EMA for the land south of A453. In July 2022 SEGRO provided Heads of Terms for an Exclusivity Agreement and for a conditional contract to acquire the land. Terms to acquire the land were agreed with, and recommended by, the EMA's own independent agent subject to EMA Board approval.
- 1.23. SEGRO's executive approved the terms in October 2022. The terms were reported to the EMA Board in December 2022. To SEGRO's surprise the EMA Board rejected the terms their agent had recommended to them. SEGRO had by then entered into the Exclusivity Agreement with EMA (upon payment of a substantial sum) and had worked with EMA to enter on to their land to undertake intrusive surveys.
- 1.24. Discussions still continued and a further offer was made in August 2023 without any positive response. The s.35 Direction was obtained in February 2024 following the failure to make meaningful progress on any offer. Discussions continued sporadically thereafter but were very strained. SEGRO remained keen to acquire the land without the need to do so compulsorily, and so further offers were made in June 2024, July 2024 and August 2024, each time improving on the previous offer.
- 1.25. In paragraph 7.1 the discussions are characterised as not being a "*proper or coherent attempt at negotiations*" by SEGRO. This appears to be because SEGRO had not offered terms that were acceptable to EMA rather than due to any incoherence or impropriety.
- 1.26. It can be seen that SEGRO has done its very best to agree terms with EMA over an extended period. It is suggested in paragraph 7.1 that offers were significantly below market value and heavily conditioned and deficient in that respect. It is worth noting that SEGRO's approach to acquiring land from EMG2 has been the same as for the land

³ The Pre Examination Land and Rights Negotiation Tracker states that discussions began in February 2020 however further examination of the relevant file reveals that this was in fact January 2020

⁴ Different EMA personnel were involved over the years but included David Fowlds Property Head of Asset Management, Geoff Moss Asset Management Director Clare James Managing Director, Chris Lane Head of Finance, Chris Hayton Head of External Affairs, Karen Smart Chief Executive, Gareth Jackson Group Property Managing Director

acquisition for EMG1 and Northampton Gateway. Both these two DCOs required extensive land acquisition from a variety of landowners, including developers.

- 1.27. The key is to understand the site and likely costs so that all discussions are properly informed and appropriate value is offered and can be delivered. All land deals at EMG1 and Northampton Gateway were subject to the same approach and EMA itself was a beneficiary of this in respect of its land at the back of the EMG1 site (in respect of which SEGRO did not extract a ransom). Discussions were in the case of the EMA land at EMG1 also very protracted and EMA were the final party to contract.
- 1.28. The paragraph goes on to state *"The Negotiations Tracker (APP-022D) suggests a greater frequency and utility of discussions that were held. It is at least incorrect and arguably disingenuous"*. As with a similar comment made by Prologis there is no specificity as to what is incorrect here. SEGRO has tried to negotiate in good faith throughout.

8. COMPULSORY ACQUISITION

- 1.29. In paragraph 8.1 reference is made to the Joint Application delivering *"the overall economic and employment benefits of the Freeport"* without any recognition that only the benefits of 1/3rd of the site would be delivered and then only if planning permission were to be issued and it were to prove viable.
- 1.30. Paragraph 8.2 suggests that there are different tests to be met, higher hurdles, if a private developer is to be granted compulsory acquisition powers in respect of land owned by another private developer. There is no such different test. The compulsory purchase provisions included in the Planning Act 2008 were included to enable private entities to apply for compulsory purchase powers if needed to implement national strategic infrastructure and projects of national significance – to prevent the delivery of such infrastructure being prevented or delayed. The relevant guidance makes it clear that a compelling case in the public interest must be established irrespective of the identity of the entity whose land is being acquired. To the extent that there are any particular circumstances which are relevant these are often attributed to those whose homes are acquired (i.e. residential/domestic interests) rather than private developers such as Prologis who hold commercial interests, and who in this case acquired that interest in the knowledge of the pending DCO Application.
- 1.31. Compulsory acquisition powers are often referred to as draconian, however their inclusion in the Planning Act 2008 is intended to address circumstances such as those applying here where it has not been possible to reach a sensible agreement with parties who hold interests necessary to deliver a project of national significance and the inability to reach agreement constitutes a barrier to timely delivery.
- 1.32. In paragraph 8.7 reference is made to the tests not being met because there are reasonable alternatives. The ExP is referred to the Response to Issue 7 in the response

to the Prologis relevant representations (**Document DCO 7.2 Appendix 6 page 23**) which deals with the alternatives suggested.

Need

- 1.33. In paragraph 8.8 reference is made to the Joint Application being “*scheduled to be determined in the first half of 2026*”. There is no evidence that is likely to be the case in light of the substantial holding objections and outstanding modelling and assessment still to be done.

Viability

- 1.34. Paragraphs 8.9 and 8.10 refer to viability. The ExP is referred to the response to Issue 1 in the response to the Prologis relevant representation (**Document DCO 7.2 Appendix 6 page 10**) and the separate information on Viability submitted at Deadline 1 (**Document DCO 4.5**).

- 1.35. There are a few additional points to make.

- 1.36. In paragraph 8.9 reference has been made to SEGRO having made no attempt to demonstrate the points with regard to viability. It is correct to say they there was no viability information included in the application documentation, instead these were voluntarily offered for submission at Deadline 1. It is not correct however to say that EMA/Prologis are unsighted on this. Issues of viability have been the subject discussion between SEGRO and Prologis over the last few months. The information submitted at Deadline 1 is substantially the same as that already discussed with Prologis.

- 1.37. In paragraph 8.10.1 there is reference to the same phrase as used by Prologis, being “*the certainty of private loss to EMA/Prologis cannot be outweighed by speculative public benefits that may never materialise*”. The certainty of private loss is a mischaracterisation. The ExP is referred to the Response to Issue 6 in the response to Prologis relevant representations (**Document DCO 7.2 Appendix 6 page 21**) which deals with the issue of public benefits v private loss.

- 1.38. In paragraph 8.10.2 EMA state that the EMA/Prologis land could contribute to the highways mitigation package, although they still appear to contest the need for it. This paragraph does not correlate with the discussions which have been held between Prologis and SEGRO. There has been no offer to contribute, and the northern land could not afford it on the basis of what SEGRO understands was paid for the land. The paragraph also serves to confirm the incomplete understanding on the part of Prologis of the context for the delivery of the highway mitigation. The highway mitigation is not only needed for the entirety of the EMG2 Main Site to be developed, it includes a nationally significant infrastructure project in its own right which has wider benefits. It is the actual delivery of that infrastructure which is important. Simply making money available does not deliver. SEGRO would not take on the risk of delivering that highway mitigation based on the development of part only of the EMG2 Main Site the development of which would be subject to agreement between Prologis and SEGRO

which the last few months have shown would be difficult and, at best, would be likely to cause delay.

- 1.39. In paragraph 8.10.3 there is the assertion that SEGRO has failed to acknowledge the value of the EMA/Prologis land including the value of providing access to the land south of Hyam's Lane. As previously suggested, SEGRO believe that it has a more informed understanding of the site, infrastructure requirements and costs, and therefore value. This is based on extensive experience in delivering sites such as this and in particular delivering DCO development. Prologis on behalf of itself and EMA are aware of all the relevant information on this as a result of the discussions since Prologis acquired their interest and in particular over the last few months. The ExP is referred to the Viability Document (**Document DCO 4.6**) Ultimately value is a matter for the Upper Tribunal.

Reasonable Alternatives Exist

- 1.40. The ExP is referred to the response to Issue 7 in the response to the Prologis relevant representation (**Document DCO 7.2 Appendix 6 page 23**).
- 1.41. In paragraph 8.12 it is stated "*SEGRO has never explored the possibility of entering into a joint venture with EMA/Prologis and/or other means of collaboratively or, at the least co-ordinating, the delivery of their respective parcels of EMAGIC and the Main Site*". This is simply untrue. Those are precisely the discussions that SEGRO has been seeking to progress since Prologis acquired their interest and in particular over the course of the last several months. The ExP is referred to the history of negotiations in the Pre-Application Land and Rights Negotiations Tracker (**APP-022D**) and the negotiations since that tracker was prepared set out in **Annex 1** of the response to the Prologis relevant representations **Document DCO 7.2 Appendix 6**.
- 1.42. In respect of exploring a joint venture prior to the involvement of Prologis, see paragraphs 1.20 – 1.28 above. The facts are that SEGRO explored a Joint Venture with EMA in the Autumn of 2021 when EMA were keen to see if SEGRO could be involved not only in the land south of the A453 but also land on the airside (the redevelopment of what was known as the Western Maintenance Area and the Western Car Park) drawing on SEGRO's experience of airside development at Heathrow.. SEGRO undertook appraisals for various developments and shared them with EMA with a view to a JV being progressed. In the event this was not taken forward by EMA.

Single developer not required

- 1.43. It is not SEGRO's case that in all circumstances large sites can only be developed by a single developer. However, there are particular circumstances that apply in the present case – which are set out in the letter of objection to the Joint Application submitted by SEGRO which is contained in **Annex 3** of the response to the Prologis relevant representations (**Document DCO 7.2 Appendix 6**).
- 1.44. The summary from that letter is reproduced below. The reference to the MAG Application is to what is now been called the Joint Application.:

- a) *The development proposed in the MAG application is piecemeal development prejudicial to the comprehensive development of the wider EMG2 Main Site which, planned as a whole, can most effectively maximise the benefits of the development whilst minimising its environmental effects and manage the delivery and future operation of the site.*
- b) *The development proposed by MAG is incompatible with the proper planning of the whole site and therefore with the DCO proposals for the EMG2 Main Site. Accordingly, the MAG proposals, if consented and built, would result in the loss of certainty over the timeline and delivery of the whole site provided by the DCO consenting route. This is to the detriment of the timely delivery of the proposed local plan allocation and the delivery of the entirety of the Freeport Site within the Freeport window (i.e. by 2031).*
- c) *The concept of the balance of the wider site to the south of Hyam's Lane representing a "Phase 2" (with the MAG application forming "Phase 1") is disingenuous and flawed for the following reasons:*
- *The plans and consenting route for the balance of the site would have to change – a new planning application would have to be prepared for the land to the south of Hyam's Lane.*
 - *The content and form of development would have to be re-considered dependent on the final form of the "Phase 1" development.*
 - *There would be significant delay arising from the required re-plan arising from the ongoing uncertainty as to whether and when any Phase 1 might come forward and in what form. Both the content and timing of any development south of Hyam's Lane would be dependent upon the final content and timing of the MAG proposals which is not yet known.*
 - *Mitigation required for the balance of the wider site (to the south of Hyam's Lane) would need to be re-considered. This would include:*
 - *Revised highway mitigation which would need to be identified and re-modelled, the outcome of which is uncertain. This would need to follow the identification of the MAG application's highway mitigation which is, as yet, incomplete*
 - *The site layout and strategic landscaping proposals would need to be changed to reflect the inability to provide the Community Park as previously envisaged.*
 - *The delivery of the "green package" as a key first element to the strategic solution required to address the constraints on growth at M1 J23A/J24/J24A would not happen. A DCO would be required to deliver that element on land to the south of Hyam's Lane could not promote such a DCO since that development could not viably deliver the "green package".*
 - *Due to all the uncertainties and attendant risks, the viability of the delivery of land to the south of Hyam's Lane would be compromised to the point that it may never be delivered.*

- e) *Although the highway assessment for the MAG application has not yet been completed there is no suggestion within the application documents that the MAG proposals intend to make a meaningful contribution to the ultimate delivery of a strategic solution to the constraints arising from the current issues at M1 J23A/J24/J24A. The loss of the delivery of the “green package” as part of the DCO application due to the MAG proposals will be a direct result of the piecemeal approach to the development proposed by MAG and Prologis. The loss of such a key first element required to address the constraints to planned growth will put in jeopardy much of the planned growth in the area proposed in the local plan and through the Freeport initiatives.*
- f) *The MAG application does not satisfactorily address the relationship of the development to Diseworth which is best addressed through a comprehensive approach to the strategic landscaping of the entire site.*
- g) *The MAG application involves sub-optimal approaches to the provision of highway mitigation, drainage, sustainable travel, HGV parking and layout.*
- h) *The information provided with the MAG application is incomplete in relation to the traffic impacts of the proposal.*
- i) *The development proposed in the MAG application would prejudice the delivery of the entire site, and wider planned growth, resulting in a substantial loss in economic growth in the region.*

1.45. The above representations to NWL were submitted in early January 2026 however the comments regarding incomplete information remain relevant. Each of the points made above are expanded upon in the letter.

1.46. There is an added difficulty in continuing to suggest that Prologis could develop the land north of Hyam's Lane and SEGRO the land south of Hyam's Lane through an access through the Prologis land. Such arrangements require collaboration and willing co-operation with parties having a common cause. Where such co-operation is not forthcoming it can result in extensive delays. The experience of the last several months in seeking to negotiate with Prologis suggest to SEGRO that the necessary co-operation will not, in reality, be forthcoming or, at the very least, there is a high risk that it wouldn't. It should be noted that it will not be necessarily in Prologis's commercial interests to enable the swift delivery of a second, potentially competing, phase

1.47. In paragraphs 8.14 - 8.17 it is said that SEGRO, in objecting to piecemeal development have ignored “*well established structures for delivering large and complex sites*” and reference is made to mitigation costs being shared through pooled contributions. In the case of a DCO the well established structure is the DCO being a, largely, one stop delivery vehicle. The DCO process provides for obtaining all the necessary powers and in the absence of agreement also provides compulsory land acquisition, importantly, on a certain timeline

Other Matters

1.48. In paragraph 8.18.1 reference is made to Maersk. Maersk submitted a letter of support of the DCO Application (Appendix 3 to the Planning Statement (**APP-222**)). Reference

is made to there not being a legally binding agreement. As Prologis will appreciate, in the absence of a permission or authority there is nothing to commit to and it would be unusual to have a legally binding commitment at this stage.

1.49. In paragraph 8.18.2 it is said that the EMA/Prologis Land “*will benefit just as much from proximity to EMG1*”. This appears to be related solely to the availability of the rail terminal at EMG1 to all. It ignores the other synergies between EMG1 and 2 which include:

- the connection between the two primary substations (one on EMG1 and one on EMG2) will enable them to operate as part of an integrated power network providing electricity capacity of approximately 50MVA across both developments. This will provide flexibility across both sites and will support the transition to lower carbon freight and logistics operations including the transition to zero emission freight fleets.
- the creation of a Skills, Employment and Supply Chain Task Force bringing together representatives of the Freeport, EMCCA, local authorities and existing key employers with the aim of:
 - o designing and delivering an inclusive Skills & Employment Plan for EMG2
 - o supporting the growth and competitiveness of existing operators at EMG1; and
 - o building skills capacity across North West Leicestershire and the wider East Midlands Labour force
- the ability to build upon the success of the sustainable transport at EMG1 which is governed by the Sustainable Transport Working Group (STWG)⁵. The scope of the existing STWG, which is administered by SEGRO, will be widened to include EMG2 thus providing EMG 2 with a wide network of sustainable transport modelled on, and integrated with, EMG1 including the provision of a shuttle bus within both the EMG1 site and the EMG2 site. There will be the ability to coordinate agile/reactive bus services and other initiatives to promote car sharing and active travel across both EMG1 and EMG2 impacting and benefitting circa 11,500 employees.
- The Community Liaison Group, again administered by SEGRO, which includes local authorities, highway authorities, local MP and local villages. The group will be extended to include the local villages relevant to EMG2 2.

1.50. The opportunity to maximise the benefits of power, skills and employment, sustainable travel and community liaison across the combined estate of EMG1 and EMG2 will be foregone if land north of Hyam's Lane were to be developed separately. Putting aside its lack of viability, were the Prologis/MAG land to proceed independently as a first

⁵ The group includes all occupiers, bus companies, national highways, local highway authority and the Management Company of EMG1.

phase, the Viability Appraisal (**Document DCO 4.5**) demonstrates that the southern land would not be viable and hence the opportunities referred to in paragraph 1.49 would be lost.

- 1.51. In paragraph 8.18.3 there is reference once again to earlier delivery of the EMA/Prologis land *“if determination takes place in the first half of 2026, as expected”*. No weight can be placed on the asserted benefits of earlier job creation, and investment from the development of only 1/3rd of the site within a wholly uncertain timeframe. This must particularly be the case in circumstances where no viability evidence has been provided by EMA/Prologis in respect of its notional scheme and where planning permission has not been granted for that scheme.
- 1.52. In 8.18.4 reference is made again to a *“multi developer approach”*. The ExP are referred to the response in paragraphs 1.43 – 1.46, in particular paragraph 1.46.
- 1.53. In paragraph 8.18.5 reference is made to the provision of 10% biodiversity net gain . It is not clear what point is being made. Although the 10% requirement does not yet apply to DCO SEGRO are in fact providing significantly in excess of 10% (See Biodiversity Net Gain Report **APP-116**)

HIGHWAYS

- 1.54. The ExP is referred to the response to Issue 4 in the response to the Prologis relevant representations (**Document DCO 7.2 Appendix 6 page 19**).

FUNDING

- 1.55. In paragraph 10.4 EMA state that they consider the total development costs included in the Funding Statement to be *“materially unrealistic”* but give no alternative costs and do not say specifically why, save that they refer once again to a ransom value which the viability information submitted demonstrates would not be payable (See Viability Appraisal **Document DCO 4.5**).
- 1.56. SEGRO has extensive experience in funding and developing large schemes including DCO. This scheme is no different. Decisions on precisely what funding, or combination of funding, will be used at any given time throughout the scheme will be taken at the appropriate time in the light of the costs of alternative funding streams at that time.
- 1.57. Evidence and decisions, including Board decisions, referred to in paragraphs 10.6 – 10.11 are premature and would be completely pointless at this stage. SEGRO's track record is proven both generally and specifically in the delivery of EMG1 and Northampton Gateway. There is no basis upon which to doubt the ability to fund the delivery of EMG2.

PROTECTIVE PROVISIONS

- 1.58. SEGRO have consistently been seeking to discuss the need for any protective provisions and their content with EMA for some time.
- 1.59. A meeting has recently taken place as a result of which SEGRO are clearer as to what is being sought in general but as at the time of writing await the detail of the protective provisions being sought from EMA.

OTHER MATTERS (ES Deficiency)

- 1.60. The ExP is referred to the response to Issue 2 in the response to the Prologis relevant representations (**Document DCO 7.2 Appendix 6 page 13**).

PROPOSED ALTERNATIVE SOLUTIONS

- 1.61. The ExP is referred to the response to Issue 7 in the response to the Prologis relevant representations (**Document DCO 7.2 Appendix 6 page 23**).

APPENDIX 6

RESPONSES TO RELEVANT REPRESENTATION FROM PROLOGIS

DOCUMENT DCO 7.2 Appendix 6 - RESPONSE TO PROLOGIS RELEVANT REPRESENTATION

Executive Summary

Introduction

1. This document is SEGRO's response to the relevant representation submitted on behalf of Prologis UK Limited and Prologis UK 121 Limited (**RR-024D and RR-028D**) in connection with the EMG2 (East Midlands Gateway 2) Development Consent Order (DCO) application. The response is structured around the "Objection" summary framework set out in section 3 of the Prologis submission. It is organised into preliminary points and eight substantive issues.

Preliminary Points

2. The response addresses several incorrect or misleading assertions made in the Prologis representation at the outset.

History of Negotiations

3. SEGRO refutes the suggestion that it has sought to "thwart policy compliant development" or that negotiations commenced "very belatedly". The record of engagement with MAG since 2020, and with Prologis since their acquisition of an interest, demonstrates genuine efforts to explore alternatives to compulsory purchase powers. (See Section 3 of the Pre-Application Land and Rights Negotiations Tracker (**APP-022D**) paragraphs 1.20 – 1.28 of response to EMA's relevant representations (**Document DCO 7.2 Appendix 5**) and **Annex 1** to this response))
4. SEGRO have consistently sought to progress discussions. Such discussions have proved frustrating and somewhat tortuous. Although a successful conclusion is hoped for, there is currently little to underpin that hope.

Uncertainty

5. In several places Prologis assert that there is certainty of the MAG/Prologis development coming forward within a stated timeframe. The Joint Application has yet to be determined, has been subject to nine successive holding objections from National Highways. Ongoing highway modelling means the extent of necessary mitigation has not been identified or assessed.
6. There have been several anticipated determination dates for the Joint Application which have passed. Prologis advised in March 2025 that planning permission was expected in late Summer 2025; the Prologis/MAG website stated on 9 March an anticipated Planning Committee in Winter 2025; and the website was subsequently updated to state Spring 2026, which was already out of date at the time of posting.

7. Even if the Joint Application were determined favourably, unknowns remain regarding completion of section 106 and section 278 agreements, as well as third-party rights affecting the land (overage and minerals).

Assessment of Joint Application

8. The impression given in the Prologis representation is that the Joint Application is a known, and certain, entity enabling other development to be shaped around it. That is incorrect. The ultimate extent of the mitigation required for the MAG/Prologis scheme is not yet known. In particular the extent, and cost, of the highway mitigation which would be required for the development of the Prologis/MAG land is unknown. Therefore, also unknown, is the additional highway mitigation which would then be required for the southern site, if it were to be developed independently, as suggested by Prologis.
9. The letter submitted on behalf of SEGRO objecting to the Joint Application also set out the difficulties of the two scheme approach suggested by Prologis involved (**Annex 3** to this response).

Associated Development

10. Prologis challenge the characterisation of the highway works as associated development. This incorrect. The highways package is not all characterised as associated development. Works numbers 8 – 12 are an NSIP as is apparent from the DCO Application documentation.

Highway Access

11. Prologis suggest that amendments were made to the DCO Application after consultation in relation to the principal point of access off the A453. That is incorrect. The principal point of access has never changed.

Issue 1: VIABILITY

12. Prologis asserts that SEGRO has failed to demonstrate
 - a. the viability of the DCO scheme; and
 - b. that the southern land is not viable as a standalone phase.
13. The Viability Appraisal (**Document DCO 4.5**) sets out the position.
14. Under scenario a, the DCO scheme as applied for—delivered in a coordinated manner spreading substantial infrastructure costs across the entirety of the site—generates a level of return consistent with normal market requirements.

15. Under scenario b - in which the northern land is brought forward by Prologis and the southern land is developed separately- the balance between cost and value is materially weakened, producing a return well below that required.
16. It is concluded that only a single, comprehensive approach provides sufficient certainty that the development and associated infrastructure will be delivered.
17. Concerns are also raised concerns about the viability of the Prologis/MAG development itself, noting that SEGRO's understanding of the price paid by Prologis, the expectation of a ransom payment from the southern land, and the unresolved highway mitigation costs all cast doubt on its deliverability. In contrast, SEGRO points to its track record of delivering large-scale DCO schemes, including East Midlands Gateway 1 and Northampton Gateway.

Issue 2: SOCIO-ECONOMIC AND LAND USE CONSEQUENCES

18. Prologis asserts that SEGRO's Environmental Statement fails to consider the adverse consequences of the MAG development not proceeding. However, there is no certainty at all that there will be any Prologis/MAG development.
19. The DCO regime was established precisely to avoid delays caused by fragmented land ownership and different consenting routes. A decision to approve the DCO would be made on the basis that the Secretary of State is satisfied that the DCO scheme is likely to be delivered within an acceptable timeframe with there being no adverse consequences of the Joint Application not proceeding.

Issue 3: PROGRAMME

20. In response to assertions that SEGRO's programme is optimistic, a delivery timetable is set out. Comparison with the actual delivery of EMG1 (a much larger and more complex scheme) demonstrates that the programme for delivery of EMG2 is realistic. SEGRO has experience of vesting land rapidly and the EMG2 highway works are smaller in scale and significantly less challenging than EMG1 and so conservative estimates have been applied throughout.
21. SEGRO will be able to take advantage of working with stakeholders in the area with whom they have previously worked and based on experience of working with NWL on EMG1 are confident that discharge of requirements will be dealt with expeditiously

Issue 4: ASSESSMENT OF HIGHWAYS IMPACT

22. Prologis asserts that there are unresolved highways issues and that a different traffic model should be used however this appears to be based on superseded consultation responses of the highway authorities. Substantial progress has been made as

confirmed in the draft Statements of Common Ground and the Joint Position Statement with National Highways submitted at Deadline 1 (**Documents 8.1, 8.4B and 8.5**). The only outstanding items with National Highways relate to approval of five signage/signalling departures and LinSig modelling of the EMG1 junction.

Issue 5: DELIVERY OF KEY MITIGATION (SKYLARKS)

23. Skylarks were assessed as being of local-level importance and that the adverse effect is categorised as habitat loss below local scale, constituting a residual minor effect. SEGRO considers that it is not proportionate to seek to entirely mitigate this residual minor effect which is not considered significant in the context of paragraph 193a of the NPPF.

Issue 6: PUBLIC BENEFITS VERSUS PRIVATE LOSS

24. Prologis asserts that "certain private loss" from the MAG application not proceeding would not be outweighed by "speculative unevidenced gains" from the DCO Application. However, the guidance requires compelling evidence that public benefits outweigh private loss, but does not require that such benefits significantly, substantially, or greatly outweigh.
25. The alleged private loss from the Joint Application not proceeding is wholly uncertain and Prologis has failed to give appropriate weight to the ecological, highways, economic, and community benefits of the DCO scheme.

Issue 7: REALISTIC ALTERNATIVES

26. Prologis suggests various alternatives to compulsory acquisition, mostly premised on the Joint Application being permitted and the southern land coming forward separately. The guidance requires only that reasonable alternatives be "explored," which SEGRO has done extensively.
27. Some overarching points relevant to one or more of the alternatives are made and then each alternative is responded to. All alternatives are either dependent on an uncertain and potentially unviable planning permission and/or require collaborative working between parties who are commercial competitors and have failed to reach agreement to date.

Issue 8: NEGOTIATIONS

28. Prologis asserts that SEGRO has not demonstrated any intention to propose or accept terms enabling recovery of full open market value. Representations relating to compensation for compulsory acquisition are excluded from relevant representations under section 102(4)(e)(i) of the Planning Act 2008.

29. The complaint essentially concerns the quantum of compensation, which is not a matter for the Examining Authority but rather for the Upper Tribunal (Lands Chamber) at a later time, if agreement cannot be reached.

1. Introduction

- 1.1. This is the Applicant's response to the relevant representation submitted on behalf of Prologis UK Limited and Prologis UK 121 Limited (**RR-024D and RR-028D**).
- 1.2. The relevant representation is lengthy but repetitious and accordingly it is not intended to respond individually to every single paragraph. Instead, the "Objection" summary (section 3, Para 3.1 – 3.7)) is used as a broad framework. This document identifies the issues raised and provides a response. To avoid repetition some responses respond to more than one paragraph since there is substantial overlap. Each response identifies which paragraphs in Section 3 the response is directed at, and where appropriate the response will also refer to other sections in the Prologis representation which deal with that issue. In doing so the Applicant does not deal with the repeated requests for the Examination to be delayed since that issue has already been adjudicated upon.
- 1.3. The contents of this response are as follows:

Section	Topic	Page No.
Section 2	Preliminary Points	7
Section 3	Issues	10
Issue 1	Viability	10
Issue 2	Failure to address socioeconomic and land use consequences of Prologis/MAG development not proceeding	13
Issue 3	Programme	14
Issue 4	Assessment of highways impact	19
Issue 5	Failure to address delivery of key mitigation	20
Issue 6	Public Benefits v Private Loss	21
Issue 7	Reasonable Alternatives	23
Issue 8	Negotiations	27
Annex 1	Chronology of negotiations post submission	
Annex 2	National Highways latest holding objection to the Joint Application	
Annex 3	SEGRO letter of objection to the Joint Application	
Annex 4	Gantt chart comparing EMG1 actual and EMG2 anticipated programmes	
Annex 5	Information on comparative benefits.	

- 1.4. Prior to addressing the issues raised by Prologis, and in order to provide an appropriate context for their consideration, the Applicant first addresses some incorrect or misleading content in the relevant representation, as preliminary points.

2. Preliminary Points

History of Negotiations

- 2.1. Prologis have sought to suggest that the Applicant is “*intervening in a successful arrangement [with MAG] to thwart policy compliant development*”¹ with the objective of disrupting MAG/Prologis from progressing with their development. That is incorrect. They have also referred to negotiations having commenced “*very belatedly*”². That is also incorrect. They have also referred to Prologis having “*consistently pressed SEGRO to commence negotiated arrangements*”³ the impression being given that there has been a reluctance on the part of SEGRO to engage. That too is incorrect.
- 2.2. Examination of the history of negotiations with MAG since 2020, and with Prologis since they acquired an interest, demonstrates genuine efforts on the part of SEGRO to explore alternatives to seeking compulsory purchase powers in respect of the Prologis/MAG land. This has been with the aim of negotiating arrangements to secure the delivery of the entire Freeport Site (See Section 3 of the Pre-Application Land and Rights Negotiations Tracker (**APP-022D** and paragraphs 1.20 – 1.28 of the response to the EMA relevant representations (**Document DCO 7.2 Appendix 5**) which sets a fuller picture of the attempts to negotiate with EMA over the years). In para 10.4 of its representation Prologis have asserted that they do not accept the accuracy of the Pre-Application Land and Rights Negotiations Tracker, but they have not identified in what respect it is said to be inaccurate.
- 2.3. It is the intervention in late 2024 of Prologis, in full knowledge of the existence of the s.35 Direction, and therefore SEGRO's intention to progress a DCO for EMG2, which has made negotiations more complex and problematic. Nonetheless, SEGRO have consistently sought to progress discussions. Such discussions have proved frustrating and somewhat tortuous. Contrary to the impression given in the Prologis representation, SEGRO's efforts have continued and a chronology of the engagement with Prologis since the preparation of the Pre-Application Land and Rights Negotiations Tracker is included in **Annex 1**. Although a successful conclusion is hoped for, there is currently little to underpin that hope.
- 2.4. In identifying the entire site as a project of national significance the Secretary of State was deliberately enabling the EMG2 proposals to benefit from the certainty of delivery and certainty of timeline which the DCO process is designed to provide.
- 2.5. The rationale is that once a scheme has been identified as being a project of national significance then it is in the national interest that its delivery is not delayed. The DCO process is designed to ensure that delays caused by protracted negotiations to obtain the necessary control over land are avoided by the use of compulsory purchase powers. The compulsory purchase powers sought in the DCO Application are included to that end and are no more or less than required to deliver the scheme.

¹ Para 4.9 RR-24D

² Para 10.4

³ Ibid

Uncertainty

- 2.6. In several places⁴ Prologis assert that there is certainty of their development coming forward and within a certain timeframe – in contrast to the DCO scheme. There are also several references suggesting that the Joint Application not being developed would amount to a “certain private loss” (our underlining).⁵
- 2.7. Programming is addressed in detail later (Issue 3) however the impression of certainty given by Prologis in respect of the MAG application is fundamentally misleading.
- 2.8. The Joint Application has yet to be determined. It has been subject to *nine* successive holding objections from National Highways⁶ the latest of which is attached at **Annex 2**. There is ongoing highway modelling⁷, and the extent of the necessary mitigation has not yet been identified and assessed. Contrary to the picture which Prologis seeks to paint that is not a single “*technical highway point*” as suggested by Prologis⁸. There are also other issues rising from the piecemeal development of the site such as sub optimal public transport arrangements, HGV parking and landscaping. The Joint Application is not currently capable of being favourably determined and it is not known if, or when, it might be.
- 2.9. The chronology of slippage of the expectations as to when the application may proceed to committee tells its own story:
- a) In the response to the DCO statutory consultation, in a letter dated 17 March 2025, Prologis advised that they would be lodging an amended application and supporting documentation in Spring 2025 with planning permission expected in late Summer 2025. In the event, the substantially revised planning application was not submitted until November 2025, well after the date that Prologis had advised that they expected a planning permission to be issued.
 - b) As recently as 9 March 2026 the Prologis/MAG website had a timeline stating an anticipated Planning Committee in Winter 2025 with submission of reserved matters in Spring 2026. That did not happen.
 - c) The relevant website has since then been updated and currently⁹ states that the anticipated Committee date is Spring 2026. That is clearly already out of date and must have been so when the website entry was changed. The dates need to change again.

⁴ E.g. Para 9.20, 9.24 RR-24D []

⁵ Para 3.2 and 3.4 RR-24D

⁶ 1/7/24, 31/7/24, 31/10/24, 29/1/25, 25/4/25, 24/7/25, 23/10/25, 8/12/25 and 6/3/26

⁷ See Annex 2 - Annex A of Appendix 1 Holding Objection

⁸ Para 8.5 RR-24D

⁹ As at 18 March 2026

- 2.10. Even if the Joint Application were eventually to be determined favourably there are still unknowns in relation to the delay that will then be involved in completing section 106 agreements, a section 278 agreement with the County Council and a section 278 agreement with National Highways. There will also be the need to negotiate a settlement in relation to the 3rd party rights which it is known affect some of the Prologis/MAG Land (overage and mineral rights).
- 2.11. In these circumstances it is simply not credible for Prologis to state *“Notably, the development under the Joint Application is programmed to commence and be delivered sooner than that under the DCO Application”*¹⁰ That is clearly at best an aspirational programme which has consistently been subject to slippage. Currently the timing of any delivery of development pursuant to the Joint Application is wholly uncertain. Crucially, the significant doubts regarding viability of the development of the land north of Hyam’s Lane referred to in paragraphs 3.9 – 3.24 below in response to Issue 1 emphasise the uncertainty of delivery even if planning permission were to be issued.

Assessment of Joint Application

- 2.12. The impression given in the Prologis representation is that the Joint Application is a known, and certain, entity enabling other development to be shaped around it. That is incorrect. The ultimate extent of the mitigation required for the MAG/Prologis scheme is not yet known. In particular the extent, and cost, of the highway mitigation which would be required for the development of the Prologis/MAG land. Therefore, also unknown is the additional highway mitigation which would then be required for the southern site, if it were to be developed independently, as suggested by Prologis.
- 2.13. This lacunae in information cannot be resolved until there is a determination of the Joint Application and only if that determination were to be a permission clearly identifying the highway mitigation to be delivered and its timing. Even then it would remain for the highway mitigation for the southern part of the site to be identified in light of what mitigation was brought forward by the Joint Application. These represent substantial difficulties in progressing meaningful discussions on the two scheme approach suggested by Prologis. This is expanded upon in the response to Issue 7. The letter submitted on behalf of SEGRO objecting to the Joint Application also set out the difficulties involved and is attached at **Annex 3** to this response.

Associated Development

- 2.14. In Paragraphs 13.19 – 13.25 Prologis challenge the characterisation of the highways package included within the DCO Application as “associated development”. That analysis is incorrect. The highways package is not all characterised as associated development. Works numbers 8 – 12 are an NSIP in their own right, as is apparent from the DCO Application documentation. Those paragraphs and the assertions in them, are therefore mistaken. Prologis do however, rightly, acknowledge that the highways

¹⁰ Para 13.34 RR-24D

package has wider benefits but fail to understand that such benefits do not equate to “over provision”.

Highway Access

2.15. In Paragraph 13.6(a) Prologis suggest that amendments were made to the DCO Application after consultation in relation to the principal point of access off the A453. That is incorrect. The principal point of access has never changed. As explained in the DCO Submission¹¹ a potential alternative access was removed because it was clear it would not be needed. In fact, that access had not been included in the “with development” scenarios for traffic modelling purposes since June 2024. The removal of the alternative access reflected the position which had been agreed with the highway authorities for some time, being that the principal access should be off Hunters Roundabout allowing for access to both the bus interchange and the remainder of the site and removing the need for buses to travel further along, and back along, the A453 before entering the Pegasus Business Park. This is in contrast to the Joint Application which does not enable bus travel directly within the site, a matter referred to in the National Highways holding objection¹².

2.16. This response now proceeds to deal with substantive points in the Prologis representations identified by the Applicant based on Section 3 of the Prologis Relevant Representation.

3. Responses to Section 3 of Prologis Relevant Representation

ISSUE 1 – VIABILITY [Para 3.1 (a), (c) ... 9.2 – 9.12]

3.1. In summary, the assertion is that:

- a) SEGRO has failed to demonstrate that the scheme the subject of the DCO application is viable and deliverable.
- b) SEGRO has failed to demonstrate that the southern land is not viable as a standalone phase.

RESPONSE TO ISSUE 1

3.2. The Viability Appraisal (**Document DCO 4.5**) sets out appraisals in relation to both scenario a) and b) referred to as Appraisal 1 and Appraisal 2 respectively. The main points are summarised below:

¹¹ Table 23 page131 Consultation Report (APP-208)

¹² Appendix 1 – bottom of page 3 of Annex A

Scenario a) – Viability of the DCO Scheme

- 3.3. This scenario is the DCO scheme as applied for with no amendments. This appraisal assumes that the development would be delivered in a co-ordinated manner allowing the EMG2 DCO substantial infrastructure costs, including the highway improvement works to Junction 24 of the M1, to be spread across the entirety of the site, thereby balancing cost and value.
- 3.4. The conclusions of this assessment are the DCO scheme generates a level of return consistent with normal market requirements for a development of the scale complexity and risk profile of the DCO scheme, based on the application of prudent assumptions.

Scenario b) – Viability of Southern Land as a Standalone Phase

- 3.5. The scenario assumes that the northern land is brought forward by Prologis pursuant to a planning permission and the southern land is developed via an access through the Prologis site. It is worth noting however that, irrespective of the viability issues with the standalone scheme, a second phase of development as suggested by Prologis would be sub optimal due to the lack of a comprehensive approach to the development of the whole site. The response to Issue 6 below expands on this.
- 3.6. Whilst some construction and infrastructure costs for the southern land reduce in this scenario many of the significant costs remain unchanged and the balance between cost and value is materially weakened. The conclusions of this assessment are that the reduced scheme, solely on the southern land, generates a level of return well below that required for a project such as this.
- 3.7. The contrast between the two appraisals is clear. When the EMG2 DCO Scheme is delivered as a single, integrated development, it is viable and deliverable. When it is fragmented by excluding the Prologis Land, it fails to generate a sufficient return even before additional constraints or payments (such as what has been referred to as a ransom payment for access over the Prologis Land) are considered.
- 3.8. The report concludes that the Prologis Land is integral to the viability of the overall EMG2 DCO Scheme development. Only a single, comprehensive approach provides sufficient certainty that the development and associated infrastructure will be delivered within a reasonable timeframe, or at all.

Viability of Northern Land

- 3.9. There is an issue in relation to viability which is not mentioned in the Prologis representations, being the question of whether the Prologis/MAG development is viable. This is important since Prologis are positing several alternatives to the DCO scheme which rely on the delivery of the Prologis/MAG development. To ascertain whether any of those are remotely realistic or reasonable alternatives which should be explored the likelihood of the Prologis scheme coming forward needs to be ascertained.

3.10. Prologis state in its representations

“The benefits of the Joint Application are readily realisable once planning permission is granted as the required land ownership has already been secured (as per Appendix 1) and the viability of the development is robust. Indeed, given SEGRO’s case that developing the Prologis/MAG Land ensures viability of the balance of its proposal, the viability of the Joint Application development cannot reasonably be in doubt if the DCO Application does not proceed”¹³

3.11. As has been made clear, the Applicant knows that the DCO scheme is viable but does not believe that separately the land to the south of Hyams Lane or the Prologis/MAG development are viable. There is no ‘internal incoherence’ in this. The Prologis statement is simplistic and doesn’t reflect some of the key inputs into any viability assessment.

3.12. The Applicant’s conclusion in respect of the viability of the Prologis/MAG development is based on:

- a) The understanding of what price Prologis has paid and agreed to pay for the land – SEGRO are referred to as “an unsuccessful underbidder” in respect of the EMA land in their relevant representations¹⁴ and were also described as such by Leading Counsel for Prologis at CAH1 which enables SEGRO to understand the minimum price paid.
- b) As confirmed by Leading Counsel for MAG at CAH1 there appears to be an expectation of a ransom payment available from the southern land presumably sufficient to offset the overpayment which has been factored into the price that Prologis paid – Scenario b) above demonstrates that there would be no such ransom payment payable.¹⁵
- c) The expectation of Prologis/MAG that the highway mitigation for the DCO scheme amounts to over provision¹⁶ and could be scaled back in the event that the two parts of the site are separately developed when there is no such over provision.
- d) The fact that the full extent of the highway mitigation required for the Prologis/MAG development has yet to be identified or agreed. Any additional mitigation arising from the ongoing modelling will only increase the viability issues associated with the development of the Prologis/MAG land.

3.13. The DCO scheme is viable and deliverable – SEGRO have a track record of delivering scheme such as these and for reasons set out in response to Issue 3 (Programme) below there is no reason to assume that the DCO scheme will not be delivered as proposed. The track record of SEGRO includes the delivery of:

¹³ Para 9.21 RR-024D

¹⁴ Para 11.3 RR024D

¹⁵ Or “controlling access value” as per Para 9.9 RR-24D

¹⁶ See para 13.24 RR-24D

- a) East Midlands Gateway 1 - comprising 6m sq.ft of warehousing, a strategic rail freight terminal, major improvements to the SRN at Junction 24 and a bypass for the village of Kegworth: and
- b) Northampton Gateway – comprising 5m sq.ft of warehousing, a strategic rail freight terminal, improvements to the SRN and a bypass for the village of Roade.

3.14. In contrast, the Prologis scheme has no planning permission or certain timeline to a permission, has no agreed highway mitigation scheme and is unviable. Risks to the delivery of the development of the site are far greater if reliance is placed on the Prologis scheme coming forward than the DCO scheme.

ISSUE 2 – FAILURE TO ASSESS ADVERSE SOCIO ECONOMIC AND LAND USE CONSEQUENCES OF THE PROLOGIS/MAG DEVELOPMENT NOT PROCEEDING [Paras 3.1 (b), 8.3, 8.4, 9.23 -9.20]

3.15. In summary, the assertion is that the Applicant's ES fails to consider the adverse consequences of the MAG development not proceeding. Prologis state that the grant of the DCO would *"frustrate delivery of the beneficial development proposed by Prologis and MAG (with its attendant benefits) with no certainty that the development proposed by SEGRO would actually occur"* ¹⁷. They state that it is a realistic possibility that the SEGRO scheme would not proceed or proceed only in part and the ES should have addressed that possible scenario.

RESPONSE TO ISSUE 2

3.16. Paragraphs 2.6 – 2.11 in the preliminary points and paragraphs 3.9 to 3.14 in response to Issue 1 above deal with the relative uncertainty of the Prologis/MAG development coming forward and the DCO Scheme. In short, there is no certainty at all that there will be any Prologis/MAG development.

3.17. The DCO regime was put in place to avoid delays in delivery caused by land ownership issues and different consenting routes, avoiding the need for further agreements/orders (such as s.278 agreements) which cause delays to delivery. In deciding to grant the DCO the Secretary of State will have satisfied itself that the DCO scheme is likely to be delivered within an acceptable timeframe. Any frustration felt by Prologis in being subject to compulsory purchase powers has to be seen in that context.

3.18. A decision to approve the DCO will be on the basis that the DCO scheme will come forward and there will therefore be no lost benefits. A superior, comprehensive, scheme covering the entirety of the EMG2 Main Site will come forward instead of a sub optimal scheme covering approximately 1/3rd of the site.

¹⁷ Para 9.16 RR-24D

ISSUE 3 - PROGRAMME [3.1(c),7.2,8.5, 8.6, 9.21 9.22]

- 3.19. In summary the assertion is that SEGRO's programme is optimistic with regard to the Freeport window and its delivery uncertain in contrast to the MAG development.

RESPONSE TO ISSUE 3

- 3.20. As previously discussed in paragraphs 2.6 – 2.11 and 3.9 to 3.14 the delivery of any development pursuant to the Joint Application, not just its timing, is wholly uncertain. This response to Issue 3 therefore deals with the programme for delivery of the SEGRO scheme.
- 3.21. As discussed above a DCO is set up to enable swift delivery and SEGRO take full advantage of this by the inclusion of, what would otherwise comprise separate, section.278 agreements and footpath orders within the DCO.
- 3.22. Also included within the DCO are all the compulsory acquisition powers required to take swift ownership of the land interests required so that lack of land control is not an impediment. This appears not to be fully understood by Prologis who state that *"the compulsory purchase route introduces avoidable critical-path steps (security, general vesting declaration, service of notices, possession and compensation) that do not apply to land already controlled by Prologis/MAG."*¹⁸. The DCO mechanism is designed to avoid delays, and these steps are all factored into the SEGRO programme.
- 3.23. In contrast of course Prologis /MAG have 3rd party interests that need to be addressed without the availability of CA powers. These comprise an overage which will need to be agreed and settled on Plot 1/4 and the issue of mineral rights which are the subject of separate ownership on Plot 1/6. So far as SEGRO is aware, none of these matters have been addressed, so that they will represent a further delay/obstacle to development, if and when planning permission is granted, and the development otherwise becomes viable.
- 3.24. Details of the SEGRO programme are contained in the Appendix to the CEMP (**APP-074**). The headline points are:

DCO made	Q1 2027
Land vesting	Q2 2027
Start on site	Beginning Q4 2027
Commencement of Off site Highway works	Beginning Q4 2027
Commencement of Units	Q2 2028
Completion of highway works	Q2 2029
Unit build out by	Q3 2031

¹⁸ Para 8.6 RR-24D

- 3.25. SEGRO has confidence in the above programme based on its own experience of developing large DCO schemes, including a scheme in this area working with the same relevant stakeholders. However, to sense check the EMG2 programme a comparison has been made with the delivery of EMG1.
- 3.26. The EMG1 DCO was made in January 2016. It authorised approximately double the floorspace proposed by this DCO and had very substantially more highway works associated with it, including extensive works to J24 and the construction of the Kegworth bypass which involved the construction of a new bridge over the M1 Motorway. The extent of highway works carried out for EMG1 are broadly proportionate to that proposed for EMG2 and therefore the extent of the EMG2 highway works is significantly less.
- 3.27. The table below compares the delivery timetable for EMG1 with that anticipated for the EMG2 Main Site bearing in mind the different scale of EMG1. The Gantt chart in **Annex 4** refers.

Works	EMG1 Actual	EMG2 Anticipated	Commentary
Land vesting and pre-commencement discharge requirements, technical approvals and site preparation to start on site	11 months 3 weeks from DCO being made	6 months 3 weeks from DCO being made	EMG 1 had a longer lead in time due to the more complex and extensive on site infrastructure. Experience and use of the same design engineer for EMG2 and the difference in scale gives SEGRO confidence in the timescale
Earthworks	Just over 2.5 years to move over 6mil m ³ of material	1.5 years – to move 1.5mil m ³	EMG2 programme is a conservative estimate in comparison
Estate Roads	2.5 years to construct 2.2km of estate road	1.5 years to construct circa 1/15km	EMG2 programme is a conservative estimate by comparison
Landscaping	Completed 3.5 months after completion of EMG1 earthworks	To be completed 4.5 months after completion of EMG2 earthworks	EMG2 programme is a conservative estimate by comparison

Duration of construction of off-site highway works	Took 1 year 10 months to complete	Approximately 1 year nine months	Given the different scale and complexity of the EMG1 highway works (see paras 3.38 – 3.30 below) the EMG2 programme is a conservative estimate by comparison
Commencement on first building	12 months after the start of the on site infrastructure	7 months after the start of the on site infrastructure	An earlier start on buildings will be achievable at EMG2 because of the less extensive quantity of earthworks and estate road required to release the first plot.
Build period	3,337,550 sq ft of floorspace (ground floor) was constructed over a period of 3 years and 5 months	Full 3.23 mil sq ft anticipated to be built out in the period of 3 years 5 months i.e. by the end of Q3 2031	Direct comparison with EMG1 demonstrates a robust estimate

3.28. In terms of the vesting of land, the minimum period in which that can be achieved due to the process is three months and one week following the making of the DCO. SEGRO has experience at Northampton Gateway of vesting land rapidly and the vesting of the land required for the highway works at Northampton Gateway took three months which was the minimum period at that time (before there was a rule change). The ownership of the land at Northampton Gateway was complex and so there is no reason to believe that the minimum period cannot be achieved here. If the DCO is made early/mid March 2027 then vesting would be by end of July 2027. If it is not made until the end of March then this could slip into Q3 2027, still well in advance of the programmed start on site.

3.29. There is a significant difference in the scale and complexity of the highway works required for EMG1 when compared with that for the EMG2 Main Site. The table below explains the complexities of the EMG1 highway works along with their start of construction and when they were open to traffic:

3.30. The major elements of the EMG 1 highway works are described below along with the dates for start of construction and opening to traffic.

Highway works	Description of works	Start of construction	Open to traffic
A453 EMG1 access junction	Widening and realignment (vertically and horizontally) of the A453 to create the signalised junction at the EMG1 access and A6 Kegworth Bypass. This required significant regrading of the A453 (which was raised by up to 5m) to form a suitably level junction area for connection with the estate roads within the EMG1 Main Site and the A6 Kegworth bypass bridge over the M1, yet at the same time being low enough for road lighting columns to be installed below the East Midlands Airport (EMA) Obstacle Limitation Surface (OLS). Construction of these complex works, keeping traffic open, was further constrained by the safeguarding requirements of EMA notably in relation to undertaking utility works close to the end of the runway.	January 2017	December 2017
M1 J24 & 24A improvements	Construction of an interchange link from the A50 eastbound to M1 southbound to remove this traffic from M1 J24 with corresponding changes to the links from the M1 southbound and A50 eastbound to the M1 J24 roundabout Further widening and upgrading of the M1 J24 signalised roundabout Repurposing of the former A50 eastbound carriageway to provide local access to Lockington and the Hotel. Aside from the construction sequence of these works being challenging to keep traffic flowing at M1 J24 and maintain access to Kegworth, Lockington and the hotel, there were two notable challenges. The first of these being the interaction with the Severn Trent Water Derwent Valley Aqueduct (DVA). This is a high pressure	April 2017	New A50-M1 SB / J24 links: July 2018 Remainder of work to J24: October 2018

	trunk water main from the Peak District that supplies the city of Leicester. In co-ordination with STW, the DVA was diverted to enable the construction of the A50 eastbound to M1 southbound and J24 interchange links. This was by itself was a complex construction contract with extensive licensing requirements due to the involvement of landfill. At the same time as the EMG1 highway works being undertaken National Highways constructed the M1 J23A to 25 smart motorway project (SMP). Both the design and construction of the two schemes had to be co-ordinated on many levels from motorway signalling and ducting to regular co-ordination of traffic management especially where one or other scheme required a road closure. This was a highly successful strategy avoiding otherwise sequential works and to the travelling public it appeared as a single project.		
A6 Kegworth Bypass	Construction of the Kegworth Bypass connecting the A453 at the EMG1 access junction to the A6 south of Kegworth Whilst much of the A6 Kegworth Bypass was built off-line of existing highways the notable exception to this was the bridge that takes the bypass over the M1 motorway. Options for how to construct the bridge were limited by three key constraints: -Limitations on height due to the EMA OLS and other safeguarding requirements of EMA - The need to keep the M1 open throughout the scheme except for specific works - The need to integrate the works with the M1 J23A-25 SMP	September 2017	November 2018

	These constraints were addressed by designing a bridge that was built to the side of the motorway and then slid into place over a weekend.		

- 3.31. In summary it can be seen that for the EMG1 highway works, despite a considerable number of challenges that had to be overcome, all of the major elements of highway works were open to traffic around 2 years and 10 months following the making of the EMG1 DCO.
- 3.32. By comparison the EMG2 highway works are smaller in scale and are significantly less challenging as there is:
- a) limited work within the highly constrained area of the EMA OLS;
 - b) no concurrent major National Highways project to co-ordinate with;
 - c) no new bridge needed over the M1 mainline motorway; and
 - d) no work required in the vicinity of the DVA Severn Trent Water Derwent Valley Aqueduct; and
 - e) no work required to licenced landfill.
- 3.33. There are other factors that add robustness to the EMG2 programme such as:
- a) SEGRO will be working with stakeholders in the area with whom they have previously worked
 - b) SEGRO have worked with NWL on EMG1 to ensure that discharge of requirements is dealt with expeditiously and would expect to be able to utilise that experience on the part of both SEGRO and NWL for EMG2.

ISSUE 4 – DCO APPLICATION DOES NOT INCLUDE KEY MATERIAL RELATING TO ASSESSMENT OF HIGHWAYS IMPACT [3.1(D)(i) Section 12]

- 3.34. In summary, the assertion is that there are highways issues not fully resolved with reference made to the responses of the Highway Authorities to the latest non-statutory consultation held in July 2025. In addition, Prologis assert that a different traffic model should be used to assess the impact of the DCO Application.

RESPONSE TO ISSUE 4

- 3.35. It is noted that Prologis's concerns with regard to highway assessments are largely based on the responses from National Highways and Leicestershire County Council to the non-statutory consultation held in July 2025. Since those consultation responses were written there has been substantial progress in finalising the modelling and agreeing the mitigation required for the DCO development with both National Highways and LCC.

- 3.36. The up to date position is confirmed in the draft Statements of Common Ground (**Documents DCO 8.4B and 8.5**) and the Joint Position Statement of the Applicant and National Highways (**Document DCO 8.1**) submitted at Deadline 1.
- 3.37. As far the position with National Highways is concerned the only outstanding items relating to highway mitigation are:
- a) The approval of five signage/signalling departures; and
 - b) The LinSig modelling of the EMG 1 junction relating to the impact of Plot 16 in isolation.
- 3.38. As far as Leicestershire County Council are concerned it is SEGRO's understanding that the only outstanding items relating to highway mitigation are:
- a) Assessment of Residual Impacts on the Local Road Network utilising 2023 PRTM (including mezzanines); and
 - b) The LinSig modelling of the EMG 1 junction relating to the impact of Plot 16 in isolation.
- 3.39. Prologis request *“that an up to date highways assessment is provided in accordance with the 2023 PRTM platform and tested to LCC/National Highways satisfaction.”*¹⁹ As can be seen from the above National Highways are satisfied with the assessment carried out in respect of the PRTM 2023 and, subject to item a) and b) above it is anticipated that will be also be the position of Leicestershire County Council.

ISSUE 5 - DCO APPLICATION FAILS TO ADDRESS THE DELIVERY OF KEY MITIGATION, ESPECIALLY FOR SKYLARKS [3.1(d)(ii), 13.13]

- 3.40. Para 3.1 (D) (ii) alleges an absence from the ES of *“the delivery of key mitigation, especially for skylarks”*. The criticism in relation to skylark mitigation is contained paragraph 13.13. It is not clear what other “key mitigation” is being referred to in paragraph 3.1 (d)(ii).

RESPONSE TO ISSUE 5

- 3.41. Survey results of the presence of skylarks on site during the breeding season showed moderate numbers – as summarised in ES Chapter 9 Table 9.12 (**APP-107**). Full details of surveys of the surveys are provided in Appendix 6.9D (**APP-111**).
- 3.42. Skylarks are one of the most common farmland birds with an estimated 1.6 million territories nationally in 2016²⁰. However, it is acknowledged that Skylark have undergone significant population declines in the UK since the 1960s and for this reason are listed

¹⁹ Para 12.12 RR-24D

²⁰ Woodward, I., Aebischer, N., Burnell, D., Eaton, M., Frost, T., Hall, C., Stroud, D.A. & Noble, D. (2020) Population estimates of birds in Great Britain and the United Kingdom. British Birds 113: 69–104

as a *Species of Principal Importance* under Section 41 of the NERC Act and are Red listed on the Birds of Conservation Concern 5 (BoCC5). It is widely agreed that the cause of this decline is largely derived from changes in farming practices, mainly the intensification of grassland management for livestock and a shift in arable farming from spring to winter cereals, and not from loss of habitat due to development. In England this decline has somewhat stabilised and was estimated to be -1% in the 25 years from 1998 to 2023. Further, following a minimum in 2018-2019 the population of skylarks has rebounded both within England and cumulatively across the UK, with this rebound estimated to be approximately +14% at both 10-year and 5-year intervals.

- 3.43. The assessment of the importance of the EMG2 Main Site for skylarks was undertaken at a regional, county and local level and is set out in ES Chapter 9 (**APP-107**). The presence of skylarks was assessed as being of local level importance in recognition of the species status under the NERC Act and as a Red Listed species, however the adverse effect is categorised as habitat loss below local scale and of a residual minor effect. The most likely scenario will be that the small number of skylarks are displaced into the significant amounts of suitable habitat available locally.
- 3.44. It is therefore not considered proportionate to seek to entirely mitigate this residual minor effect which is not considered significant in the context of paragraph 193 a) of the NPPF.

ISSUE 6 – PUBLIC BENEFITS v PRIVATE LOSS [Paras 3.2, 3.4]

- 3.45. Prologis asserts that the “*certain private loss*” arising from the MAG application not proceeding would not be outweighed by “*speculative unevidenced gains*” arising from the DCO Application proceeding²¹.
- 3.46. The relevant guidance is contained in paragraph 13 of the Government Guidance and states that in order for the Secretary of State to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily:

“..the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired.”

RESPONSE TO ISSUE 6

- 3.47. It is notable that the guidance requires compelling evidence of public benefit outweighing private loss but does not require anything else of the balancing exercise. The guidance does not qualify the term “outweigh”. In particular there is no requirement such as to significantly, substantially or greatly outweigh.
- 3.48. Paragraphs 2.6 – 2.11 (in the preliminary points) and paragraphs 3.9 to 3.14 (in response to Issue 1) deal with assertion that there is any “certain” private loss.

²¹ Para 3.2 RR-24D

- 3.49. As yet there is no planning permission for the MAG scheme. Whether or not there will be is uncertain and if there were to be the timing of it is uncertain. In addition, the offsite highway mitigation has not yet been identified. It is currently not known whether the application will be acceptable to the highway authorities and whether the piecemeal nature of the development would be acceptable to either the highway authorities or the local planning authority, especially having regard to its impact on the delivery of the other 2/3rds of the proposed local plan allocation.
- 3.50. In addition, it is not at all clear that the MAG application is viable with or without the anticipated “controlling-access value” referred to in Para 9.9 (**RR-24D**) (see Response to Issue 1 paragraphs 2.8-3.13 above). The alleged private loss is wholly uncertain.
- 3.51. It is also not clear what the “*speculative unevidenced gains*” are which Prologis refer to in paragraph 3.2. If that is reference to items in the following paragraph, being (a) to (d) of paragraph 3.3, (**RR-24D**) then:
- a) Viability - evidence of viability is dealt with in the response to Issue 1 above and by reference to the Viability Appraisal submitted at Deadline 1 (**Document DCO 4.5**) which only repeats to Prologis in substance what they have already been advised by SEGRO in the course of discussions over many months.
 - b) Failure to environmentally assess the effects of the delivery of the development under the Joint Application – is dealt with in the response to Issue 2 above.
 - c) Highways case needing to be agreed in principle with the highway authorities – see Response to Issue 4
 - d) “*any other lacunae in relation to the ES*” – this is non-specific and to the extent they are raised in the Prologis relevant representation they are dealt with in this response.
- 3.52. In the balance of public benefits v private loss Prologis fail to accept that any benefits arising from the DCO Scheme should be put in the balance;
- a) Ecology - it recognises that there will be an overall difference favouring the DCO Application but then judges the benefit to be negligible because of itself it isn't sufficient to amount to a compelling case in the public interest (Para 13.12 **RR-24D**) It is therefore ignored. Such approach is wrong in law and misconceived.
 - b) Highways – the Prologis text is out of date and failed in any event to understand the status of the highway mitigation proposed in respect of the inclusion of an NSIP. (Para 13.17 – 13.25 **RR-24D**). The wider benefit of the mitigation required for the DCO scheme is not in doubt (See Joint Position Statement of SEGRO and National Highways submitted at Deadline 1 **Document DCO 8.1**). This is a significant benefit which again is totally ignored. Once again, such an approach is wrong in law and misconceived.
 - c) Prologis fail to recognise at all the benefits arising from developing the entirety of the site as compared with 1/3rd of a site both in terms of environmental benefits resulting from progressing a comprehensive development of the whole site and

also the undeniable economic benefits arising from greater floorspace (more jobs, more contribution to the local economy etc). Annex (Paras 13.34 – 13.37 **RR-24D**) Annex

- d) The superior nature of the DCO Application in terms of bus provision, active travel, extent of community park and substantial buffer for Diseworth and synergy with EMG1 is also ignored.

3.53. The economic, social and environmental benefits can be seen by comparing the list of benefits Prologis assert for the Joint Application scheme in their relevant representation (Para 8.3 and 8.4 **APP-24D**) with those which will come forward with the DCO Application. This is done in **Annex 5**.

3.54. The Table in **Annex 5** demonstrates that Prologis, having identified what it considers important benefits of its site, have failed to give those benefits, and other benefits, appropriate weight in respect of the DCO Application when considering the public interest in the DCO scheme being delivered.

ISSUE 7 – REALISTIC ALTERNATIVES [Para 3.5, 3.6 Section 10, Section 14]

3.55. This issue is principally dealt with in Section 10 of the Prologis representation. In summary, Prologis are suggesting alternatives which are mostly based on the Joint Application being permitted and developed and the southern land coming forward separately, with some variations. These are set out in (a) to (e) of Para 3.5 and repeated in Para 10.5 (**APP-24D**).

3.56. The relevant guidance on alternatives is contained in paragraph 8 of the Government Guidance²² which states:

“The Applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored.”

RESPONSE TO ISSUE 7

3.57. It is notable that the guidance does not require that the alternatives must be ruled out as ‘definitely unworkable’ or any other similarly high bar. Rather the guidance requires that reasonable alternatives be “explored”. It is indisputable from the record of interaction between the parties that alternatives have been thoroughly explored with a genuine view on the part of SEGRO to reach agreement. Indeed, such an exercise has included in this case going as far as exploring alternatives which SEGRO *do not* in fact view as being reasonable alternatives, especially in light of the discussions held.

²² Planning Act 2008 – Guidance related to procedures for the compulsory acquisition of land

- 3.58. Prior to addressing the suggested alternatives individually there are some overarching points.
- 3.59. Firstly, some of the alternatives depend upon the planning permission being issued pursuant to the Joint Application (alternatives (a) and (b)) the likelihood and timing of which is wholly uncertain. The form of any planning permission and the mitigation required (especially highway mitigation) is unknown. Those alternatives leave the mitigation which would be required for the southern site alone still to be determined representing a new unknown. As a result, it is suggested those alternatives cannot be considered “reasonable”.
- 3.60. Secondly, some of the alternatives suggest separate delivery of the DCO scheme by Prologis/MAG on the northern land and SEGRO on the southern land (alternatives (c) and (d)) but without any appreciation of how that would adversely impact on the delivery of the whole DCO scheme (including the highway NSIP which is an integral part of the DCO Application).
- 3.61. Thirdly, some of the alternatives approach the Freeport site with a mix and match approach – MAG development on the north and SEGRO on the southern land (alternatives (a),(b),(d) and possibly (e)). SEGRO have spent a number of years considering the appropriate form of development on the whole site which meets the objectives of the Freeport and the established need for the development whilst at the same time ensuring that it is comprehensively planned minimising environmental impacts and providing appropriate mitigation (not simply restricted to on site mitigation). The DCO scheme is the result of a lengthy, iterative, process which has identified the most appropriate form of development across the site and also the required highway mitigation which has wider benefits. A mix and match approach is the antithesis to the proper planning of the site and its mitigation and is not considered a reasonable alternative.
- 3.62. Fourthly, some of the alternatives ((a) and (b)) would seem to require the submission of a new T &CP Act application for the development of the southern land alone. The DCO could not be delivered with a combination of the northern land under a planning permission and the southern land through the existing DCO. The southern land on its own could not proceed with the highway works NSIP currently included in the DCO. If the northern land were to come forward under a separate planning permission a new scheme for the southern land would need to be identified. Any re-plan would be dependent upon the consideration and determination of the Joint Application by the local authority and would need to include as yet unidentified highway mitigation. There is no certainty of outcome of that process and delay would be significant. In this regard SEGRO notes that the Prologis re-plan of only 1/3rd of the whole site took 12 months before it was submitted to the local authority for consultation and even after that period the highway mitigation has not yet been identified.
- 3.63. Fifthly, to the extent that the alternatives rely on the delivery of the Prologis/MAG development then the high risk associated with the viability of that development alone prevents them being reasonable alternatives.

- 3.64. Sixthly, to the extent that alternatives envisage the development of the southern land as a separate entity land then the lack of viability of those alternatives prevent them being reasonable alternatives.
- 3.65. Seventhly, most of the alternatives require joint, co-operative working between developers. As Prologis acknowledge all of the alternatives put forward require the negotiation of detailed commercial terms.²³ All attempts to negotiate such terms have failed.
- 3.66. It is not only arrangements with regard to the land interests which need to be put in place. There would also be a need for joint working and co-operation and ultimately agreement with regard to the provision of essential infrastructure (both on and off site) to enable the development of the entire site. In addition, there would need to be arrangements agreed for the ongoing maintenance and operation of the whole site including the public realm and provision and operation of beneficial infrastructure such as the Transport Hub and the HGV park. All of which has the potential to cause difficulties and delay even when there are fully co-operative parties. The potential for difficulties and delay only increases where the parties do not have a collaborative relationship.
- 3.67. SEGRO's experience with Prologis to date in respect of the Prologis/MAG Land does not provide comfort in that respect **especially in a scenario where it is not necessarily in Prologis's commercial interests to enable the swift delivery of a second, potentially competing, phase.**
- 3.68. With the above in mind the alternatives referred to are now addressed in turn:
- (a) Excluding powers of compulsory acquisition over the Prologis/MAG Land and allowing Prologis/MAG to deliver development under the Joint Application*
- 3.69. This effectively is the alternative which would result in only the northern part of the Freeport site being delivered (approximately 1/3rd). Absent the ability to use compulsory acquisition powers there is no basis upon which to conclude that there would be a negotiated agreement which would enable the delivery of the remainder of the site.
- 3.70. The viability and delivery of 2/3rds of the development would be entirely dependent upon Prologis – both in terms of their ability to deliver its site and its willingness to negotiate to facilitate the development of a competitor.
- 3.71. The DCO highway mitigation (with its wider benefits) could not be delivered by the southern land and the extent of the highway mitigation which might be required instead is unknown and dependent upon the outcome of the highway mitigation for the Joint Application Land, yet to be identified.

²³ Para 10.9 RR-24D

3.72. The form of the development on the southern land would need to be reconsidered in light of its need to reflect the MAG development and it would then need to be the subject of a T & CP Act application with a new environmental assessment assessing the revised scheme and revised mitigation, both on and off site. Considerable delay would be involved.

3.73. Whatever form of development were to be considered for the southern land, it would suffer, as the MAG land would, from unsatisfactory public transport provision due to the lack of vehicular connectivity within the MAG Land, as referred to in Para 3.51 entry (c) (iii) of the table in **Annex 5** and the holding objection of National Highways²⁴.

(b) providing no more than access across the Prologis/MAG Land (i.e. a vehicular tie in via the Joint Application's spine road) over enabling SEGRO (or others) to bring forward the Southern Land in due course.

3.74. This alternative has the same difficulties as described in response to (a). The ability to utilise a road across the MAG Land does not overcome the dependency of the southern land on the northern land and crucially the need for co-operation from a competitor.

(c) Making the DCO without compulsory acquisition powers over the Prologis /MAG Land so that Prologis/MAG receive the requisite powers under the DCO to deliver the DCO development on their own land in reliance on s.156 PA 2008.

3.75. The consequence of (c) would be to protect the ability of Prologis to pursue option (a) and control the delivery of the southern land. However, given that the southern land is not viable as a separate development then such an approach would result in the southern land not being delivered.

3.76. Even if compulsory powers were removed, by appropriate wording in the DCO, the delivery of the DCO scheme is not solely about delivering built development on the Freeport site. There are other aspects of the DCO scheme which are integral to it, such as the delivery of the highway NSIP's wider benefits which could not be delivered by the southern land alone and are reliant upon land owned by SEGRO. This alternative has all the same difficulties as option (a). It also has the same difficulties of relying on joint, collaborative, working between parties which is problematic as referred to in paragraphs 3.65 - 3.67 above.

(d) An amendment to the DCO Application, enabling substitution of the Joint Application for the development envisaged under the DCO Application for the Prologis/MAG Land.

3.77. This has the same problems as (a).

²⁴ See Annex 2 - Annex A of Appendix 1 Holding Objection

(e) a joint venture arrangement to bring forward the development comprised in the DCO Application with such variations to be agreed between the parties including enhanced benefits from the Joint Application.

3.78. This is a variation on (d) although it is not understood what “enhanced benefits” are being referred to. As with (d) this alternative as has the same problems as (a).

3.79. In particular a joint venture requires collaborative working and the comments in paragraphs 3.65 - 3.67 apply.

ISSUE 8 – NEGOTIATIONS [Para 3.7]

3.80. Prologis assert that “*SEGRO has not demonstrated any intention to propose or accept terms that would enable Prologis to recover its entitlement to full open market value as provided for by the Compensation Code as a minimum*²⁵”.

RESPONSE TO ISSUE 8

3.81. This issue needs to be seen in the context of Section 102 (4)(e)(i) of the Planning Act 2008 which states that a representation is a relevant representation to the extent that it does not contain “*material about compensation for compulsory acquisition of land or of an interest in or right over land*”.

3.82. The issue demonstrates that negotiations between the parties over an extensive period have not resulted in a common view of the basis for agreement in terms of value. To some degree the Viability Appraisal submitted at Deadline 1 (Doc 4.6) reveals why.

3.83. Overpayment and the expectation of a ransom payment is the crux of the difference between the parties.

3.84. The crux of the matter is a complaint by Prologis that SEGRO are not offering enough money by way of compensation. This is not a matter for consideration by the ExP. It is a matter for the Upper Tribunal (Lands Chamber) at a later time, if agreement cannot be reached between the parties.

²⁵ Para 3.7 RR-24D

ANNEX 1 OF APPENDIX 6

**CHRONOLOGY OF THE ENGAGEMENT WITH PROLOGIS SINCE THE PREPARATION OF THE PRE-APPLICATION LAND
AND RIGHTS NEGOTIATIONS TRACKER**

Annex 1

Chronology of Engagement with Prologis (PLD) since last submitted negotiations tracker

6 August 2025	Meeting with PLD. Run through infrastructure costs, programme, appraisals – open book basis.
8 August 2025	SEGRO provides PLD with record of meeting on 6 August 2025, and sets out next steps for engagement.
5 September 2025	Letter to PLD setting out options for a deal including freehold land offer and JV.
29 September 2025	PLD response.
8 October 2025	Letter requesting PLD has full authority to conclude an agreement on behalf of EMA/MAG.
14 October 2025	PLD confirms authorised by MAG to negotiate and MAG need to agree with outcome of negotiations. MAG to be copied to all correspondence.
23 October 2025	SEGRO confirms to PLD that they will copy MAG into all correspondence.
27 October 2025	PLD confirms it has no objections to MAG being copied into all correspondence.
29 October 2025	Letter SEGRO to PLD
30 October 2025	NDA signed between SEGRO/PLD/MAG
4 November 2025	Letter PLD to SEGRO
5 November 2025	PLD letter to Freeport – suggest delay to DCO to allow negotiation
7 November 2025	SEGRO letter to Freeport – reject DCO delay. Need to deliver comprehensive scheme.
11 November 2025	PLD letter to Freeport. - Timescale for respective submission/various potential routes to agreement
12 November 2025	MoU between Prologis and SEGRO. - Collaboration to try to resolve and find a route forward
13 November 2025	Letter SEGRO to PLD.
14 November 2025	Email from SEGRO to Freeport update: information pack prepared to go to Prologis and update on DCO programme.
17 November 2025	SEGRO issue information pack to PLD/MAG
18 November 2025	PLD shared HOT's for Grant of Rights for Access and financial appraisals.
21 November 2025	SEGRO/PLD call where SEGRO provide a detailed explanation of the information pack and HOT's for a JV MAG invited but unable to attend.
26 November 2025	PLD provide information pack on their scheme to SEGRO.

1 December 2025	SEGRO/PLD/MAG call where PLD provide a detailed explanation of their information pack issued on 26 November 2025.
2 December 2025	PLD provide comments on the JV HOTs.
3 December 2025	SEGRO/PLD/MAG call to discuss JV and Access HOTs.
8 December 2025	SEGRO response to PLD on Access Heads of Terms & JV. Infrastructure directors to arrange to meet.
12 December 2025	Comments back and forth on various issues including viability of respective schemes, potential consenting routes and delivery mechanisms and commitment to collaborative working.
6 January 2026	Meeting Freeport, SEGRO, PLD – update on negotiations.
9 January 2026	PLD note on infrastructure costs/programme – potential cost savings
27 January 2026	SEGRO response to PLD infrastructure note on cost plans.
13 February 2026	SEGRO letter to PLD setting out position on access option, JV and offers to acquire freehold.
24 February 2026	Letter from PLD
25 February 2026	Meeting SEGRO/Prologis.
26 February 2026	Record of some actions of meeting. SEGRO to PLD.
27 February 2026	PLD to SEGRO – disputing contents of letter of 26 February.
4 March 2026	SEGRO to PLD. Suggested development to be brought forward under DCO regime – JV to be considered on this basis. No ransom value due to viability issues.
9 March 2026	Email SEGRO to PLD suggesting meeting in free time in DCO hearings.
9 March 2026	PLD response to SEGRO letter of 13 February.
9 March 2026	PLD letter to SEGRO.
13 March 2026	Emails to organise meeting with CPO valuation advisers.
20 March 2026	SEGRO update email to PLD – attempt to progress various avenues of discussion.
13 April 2026	Meeting SEGRO/Prologis

ANNEX 2 OF APPENDIX 6

NATIONAL HIGHWAYS HOLDING OBJECTION TO JOINT APPLICATION



National Highways Planning Response (NHPR 25-01) Formal Recommendation to an Application for Planning Permission

From: Kamaljit Khokhar (Head of Planning & Development)
Operations Directorate
Midlands Region
National Highways
PlanningM@nationalhighways.co.uk

To: North-West Leicestershire District Council - FAO Adam Mellor

development.control@nwleicestershire.gov.uk

CC: transportplanning@dft.gov.uk
spatialplanning@nationalhighways.co.uk

Council's Reference: 24/00727/OUTM

Location: Land South of A453 Ashby Road North of Hyam's Lane Castle Donington
Leicestershire

Proposal: Outline planning permission (means of access from A453 fixed; all other matters reserved for future determination) for the construction of employment floorspace (use classes B2/B8) with ancillary (integral) offices (use class E(g)(i)); and associated infrastructure including earthworks, internal estate road, parking and landscaping (all)

National Highways Ref: NH/24/06762

Referring to the planning application referenced above, in the vicinity of the **A453 trunk road and M1 motorway** that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- ~~a) offer no objection (see reasons at Annex A);~~
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);

~~d) recommend that the application be refused (see reasons at Annex A)~~

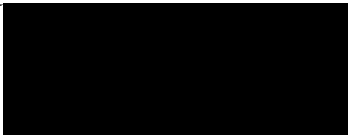
Highways Act 1980 Section 175B is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningM@nationalhighways.co.uk.

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

Signature:		Date: 6 March 2026				
<table style="width: 100%;"><tr><td style="width: 50%;">Name: </td><td style="width: 50%;">Position: Assistant Spatial Planner</td></tr><tr><td colspan="2">National Highways Three Snowhill Snowhill Queensway Birmingham B4 6GA </td></tr></table>			Name: 	Position: Assistant Spatial Planner	National Highways Three Snowhill Snowhill Queensway Birmingham B4 6GA 	
Name: 	Position: Assistant Spatial Planner					
National Highways Three Snowhill Snowhill Queensway Birmingham B4 6GA 						

¹ Where relevant, further information will be provided within Annex A.

Annex A **National Highways' assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Reasons

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the M1 and M42 motorways and the A453 and A50 trunk roads.

Development Proposal

The proposed development, which is being promoted by Manchester Airport Group (MAG), comprises the preparation of the Application Site for development (clearance of non-retained vegetation and extensive land re-profiling) and the erection of storage and distribution units (Use Class B8) (80%) and general industrial units (Use Class B2) (20%) together with associated highways infrastructure works.

The Site is identified in the adopted North West Leicestershire Local Plan (2021) as lying outside Limits to Development, within the Countryside, and is not identified for employment purposes (or any other specific use). Within the new draft Local Plan (Regulation 18), the Site is identified as a potential location for strategic distribution together with additional land to the south of Hyam's Lane.

Together with the adjacent parcel of land south of Hyams Lane, the Site is designated as part of the wider East Midlands Freeport (EMF) which was formally confirmed by the Government in March 2023.

National Highways Considerations

Since our response of 31 July 2024, which set out a number of comments in relation to the Transport Assessment, National Highways has been liaising directly and collaboratively with the Applicant and its transport consultants, and progress has been made with respect of scoping for modelling the traffic impacts of the development using Leicestershire County Council's strategic transport model (PRTM) and other modelling packages. As traffic modelling has yet to be completed and agreed by National Highways, the traffic impacts of the development are still not fully understood. Until such time as the impacts on the SRN are properly understood and evidenced,

National Highways has not formally reviewed the proposed scheme mitigation for the SRN or the Environmental Statement.

Transport Assessment

PRTM Saturn Modelling

The Applicant has utilised PRTM for the strategic modelling assessment. It is noted that no detail of the strategic modelling assessment has been presented in the TA. This is understandable, as it is likely that it will be subject to change based on recent technical discussions including advice provided by Leicestershire County Council as owner and developer of PRTM.

However, the supporting Forecasting Report (PRTM 2023, Land South of A453 Forecasting Report, AECOM, 15/08/25) has been previously supplied to National Highways. This has been appraised and the findings of the impact assessment have been reviewed. This identified a number of issues which require consideration by the Applicant to ensure the impacts of the development on the SRN have been satisfactory identified.

Whilst at this stage the strategic impacts of the development on the SRN have not yet been identified nor presented in the TA, we are currently awaiting this further evaluation work by the Applicant. This may require rerunning of the strategic modelling already undertaken to date. Once this has been completed, the *with mitigation* runs will require assessment using PRTM and the other modelling suites as noted below.

Detailed Junction Modelling Methodology and Assessment

Section 7 of the TA presents the detailed local junction modelling, which includes both standalone junction (using Linsig) and microsimulation modelling using VISSIM.

To derive future forecasts for the local junction and VISSIM models, the Applicant will use the PRTM demand outputs and apply the associated growth to the base models. This approach will need to be agreed with National Highways prior to the development of the forecast model following on going re-evaluation of the strategic modelling.

Strategic demands/ inputs are required for the standalone junction modelling, which may also require further assessment once the strategic modelling assessment has concluded. In addition, where LinSig outputs are reported in the TA, the PRC values should also be tabulated.

The PRTM assessment remains on-going and the absence of the VISSIM assessment at this stage indicates that impacts have not yet been established nor the need for mitigation identified.

The TA does acknowledge that PRTM has been used to identify the “initial mitigation strategy”, requiring further assessment work to demonstrate the residual cumulative impacts of the development on the SRN and then develop a suitable mitigation strategy where necessary.

As the impact assessment work is still on-going and sections of the TA are incomplete, the impact of development on the SRN cannot yet be determined.

Construction Traffic

It is estimated that the maximum number of weekly construction vehicle movements will be 4,308 two-way movements. Further details of how these movements have been calculated is required. National Highways also seeks to understand how the construction traffic arrivals and departures outside of the peak hours will be monitored and enforced. Until these details have been provided National Highways is unable to confirm that there will not be any material impact of construction traffic on the SRN.

Sustainable Transport Strategy (STS)

Further details are required to complete the STS. National Highways' primary concern is how the STS will be monitored and enforced to ensure its effectiveness. The STS indicates that there will be a Sustainable Transport Working Group (STWG) comprising strategic stakeholders. National Highways requests to understand the details of this group, how it will operate, which stakeholders the group will comprise and who the decision makers will be. National Highways will need to understand what happens if there is repeated failure to meet targets, with no car parking restraint on the site. National; Highways will also need to understand the mitigation/funding that will be available to ensure that the travel plan targets are achieved.

Further details should be also provided on the following;

- The suitability of the mode share sources, including details of the parameters selected and the underpinning rationale. Furthermore, mode share targets are required and clear evidence as to how these will be achieved and over what time period should be provided.
- Routeing/destinations and service frequencies for the shuttle bus service. the proposals to link this with existing bus services and the railway station, and details of how this will be made an attractive option for staff.
- Confirmation and evidence that there is sufficient capacity on existing bus services for staff and that they serve the routes where staff are likely to originate from.
- Further details of the suitability to divert existing less-frequent commercial My15 bus services to serve the Transport Hub at the application site are required. Noting that a low frequency bus service is unlikely to provide a real opportunity for regular commuting.
- The Transport Strategy does not indicate how general car parking will be restrained, especially within the context of the provision of priority car parking spaces for EV charging and car sharers, and how these will be managed and monitored by each employer.

The site layout is not conducive to allowing the internal shuttle bus to travel within the site from the bus terminal to the other buildings without using the external highway network. National Highways does not support this approach as it will result in additional trips on the highway network.

It should be noted that any measures associated with another planning application such as Isley Woodhouse cannot be relied upon as part of this application because the timescales and phasing are unknown and the Isley Woodhouse planning application is not consented.

Travel Plan

The Travel Plan requires further details. Mode share targets need to be clearly set out, including their justification, the timescales for changes in mode shift and how the changes in mode shift will be realised.

Lighting

Our previous response noted that the parking area will be illuminated and that external lighting schemes have the potential to cast a glare on National Highways assets. We have considered this further and would wish to be consulted on the details of an external lighting scheme. We are content however that this matter can be dealt with via suitably worded planning conditions.

Recommended Non-Approval

In light of the above, to allow the required assessments to be completed, and enable the impact of the development on the SRN to be understood fully and whether the extent of mitigation proposed is adequate, National Highways recommends that this application not be determined for a period of three months from the date of this letter.

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

ANNEX 3 OF APPENDIX 6

SEGRO LETTER OF OBJECTION TO JOINT APPLICATION DATED 5 JANUARY 2026

Our ref: kb/mt/dmj

5 January 2026

North West Leicestershire District Council
PO Box 11051
Coalville
Leics.
LE67 0FW

SEGRO Properties Limited

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CV1 2GN

SEGRO.com
T: +44(0) 2475 529730

[REDACTED], Principal Planning Officer (Major Projects) | Planning and Development

Dear Sirs

Land South of A453, East Midlands Airport – Outline Planning Application (Reference 24/00727/OUTM)

Objection on behalf of SEGRO

SEGRO Properties Ltd objects to the above planning application (the MAG application) originally submitted by Manchester Airport Group (MAG) in June 2024 and now being progressed in partnership with Prologis UK Limited. This objection is made following the recent submission of amended plans and additional supporting material. That material is incomplete and, in any event, fails to address the deficiencies of the application both in terms of its piecemeal nature and its detailed impacts. This objection has been informed by the advice of SEGRO's consulting team.

Introduction

The land covered by the MAG application site lies immediately to the south of the A453 (south of East Midlands Airport (EMA)) and forms part of a wider site that is identified both as a proposed allocation in the emerging Local Plan and as a Freeport site within the East Midlands Freeport EMAGIC cluster. Furthermore, the proposals put forward by SEGRO for a second phase of its East Midlands Gateway rail freight interchange which include the development of the wider site (the "EMG2 Main Site"), have been identified as a project of national significance by the Government and are to be consented through the Development Consent Order (DCO) process.

As well as some fundamental deficiencies with the MAG application itself, which this objection will identify, the proposition by Prologis and MAG, that the MAG application can form a first phase of the delivery of the EMG2 Main Site is flawed. The development of the site in a piecemeal fashion will prejudice the development of the EMG2 Main Site as a whole,

undermining the delivery of a project of national significance, the Freeport objectives, and the aims of the emerging Local Plan. This is prejudicial not only to the form of development but also to the ability of the entirety of the site to come forward.

On this basis and for the reasons set out below, the MAG application should be refused.

The objections detailed in this correspondence can be summarised as follows:

- I. The development proposed in the MAG application is piecemeal development prejudicial to the comprehensive development of the wider EMG2 Main Site which, planned as a whole, can most effectively maximise the benefits of the development whilst minimising its environmental effects and manage the delivery and future operation of the site.
- II. The development proposed by MAG is incompatible with the proper planning of the whole site and therefore with the DCO proposals for the EMG2 Main Site. Accordingly, the MAG proposals, if consented and built, would result in the loss of certainty over the timeline and delivery of the whole site provided by the DCO consenting route. This is to the detriment of the timely delivery of the proposed local plan allocation and the delivery of the entirety of the Freeport Site within the Freeport window (i.e. by 2031).
- III. The concept of the balance of the wider site to the south of Hyam's Lane representing a "Phase 2" (with the MAG application forming "Phase 1") is disingenuous and flawed for the following reasons:
 - a) The plans and consenting route for the balance of the site would have to change – a new planning application would have to be prepared for the land to the south of Hyam's Lane.
 - b) The content and form of development would have to be re-considered dependent on the final form of the "Phase 1" development.
 - c) There would be significant delay arising from the required re-plan arising from the ongoing uncertainty as to whether and when any Phase 1 might come forward and in what form. Both the content and timing of any development south of Hyam's Lane would be dependent upon the final content and timing of the MAG proposals which is not yet known.
 - d) Mitigation required for the balance of the wider site (to the south of Hyam's Lane) would need to be re-considered. This would include:
 - Revised highway mitigation which would need to be identified and re-modelled, the outcome of which is uncertain. This would need to follow the identification of the MAG application's highway mitigation which is, as yet, incomplete

- The site layout and strategic landscaping proposals would need to be changed to reflect the inability to provide the Community Park as previously envisaged.
 - e) The delivery of the “green package”¹ as a key first element to the strategic solution required to address the constraints on growth at M1 J23A/J24/J24A would not happen. A DCO would be required to deliver that element. Development on land to the south of Hyam’s Lane could not promote such a DCO since that development could not viably deliver the “green package”.
 - f) Due to all the uncertainties and attendant risks, the viability of the delivery of land to the south of Hyam’s Lane would be compromised to the point that it may never be delivered.
- IV. Although the highway assessment for the MAG application has not yet been completed there is no suggestion within the application documents that the MAG proposals intend to make a meaningful contribution to the ultimate delivery of a strategic solution to the constraints arising from the current issues at M1 J23A/J24/J24A. The loss of the delivery of the “green package” as part of the DCO application due to the MAG proposals will be a direct result of the piecemeal approach to the development proposed by MAG and Prologis. The loss of such a key first element required to address the constraints to planned growth will put in jeopardy much of the planned growth in the area proposed in the local plan and through the Freeport initiatives.
- V. The MAG application does not satisfactorily address the relationship of the development to Diseworth which is best addressed through a comprehensive approach to the strategic landscaping of the entire site.
- VI. The MAG application involves sub-optimal approaches to the provision of highway mitigation, drainage, sustainable travel, HGV parking and layout.
- VII. The information provided with the MAG application is incomplete in relation to the traffic impacts of the proposal.
- VIII. The development proposed in the MAG application would prejudice the delivery of the entire site, and wider planned growth, resulting in a substantial loss in economic growth in the region.

The above points are expanded upon below.

We may wish to make additional comments when any further information is submitted in relation to highway mitigation or indeed any other matter and reserve our position in that respect.

¹ The main element of the “green package” is a new grade separated link at M1 J24 between M1 north and the A50 west which will significantly assist with the safety and capacity issues at M1 J23A/J24/J24A

EMG2 DCO Context

An application has been submitted and accepted for a DCO to authorise, amongst other works, the development of the entirety of the Freeport Site south of the A453 and proposed local plan allocation, for advanced manufacturing/logistics development (identified in the DCO application as the EMG2 Main Site). The land concerned is part of a wider project, known as EMG2, being a second phase of the highly successful East Midlands Gateway Logistics Park (EMG1) which is located to the north of East Midlands Airport.

The identification of the EMG2 scheme as a project of national significance and the application for a DCO for the EMG2 scheme are material considerations which should be afforded very significant weight in the determination of the MAG application.

In the Planning Act 2008 a new system of consenting large, nationally important, infrastructure projects was introduced. Those projects are required to be approved by a DCO for which application is made to the Planning Inspectorate direct and the application is determined by the relevant Secretary of State.

The reason a new consenting process was brought in was to overcome the continuing problem of nationally significant infrastructure projects being delayed through issues such as local opposition, lack of control of land and the need to deal with multiple consenting processes. The overall aim being to speed up the delivery of these important schemes and provide certainty of delivery.

In 2013, the DCO process was extended to cover commercial and business developments which are adjudged by the Secretary of State to be of national significance so that the benefits of certainty of delivery and certainty of timeline can be applied to those important schemes too.

In February 2024, the Secretary of State directed that the EMG2 proposals were a project of national significance and should be consented through the DCO process. The proposed highway mitigation which accompanies the proposals is also, of itself, a nationally significant infrastructure project. The purpose of directing that the EMG2 proposals be consented through the DCO process was to enable the scheme to benefit from the certainty of delivery and certainty of timeline which applies uniquely to schemes authorised by a DCO. A key reason for the SoS's decision was the economic benefits that will arise from the development and, in particular, the opportunity to maximise the benefits of the Freeport designation. Given that the 'Freeport window' is time limited (it ends in 2031) the certainty of delivery and certainty of timeline provided by the DCO process are key to realising those benefits.

An approval of the MAG application would undermine the DCO process and the SoS's direction that the EMG2 scheme is a project of national significance. A piecemeal approach to the planning and delivery of the EMG2 Main Site means that the benefits of the DCO would

be lost (with neither the certainty of delivery or certainty of timeline being secured), the alternative being a wholly uncertain consenting route both in terms of delivery and timeline.

If the site were to be split into Phase 1 for land north of Hyam's Lane and Phase 2 for land south of Hyam's Lane, it would be necessary for the consenting process for "Phase 2" to change. It would no longer be possible to proceed with the DCO application. Land to the south of Hyam's Lane of itself does not comprise a project of national significance and would need to be authorised by a planning application. The highway NSIP (principally "the green package") included within the current DCO application would no longer be progressed because it could not be delivered by the "Phase 2" development in isolation and there are no proposals in the MAG application to deliver such strategic highway improvements.

The differences between the MAG application and the EMG2 proposals are very significant. This is in terms of proposed highway access, highway mitigation, environmental mitigation (in particular in respect of the impact on Diseworth) and proposals for sustainable travel. There would inevitably be considerable delay to submission of a new planning application for a purported "Phase 2". The scheme would need to be substantially amended resulting in a sub-optimal scheme requiring new environmental assessment (including transport modelling), the production of a new environmental statement and consultation.

Any re-plan would be dependent upon the consideration and determination of the MAG application by the local planning authority and highway authorities and would need to include, as yet unidentified, highway mitigation. There is no certainty of outcome of that process. Delay would be significant. It is noted that Prologis became involved with the MAG application in November 2024 and it has taken 12 months for a revised scheme to be identified, assessed and submitted, and there remain important matters still to be resolved, such as highway mitigation.

Proceeding with a phased approach would result in the certainty of timeline afforded by the recently accepted DCO application and certainty of delivery achieved by the powers sought in the application being lost and the development of the entirety of the Freeport site/proposed local plan allocation being severely, if not fatally, compromised.

Other Disadvantages of Phased Development

There are additional uncertainties which arise from a phased approach with separate developers developing different parts of the site. These uncertainties will have a detrimental effect on the timescale within which it could be expected that the whole site would be available, and some affect the feasibility/viability of development of land to the south of Hyam's Lane being delivered at all.

In order to develop land to the south of Hyam's Lane, through Phase 1 as proposed by Prologis/MAG, even if Phase 1 has a permission and other necessary consents, uncertainties remain. There remains the need for there to be certainty that land to the south

of Hyam's Lane will have an appropriate access ready when needed along with all other services and utilities infrastructure that are reliant on Phase 1. There is currently no certainty when an access and other infrastructure would be available and if there would be rights to use them.

There are several other unknowns which would be involved in the delivery of a separate "Phase 2". It is not known what the planning permission for Phase 1 will comprise of until that application is determined. It appears that the highway mitigation to be proposed for Phase 1 is currently confined to works to the Finger Farm roundabout and the new site accesses, although as we have set out below it is unlikely that approach will be acceptable to the highway authorities. Notwithstanding, based on the current Prologis/MAG proposals, the highway mitigation proposed for the EMG2 Main Site in SEGRO's DCO application will not be viable and the mitigation which would be required for land to the south of Hyam's Lane as a "Phase 2" has yet to be investigated and identified.

Without highway mitigation having been identified, and its deliverability (including viability) ascertained it is wholly uncertain as to whether land south of Hyam's Lane could/would come forward at all.

The combination of uncertainty regarding the form and timeline of Phase 1, the uncertainty regarding access to land south of Hyam's Lane through the third party land; and the uncertainties regarding the cost of, and mitigation for, land to the south of Hyam's Lane as a "Phase 2" mean that there is a significant prospect of a phased approach resulting in only a single phase (Phase 1) being developed with land to the south of Hyam's Lane not being deliverable.

Comprehensive Development compared to a Piecemeal Approach

A comprehensive, rather than piecemeal, approach to the masterplanning, assessment and delivery of the site as a whole, is essential to enable the full benefits of the development, envisaged by both the Freeport and in the draft Local Plan, to be achieved and for key impacts to be properly assessed and addressed.

The comprehensive planning of the site as a whole set out in the EMG2 DCO application, has resulted in a carefully considered form and content of development which maximises the benefits of the scheme and appropriately mitigates its impact. The phased approach does not achieve this.

The MAG application is distinctly and materially inferior. There are individual elements that are unacceptable arising from the lack of comprehensive development of the whole site, such as the relationship with Diseworth. The application also prejudices not only the delivery of the entire local plan allocation and Freeport site but also jeopardises the delivery through the DCO application of a key first element of the strategic scheme to address the issues at

M1 J23A/J24/J24A required to facilitate wider growth in the area. When applying the planning balance, the scheme should be refused.

The Need for a Comprehensive Approach to Highway Mitigation

The proposals in the EMG2 DCO Application include the delivery of a new grade separated link at M1 J24 between M1 northbound and the A50 westbound (the “green package”). The proposed improvements will be a significant contribution to addressing the safety and capacity issues at M1 J23A/J24/J24A which affects the ability for the wider growth in the area to come forward.

SEGRO have worked for some time with other developers, National Highways and the Freeport, to identify a strategic scheme for improvements to M1 J23A/J24/J24A and have, through its DCO application, indicated its willingness to deliver a key first element of that strategy which has the support of National Highways. That element is in itself an NSIP and is included as such in the EMG2 DCO application.

Land to the south of Hyam’s Lane cannot bear the burden of the delivery of that NSIP, especially in light of the risks inherent in any phased approach. The opportunity to secure the delivery of that key element of a M1 J24A/J24/J24A strategic scheme will be lost if a piecemeal phased approach to development is followed. This has implications not only for the wider growth in the area but also for the aspirations of National Highways and the Freeport to deliver works which will enable other committed and proposed development in the area, including the other Freeport sites, to come forward.

The failure to deliver the “green package” to address the M1 J23A/J24/J24A constraints, with only very limited highway mitigation currently proposed in the MAG application, is wholly unacceptable. Such an approach fails to take account of the other committed and planned growth in the area (the cumulative effects of planning development), and the need, given the amount of planned growth and the particular constraints at M1 J23A/J24/J24A, for improvements to the network to not only mitigate the impacts of the development but to avoid prejudicing (and if possible help to facilitate) further improvements that can be undertaken by others to unlock the wider growth. The MAG application approach will seriously prejudice the delivery not only of the whole of the EMG2 Main Site, but also other committed and planned development in the area, including other Freeport sites. It will make it harder for those proposals to devise and fund a strategic solution to the capacity issues at M1 J23A/J24/J24A.

The Need for a Comprehensive Approach to Site Layout and Landscaping

The EMG2 Main Site proposals include a comprehensive approach to the positioning of built form, building heights, landscaping and earthworks both in terms of plot levels but also landscape screening mounding. There has been a particular focus on ensuring that the relationship between the scheme and Diseworth is an acceptable one. A key part of the

layout and landscape strategy is the inclusion of a set back from Diseworth with the creation of a new community park along the western edge of the site. This community park would be extensive (approx. 14.1ha (excluding landscape bunds)) and deliver significant community benefits as well as helping to mitigate the effects of the scheme. The final form of the community park was a result of extensive consultation with local stakeholders.

The layout of the MAG application takes built form significantly closer to Diseworth, with landscape bunding proposed in the field compartment immediately adjacent to the village. This is in contrast to the DCO application where built development and landscape mounding to the north of Hyam's Lane is set significantly further away and with the levels and character of the fields immediately adjacent to the village left unchanged. The width of the "Strategic Landscaping and Public Amenity Area" proposed along the western edge of the development in the MAG application ranges from approximately 45.5 meters in the north, 94.5 meters in the middle, and 132.5 meters in the south. This is significantly narrower than the Community Park proposed in the DCO application to the north of Hyam's Lane, which measures around 185.1 meters in the north (+139.6m), 234.2 meters in the middle (+139.7m), and 250.3 meters in the south (+117.8m). The maximum height of the development proposed by MAG north of Hyam's Lane is also 1.8 meters higher than that proposed in the DCO application.

Accordingly, the approach proposed in the MAG application would have a materially greater impact on the village of Diseworth, particularly in terms of visual impacts, landscape character and effects on the Conservation Area.

It would also undermine the potential for a new community park as envisaged in the DCO application, preventing the delivery of the benefits associated with it and the protection it affords, as a buffer, to Diseworth.

The Need for a Comprehensive Approach to Sustainable Travel

The location of the access to the EMG2 Main Site was informed by discussions with bus operators who made it clear that the way to encourage maximum bus usage of the site was to provide access off the existing A453 Hunters Road roundabout to enable buses to penetrate the site from that point avoiding the need to travel further along the A453, into the site, out of the site, and back again to the Hunters Road roundabout before entering into the Pegasus Way Business Park.

The changed MAG application now seeks to replicate this, but the approach proposed remains flawed because it does not enable any vehicular connectivity between Parcel C and B (as identified on the MAG Parameters Plan). Therefore there is no direct interconnectivity between the bus interchange and the main body of the MAG site, let alone integration with the wider site. The proposed electric shuttle bus would have to exit the site back onto the A453, travel to the proposed new site access and re-enter the site.

Accordingly, we agree with the response of National Highways who have stated *“The site layout is not conducive to allowing the internal shuttle bus to travel within the site from the bus terminal to the other buildings without using the external highway network. National Highways does not support this approach as it will result in additional trips on the highway network”*.

The shuttle bus service as proposed will not be “internal” and will not be able to replicate the very successful EMG1 model to the detriment of achieving maximum modal shift.

In addition, pedestrian connectivity between Parcels B and C appears to be reliant upon the existing footpath and Hyam’s Lane which is outside the application site and in its current form unsuitable for high quality pedestrian connectivity. Cycling connectivity would appear to be via the A453. Furthermore, the MAG application does not include active travel measures connecting the site with the wider area. This is in marked contrast to those proposed in the EMG2 DCO application which will deliver wider connectivity between local villages and major employment area

Such an approach is clearly materially inferior to that proposed in the EMG2 DCO application. It would be a ‘sub-optimal’ approach to sustainable travel (bus, cycle and walking access) reducing the take up of sustainable modes of transport and is unacceptable as a result.

The Need for a Comprehensive Approach to Lorry Parking and Driver Welfare

The EMG2 scheme incorporates a large, secure and dedicated lorry park with associated welfare facilities. It is proposed in an optimum location, near the site access, where it can meet the needs of the whole site. The absence of an appropriate lorry park within the MAG proposals effectively means that an appropriate lorry park will not be provided anywhere on the wider site.

This is materially inferior to the DCO application given that it would be contrary to local and national policy encouraging the provision of such facilities.

The Need for a Comprehensive Approach to Flood Risk and Drainage

By comprehensively developing the wider site, the DCO Application proposals are able to provide betterment in terms of reducing existing localised flood risk issues. The drainage strategy for the Prologis/MAG application, on the other hand, provides no betterment and also offers the bare minimum in terms of water quality and does not offer any amenity or biodiversity SuDS benefits.

Lost Economic opportunity

It is apparent that the planning and delivery risks described above severely prejudice the delivery of the full extent of the Freeport site.

The prejudice to the delivery of the entire site means that, even if “Phase 1” were to proceed the likely loss of the balance of the EMG2 Main Site lying to the south of Hyam’s Lane would result in:

- the loss of 200,000 sqm of logistics and advanced manufacturing floorspace including at least 40,000 sqm for advanced manufacturing
- the loss of circa £5.7m of Retained Business Rates per annum
- the loss in business rates income receivable by East Midlands Freeport by £188m over the life of the Freeport
- the loss of circa 3,800 on and off-site operational jobs; and
- the loss of at least £91m per annum in GVA which could be generated through on-site employment.

These are quantifiable losses but are in addition to the unquantifiable losses arising from impact on the wider growth in the area which is dependent upon the delivery of improvements to M1 J23A/J24/J24A, due to the inability of the development to deliver the “green package”.

Conclusion

The EMG2 DCO application for the comprehensive development of the whole of the EMG2 Main site is a material consideration. The SoS’s direction that the proposals should be considered a nationally significant project and the sites Freeport designation are unique and material to how the site should be planned and delivered.

From the foregoing it will be apparent that delivery of the EMG2 Main Site as two separate developments would result in suboptimal, piecemeal, development of the EMG2 Main Site and significantly risks undermining delivery of the entirety of the Freeport Site/Local Plan allocation. Only through comprehensive development of the whole EMG2 Main Site can the opportunity and benefits envisaged by the Freeport and the emerging Local Plan, be fully realised.

The risk is not only a suboptimal form of development across the site but the significant risk of the development on land to the south of Hyam’s Lane not proceeding at all.

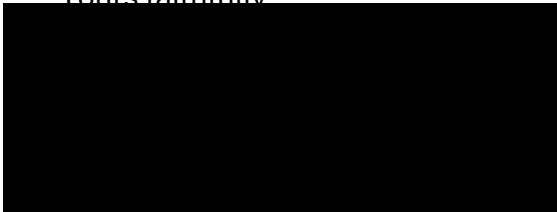
The loss of the contribution of the “green package” as a first element of a strategic solution for the constraints to growth arising from issues at M1 J23A/J24/24A cannot be overstated and is reliant upon the current EMG2 DCO application which includes those highway improvements as an NSIP in their own right.



Accordingly, the development proposed in the MAG application would prejudice the delivery of the entire site, and wider planned growth, resulting in a substantial loss in economic growth in the region.

For these reasons the MAG application should be refused.

Yours faithfully



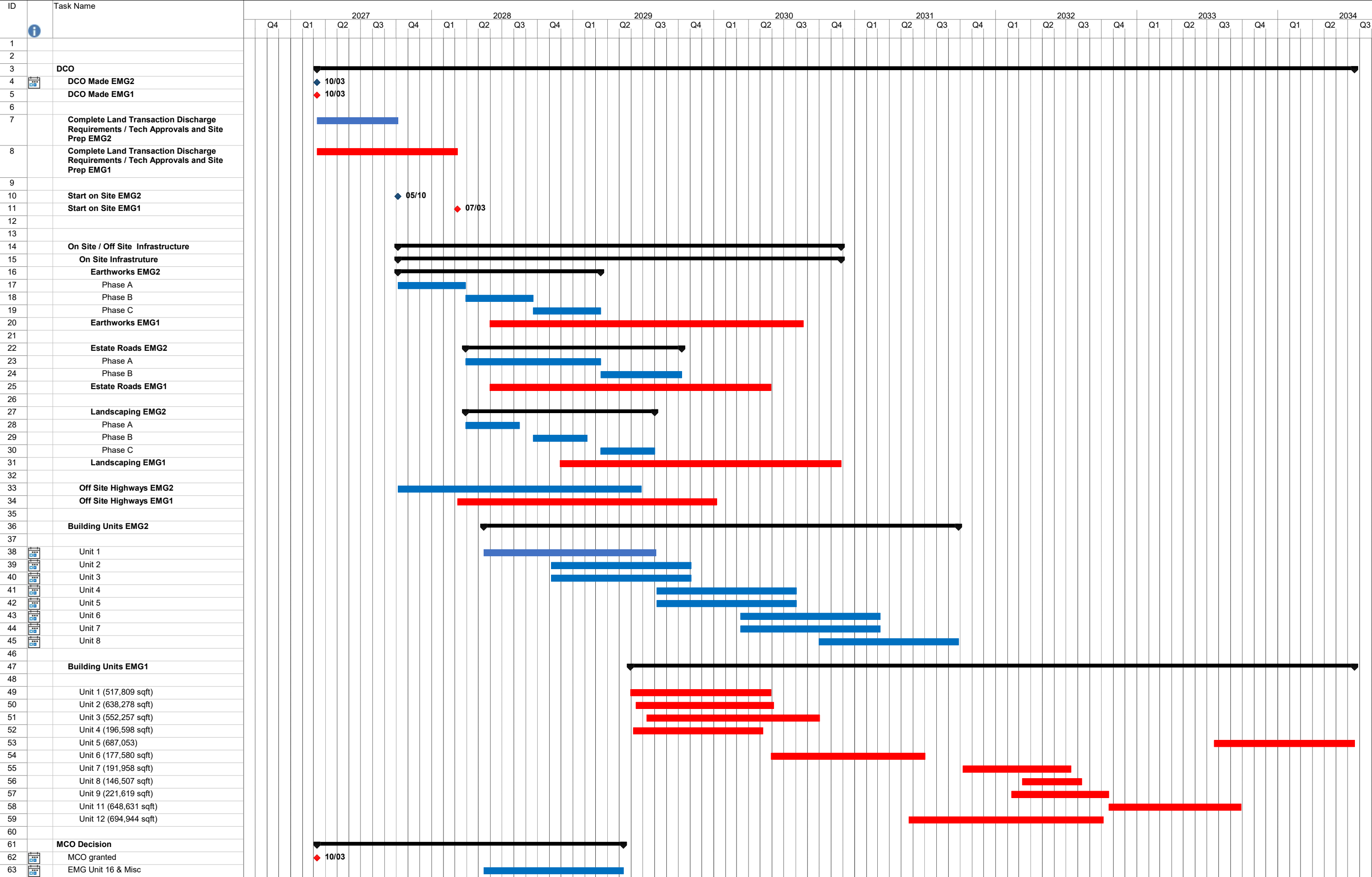
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ANNEX 4 OF APPENDIX 6

GANTT CHART COMPARING EMG1 ACTUAL AND EMG2 ANTICIPATED PROGRAMMES



ANNEX 5 OF APPENDIX 6
COMPARISON OF BENEFITS

Comparison of Benefits

Prologis (Para 8.3 RR-24D)	DCO Application
(a) Economic Benefits	
(i) Up to 135,000 sqm of floorspace across 41 hectares / 102 acres, accommodating diverse businesses including high-growth sectors (life sciences, advanced manufacturing) and logistics.	Up to 300,000 sq.m floorspace across 102 hectares sq m of floorspace plus 200,000 sq.m mezzanine allowance for logistics and manufacturing and headquarters office space. The loss of floorspace from the land south of Hyam's Lane represents:¹ - the loss of circa £5.7m of retained business rates per annum - the loss in business rates income receivable by the Freeport of £188m over the life of the Freeport - the loss of circa 3,800 on and off site operational jobs - the loss of at least £91m per annum in GVA which could be generated through on site employment -
(ii) Addresses critical shortage of industrial units in a high-growth region, ensuring availability of modern, suitable premises for occupiers.	DCO Application makes significantly greater contribution to addressing the shortage
(iii) Up to 186 construction jobs and 1919 occupational jobs.	Up to 365 construction jobs (plus highway works construction jobs) and at least 3,160 occupational jobs
(iv) Enhances benefits through East Midlands Freeport designation, attracting forward thinking industries and supporting regional economic growth.	DCO application has more floorspace available to attract such industries and economic growth
(b) Social	
(i) Dedicated Training Hub offering fully funded courses for school leavers, unemployed individuals, and career changers, linked directly to employers.	The creation of a Skills, Employment and Supply Chain Task Force bringing together representatives of the Freeport, EMCCA, local authorities and existing key employers with the aim of: - designing and delivering an inclusive Skills & Employment Plan for EMG2

¹ Figures from Freeport

	- supporting the growth and competitiveness of existing operators at EMG1; and - building skills capacity across North West Leicestershire and the wider East Midlands Labour force
(ii)Enhances cycle and pedestrian networks within and around the Prologis/MAG Land, prioritising safe, segregated routes and connectivity to Hyam's (sic) Lane and Diseworth.	DCO Application provides for good standard cycle connectivity between EMG2 and Diseworth, EMG1, Castle Donington and Kegworth. The Joint Application includes no upgrade to Hyam's Lane, meaning that a utility cycle connection to Diseworth is not achieved. The Joint Application's reliance on the existing lower standard cycle track on the east side of the A453 between Finger Farm and EMG1 junction provides a lower standard of connection to EMG1 and Kegworth. The Joint Application does not provide cycle connectivity to Castle Donington.
(iii)Community focused development (including a community park) delivered in line with Prologis' PARKlife scheme, creating amenity spaces and walking routes, reinforcing social and community benefits	The DCO provides a Community Park of 14.3 ha compared with 9.76 ha (gross) proposed in the Joint Application. The Joint Application buffer zone is mostly strategic landscape bunding and not amenity land. The DCO provides a far more appropriate buffer to Diseworth including community access, walking routes etc.
(c)Environmental	
(i)Net carbon zero targeted by 2040, targeting EPC A+ energy efficiency and integrating solar panels across all buildings.	Noted what the Joint Application is targeting by 2040. SEGRO is committed to delivering the DCO scheme in a way that enables occupiers to run net zero operations. In delivering one of its strategic priorities SEGRO is committed to reducing operational carbon emissions (including occupier emissions) by 42% of 2020 levels by 2030. See also Carbon Management Plan (APP-196)
(ii)Targeting BREEAM Outstanding for building design.	Targeting BREEAM Outstanding also.
(iii)Provision of onsite Public Transport Hub to support sustainable travel options for users and visitors.	Provision of bus interchange within the DCO Application which facilitates the use of a shuttle bus within the Main Site

	obviating the need for bus companies to travel further along the A453, and back, before entering Pegasus Business Park. Under the Joint Application there can be no bus penetration to the majority of the site without the buses travelling further along the A453 and then returning to the Hunter roundabout to enter Pegasus Business Park. This is not favoured by the relevant bus companies and not an approach which National Highways think is appropriate.
Prologis (Para 8.4 RR-24D)	
(a)The Joint Application delivers a dedicated Transport Hub with integrated bus facilities, EV charging, and enhanced walking and cycling links, ensuring at least equivalent sustainable travel benefits	See (c)(iii) above for comments on provision of bus interchange (Transport Hub). EV charging is standard. See above (b)(ii) for superior active travel provision provided by the DCO Application.
(b)The Joint Application provides a Community Park alongside a landscaped masterplan with significant public green space, biodiversity net gain, and the proven benefits of the PARKlife initiative to promote community access and wellbeing;	See (b)(iii) above
(c)The Joint Application offers dedicated training and upskilling via an on-site Training Hub directly linked to local employers and schools;	See (b)(i) above
(d)In terms of sustainability, the Joint Application targets BREEAM Outstanding, EPC A+, and all-electric buildings with rooftop solar;	See (c)(i) and (ii)
(e)The Joint Application proposes a greater floorspace in respect of the Prologis/MAG Land as well as more units and a wider range of unit sizes than the DCO Application, this provides for a broader customer base from which it can secure investment.	This alleged benefit is to the detriment of an acceptable buffer with Diseworth. The Applicant early schemes included more floorspace on the land north of Hyams Lane closer to Diseworth than that now proposed. The scheme was changed to pull back that floorspace following engagement with representatives of Diseworth. The floorspace proposed by the Joint Application (of 135,000 sq.m. is of course

	to be compared to the floorspace which will be delivered under the DCO scheme being 300,000 sq.m. plus mezzanines.
Additional Benefits	
	The wider benefits of highway mitigation required for the DCO Application assisting in the need to address capacity issues at Junction 24 to facilitate local planned, and regional, growth (Joint Position Statement Document DCO 8.1).
	The provision of HGV parking within the site for early arrivals to avoid exacerbating any local problems of HGV parking off site.
	The drainage strategy for the DCPO Application provides betterment in reducing existing localised flood risk issues See Paragraph 13.5.95 Chapter 13 ES (APP- 141)
	The integrated power provision across EMG1 and EMG2 afforded by the connectivity of the two primary power stations and other synergy with EMG 1 re sustainable transport and skills and training (Para 1.48 Response to EMA relevant representation Document DCO 7.2 Appendix 5).

APPENDIX 7

RESPONSES TO RELEVANT REPRESENTATIONS FROM OTHER INTERESTED PARTIES

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
22.	Uniper UK [RR-027D]	Uniper is the owner of the 680acre Ratcliffe-on-Soar Power Station site which is a major strategic development site within the region and also a tax site within East Midlands Freeport (EMF). The Ratcliffe site benefits from a Local Development Order (LDO) consent for future employment uses and Uniper is working at pace to deliver its comprehensive redevelopment including with current power station decommissioning and demolition preparations on the north site. With respect to this DCO proposal, we note that a strategic solution to existing highways constraints at M1 J24 is critical to address this DCO proposal, background traffic increases and unlock future regional development-led growth; including the full potential of the Ratcliffe site. Uniper continues to contribute constructively to work with regional partners & stakeholders including EMF & Segro to achieve this. Individual developments impacting J24 must support and not undermine this work for a strategic solution. Whilst we support flexibility in how any strategic solution is delivered, contributions must be equitably proportioned between benefitting developments after accounting for the impact of background growth.	The Applicant notes and welcomes the representation received from Uniper UK.
23.	Oxalis Planning Limited on behalf of Harworth Group and Caesarea Development Holdings	We write on behalf of Caesarea Development Holdings (Caesarea) and Harworth Group (Harworth) who are joint promoters of the 'Isley Woodhouse' new settlement for 4,250 new homes, on land south of East Midlands Airport, west of Diseworth village. The scheme is proposed to be allocated	The Applicant notes the supporting representation submitted by Harworth Group and Caesarea Development holdings.

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
	[RR-018D]	in the North West Leicestershire District Council draft Local Plan. Harworth and Caesarea strongly support the principle of jobs and economic growth in the region and the juxtaposition of this with the surrounding strategic road infrastructure and our housing proposals. Direct access to the strategic road network is recognised as being of fundamental importance to strategic employment schemes and in this regard the SEGRO proposals are well placed to take advantage of this connectivity. Junction 24 of the M1 is a key junction for the region. Its importance cannot be underestimated and it is vital for the economic prospects of the East Midlands that the junction is improved to enable existing, proposed and future developments to reach their full potential and to help the region to continue to grow and thrive. Alongside Harworth and Caesarea, SEGRO is part of a consortium of developers and landowners who have come together in recognition of the need to ensure that a holistic and comprehensive solution is found to strategic highway improvements at and around junction 24 of the M1. The SEGRO proposals are enshrined within the wider consortium work and are a key first element to the strategic solution required to address the constraints on growth at M1 J23A/J24/J24A. In combination, the proposed works, including SEGRO's, would deliver far reaching benefits which could be transformational for the region. In this context, we support the proposed development, including the highway improvements, which form a critical part of a wider holistic scheme and which can be delivered	

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
		without inhibiting other improvement works and schemes coming forward.	
24.	Litton (Donington) Ltd [RR-020D]	We refer to this phase of consultation regarding your proposals adjacent to East Midlands Airport. Litton (Donington) Ltd, part of Litton Properties, is the owner of approximately 4 acres of land situated between Finger Farm Roundabout, the M1 and the A453 dual carriageway. We have an extant planning permission, reference 18/02227/FULM, for three office buildings and a further permission, reference 22/01116/FULM, for four industrial/warehouse buildings. We take access off the Finger Farm Roundabout. The site is referenced as ID 5a and 5b in your "Identification of other Developments" document. Firstly, may we confirm we are in general support of your proposals which will add to the importance of the location as a business and communications hub whilst creating large scale employment opportunities. Our concern is that we wish to ensure your proposals recognise our development scheme and will not affect in any way our ability to undertake development in accordance with the planning permissions. Access to our site will be taken from Finger Farm Roundabout and we recognise that you will be undertaking road improvements in the vicinity.	The highways mitigation for the EMG2 proposals would improve the capacity of the Finger Farm roundabout, primarily by re-assigning northbound traffic onto the M1. The works at Finger Farm would not impact the consented access to the Litton site, which has been included in the modelling and mitigation design and is shown on the submitted drawings. The modelling has taken into account the worst-case development proposal on EM Point, which from a traffic generation perspective is the office scheme. The detailed design of any signage for the Litton site will reflect their development (assuming it has been constructed or is under construction at the time of the EMG2 highway works being built).

APPENDIX 8

RESPONSES TO RELEVANT REPRESENTATIONS FROM THE LOCAL COMMUNITY

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
25.	Katie Smyth [RR-042D]	This would be an eye saw and devalue the surrounding properties. It will also cause more congestions as well as pollution. There are many more better options for the site that will support and help the local community better.	The Planning Statement (DCO5.4) [APP-222] and Environmental Statement (DCO6.23) [APP 205] (ES) provide details of the policy and environmental context for the Proposed Development, and provide details of the likely overall environmental effects of the proposals. This directly considers any likely effects on nearby residents and properties. The proposals include Highway Works which will help reduce congestion in the local area, including around M1 Junction 24. There is considerable policy-based support for the proposals, including from the designated East Midlands Freeport, but also in the emerging Local Plan which NWLDC has confirmed is likely to allocate the EMG2 Main Site for employment development.
26.	Chantel A Ellul [RR-033D]	The application does not adequately address the highly significant loss of heritage risks associated with the designation of Diseworth and surrounding areas as a conservation area. It undermines the meaning of what the nation's heritage stands for and the relevance of conservation. What is the relevance of having a conservative area if this is engulfed by industrialisation and urbanisation and the same setting using as a rat run ? What does English heritage stand for if this development is allowed, wiping out years of history in a rural setting home to many listed buildings.	The Applicant has responded to the specific points of objection individually below.

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26.1.		My objection is based on the following Highly Significant impact on the heritage of the village - The large scale development of the EMG2 industrial development) will severely impact the surroundings and setting of the village - the surroundings in which the village is experienced are crucial to the heritage significance as a conservation area home to many Grade II listed buildings (churches, farmhouses and cottages). What is the purpose of designating areas as conservation and listed if the very setting which defines them is taken away and engulfed by industrial parks and new large towns of new builds? It is not the history of Britain and its heritage stands for. The development of the new town greatly threatens to sever the connection between Diseworth's historic core and the surrounding rural countryside, which helps reveal its story as an agricultural village. This is aside from the additional parallels of artificial lighting, noise pollution, heavy traffic passing through the same conservation area, and disturbed rural landscape.	The likely significant environmental effects on heritage assets is considered at Chapter 12 of the ES (DCO 6.12) [AS-051] and includes detailed consideration of the potential impacts on the Diseworth Conservation Area. The assessment shows that the EMG2 Works forms a small part of the Conservation Area's setting. The effect of the proposed scheme will include changes to the rural approach to the Conservation Area from the northeast and changes in views from and to the Conservation Area and in parts of the wider landscape, resulting in the alteration of an element of its rural setting. It will, however, not affect the Conservation Area's character and appearance in itself. The proposed Community Park forms a key part of the proposed mitigation addressing impacts to Diseworth Conservation Area in the western and southwestern parts of the EMG2 Works by maintaining some of the landscape character of open fields and tree belts. The assessment concludes that the EMG2 Works will have a negligible impact on the Conservation Area during construction and a minor-negligible impact during operation which is not considered to be significant in EIA terms. Cumulative impacts have been considered as part of the assessment at Chapter 12 including consideration of the impacts of the EMG2 Works together with Isley Woodhouse on the Diseworth

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			Conservation Area. The assessment concludes that cumulatively these two projects are likely to result in minor adverse effects on the Diseworth Conservation Area both during the construction and operational phase. An assessment of cumulative impacts is provided within the individual assessment chapter with further detail provided at Chapter 21 (Cumulative Impacts) [DCO 6.21; AS-073].
26.2.		Health implications (Physical and mental) Pollution will continue to soar (fresh from the recent fine cast upon East Midlands Airport for polluting the water). It will take on new forms - noise pollution, air pollution, water pollution The loss of rural landscape will have a significant mental impact on local communities who would lose their peaceful surroundings, agricultural land, the life they know today.	The Applicant has carefully assessed the impacts of EMG2 in the following chapters of the Environmental Statement: Chapter 7 (Noise) [DCO 6.7; AS-035], Chapter 8 (Air Quality) [DCO 6.8; AS-037], Chapter 13 (Flood Risk and Drainage) [DCO 6.13; AS-056] and Chapter 17 (Population and Health) [DCO 6.17; AS-065].
26.3.		3. The East Midlands Gateway 2 (EMG2) project poses a significant risk to the setting and historical context of Diseworth's listed buildings, rather than causing direct physical harm. While the listed structures themselves will not be demolished or altered, the large-scale industrial development surrounding the village will negatively affect the heritage value of these buildings. The building's "setting"—the surroundings in which it is experienced—is a crucial factor in its heritage significance. Diseworth is a rural village with numerous historic buildings, including the Grade II* listed Church of St Michael and All Angels and many Grade	The likely significant environmental effects on heritage assets is considered at Chapter 12 of the ES [DCO 6.12; AS-051] and includes detailed consideration of the potential impacts on the Diseworth Conservation Area. Regarding the Church of St Michael and All Angels, the assessment acknowledges that the EMG2 Works will result in negative changes to views of the Church's spire from public views within the application site and to some longer-

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		11 listed farmhouses and cottages. Placing a large, modern logistics hub on greenfield land nearby would dramatically alter this rural setting. Many of Diseworth's listed buildings were designed within and for a specific rural context. The development will introduce large industrial sheds, artificial lighting, and increased vehicle traffic, severely disrupting historically important views from and towards these assets. Increased visual and noise intrusion.	distance views from the surrounding landscape. The proposals will remove or alter these views, with the introduction of large-scale built form into this part of the Church's wider setting. Embedded mitigation in the form of landscape mounding and planting and the Community Park within the EMG2 Works will help reduce the proposed buildings that will be visible. After fifteen years, the embedded mitigation will help to reduce the significance of effect on the listed church to moderate-minor adverse which is not significant in EIA terms.
26.4.		4 Loss of historical context: Listed buildings are often part of a wider historic landscape. The EMG2 development threatens to sever the connection between Diseworth's historic core and the surrounding rural countryside, which helps reveal its story as an agricultural village.	Please see the DCO Applicant's responses above.
26.5.		Cumulative impact: Some assessments suggest that while the impact on any single heritage asset may be "minor," the cumulative effect of multiple nearby developments can be a significant concern	An assessment of cumulative impacts is provided within Chapter 12 (Cultural Heritage) [DCO 6.12; AS-051] with further detail provided at Chapter 21 (Cumulative Impacts) [DCO 6.21; AS-073].
27.	Carl Sutton [RR-044]	A fundamental concern with the proposed Material Change Order and Phase 2 Development Consent Order for East Midlands Gateway is the incremental erosion of strategic planning control, allowing land and property speculation east of the M1 without meaningful public consultation or coherent spatial strategy.	The submitted Consultation Report (Document 5.1) sets out the extensive nature of the consultation undertaken by the Applicant with regard to the EMG2 proposals. This demonstrates the extent of the dialogue with NWLDC, LCC and other statutory bodies, as well as numerous local Parish Councils over a long period of time.

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			The Applicant is not promoting other development sites east of the M1, but is aware of activity by others on sites promoted for inclusion in the emerging NWLDC Local Plan. The Planning Statement (Document DCO 5.4/MCO 5.4; APP-222) sets out the strategic context for the EMG2 proposals which follows the lead and strategic steer established by, for example, the Midlands Engine Strategy (March 2017), Leicester and Leicestershire Strategic Growth Plan (September 2018) and the Leicester and Leicestershire Economic Growth Strategy (November 2021). These latter strategies introduced the concept of the 'Leicestershire International Gateway' area which is focussed in and around East Midlands Airport and EMG1, and is identified as a key and important strategic growth location. The Freeport designation (2022) arguably grew from the context provided by these strategic documents, all of which were prepared by or with the local authorities in Leicestershire and beyond. The emerging new NWLDC Local Plan will update the spatial strategy for the area, and clear indications from NWLDC is that the EMG2 site will be proposed for allocation in the next iteration of the Plan.
27.1.		While SEGRO EMG1 was broadly accepted as a contained and justified development, the subsequent designation of the Freeport and the emergence of competing logistics interests—particularly SEGRO's relationship with East	Please see above

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		Midlands Airport in relation to EMG2—has opened the floodgates to speculative warehousing. Sites such as the former RBS Data Centre, Kegworth (25/00236/FULM) and EMP97 exemplify this creeping expansion, which now extends well beyond what was originally assessed or consulted upon.	
27.2.		These developments increasingly muscle in over local authority planning functions, undermining basic planning principles that are meant to safeguard communities. This includes failures to properly respect: • Highways capacity and cumulative traffic impacts • Required areas of separation between industrial uses and existing settlements • The strategic role of the M1 as a clear planning boundary	As referred to above, the emerging new NWLDC Local Plan will update the spatial strategy for the area, and clear indications from NWLDC is that the EMG2 site will be proposed for allocation in the next iteration of the Plan. NWLDC is undertaking its own assessment of highways capacity to inform decisions about the content of the new Plan. The DCO Applicant has carefully assessed the impacts of EMG2 on the road network and visual impacts. The outcome of that assessment is contained in the following chapters of the Environmental Statement: Chapter 6 (Highways) [DCO6.6; AS-032]; Chapter 10 Landscape and Visual [DCO6.10; AS-041]. The proposed mitigation scheme has been derived in consultation with National Highways (NH). NH has confirmed that the proposed mitigation is suitable in addressing the impacts of the EMG2 development on the SRN, based on the transport modelling using both PRTM 2019 and 2023.

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			Other chapters of the ES address the issues identified, including Landscape & Visual in ES Chapter 10 [DCO6.10; AS-041]. The EMG2 Proposals do not represent a 'breach' of the M1 in terms of EMG1 and 2 remaining on the western side of the M1.
27.3.		The pattern that is emerging is not plan-led growth, but developer-led opportunism, enabled by national infrastructure designations and Freeport status, with insufficient scrutiny of cumulative impacts.	See response no.27 above
27.4.		Residents have shown a degree of understanding around housing need—albeit with clear caveats—but there is a significant difference between planned residential development and the unchecked spread of large-scale logistics and warehousing, particularly in sensitive locations such as: • Areas close to established communities • Land affected by aircraft flight paths and airport operations • Zones previously understood to be protected by separation policies	The evidence base submitted, including regarding market need underpins the strong market demand and opportunity for additional strategic sites in and around this strategically significant location. The scale of unmet and future need is also recognised in the evidence base prepared for NWLDC to help inform the emerging new Local Plan. Also see above regarding the local authority and public sector led historic strategic and policy context which pre-dated the Freeport, and which recognised the need and opportunity for more development around EMG1 and the Airport.
27.5.		What is being proposed now bears little resemblance to what communities were originally consulted on. The concern is not one individual application, but the systemic failure to control scale, location, and intensity of development, resulting in a fundamental change to the character and function of the area without democratic oversight.	The submitted Consultation Report (Document DCO 5.1; APP-208) sets out the extensive nature of the consultation undertaken by the Applicant with regard to the EMG2 proposals. This demonstrates the extent of the dialogue with NWLDC, LCC and other statutory bodies, and

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			with the local community, as the proposals have emerged. NWLDC will continue to consult on its emerging new Local Plan, and based on recent decisions is anticipating allocating the EMG2 Main Site in response to the clear evidence of need for additional strategic employment sites.
28.	John Saunders [RR-039D]	As a resident of Kegworth for over 10 years I am registering to express my deep concerns regarding the over development of Kegworth and the surrounding areas as a consequence of the East Midlands Gateway Phase 2 development. These plans have severe implications to my family and my fellow residents. The increase in traffic will create unacceptable safety risks to people living in the village especially children and the more vulnerable. My children both suffer with [redacted] I am concerned about the impact on air quality. I will have plenty more to add once I am registered.	The EMG2 proposals are located at a greater distance to Kegworth than the EMG1 development and remain separated from Kegworth by the M1 road infrastructure. The Applicant recognises that the EMG2 Proposals do include an amendment to deliver additional warehousing on the existing EMG1 site and associated infrastructure improvements. Whilst all such development and improvements lie outside of the Kegworth Parish boundary, they have the potential to result in effects to nearby settlements. The Applicant has assessed potential impacts in its submitted Environmental Statement. The author of the representation can find further details regarding the potential impacts on traffic and air quality in the following documentation: • DCO 6.6 Environmental Statement Chapter 6 Traffic and Transportation [AS-032]; • DCO 6.8 Environmental Statement Chapter 8 Air Quality [AS-037];

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29.	Hilary Tansley [RR-045D]	I am concerned about the effects of noise, light and traffic on my village and also the deleterious effects of the traffic on the roads around the village. J24 of the M1 and the A50 backs up at most rush hours already. There is insufficient provision for HGV drivers and the environmental impact of use of the lay-bys in the area is significant. There is creeping use of the remaining development land in the village for warehouse type use, which will have a direct impact on adjacent residential areas and businesses in the village. The free port should exclude use of land in residential areas. Expansion of the SEGRO development is likely to increase the use of the East Midlands Airport for cargo - already used at night with noise and pollution levels rising.	The Environmental Statement (ES) includes full assessments of the likely effects with regard to noise, light, and traffic/transport. No significant residual (long-term) adverse effects are likely in terms of noise or lighting, and the proposals will deliver highway capacity improvements with reduced congestion and improved reliability and safety for road-users. Any direct effects on residential properties (such as visual effects) are limited to moderate effects on a very small number of the closest properties with direct views of the site (with one property north of Diseworth experiencing more notable adverse visual impacts). The EMG2 scheme would deliver a new HGV parking and welfare facility ensuring that HGVs using the site can park safely, including overnight, and will not exacerbate any existing local issues.
30.	Caroline Smith [RR-041D]	This planning will have a considerable impact upon the village of Kegworth in a number of ways. Increased volumes of traffic from considerably large vehicles will increase air pollution as well as noise pollution. Kegworth as a village is small and rural and in my opinion it should remain like this. Building industrial units will change the feel of the village and will be a catalyst for more industrialisation of the village.	The potential impacts and effects of the EMG2 proposals have been assessed in the Environmental Statement (ES). This includes consideration of any likely effects on Kegworth. In response to these comments and concerns, the Applicant is keen to point out the following: • The EMG2 Main Site (the main focus of new warehousing) is some 1.6km from the closest part of Kegworth village –

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			there is limited direct intervisibility between the site and the village; • The EMG1 Plot 16 site is over 800m from the closest part of Kegworth village, and sits in the context of the existing, complete and operational EMG1 site and rail terminal; • The submitted traffic modelling shows limited traffic through Kegworth village – the EMG scheme delivered the Kegworth Bypass which removed significant volumes of traffic from the village centre;
31.	Josaine Cowley [RR-032D]	DCO is a national strategy with compulsory purchase powers which seems to be being used to bypass local planning processes. It seems to me, that it isn't supporting local landowners but rather lending its support to SEGRO.	In January 2024, the DCO Applicant made an application to the Secretary of State under s.35 of the Planning Act 2008 for a direction to recognise the development as being of national significance for which development consent is required. The Secretary of State issued a direction dated 21 February 2024 confirming that the proposed scheme by itself is nationally significant because the proposal would: • be likely to have significant economic impact; • be important in driving growth in the economy; • have an impact on an area wider than a single local authority area; • be of a substantial physical size and scale; • contribute to delivering the outcomes of the Freeport; and

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			benefit from the application being determined through a single, unified consenting process provided by the Planning Act 2008 which would remove the need to apply and the uncertainty of applying for separate powers and consents.
31.1.		It's been proposed that with the use of rail freight it'll work towards net zero. I'm not convinced as at the moment the rail freight is operating at 25% capacity and has no land to expand.	The existing EMG1 rail freight terminal will serve both existing occupiers and new occupiers on the EMG2 Works and MCO Scheme (Plot 16). By utilising the rail freight terminal, tenants could reduce the number of long-haul heavy goods vehicle (HGV) movements required, hence reducing operational emissions associated with transport movements. As noted at Chapter 19 of the ES [DCO 6.19; AS-069], it is not possible for the DCO Applicant to determine the extent to which future tenants will utilise the rail freight terminal and it has therefore not been possible to quantify the impact of emissions reductions in the assessment. However, it should be noted that any use of the rail freight interchange during the operation of the EMG2 Project will likely result in a reduced magnitude of emissions compared to those assessed at Chapter 19.
31.2.		Is there a genuine need for more warehousing? It would appear many are built but can take time to be utilised, if at all. How does this benefit the are? It seems to me that the jobs on offer from this development are mainly low paid low skilled jobs and,as such, are of no real benefit to Kegworth.	The economic case is underpinned by the comprehensive market need analysis prepared by Savills which has been included as Appendix 5A to the ES [DCO 6.5A; APP-078]. The assessment demonstrates a significant shortfall of industrial and logistics (I&L) floorspace across North West

Response No.	Name of person making representation	Content of representation	DCO Applicant's Response
			Leicestershire and the wider region. Existing allocations and consents are insufficient to meet projected demand, and there is a pressing requirement for new strategic sites. Since the submission of the DCO Application, further evidence has become available (Leicester & Leicestershire Needs Update and Apportionment Study, 2025) which further substantiates the need for additional strategic warehousing development in the area and supports the proposed allocation of land south of the EMA in the North West Leicestershire Local Plan. There is a misconception that the logistics sector only offers low paid and low skilled jobs. As set out in Chapter 5 of the ES [DCO 6.5; AS-030] and associated Appendix 5A, the DCO Scheme will generate high quality employment opportunities across a range of occupations as well as training and upskilling opportunities.
31.3.		It would seem that the proposed developments have not taken into account other road users e.g. the airport's passenger and cargo users and Download visitors.	Extensive transport modelling has been undertaken which takes account of existing (baseline) traffic conditions and factors in future committed growth. The transport modelling takes into consideration existing traffic to East Midlands Airport including cargo trips. The Construction Traffic Management Plan considers protocols that will be adhered to during events at Donington Park, including Download Festival.

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			The scope of the transport modelling is described at Appendix 6A to the ES [DCO 6.6A; AS-080 to AS-083] and has been agreed through pre-application discussions with the Transport Working Group (TWG). The TWG comprises representatives of the key statutory highway authorities including National Highways and Leicestershire County Councils (amongst others) and representatives of the DCO Applicant.
31.4.		We have already suffered flooding as a result of the previous developments and I cannot see how this planned development will alleviate this. I am concerned that it will add to it.	An assessment of the potential significant effects of the DCO Scheme in respect of flood risk and drainage is provided by Chapter 13 of the ES [DCO 6.13; AS-056] and associated appendices. This includes consideration of the impacts of the proposed development on foul drainage infrastructure and the surface water run-off from the construction and operational phases and how this will be managed to ensure that the proposed development is acceptable from a flood risk and drainage perspective. The assessment concludes that with appropriate mitigation measures in place the DCO Scheme will not have significant adverse effects upon the flood risk and drainage.
32.	Andrew Priestley [RR-035D]	This DCO not strategic. The land in question is already within the draft local development plan and a substantial part of the site has an existing application for B8 development with the local authority. Use of a DCO with compulsory purchase	Chapter 4 of the ES [DCO 6.4; AS-028] outlines the main alternatives studied including the 'do nothing' alternative and alternative sites and scheme designs and provides an explanation why alternative options have not been selected.

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		powers in this instant is both unnecessary and undemocratic. The need for a DCO for a green-field site is questionable when the much larger (circa 300Ha) Radcliffe of Soar brownfield freeport site with existing approvals is still undeveloped and close by. There is substantial development already being progressed within the local region across the three counties that are close to this the site in the so called 'golden triangle'. This DCO has too much focus on Leicestershire County and North west Leicestershire District and does not properly consider the wider local setting.	It shows that the 'no development' option is not a reasonable alternative as it would not fulfil the aspirations of national, regional and local economic strategies and would result in the loss of the substantial social and economic benefits arising from the EMG2 Project. With regard to alternative sites to the EMG2 Works, Chapter 4 demonstrated that there are no growth options on land bordering EMG1 or in immediate proximity to it that offer a reasonable alternative to the EMG2 Works proposals taking the effects of development on the environment into account. It is considered that the chosen EMG2 Project successfully balances a range of environmental and operational considerations based on the constraints and opportunities presented by the application sites.
32.1.		Having lived in Kegworth for over thirty years there has been virtually continuous highway developments. To list some of them: The building of the A42 and J23A, the A50 dual carriage way, the dualling of the A453 between J23A and J24, the dualling of the A453 to Nottingham, The widening of the M1, the building of Junction 24A, the M1 smart motorway development, the Kegworth Bypass and EMG1.... J24 has been remodelled on numerous occasions. The effects on the local population and particularly residents of Kegworth has been enormous and overbearing. This DCO creates significant additional stresses on the local and national highways and contains a limited piecemeal improvement to only one aspect of the Highway problems.	Extensive transport modelling has been undertaken which factors in future committed growth. The scope of the transport modelling is described at Appendix 6A to the ES [DCO 6.6A; AS-080 to AS-083]. A range of highway, active travel and public transport improvements are proposed to maximise sustainable transport opportunities and reduce the vehicular impacts of the EMG2 Works on the surrounding network. A package of highway works is proposed including substantial improvements to M1 Jct 24, as well as minor

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		The other local developments all have other J24 schemes within their focus. It would be seriously cruel to subject local residents the a series of piecemeal highways schemes for J24 over a protracted period of years. Before any of this development can be considered for approval a comprehensive scheme backed by government and national highways needs to be fully modelled and approved. This alone is reason not to approve this current DCO.	works on the local highway network, and pedestrian/cycle route enhancements. The proposed highway works are consistent with and can form part of a wider strategic scheme currently being considered by the East Midlands Growth Point project. However, whilst the mitigation strategy can form a key part of the overarching strategy, it has been developed and assessed without being reliant on the other developments and their associated mitigation. The assessment at Chapter 6 of the ES [DCO 6.6; AS-032] and associated Appendix 6A [DCO 6.6A] shows that the identified highway improvements would result in benefits to the operation and capacity of the existing highway network surrounding the site and improve highway safety at locations with existing issues. The construction of the proposed highway mitigation will be undertaken in accordance with a programme and methodology agreed with NH and LCC. All works undertaken during the construction phase will follow the requirements of the Construction Traffic Management Plan (Appendix 3 at document reference: DCO6.3A; APP-073) to limit disruption to other road users. Please note that in response to matters raised by the Examining Panel and other Interested Parties, The Applicant is also submitting an updated document at Deadline 1.

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32.2.		This DCO makes claims to net zero benefits via use of the EMG1 rail freight interchange. The existing RFI has limited capacity (16 train per day) and has already had period of 6 trains per day despite the EMG1 usage of the RFI being very minimal. It is not an integrated rail/warehouse system, it is a container port not a destination. The FRI capacity will be used up by organic growth independent of EMG2. The EMG2 proposal 2 miles away is even less integrated than EMG1 and moving containers from the RFI to EMG2 does not represent the 'last mile', far from it. The RFI connection is but lip service to net zero, EMG2 is wholly about road freight focussed scheme chosen for the existing highway links.	The East Midlands Freeport is the only inland port and was specifically designated as it offers unique access by air, rail and road. New occupiers at the DCO Scheme can utilise the existing rail freight terminal which has capacity to grow and thereby reduce their number of long-haul heavy goods vehicles (HGV) movements, hence reduction the operational emissions associated with transport movements.
32.3.		The forecast for claimed need for B8 capacity over the next 20 years or so are greatly exaggerated and are not consistent with ONS GDP growth forecasts nor with realistic expectations of E-Commerce growth which is now relatively mature and stable. The strategic need is questionable given the amount of development that is planned but not yet realised within the wider area. Whilst this scheme is no doubt lucrative for the promoter SEGRO that is not in itself a National Strategic Need.	The economic case is underpinned by the comprehensive market need analysis prepared by Savills which has been included as Appendix 5A to the ES [DCO 6.5A; APP-078]. The assessment demonstrates a significant shortfall of industrial and logistics (I&L) floorspace across North West Leicestershire and the wider region. Existing allocations and consents are insufficient to meet projected demand, and there is a pressing requirement for new strategic sites. Since the submission of the DCO Application, further evidence has become available (Leicester & Leicestershire Needs Update and Apportionment Study, 2025) which further substantiates the need for additional strategic warehousing development in the area and supports the proposed allocation of land south of

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			the EMA in the North West Leicestershire Local Plan.
		The scale and mass of this development on its elevated position will give serious intrusion into the local landscape.	The Applicant has carefully assessed the likely landscape and visual impacts of EMG2 as set out at Chapter 10 of the ES [DCO 6.10; AS-041].
32.4.		I am also fearful of the environmental impact and the effects on waste water and storm water.	The Applicant has carefully assessed the likely environmental impacts of EMG2 in terms of flood risk and drainage as set out at Chapter 13 of the ES [DCO 6.13; AS-056].
33.	John Raymond Sutton [RR-036D]	Glossary: DCO Development Consent Order EMG East Midlands Gateway LDO Local Development Order EMACC East Midlands Airport Consultative Committee EMA East Midlands Airport CPO Compulsory Purchase Order MCO Material Change Order I am registering as a resident of Kegworth since 2018 who lives close to M1 Junction 24, EMG1 and EMG2 sites and Nottinghamshire and the Uniper Freeport site with its community-friendly LDO in place. Though not registering in role, I am a Kegworth Parish Councillor (since 2020) and the District Councillor (since 2023) for Kegworth ward which crosses the M1, spreading into part of the EMG 1 site and towards the EMG 2 site to the South. I am a member of the EMACC. I am presenting the following strands of representation but reserve the right to introduce others as need and further	The DCO Applicant notes that the representation is provided as a resident of Kegworth and not as a councillor nor as a member of EMACC.

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		research demand and to bring forward appropriate evidence as the inspection proceeds	
		1. Pressures on EMA itself as the key inland Freeport partner which result from the location of the EMG1 site, the EMG2 site, and the predatory DCO application which includes CPO powers within the Freeport partnership.	The DCO Applicant would encourage the respondent to review the representations from the Freeport which confirm the status of the Freeport is enhanced by the presence of East Midlands Airport (EMA) in combination with the EMG1 strategic rail freight interchange proximity to the strategic road network (Examination Library reference RR-014). The DCO Applicant does not recognise the characterisation of the DCO Application in the circumstances where the DCO Applicant promoted the site prior to a planning application being made by EMA and its subsequent decision to grant an interest to Prologis. The use of CPO powers is commonplace in DCO applications to secure certainty of delivery and do not preclude the sale of land by landowners by agreement.
33.1.		2. The anomalous nature of this nationally disproportionate DCO application in terms of size, importance, economic reach and coherence.	The DCO Applicant can confirm that the application is consistent with the Freeport designation and the Section 35 Direction issued by the Secretary of State on 21 February 2024 (provided at DCO 6.1B; APP-068).
33.2.		3. Industry and speculator driven view of demand for strategic warehousing, the conflicts with local planning and the exacerbation of constraints on this pinch point in national strategic transport infrastructure that has failed to attract national funding under successive governments.	There is a degree of consensus around there being a very significant level of market need for additional strategic warehousing. The DCO Applicant's case on market need is set out in the submitted report by Savills (Document DCO5.5; APP-223). Since the submission of the

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			DCO Application, further evidence has become available (Leicester & Leicestershire Needs Update and Apportionment Study, 2025) prepared for NWLDC and the other Leicestershire Authorities. Independent of the Applicant (or any other 'industry' or developer based party), this further substantiates the significant need for additional strategic warehousing development in the area. NWLDC alone is likely to be seeking to address a need for around 1million sq.m. of additional floorspace (significant in excess of the EMG2 proposals). The evidence overall supports the proposed allocation of land south of the EMA in the North West Leicestershire Local Plan. Chapter 6 of the Environmental Statement explains the results of the DCO Applicant's Transport Assessment (found at DCO 6.6A; APP-80 to 83 inclusive) and how the mitigation proposals for the proposed development to the strategic road network, concentrated at Junction 24 of the M1 and introducing a new direct connection to the A50, will alleviate current congestion at this "pinch point" and facilitate future growth.
33.3.		4. The continuing failure to plan warehouse capacity and strategic priorities across three counties and four Freeport site, all driven by the relative demarcation of separate planning regimes in zones either side of the nearby River Trent, a situation made worse for every month that Leicestershire is outside the Combined East Midlands(sic) Mayoral Authority.	The DCO Applicant has provided an assessment of planning policy relevant to the DCO Application in the Planning Statement provided at DCO 5.4 / APP-222 .

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33.4.		5. The unproven case regarding the success of the EMG1 railhead, its unnecessary close proximity to EMA, current freight terminal usage, cargo-miles travelled and independent cargo-journey analysis across all EMG1 users , and stated overall Freeport objectives,(skills, manufacturing etc)	The DCO Applicant notes that the respondent proposes to expand on the matters identified in later a submission. The DCO will endeavour to respond to those submissions once received.
33.5.		6. The imbalance in the rates of development at the four main Freeport sites and the failure to demonstrate any link between further growth in strategic warehousing and recruitment and growth at Uniper or Toyota for example. The implied CPO further highlights the imbalance and lack of a common approach to integrated partnership planning, growth and development at the Freeport.	The DCO Applicant is a proactive member of the Freeport board and committed to securing delivery of the Freeport allocation on the EMG2 Main Site. The progress of delivery on the other freeport sites is outside of the DCO Applicant's control. The DCO Applicant has however prepared an updated construction and delivery programme which will be appended to the Construction and Environmental Management Plan (DCO 6.3A) to be submitted at Deadline 2. That programme is based on its proven delivery track record at EMG1 and Northampton Gateway.
33.6.		7. The piecemeal and premature approach to public sector control of Highways modelling that is built in to the application but still unresolved, having failed so far to integrate long term local and national need across three counties, or to involve local communities.	The DCO Applicant is only able to comment on the Highway Works included as part of the DCO Application. The latest position and agreements between the DCO Applicant and National Highways in respect of the strategic road network and Leicestershire County Council in respect of the local road network are set out in the Statements of Common ground with each body submitted at Deadline 1.
33.7.		8. The threat to proper Local Plan formulation, proper process and the health of participative local democracy – reference North West Leicestershire Local Plan and the failure to deliver a substantive review to the Planning	The DCO Applicant has provided an assessment of planning policy relevant to the DCO Application in the Planning Statement (DCO 5.4; APP-222).

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		Inspectorate from 2017 to date – to be updated as systemic matters over this period are increasingly being challenged from early 2024 upon the Secretary of State's decision to add the EMG 2 land into the Freeport footprint.	
33.8.		9. EMG 2 is seen as an additional threat to the measured development of local infrastructure, for example drainage and water treatment.	The DCO Applicant's assessment of impacts on drainage can be found at Chapter 13 of the Environmental Statement (DCO 6.13; APP-141).
33.9.		10. Unanswered questions about the positive benefits for local people and the impact of EMG1, the plan for EMG2 and associated development such as the proposed new Isley Woodhouse settlement on local communities. The language of a honeypot of commercial activity is already attracting land speculators and site developers and is not linked to demonstrable and lasting economic and social outputs at national or local level and there are already examples of speculative activity that is negatively affecting Kegworth.	A summary of the key benefits which were displayed on the consultation boards which accompanied the statutory consultation period between February and March 2025 (See Consultation Report DCO 5.1 for further details about that consultation period) include: • The creation of 4,000 on site jobs upon full occupation; • £325M direct capital investment into the area; • £1 Billion of economic activity; • 32 Acre (13HA) Community Park adjacent to Diseworth; • Community Investment Plan delivered at EMG1 would be expanded to provide career and training support for local people.

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			The DCO Applicant will respond to any further specific representations that the interested party may elect to make once received.
33.10.		11. The ingenuine approach to environmental and heritage protection in both EMG1 and EMG 2 weighed against, for example, bussing in a relatively low paid workforce, the immediate creation of higher warehouses after EMG1 approval, and the current MCO application for the EMG 1 site, now co-joined with this DCO application at the Secretary of State's request.	The DCO Applicant notes that the respondent intends to submit further details in respect of the headline points identified at a later stage. The DCO Applicant will endeavour to respond to those points once received. However in the interim, the DCO Applicant can confirm that it has completed a detailed assessment of impacts on heritage assets at Chapter 12 of the Environmental Statement (DCO 6.12; APP-133) and does recognise the characterisation made. The number of new jobs created and employment opportunities that will be offered in the event that development consent is granted are set out in Chapter 5 of the Environmental Statement (DCO 6.5; APP-077). The maximum height of buildings is recorded on the Parameters Plan (DCO 2.5; APP-039D) and provided by reference to ordnance datum points to remove ambiguity. The DCO Applicant consulted on the proposals for EMG2 (both DCO ad MCO) simultaneously, which is entirely consistent with the co-joining of the applications by the Secretary of State and as requested by interested parties including those representing Diseworth and Leicestershire County Council.
34.	Dr Dermot Ryan	I have a few worries about the suitability of this project for this location. -since the building of the Kegworth by-pass, both mine and adjacent properties have been flooded on at	The Applicant has reviewed the concerns identified and can confirm that the Kegworth bypass is located upstream of the reported

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	[RR-037D]	least four occasions (flash floods). This also is responsible for flooding of the junction of the junction of Whatton Road with the A6. Nobody seems to wish to take any responsibility for this situation which will undoubtedly worsen consequent to additional stress on already inadequate drainage -there will be a further burden incurred by the increase in road traffic: already, junction 24 is severely dysfunctional at most times of the day with standing traffic on the M1, A50, A453 and Kegworth bypass. This in turn is leading to an increasing number of HGVs, taking short-cuts down Whatton Road, a road which is already congested the increased volume of traffic accompanied by engines idling, has an impact on air quality.	flooding incidents. The bypass was built upon land that is part of the natural catchment which feeds into the catchment of the watercourse that passes through Kegworth and past the affected properties. However, the drainage system for the bypass discharges water at a controlled rate equivalent to the former greenfield run off rate. As a result, the bypass has not added to or exacerbated pre-existing difficulties. Other sources of runoff that feed into the same watercourse are uncontrolled and may contribute to the existing drainage infrastructure being overwhelmed after periods of excessive rainfall and saturated ground conditions. The transport modelling confirms that the EMG2 Project will provide better capacity at M1 Junction 24 which will reduce congestion and queueing. The transport modelling confirms that HGVs will route via the Strategic Road Network and would not run along Whatton Road or other parts of the local road network. The routes leading to villages feature 7.5T weight restrictions and so HGVs associated with EMG2 would not be permitted to use these routes
35.	Kay Ryan [RR-038D]	Increased likelihood of flooding which we have already been subjected to since bypass built. Our property has been flooded at least 4 times since bypass as the volume of water in a brook behind property is so large and rapid it cause a flash flood, submerging garden and flowing into air bricks. Increase in traffic on the bypass causing traffic including HGVs to divert down Whatton road. The road is already	The Applicant notes the difficulties with flooding and traffic identified in the representation. The Applicant has investigated the suggestion that the flooding experienced results from the Kegworth bypass but has not identified a causal link. The drainage solution for the Kegworth bypass was approved by the local Highway Authority who also acts as the Lead Local Flood Authority and

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		difficult to navigate with parked cars, traffic volume is high and will get worse with the proposal.	adopted the bypass. The Applicant has received no notices to indicate the drainage system is operating less than optimally. The Kegworth bypass is located upstream of the reported flooding incidents. The bypass was built upon land that is part of the natural catchment which feeds into the catchment of the watercourse that passes through Kegworth and past the affected properties. However, the drainage system for the bypass discharges water at a controlled rate equivalent to the former greenfield run off rate. As a result, the bypass has not added to or exacerbated pre-existing difficulties. Other sources of runoff that feed into the same watercourse are uncontrolled and may contribute to the existing drainage infrastructure being overwhelmed after periods of excessive rainfall and saturated ground conditions. The transport modelling confirms that the EMG2 Project will provide better capacity at M1 Junction 24 which will reduce congestion and queueing. The transport modelling confirms that HGVs will route via the Strategic Road Network and would not run along Whatton Road or other parts of the local road network. The routes leading to villages feature 7.5T weight restrictions and so HGVs associated with EMG2 would not be permitted to use these routes
36.	Darren Philip Collins	I am so disappointed with the news that the EMG is going to be expanded on yet more farm land. I feel that yet more warehousing is really not needed, despite the comments	The DCO Applicant has carefully assessed the impacts of EMG2 in the following chapters of the Environmental Statement: Chapter 5 (Socio-

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	[RR-031D]	made by Segro, there really is no need for this. There are so many new warehouses up and down the country and around the Derby area that are not even occupied yet. I know there is a freeport implication, but this just seems like a complete overstretch for what is needed in our tiny country. No one seem to think of the issues with flooding, the run off areas and balancing pools are never enough, the Kegworth Easter bypass is a case in point now that the field on the north side of the road is being flooded at high rainfull times and in turn flooding the houses in Langley Drive and Foxgolves, right down on to Broadhill Road. That is just one example of what can happen. Please do not use arguments for net zero for this needless expansion, I could argue against it for net zero, the fact is that it is not needed, there are plenty of other sites already available and this is just about greed and avoiding tax. Growth in the country is at it's lowest for a long time, all we see is imports and that is happening already, so this is definitely not needed. We all know that all of these arguments we make will be ignored, including all of the ones from NWLDC. Also, key to this is the local road network, and whilst the site is near to the M1, we do not want to see yet more traffic, particularly heavy traffic from an area that is already super busy with airport traffic and the eyesore of EMG1. I also think that the local villagers of Diseworth and Belton are being very badly ignored here as well. Once this goes ahead, we know that it will grow even further, the creep has already began from EMG1 and we were never told about EMG2 when the first one was imposed on us! I say NO.	Economic) [DCO 6.5], Chapter 6 (Highways) [DCO6.6] and Chapter 13 (Flood Risk and Drainage) [DCO 6.13]. Individual responses to the points raised are provided below. <u>Need</u> The economic case is underpinned by the comprehensive market need analysis prepared by Savills which has been included as Appendix 5A to the ES [DCO 6.5A]. The assessment demonstrates a significant shortfall of industrial and logistics (I&L) floorspace across North West Leicestershire and the wider region. Existing allocations and consents are insufficient to meet projected demand, and there is a pressing requirement for new strategic sites. Since the submission of the DCO Application, further evidence has become available (Leicester & Leicestershire Needs Update and Apportionment Study, 2025) which further substantiates the need for additional strategic warehousing development in the area and supports the proposed allocation of land south of the EMA in the North West Leicestershire Local Plan. <u>Flooding to Kegworth</u> An assessment of the potential significant effects of the DCO Scheme in respect of flood risk and

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			drainage is provided by Chapter 13 of the ES [DCO 6.13] and associated appendices. This includes consideration of the impacts of the proposed development on the surface water run-off from the construction and operational phases and how this will be managed to ensure that the proposed development is acceptable from a flood risk and drainage perspective. With regard to Kegworth bypass, it should be noted that the drainage system for the bypass discharges water at a controlled rate equivalent to the former greenfield run off rate. As a result, the bypass has not added to or exacerbated pre-existing difficulties. Other sources of runoff that feed into the same watercourse that passes through Kegworth are uncontrolled and may contribute to the existing drainage infrastructure being overwhelmed after periods of excessive rainfall and saturated ground conditions. <u>Traffic</u> As set out at Chapter 6 of the ES [DCO 6.6] and the accompanying Transport Assessment (TA) included as Appendix 6A to the ES [DCO 6.6A], extensive transport modelling and assessment work has been undertaken. The assessment concluded that the proposed capacity improvements on the Strategic Road Network (SRN) would lead to a reduction in traffic along a significant number of roads on the local

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			highway network, in turn resulting in beneficial impacts to road user and pedestrian safety.
37.	Carol Ann Sewell [RR-040D]	Kegworth is placed on the border of Rushcliffe, Nottinghamshire and is falls just outside the East Midlands Combined Authority jurisdiction. It has close proximity to the East Midlands Airport, the very busy Junction 24 of the M1 and the EMG1. The proposed EMG21 site falls outside the Parish boundary, but nevertheless it is close enough to impact on traffic volume, pollution, loss of green sites, noise and industrialisation. The proposed use for warehousing will also cause more air traffic movements at the airport. All these things will impact Kegworth. Into the mix add: ribbon development along the A453 Remembrance Way; the power station site at Ratcliffe to become a Freeport site; and the inclusion in NWLDCs proposed Local Plan of EMP97 which will be even more industrialisation and infill around Kegworth village, which is being surrounded by a ring of steel and concrete. To protect our village we need some check on further industrialisation and the threats stated above.	The EMG2 proposals are located at a greater distance to Kegworth than the EMG1 development and remain separated from Kegworth by the M1 road infrastructure. The Applicant recognises that the EMG2 Proposals do include an amendment to deliver additional warehousing on the existing EMG1 site and associated infrastructure improvements. Whilst all such development and improvements lie outside of the Kegworth Parish boundary, they have the potential to result in effects to near by settlements. The Applicant has assessed potential impacts in its submitted Environmental Statement. The author of the representation can find further details regarding the potential impacts on the matters identified in the following documentation: • DCO 6.5 Environmental Statement Chapter 5 Socio-Economic [APP-077]; • DCO 6.6 Environmental Statement Chapter 6 Traffic and Transportation [APP-079]; • DCO 6.7 Environmental Statement Chapter 7 Noise and Vibration [APP-089]; • DCO 6.8 Environmental Statement Chapter 8 Air Quality [APP-097];

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			• DCO 6.15 Environmental Statement Chapter 15 Agriculture and Soils [APP-0174]; The assessment demonstrates how, with appropriate mitigation, the EMG2 proposals will not result in likely significant effects in Kegworth.
38.	Abbey Spencer [RR-043D]	Development of the site needs to consider the impact on recreation and traffic volume on local residents. Improvements to the A453 and Junction 24 of the M1 are needed to ease congestion already. How will the increased hgv traffic volume from the expansion be managed.	The Highway Works proposed, including at M1 Junction 24, reflect the fact that there are capacity challenges on the highway network, and that additional capacity is required if additional economic and other development is to be delivered. The EMG2 site (and the existing EMG1 site) is well placed with direct access to the strategic road network via the A453, A42, and M1 (as well as A50). These roads are best placed to accommodate HGV traffic, and indeed, these strategic routes are those on which HGVs tend to want to be. In this regard, the package of highway works responds directly to the likely increase in HGVs (and other traffic). The transport modelling demonstrates how the Strategic Road Network would have capacity to accommodate the increase in HGVs from EMG2 with the proposed highway improvements in place.

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39.	Roy Todd [RR-046D]	I object to the proposed Development Consent Order for East Midlands Gateway Phase 2. I live in Kegworth, a village that has already experienced a profound and ongoing impact from logistics and warehousing development linked to East Midlands Airport and East Midlands Gateway. This proposal does not come forward in isolation. It represents a further strategic layer of industrialisation in an area that is already saturated, and where residents are living with the cumulative consequences of past decisions, as well as future proposals such as additional strategic warehousing in the emerging Local Plan, including EMP97. My objection is not to development in principle. It is to the continued concentration of nationally driven logistics infrastructure in one location, and the failure to confront the cumulative impact this now has on daily life, residential amenity, landscape character, traffic conditions, noise, light, and the identity of Kegworth as a village rather than an industrial hinterland. The central issue is cumulative impact. The correct question is not whether Phase 2 can be mitigated in isolation, but whether the totality of logistics, freight movement, junction works, Freeport related development, and further proposed warehousing has now crossed the threshold into unacceptable harm for the communities affected. In my view, that threshold has been reached. I am also concerned by the reliance on Freeport designation and the use of the Planning Act 2008 route to accelerate delivery. Speed and commercial certainty are not statutory tests for national significance. The DCO regime must not be	These concerns, centred on potential cumulative effects from development on Kegworth and the locality, are noted. The Environmental Statement (ES) considers any likely significant environmental effects from the EMG2 proposals, and explicitly includes consideration of cumulative issues (i.e. issues of EMG2 in combination with other planned or consented development). That assessment includes consideration of relevant nearby communities or 'receptors' including in Kegworth. The results and conclusions from the ES form part of the information now before the Examining Panel. The EMG2 proposals are a response to the strategic locational advantages and strengths of this area. Numerous regional and local strategies and policies, including the Midlands Engine Strategy (March 2017), Leicester and Leicestershire Strategic Growth Plan (September 2018) and Leicester and Leicestershire Economic Growth Strategy (November 2021) recognised the opportunities for further growth and investment in this area. These latter strategies introduced the concept of the 'Leicestershire International Gateway' area which is focussed in and around East Midlands Airport and EMG1, and is identified as a key and important strategic growth location. These regional documents arguably provided the context for the later designation of the Freeport.

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		used to override local reality, bypass meaningful consideration of settlement capacity, or dilute the weight given to cumulative harm simply because a project is commercially attractive or labelled strategic. Claims about rail freight, airport adjacency, and sustainability are central to the justification for this proposal and must be rigorously tested during examination. In particular, the Examining Authority should require clear evidence of how much of the proposed floorspace is genuinely dependent on rail or airside connectivity, rather than being general distribution warehousing that could be located elsewhere with less harm to an already burdened community. Kegworth is not a strategic growth town. It is a village that has already absorbed a disproportionate share of regional and national logistics expansion. At some point the planning system must be able to say that enough is enough. I respectfully ask that cumulative impact on Kegworth and neighbouring settlements be treated as a determinative issue, and that consent be refused, or at minimum that the proposal be fundamentally reduced and reconfigured to avoid further unacceptable harm.	
40.	Nathan Alton [RR-030D]	I think to have Phase 2 of the SEGRO is absolutely ridiculous Since phase 1 was done and part of the planning application was to have the kegworth bypass installed it's constantly flooding Kegworth Village and especially my house I've got videos and photos of proof if you'd like me to send them ? On inspections the bypass drainage system isn't insufficient and not fit for purpose as it constantly overflows and goes into the water course this is subsequently broken. The	An assessment of the potential significant effects of the DCO Scheme in respect of flood risk and drainage is provided by Chapter 13 of the ES [DCO 6.13] and associated appendices. This includes consideration of the impacts of the proposed development on the surface water run-off from the construction and operational phases and how this will be managed to ensure that the

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		highways code Act 100 as when we have rainfall we constantly have flooded. So my thoughts are and other residents that are suffering from the flooding that are SEGRO willing to put right the damage they've caused before planning for other developments. I'm willing to have meetings and talk to whoever on site and show them evidence of the overflowing water course that they've caused.	proposed development is acceptable from a flood risk and drainage perspective. With regard to Kegworth bypass, it should be noted that the drainage system for the bypass discharges water at a controlled rate equivalent to the former greenfield run off rate. As a result, the bypass has not added to or exacerbated pre-existing difficulties. Other sources of runoff that feed into the same watercourse that passes through Kegworth are uncontrolled and may contribute to the existing drainage infrastructure being overwhelmed after periods of excessive rainfall and saturated ground conditions.
41.	Simon Langley-Evans [RR-034D]	The proposed expansion of the SEGRO East Midlands Gateway is likely to have a significant negative impact on the village of Kegworth. The continued build-up of large-scale logistics and industrial development around the village risks eroding its distinct rural character and creating a sense of encirclement, leaving Kegworth increasingly hemmed in by warehouses, transport infrastructure and associated activity. The development would place additional pressure on the local road network, particularly routes connecting Kegworth to the A453, A6 and M1. Increased HGV movements and commuter traffic are likely to worsen congestion, reduce road safety and increase noise and air pollution within and around the village. Existing roads are not designed to accommodate sustained heavy goods traffic at this scale. There are also concerns regarding cumulative impacts. Kegworth is already affected by proximity to East Midlands Airport, the existing East Midlands Gateway and major road infrastructure. Further expansion risks tipping the balance beyond what the village can reasonably absorb, with	The DCO Applicant has carefully assessed the impacts of EMG2 in the following chapters of the Environmental Statement: Chapter 6 (Highways) [DCO 6.6], Chapter 7 (Noise) [DCO 6.7], Chapter 8 (Air Quality) [DCO 6.8] and Chapter 21 (Cumulative Impacts) [DCO 6.21]. With specific reference to transport, the DCO Applicant notes that extensive transport modelling and assessment work has been undertaken as set out at Chapter 6 of the ES [DCO 6.6] and the accompanying Transport Assessment (TA) included as Appendix 6A to the ES [DCO 6.6A], The assessment concluded that the proposed capacity improvements on the Strategic Road Network (SRN) would lead to a reduction in traffic along a significant number of roads on the local

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		adverse effects on residents' quality of life, local services and the wider environment. For these reasons, the proposal raises serious concerns about the long-term sustainability and liveability of Kegworth as a village community.	highway network, in turn resulting in beneficial impacts to road user and pedestrian safety.