

PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

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

Deadline 2 Submission

ON BEHALF OF

EAST MIDLANDS INTERNATIONAL AIRPORT LIMITED

EAST MIDLANDS AIRPORT PROPERTY INVESTMENTS (INDUSTRIAL) LIMITED

Interested Party References: [REDACTED]

1. INTRODUCTION

- 1.1 This is East Midlands International Airport Limited's ("**EMA**") ("**the Airport**", as appropriate) and East Midlands Airport Property Investment (Industrial) Limited's ("**EMIAL**") Deadline 2 submission provided in respect of SEGRO Properties Limited's ("**SEGRO**") application for a Development Consent Order ("**DCO**") for the East Midlands Gateway Phase 2 ("**EMG2**") ("**the DCO Application**").
- 1.2 This document seeks to address the Deadline 1 documents submitted by SEGRO (and other parties) excluding matters relating to compulsory acquisition, traffic and transport, and socio-economic issues. These excluded matters are reserved for Deadline 3 (28 April 2026) in accordance with the Rule 8 Letter dated 18 March 2026 for which EMA and EMIAL expressly reserve their position. Where submissions are made below which may be related to these topics, EMA and EMIAL reserve the right to supplement this position at Deadline 3.
- 1.3 Terms used in this submission have the same definition as set out in EMA and EMIAL's Written Representation dated 7 April 2026 unless otherwise defined.

2. ALIGNMENT WITH PROLOGIS

- 2.1 EMA and EMIAL support the case being made to the Examination by Prologis UK Limited and Prologis UK 121 Limited (together, "**Prologis**") in relation to land north of Hyams Lane which is the subject of the Joint Application.
- 2.2 EMA and EMIAL:
 - 2.2.1 have had sight of the document to be submitted by Prologis at Deadline 2;
 - 2.2.2 agree with and endorse the contents of that document; and
 - 2.2.3 reserve the right to speak to and expand upon the matters raised in it in further written submissions or during hearings.
- 2.3 Specifically, EMA and EMIAL endorse Prologis' submissions on:
 - 2.3.1 Fairness
 - 2.3.2 Vires and the Section 35 Direction
 - 2.3.3 Reasonable Alternatives
 - 2.3.4 Compulsory Acquisition: The Compelling Case
 - 2.3.5 Public Benefits versus Private Loss
 - 2.3.6 Delivery Timetable
- 2.4 In light of the fact that EMA and EMIAL's position is on all fours with Prologis, EMA and EMIAL do not propose to repeat points made by Prologis at Deadline 2. Rather, as set out above, EMA and EMIAL endorse and adopts those submissions.
- 2.5 However, it is important to stress that the submissions made by Prologis and EMA and EMIAL raise important material considerations on which the Secretary of State will require advice. To date, the Applicant has sought to side step many of the issues raised by Prologis and EMA and EMIAL and is, in effect, encouraging the ExP to do the same. It would be an error for the ExP to follow the Applicant's invitation. First, as stated above, these are issues that the Secretary of State will want advice on. The ExP's report will need to engage with the issues in substance and provide clear

reasoned conclusions if it is to fulfil its role in providing the Secretary of State with full advice on the application. Secondly, there are a number of legal errors that could potentially be made which EMA and EMIAL and Prologis are drawing attention to now. A failure to deal with these issues lawfully will likely lead, unnecessarily, to later legal challenge.

2.6 A clear example is the Applicant's suggestion that the compelling case test is a simple balance which is both obviously wrong at law and results in the Applicant's evidence addressing the wrong test. A failure to set that right by the ExP will undermine the efficacy of the examination process and lead to clear legal error.

2.7 A further example, is the Applicant's attempt to side line the Joint Application by saying it is uncertain and delayed and only has been made to protect the value of the land. First, the Secretary of State will require advice on the substance of the Application and the impact it has on the case for compulsory acquisition (the compulsory acquisition stopping a project which is in itself in the public interest). Simply stating that the Application has not been granted or is subject to some uncertainty is to avoid the issue on which the Secretary of State will require advice and overlooks the fact that the decision on the Joint Application will, in the ordinary course of events, be known by the time the Secretary of State is considering the Application. As to the suggestion that the Joint Application is merely a means of protecting land value, that is without merit, simply because the land value does not depend on the Joint Application, any compensation will be based on the open market value of the land which will have regard to the development potential of that land. Moreover, if there was no genuine intention to develop the land EMA and EMIAL would not have gone to the lengths of finding a commercial partner to develop the land. This is another example of avoidance, rather than engagement with the issues.

2.8 EMA and EMIAL hopes, therefore, that the ExP will examine in detail the issues raised by Prologis and EMA and EMIAL and decline the Applicant's invitation to effectively side step these important issues.

3. **DEADLINE 1**

3.1 EMA and EMIAL wish to register their concern about the availability of other parties' Deadline 1 submissions.

3.2 Although some of SEGRO's Deadline 1 documents were provided directly to EMA and EMIAL by SEGRO during the course of 8 April 2026 pursuant to an agreement between the parties for mutual direct exchange, the remaining Deadline 1 documents submitted to the Planning Inspectorate on 7 April 2026 (by SEGRO and other parties) were not made available on the Planning Inspectorate's website until 14 April 2026. This effectively allowed only five working days to consider and respond to all other Deadline 1 documents, in addition to those supplied by SEGRO. Given the volume of material submitted at Deadline 1 and this curtailed period for response, it has not been possible to review all documents in their entirety. Nothing in this submission should be taken as acceptance of any matter not expressly addressed herein

3.3 The reduced period for response materially risks prejudicing all Interested Parties, a point made by EMA and EMIAL's legal representatives twice to the Case Manager prior to eventual publication a week after Deadline 1. The fact that EMA and EMIAL is adopting the submissions of Prologis at this Deadline does not undermine the point, as EMA and EMIAL had to review the Deadline 1 materials in order to be able to endorse and adopt Prologis's submissions.

3.4 Furthermore, when the Deadline 1 submissions were finally published, they were done so in an unordered and fragmented manner. For example, where documents consisted of a main body and series of appendices, those were not published in sequence or even listed on the same page of the project pages on PINS website. Again, this poses obstacles to Interested Parties being given a fair chance to identify and review the Deadline 1 submissions, and to their effective participation in the Examination.

3.5 We further note that the Applicant apparently continues to share information relating to traffic and transport selectively with National Highways and Leicestershire County Council, seeking to reach agreed positions with those parties without the relevant information being available to either the ExP or other Interested Parties. We will be expanding upon this concern at Deadline 3.

4. **AERODROME SAFEGUARDING – COMMUNITY PARK**

4.1 The serious potential for aerodrome safeguarding risks arising from the proposed community park have been raised with the Applicant by EMA. Discussions between the Applicant and EMA on these risks is ongoing.

4.2 EMA wish to stress that it is imperative that the Proposed Development does not attract species of birds which are hazardous to aircraft. The Applicant needs to be in no doubt that the Proposed Development cannot simply be treated the same as EMG1 – because the two sites sandwich the airport and new features must not be developed which make it more likely for birds to cross from one site to the other across the airport. That cumulative impact means that there is no tolerance for new bird attractants at EMG2.

4.3 At the current time, the Applicant has not provided sufficient information about the SuDs to enable EMA to understand and evaluate the full risks with regard to how attractive the attenuation feature will be to birds.

4.4 The principal area of risk concerns the elements of the parkland within the Community Park that could contribute to increasing bird activity. These comprise, but are not limited to:

4.4.1 landscaping;

4.4.2 water bodies (either permanent and/or surface water management); and

4.4.3 Littering arising from food consumption and feeding of birds by users and visitors to the Community Park. Littering near airports, especially food waste, creates a severe bird strike risk by attracting large flocks of scavenging birds (gulls, starlings, corvids) to foraging areas. These birds are often attracted to garbage, litter, or open refuse areas.

4.5 EMA notes the Applicant's response to ExQ1 1.4.2 but, as the Safeguarding Authority, EMA still has serious reservations in respect of the proposed community park's impact on aerodrome safeguarding. Assumptions cannot be made on acceptability based on EMG1, as each site must be assessed on its own allowing for individual environmental factors to be taken into account.

4.6 The backstop position for EMA is the draft Protective Provisions, in the form submitted by EMA at Deadline 1.

4.7 However, given the nature of the proposed community park and the risk profile that such assets can create, it would be strongly preferable to EMA (and it would better inform the ExP) for the Applicant to improve the clarity of design of the parkland and provide updated versions of the following documents:

4.7.1 APP-058D DCO 2.16 Community Park Plan;

4.7.2 APP-118 DCO 6.9K Environment Statement Appendix K Bird Strike Hazard Management Plan;

4.7.3 APP-117 DCO 6.9J Environmental Statement Appendix J LEMP;

4.7.4 APP-206D DCO 6.3A Appendix A CEMP (DCO); and

4.7.5 APP-207D DCO 6.20C Appendix C Management Strategy for Safeguarding of East Midlands Airport (DCO).

- 4.8 The Bird Hazard Management Plan (BHMP) that has been submitted to the Examination is based on that for EMG1, which does not render it automatically appropriate for EMG2: there are elements that will need to be tailored to account for the parkland. Given this, a thorough review of the document would be redundant. Whilst it is considered the Protective Provisions provide a backstop in the event the BHMP was not further progressed, given the nature of the potential severity of impact of the Community Park, it would be far more constructive and remove risk for both the Applicant and the regulatory body (EMA) that the BHMP is advanced from its current state. For clarity, it is not the role of any regulatory authority to design the provisions of a mitigation or management strategy, but to review the combined measures and ensure no additional risk is created, and in this specific case, operational impacts placed upon the Airport. A further comprehensive and detailed BHMP will be needed for this part of the Proposed Development for the construction period and in perpetuity and we await its submission.
- 4.9 Further information and clarification is sought about the SuDS, specifically on how the corrugations at the base of the attenuation will prevent pooling. A more detailed description of how water will be prevented from pooling is required including the maintenance regime to ensure the water continues to drain.