



Planning Inspectorate

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

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

Agenda for issue specific hearing (ISH) 3:

Hearing	Date and Time	Location
Issue specific hearing 3	Wednesday 13 May 2026 Hearing starts at 10.00am Registration and seating available at venue from 9.30am and virtual registration process from: 9.30am Hearing adjourns by 5.00pm	The hearing will be a blended event at: Hilton East Midlands Airport Derby Road Castle Donington Derby DE74 2YZ and by virtual means using Microsoft Teams
	Thursday 14 May 2026 Hearing resumes at 10.00am Registration and seating available at venue from 9.30am and virtual registration process from 9.30am	

Agenda

1. **Welcome, introductions, arrangements for the hearing**
2. **Purpose of the issue specific hearing**
3. **Legal basis of determination of the DCO application and the relationship to the environmental statement**
 - 3.1 The ExP will lead discussion and ask questions about the legal basis of determination of the DCO application and the relationship to the

environmental statement. Below, the ExP has provided detailed context to help the applicants and other IPs prepare.

Notwithstanding some caveats, there seems to be broad agreement between relevant IPs that the split approach regarding s104 and s105 should be applied to the DCO application. However, it is not clear that the split approach can be lawfully undertaken given the environmental statement is not disaggregated to assess the highways NSIP (plus associated development) and the business and commercial NSIP (plus associated development) separately.

For example, if assessing the highways NSIP under s104 the SoS would need to understand the benefits and adverse impacts. However, given the environmental statement conflates the assessment of the highways NSIP with the non-NSIP highways works (that is the associated development to the business and commercial NSIP) is it currently impossible to determine what benefits and adverse impacts should be attributed to the highways NSIP and tested under s104?

Indeed, is there a risk that by relying on the aggregated assessment of highways works within the environmental statement, the non-NSIP highways works could be uprating or downrating the effects of the highways NSIP and therefore could this subvert the lawful s104 balance?

It is also not clear whether the approach in Net Zero Teesside is applicable to the proposed development in this case and that assessing the proposed development in the alternative would provide a remedy given there are two distinct NSIPs (a de facto highways NSIP under s14 and a deemed business and commercial NSIP under s35).

For example, if the SoS assessed everything under s105 would the highways NSIP be erroneously stripped of the presumption that should apply to it under s104, and would this subvert the lawful balance? Alternatively, if the SoS assessed everything under s104, would the business and commercial NSIP be erroneously afforded the presumption when it should not and would this also subvert the lawful balance?

The ExP would like to understand more about the underlying DCO application associated with *EFW Group Ltd v Secretary of State for Business, Energy and Industrial Strategy* [2021] EWHC 2697 (Admin), and how the split approach worked in that case and whether the environmental statement was aggregated or disaggregated, and whether this had any bearing in the court's judgement.

- 3.2 The ExP wishes to explore with the parties the status of the Draft East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document in light of forthcoming changes to the plans system through the Levelling Up and Regeneration Act 2023

and the English Devolution and Community Empowerment Act 2026, along with consideration of other supplementary planning documents.

4. Traffic and transport

- 4.1 The ExP will lead a discussion as to the latest position on traffic modelling for the proposed development, and the position of the highway authorities, and where areas of disagreement remain.
- 4.2 The ExP will seek to explore what assessment has been undertaken of the effects of the construction of the proposed development on surrounding network, with particular emphasis on overnight and weekend users of the network.
- 4.3 The ExP will lead a discussion about the various 'works packages' relating to the highway network around junctions 23A to 24A of the M1 and their deliverability in light of the proposed development.
- 4.4 The ExP will seek the responses of the applicants, National Highways and Leicestershire County Council (LCC) to the critique of the Transport Assessment submitted by East Midlands Airport in relation to traffic effects around the airport.
- 4.5 The ExP will lead a discussion on the response to the Road Safety Audit and look to ensure that delivery of the recommendations would be achievable.
- 4.6 The ExP will lead a discussion on sustainable transport options, given the disagreements between the parties as to delivery and whether, given the success at EMG1, the modal share targets should be made 'stretch' targets.

5. Landscape and visual and lighting

- 5.1 The ExP will consider the distinction between surveyed and non-surveyed viewpoints and the positional accuracy of the submitted visualisations, with reference to Appendix 10A and 10B, and whether the clarification provided on methodology and survey control now provides a sufficiently clear evidential basis for examination.
- 5.2 The ExP will discuss whether the Landscape and Visual Impact Assessment (LVIA) adequately addresses the sequential experience of approaching the site, with reference to Hyams Lane and the A42/ Gelscoe Lane routes, including the adequacy of Appendix 10F and the current position of the relevant interested parties.
- 5.3 The ExP will consider the assessment of night-time visual effects and the control of external and façade lighting, having regard to the updated Appendix 10F and the amended draft DCO requirement 14, including whether the position on no full-height façade lighting on elevations facing Diseworth is now sufficiently secured.

- 5.4 Discuss the latest version of Landscape and Ecological Management Plan (LEMP) submitted at deadline (D) 3 and any remaining matters under discussion regarding long-term management, monitoring and replacement planting.

6. Cultural heritage

- 6.1 The ExP will seek a brief update on progress of the Heritage and Archaeology Statements of Common Ground. The ExP will invite LCC and North West Leicestershire District Council (NWLDC) to clarify their current positions, identify the principal matters that remain under discussion/ not agreed and why. Also signpost where those outstanding matters are submitted in the examination documents.
- 6.2 The ExP will consider setting effects on key heritage assets and the conservation area, including any remaining differences in position on the assessment approach and conclusions and what further clarification (if any) is required to resolve those differences.

7. Ecology and biodiversity

- 7.1 The ExP will seek an update from LCC and the applicants regarding the SoCG [[REP1-072](#)] and matters referenced 4.11 to 4.14 and 5.10. As part of this update LCC should make clear their current position and explain in appropriate detail why the matters are yet to be agreed.
- 7.2 NWLDC, in paragraph 7.6 of their Local Impact Report [[REP1-103](#)], states that they have assessed air quality impacts on human receptors and defer air quality impacts on ecological receptors to LCC. LCC in paragraph 7.48 of their Local Impact Report [[REP1-084](#)] recognise negative air quality impacts on surrounding habitats, including Lount Meadows Site of Special Scientific Interest (SSSI) and Oakley Wood SSSI. The ExP will seek a position from LCC about air quality impacts on ecological receptors because it is not clear from the SoCG [[REP1-072](#)], or other submissions to date, whether they agree with the applicants' assessment of these impacts or not.
- 7.3 The ExP notes LCC communications with the case team about their ecologist's unavailability on 14 May 2026. If this remains the case the ExP would request that the LCC ecologist reviews this detailed agenda and briefs someone else within LCC to attend ISH3 in their absence to provide an update on the above matters. The ExP appreciates that the person LCC sends instead of their ecologist may not have the technical knowledge to answer follow up questions during ISH3. However, an update on the above matters in and of itself will assist the ExP in understanding LCC's current position and we will be able to ask any follow up questions as part of ExQ2 on 2 June 2026.
- 7.4 The ExP will ask questions of the applicants and NH about biodiversity net gain (BNG) on NH land and the extent to which NH's BNG key performance indicators (KPI) are important and relevant. In addition,

the ExP will want the applicants and NH to consider any implications of the government's recent [response to consultation on the implementation of BNG](#) and whether there is now more flexibility in terms of delivering BNG outside NH land and whether being proximal to it is sufficient to deliver similar benefits.

- 7.5 The ExP will seek clarification whether there are net losses of habitats on NH land and whether the applicants have satisfied the mitigation hierarchy in terms of exploring opportunities to avoid, mitigate and compensate, given that BNG is conjunctive to that process and does not replace it.

8. Design

- 8.1 The ExP will lead a discussion about how good design would be secured for the proposed development. This will relate to all elements of the proposed development.

9. Population and human health

- 9.1 The ExP will seek an update on the Population and Human Health Statement of Common Ground with LCC and any outstanding matters. The ExP will also seek clarification on reliance on the transport evidence base for ES conclusions (including equality statement), the transparency/ signposting of the embedded health impact assessment (HIA) approach and the basis for the diet/nutrition conclusions within ES.

10. Draft development consent order

- 10.1 The ExP will lead a discussion about the draft Development Consent Order in light of the changes since Issue Specific Hearing 2 in March 2026 and those flowing from discussions in the hearings this week.

11. Draft material change order

- 11.1 The ExP will lead a discussion about the draft Material Change Order in light of the changes since Issue Specific Hearing 2 in March 2026 and those flowing from discussions in the hearings this week.

12. Review of matters and actions arising

- 12.1 The ExP will discuss how any actions arising from the discussion are to be addressed by the applicant, APs or SUs following ISH3. A written action list will be published if required.

13. Close of hearing

The ExP would ask that the applicant have the following documents available for display at the hearing. It may be that not all these documents need to be displayed or

conversely others may be requested. Unless there are extraordinary reasons, documents that have not yet been submitted into the examination should and will not normally be displayed.

[REP2-008D]	Draft Development Consent Order
[REP2-012D]	Explanatory Memorandum to the Draft Development Consent Order
[REP2-010M]	Draft Material Change Order
[REP2-014M]	Explanatory Memorandum to the Draft Material Change Order
[APP-024D]	DCO Location Plan Order Limits plan
[APP-059M]	MCO Location Plan Order Limits plan
[REP3-006]	Chapter 3 of the ES – Project Description
[AS-008]	Components Plan
[APP-026D] [APP-027D] [APP-028D] [APP-029D] [APP-030D]	Lands Plans
[AS-032]	Chapter 6 of the ES – Traffic and Transport
[REP1-031 to REP1-039]	Appendix 6A of the ES – Transport Assessment
[REP1-175]	Framework Travel Plan
[REP2-026]	CEMP
[REP1-054]	Applicants' Response to Examining Panel's First Written Questions
[AS-006D]	Parameters Plan
[REP1-058]	PRTM 2023 Sensitivity Test Technical Note and Local Road Network Impact Assessment Note
[AS-011D]	Highways General Arrangement Plan 3
[APP-049D]	Highway Plans Long Sections Sheet 1 M1 NB to A50 WB Interchange Link
[REP1-056]	Road Safety Audit 1
[REP1-057]	Design Team Response Document to Road Safety Audit 1
[APP-084]	Sustainable Transport Strategy
[REP3-043]	Landscape and Ecological Management Plan

Attendees

The ExP would find it helpful if the following parties could attend this hearing.

- Applicants
- North West Leicestershire District Council
- Leicestershire County Council
- National Highways
- Historic England
- Prologis UK Limited
- Prologis UK 121 Limited
- East Midlands International Airport Limited
- East Midlands Airport Property Investments (Industrial) Limited

However, this does not indicate that other parties will not be able to contribute. All interested parties (IP) are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExP's ability to control the hearing.

The ExP has sought to provide sufficient detail to assist the parties to prepare for the hearing. The details set out above are indicative and the ExP may find it necessary to include additional agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the hearing in person, who has not already advised the case team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the hearing date. IPs and members of the public who wish to observe the hearing can therefore view and listen to the hearing using the livestream, or view and listen to the recording, after it has concluded.

Registration process

Parties who have registered to speak (both in person and virtually) will receive a joining instruction email shortly before the hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the hearing to start on time at **10:00 hours** those attending virtually should join promptly at **09:30** to ensure that all virtual attendees can complete the registration process in good time.

Procedure at ISH

Guidance under the Planning Act 2008, the Infrastructure Planning (Examination Procedure) Rules 2010 and The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 provide that it is for the ExP to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearing will be led by the ExP. Cross questioning of a person giving evidence by another person will only be permitted if the ExP decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.