

THE PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

**APPLICATIONS BY SEGRO PROPERTIES LIMITED AND SEGRO (EMG)
LIMITED
FOR A DEVELOPMENT CONSENT ORDER AND A MATERIAL CHANGE
CONSENT ORDER
– EAST MIDLANDS GATEWAY PHASE 2 (EMG2) –**

Planning Inspectorate References: BC0410001 and TR0510002

Covering the case of need for the proposed development, the consideration of alternative sites, road traffic impact, and viability (including the costs of highway mitigation and their relevance to the compulsory acquisition case)

WRITTEN REPRESENTATION – DEADLINE 4

Submitted on behalf of Kegworth Parish Council

(Interested Party Reference: [REDACTED])

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Contents

Executive Summary	3
1. Introduction and Scope	5
PART 1: THE NEED CASE	5
2. Policy and Evidential Basis for the Claimed Need	5
3. Methodology: Extrapolation Versus a Factorised Assessment of Demand	6
4. The ‘Corridors of Opportunity’ Framework and the Leap to a Site-Specific Conclusion	7
5. Employment and Economic Benefit Claims: Gross Versus Net, and the Question of Displacement	8
6. Conclusions on the Need Case	9
PART 2: CONSIDERATION OF ALTERNATIVE SITES	10
7. The Statutory Framework for the Consideration of Alternatives	10
8. NWLDC’s Own Sustainability Evidence for EMP90	11
9. How EMP90 Came to Be Part of the East Midlands Freeport, and the Implications for the Alternatives Assessment	12
10. The Other East Midlands Freeport Sites: Ratcliffe-on-Soar and EMIP Burnaston	14
11. Land South of Kegworth Bypass: An Incomplete Comparison	15
12. The EMA/Prologis Proposal: Evidence That a More Proportionate Alternative Exists for Part of EMP90	16
13. Conclusions on Alternatives	17
PART 3: ROAD TRAFFIC IMPACT	18
14. Introduction	18
15. An Inconsistent and Unclear Case for the Highway Works at Junction 24	18
16. Lack of Mitigation at Junctions on Kegworth’s Access Routes	19
17. The Mitigation Proposed at M1 Junction 24 Has Not Been Shown to Be Effective, and May Worsen Safety on the Corridor Adjoining Kegworth	20
18. The Cumulative Impact of the Approved Finger Farm Employment Development at Junction 23A Has Not Been Addressed	21
19. Construction Phase Impacts on Kegworth	22
20. Conclusion on Part 3	23
PART 4: VIABILITY: THE COSTS OF HIGHWAY MITIGATION AT M1 JUNCTIONS 23A AND 24	23
21. Introduction	23
22. The Scale of the Highway Works at Junctions 24 and 23A Is Substantial	24
23. The Applicant’s Own Evidence Indicates the Junction 24 Mitigation May Not Be Effective, With Consequent Cost Implications	24
24. The Junction 24 Mitigation Appears to Depend on a Wider, Unconsented and Uncosted Strategic Scheme	25
25. Relevance to the Compulsory Acquisition Case	25
26. Request	26
27. Conclusion on Part 4	26
28. Conclusions and Next Steps	27

Executive Summary

This representation is submitted on behalf of Kegworth Parish Council (“the Council”) at Deadline 4 of the Examination into the applications by SEGRO Properties Limited and SEGRO (EMG) Limited (together “SEGRO” or “the Applicant”) for a Development Consent Order (“DCO”) and a Material Change Order (“MCO”) in respect of the East Midlands Gateway Phase 2 project (“EMG2”). It brings together, in a single document, the Council’s representations on all four areas of concern it has identified during the Examination: the case of need for the scale of development proposed; the adequacy of the Applicant’s consideration of alternative sites; the road traffic impact of the proposals; and the viability implications of the highway mitigation required, including for the Applicant’s case on compulsory acquisition.

The Need Case (Part 1). The Council does not consider that the Applicant’s case of need for development at the scale proposed (up to 500,000 sqm) at EMP90 has been adequately demonstrated. The principal evidential underpinning – the Icení Study – provides a generic, corridor-level apportionment of sub-regional demand rather than a site-specific justification for EMP90, and when its own status in planning terms is subject to separately dispute through the Local Development Plan process.

The methodology used in the Icení study to underpin the headline floorspace requirement appears to extrapolate historic absorption rates from a now much larger base, rather than testing a factorised assessment against underlying economic drivers and is liable to overstate future need. Thereafter, a ‘corridors of opportunity’ framework has been used to translate a broad, sub-regional designation into a conclusion that development must occur at EMP90 specifically, notwithstanding that the Applicant’s own evidence shows EMG2’s functional relationship with East Midlands Airport to be limited.

Finally, the headline economic and employment benefits claimed for EMG2 do not appear to have been tested on a net (rather than gross) basis, having failed to address the displacement implications of the claimed occupier interest in EMG2, which appears to be substantially driven by relocations from existing premises in the wider M1/A50/A453 corridor.

Alternative Sites (Part 2). The Parish Council does not consider that the Applicant’s consideration of alternatives in Chapter 4 of the Environmental Statement discharges the requirements of Regulation 14(2)(d) of the EIA Regulations. NWLDC’s own Sustainability Appraisal evidence does not identify EMP90 as a strong-performing site, recording significant adverse scores across landscape, land-use efficiency, town and village centre, and air/light/noise objectives.

Furthermore, the procedural history of EMP90’s inclusion within the East Midlands Freeport discloses no structured, published consideration of alternative parcels, and its inclusion within NWLDC’s emerging Local Plan post-dates, and appears to respond to, the DCO process. The exclusion of the other two Freeport sites – Ratcliffe-on-Soar and EMIP Burnaston – from the alternatives assessment is circular, and the comparative assessment of land south of the Kegworth Bypass does not extend to the environmental topics most directly in issue for EMP90. The EMA/Prologis scheme for part of EMP90 itself provides direct evidence that a materially smaller, less harmful alternative scheme exists for at least part of the site.

Road Traffic Impact (Part 3). Adopting and relying upon the technical analysis in SCP’s Technical Note 04 (“TN04”), prepared on behalf of East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited, the Parish Council’s case

is that the Applicant's case for the highway works at M1 Junction 24 is unclear and internally inconsistent, including: do the traffic generation figures on which it is based include growth in background airport traffic; a number of junctions on Kegworth's access routes – including junctions on the A453 number 8, 9 and 2 – receive no effective mitigation; the Applicant's own modelling shows the proposed Junction 24 mitigation results in queues reaching back onto the M1, a result TN04 describes as illogical and unexplained.

The Council also notes that the cumulative impact of the approved employment development at Finger Farm Roundabout (Junction 23A) does not appear to have been assessed in appraising the impact on that junction; that the significance of 400m long queues and additional slow moving trucks seeking to manoeuvre through the roundabout forming J23a; and the construction phase impacts, including overnight M1 closures, require further assessment before consent is granted.

Viability and Compulsory Acquisition (Part 4). The highway works at Junctions 23A and 24 represent major strategic infrastructure whose cost should be a material input to the viability appraisal underpinning the Applicant's case for compulsory acquisition powers. The Council's concern is that the approximately 15.9% rate of return relied upon by the Applicant in discussions about the Compulsory Acquisition (CA) component of the most recent hearings, does not appear to take account of: the full cost of effective (rather than merely modelled) mitigation at Junction 24; the cost of mitigation at Finger Farm Roundabout made necessary by EMG2 and the Finger Farm employment development; EMG2's proper share of the cost of the wider Junction 24 strategic scheme on which its own mitigation depends; or the cost consequences if the Proposed Development's traffic generation proves materially higher than currently assessed.

However, no evidence has been produced to support or repudiate such concerns, and so in their absence we can only conclude that if those costs (which seem likely to be very large), were included, and based on the 'Agent of Change principle stand to fall directly on the Applicant SEGRO, we believe the resultant projected return would be materially lower. This in turn raising question marks about the case for compulsory acquisition, and the weight to be given to the Applicant's case that the public benefits of the scheme outweigh the harm done to the environment.

Overall Request to the Examination Panel. For the reasons summarised above and developed in full in the rest of this document, the Parish Council respectfully requests that the Examining Authority require the Applicant to provide further evidence and analysis on each of these four matters – as set out in the conclusions to each Part and in the concluding section of this representation – before the Examination concludes and before the planning balance is struck.

1. Introduction and Scope

1.1 This representation is submitted on behalf of Kegworth Parish Council (“the Council”) at Deadline 4 of the Examination into the applications by SEGRO Properties Limited and SEGRO (EMG) Limited (together “SEGRO” or “the Applicant”) for a Development Consent Order (“DCO”) and a Material Change Order (“MCO”) in respect of the East Midlands Gateway Phase 2 project (“EMG2”), comprising principally the site referred to in North West Leicestershire District Council’s (“NWLDC”) emerging Local Plan as EMP90, land south of the A453 and East Midlands Airport, east of Diseworth.

1.2 This representation has been prepared by Chris Cain of Northpoint Aviation, acting in the capacity of a consultant advisor to the Parish Council. The Council does not have the resources available to the Applicant to commission detailed technical rebuttal reports of its own. What follows is, accordingly, an attempt to bring together the Council’s concerns, based on the evidence that has been made available during the Examination and to date in the development plan and Freeport processes, and on evidence which, in the Council’s view, ought to have been but has not been provided.

1.3 This representation addresses all four areas of concern identified by the Council: (1) the case of need for the scale of development proposed at EMG2/EMP90 (Part 1, Sections 2 to 6); (2) the adequacy of the Applicant’s consideration of alternative sites (Part 2, Sections 7 to 13); (3) the road traffic impact of the Proposed Development, in particular at M1 Junctions 23A and 24 and on Kegworth’s access routes (Part 3, Sections 14 to 20); and (4) the consequences for scheme viability of the highway mitigation measures that may be required, including their relevance to the Applicant’s case for the compulsory acquisition of land (Part 4, Sections 21 to 27). The Council’s overall conclusions and its request to the Examining Authority are set out in Section 28.

1.4 The Parish Council does not object in principle to the growth of the logistics and advanced manufacturing sector in North West Leicestershire, nor to the objectives of the East Midlands Freeport (“EMF”). Its concern is that the case advanced by the Applicant for development of this scale, in this location, has not been adequately tested against the statutory requirement to consider reasonable alternatives, and that the underlying need case itself does not withstand scrutiny.

PART 1: THE NEED CASE

2. Policy and Evidential Basis for the Claimed Need

2.1 The Applicant’s case for need rests on a combination of: (a) national policy support for strategic rail freight interchanges (SRFIs) and the logistics sector generally, as set out in the National Policy Statement for National Networks (NPSNN, 2024) and the National Planning Policy Framework (NPPF, December 2024); (b) the designation of the site within the East Midlands Freeport, specifically the East Midlands Airport and Gateway Industrial Cluster (“EMAGIC”) tax site; and (c) sub-regional evidence of demand for ‘Strategic Distribution’ floorspace, principally the Leicester and Leicestershire Strategic Distribution Floorspace Needs Update and Apportionment (Iceni, Final Report October 2025, with a correction issued January 2026) (“the Iceni Study”).

2.2 Chapter 4 of the Applicant's Environmental Statement describes the EMG2 Main Site as benefiting from 'a distinctive set of locational strength and characteristics not easily replicated elsewhere'¹. The Council does not consider that this framing is correct, nor by itself, does it demonstrate a robust, site-specific need case, for the reasons set out below.

2.3 The Parish Council's first and most fundamental observation is that the Icen Study, upon which both the Applicant and NWLDC's emerging Local Plan evidence base substantially rely, does not at any point set out a site-specific case for EMP90/EMG2. As has been observed in a separate representation to NWLDC's evidence base, the Icen Study confers a generic justification for a pattern of corridor-based distribution of strategic warehousing across North West Leicestershire, without testing the relative merits, deliverability or environmental performance of individual sites within or at the edge of those corridors².

2.4 As summarised in the Additional Papers presented to NWLDC's Local Plan Committee on 18 March 2026, the Icen Study quantifies a total strategic warehousing requirement of approximately 3.06 million m² (or 30 million sq ft) for Leicester and Leicestershire to 2046, of which approximately 1.33 million m² (circa 44%) is apportioned to North West Leicestershire, with a further breakdown across the M1/A50, A/M42 and Bardon corridors. Firstly, this is an enormous amount of additional development in a relatively small area, which is based on a methodology that at best is speculative and at worst is fundamentally flawed (see section 3 below). Secondly apportionment exercise in the Icen Study is itself the subject of separate procedural objection on the grounds that it amounts, in substance if not in name, to a spatial strategy that has not been subjected to the statutory plan-making and Strategic Environmental Assessment (SEA) processes that such a strategy would ordinarily require³.

Without pre-judging that separate process, the Parish Council therefore considers that the Examining Authority should be cautious about placing significant weight on a corridor-level apportionment exercise that has not itself been tested through examination, still less treating it as a demonstration that 500,000 sqm (plus a further 200,000 sqm of mezzanine floorspace) of B8/B2 development is needed specifically at EMP90.

3. Methodology: Extrapolation Versus a Factorised Assessment of Demand

3.1 As prefaced above, the Parish Council's second concern relates to the methodology underpinning the Icen Study's headline demand figures. As the Council understands it (and reserves its position pending sight of the full report and its January 2026 correction), the Icen Study's projections of future strategic distribution floorspace demand are derived substantially from historic rates of take-up and completions in the sub-region in recent years, projected forward to 2046.

3.2 The Council considers this methodology to be questionable for a sector that is now operating from a materially larger base than it was a decade ago. The rates of growth in B8

¹Environmental Statement, Chapter 4: Consideration of Alternatives (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.2.14.

²Representation to North West Leicestershire District Council, 4 April 2026, regarding the absence of a structured optioneering appraisal in the alternatives evidence accompanying the Council's emerging Local Plan evidence base.

³Consultation Representation of Cllr R Sutton (Independent), Kegworth Ward, on the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document (Regulation 18 consultation), 22 March 2026, Section 4.

floorspace achieved in the M1/A50/A42 corridor over the recent past have been achieved from what was, in the early 2010s, a comparatively low base of existing stock. A projection that simply extends those growth rates forward from today's substantially larger base risks materially overstating future demand, because:

- the rate of growth of demand for any given activity tends to slow as the activity matures and the addressable market becomes more fully served, following an S-shaped rather than a straight-line trajectory;
- the recent past has been characterised by exceptional, and arguably non-repeatable, drivers of demand for 'big-box' logistics floorspace, in particular the surge in e-commerce associated with the COVID-19 pandemic, alongside a prolonged period of historically low interest rates that supported speculative development; and
- no factorised, 'bottom-up' assessment appears to have been undertaken that relates projected floorspace demand to underlying drivers such as regional GDP growth, household expenditure growth, or sectoral employment projections, in order to test whether the historic relationship between those drivers and floorspace take-up is likely to continue at the same intensity.

3.3 In the Council's view, an approach which simply extrapolates historic absorption rates forward, without testing that extrapolation against a factorised assessment tied to GDP, demographic or sectoral employment forecasts for the region, is liable to overstate need – potentially significantly – over a 20-year-plus plan period. The Council respectfully asks the Examining Authority to require the Applicant to demonstrate, by reference to such a factorised assessment, that the headline floorspace requirement (and in particular the requirement apportioned to the M1/A50 corridor within which EMP90 sits) remains robust, and to explain why a straight-line projection from a higher base is considered appropriate.

4. The 'Corridors of Opportunity' Framework and the Leap to a Site-Specific Conclusion

4.1 The Parish Council's third concern, is with the manner in which a broad, sub-regional 'areas of opportunity' framework – originally articulated in the 2021 Strategic Distribution Study (GL Hearn) and carried forward into the Icen Study – has come to be treated as though it dictates the location of individual sites such as EMP90.

4.2 The 'areas of opportunity' identified in that work are drawn at a corridor scale – for example, the J1 A50/M1 corridor (within which EMP90 sits) and the A/M42 corridor – and are, in essence, zones defined by reference to proximity to the strategic road network, with East Midlands Airport functioning as one of several anchors within those zones. The Council does not dispute that East Midlands Airport is a relevant economic anchor for the wider sub-region. What the Council does dispute is the logical step from 'this corridor is an area of opportunity, and the airport is one of the things that makes it so' to 'therefore a 500,000 sqm (5 million sq ft) scheme on land immediately adjoining Diseworth, within this corridor, is necessary and the right location for it'.

4.3 As the Applicant's own evidence acknowledges, the functional relationship between EMG2 and East Midlands Airport is, in truth, limited. The Sustainability Appraisal evidence for EMP90 records a significant negative score against SA9 (Air, Light and Noise) specifically because of the site's location next to the airport, mitigated only by the observation that 'employment uses

are less sensitive to aircraft noise⁴ – in other words, the airport’s proximity is, for this scheme, predominantly a constraint to be managed rather than a benefit to be realised. EMG2 does not include any aviation-related use, and unlike EMG1 (which secures direct benefit from the adjoining rail freight interchange), EMG2’s principal locational benefit is its proximity to the M1/A50/A453 road network – an attribute that, as set out in Part 2 below, is by no means unique to EMP90 within the wider sub-region.

4.4 The Council’s consultant advisor has separately questioned whether the ‘corridors of opportunity’ framework, by anchoring its corridors on East Midlands Airport, has led decision-makers to assume that additional B8 floorspace needs to be close to the airport, when in fact – as the Applicant’s own evidence on the limited functional relationship between EMG2 and the airport demonstrates – broadly equivalent floorspace could in principle be accommodated at other locations within the same corridor, or in adjoining corridors, without that proximity. The Council respectfully invites the Examining Authority to test the Applicant’s evidence against that proposition.

5. Employment and Economic Benefit Claims: Gross Versus Net, and the Question of Displacement

5.1 The Parish Council’s fourth concern relates to the employment and wider economic benefit case advanced for EMG2, which the Council understands forms a significant part of the planning balance that the Applicant invites the Examining Authority and the Secretary of State to strike in favour of the scheme, notwithstanding its acknowledged adverse landscape, heritage, ecological and amenity effects.

5.2 The Council’s starting point is a simple cross-check against the performance of EMG1. EMG1 comprises approximately 4 million sq ft (circa 370,000 sqm) of floorspace and is reported to have created over 850 jobs and attracted £150 million of investment⁵. This equates to a direct employment density in the order of one job per circa 5,000 sq ft (circa 435 sqm) of floorspace – a figure broadly consistent with published employment density guidance for large ‘big-box’ logistics buildings, which tend to sit towards the lower end of the employment density spectrum because of the high degree of automation typical of modern distribution centres.

5.3 Applying conventional indirect and induced employment multipliers (in the order of 0.3 to 0.5 for each of the indirect and induced categories, consistent with the ranges commonly applied in HM Treasury Green Book-compliant economic appraisals), EMG1’s c.850 direct jobs would be expected to support a further c.500 to 850 jobs in the wider economy, giving a total in the order of 1,400 to 1,600 jobs associated with EMG1’s c.370,000 sqm.

5.4 EMG2 (DCO Works Nos. 1 to 5 and associated Further Works) is proposed to provide up to 300,000 sqm of floorspace (GIA), plus a further allowance of 200,000 sqm in mezzanines, i.e. up to 500,000 sqm in total⁶. On a simple pro-rata basis using the EMG1 ratio above, this would be expected to support, at most, in the order of 1,900 to 2,200 total jobs (direct, indirect

⁴North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 Sustainability Appraisal table and accompanying mitigation commentary (“Are there ways to help mitigate negative impacts?”).

⁵EMAGIC Community Forum, Notes, 20 February 2026.

⁶Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.1.3 and Table 4.1; North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 – Factual Update (September 2025), item 2.

and induced) – and mezzanine floorspace, which is typically used for additional storage racking rather than additional staffed activity, may generate proportionately fewer jobs per sqm than ground-floor floorspace, such that even this figure may be optimistic.

5.5 The Council does not have access to the Applicant's own employment projections for EMG2 and cannot therefore confirm whether they are consistent with, or substantially in excess of the figures derived above. The Council notes the concern raised by its consultant advisor that 'the job claims for EMG2 are likely to be overstated'⁷, and respectfully invites the Applicant to set out, with full methodological transparency: (a) the direct, indirect and induced employment figures claimed for EMG2; (b) the employment density assumptions (jobs per sqm or per sq ft) underlying those figures, separately for ground-floor and mezzanine floorspace; and (c) a justification for any departure from the employment density actually achieved at EMG1.

5.6 A related and, in the Parish Council's view, more significant concern, is the question of displacement. The Council understands that interest has been expressed in EMG2 by prospective occupiers, including reported interest from Maersk, who would relocate from existing facilities elsewhere in the sub-region or wider region. Where a prospective occupier's interest in a new building is substantially a function of relocating from existing premises, the appropriate measure of the economic benefit of the new development is not the gross floorspace or gross employment associated with the new building, but the net change once the fate of the vacated premises has been taken into account.

5.7 If, as appears likely that at least part of the demand for EMG2 floorspace would be met by occupiers relocating from existing buildings within the same functional sub-region (rather than by genuinely new-to-the-area activity, or by overseas direct investment that would not otherwise have located in the UK), then: (a) the vacated buildings would themselves become available to the market and, in due course, are likely to be re-occupied, generating employment in those buildings as well; and (b) the net addition to regional floorspace, employment and economic output attributable to EMG2 is correspondingly smaller than the gross figures for EMG2 alone would suggest – potentially substantially so.

5.8 The Parish Council is not aware of any analysis in the Applicant's evidence base that addresses this point. The Council respectfully requests that the Applicant be asked to provide: (a) details of the extent to which prospective occupier interest in EMG2, including but not limited to the reported interest from Maersk, represents relocation from existing premises within the East Midlands or wider UK, as opposed to net new activity; (b) an assessment of the likely re-occupation of any vacated premises and the timescale and employment implications of that re-occupation; and (c) a revised assessment of the net (as opposed to gross) economic and employment benefits of EMG2 that takes (a) and (b) into account.

6. Conclusions on the Need Case

6.1 For the reasons set out above, the Council considers that the case of need advanced for EMG2 – and in particular for development at the scale proposed (up to 500,000 sqm) at EMP90 specifically – has not been adequately demonstrated. In summary:

⁷Confidential correspondence from C. Cain, 22 February 2026.

- the principal evidential underpinning, the Icen Study, does not provide a site-specific justification for EMP90, but rather a generic corridor-level apportionment exercise whose own legal status is separately disputed;
- the methodology underlying the headline floorspace requirement appears to rely on extrapolation of historic absorption rates from a lower base, rather than a factorised assessment tied to underlying economic drivers, and is liable to overstate future need;
- the ‘corridors of opportunity’ framework, by using East Midlands Airport as an anchor for a broad geographic corridor, has been used to support a conclusion that development needs to be at EMP90 specifically, notwithstanding that the Applicant’s own evidence shows EMG2’s functional relationship with the airport to be limited, and that the relevant locational driver – access to the M1/A50/A453 – is available at multiple locations within the wider sub-region (see Part 2 below); and
- the headline economic and employment benefits claimed for EMG2 do not appear to have been tested on a net (as opposed to gross) basis, and do not appear to have addressed the displacement implications of occupier interest that is substantially a function of relocation from existing premises.

6.2 The Parish Council considers that these matters go to the heart of the planning balance that the Secretary of State will be asked to strike, and respectfully requests that the Examining Authority require the Applicant to provide the further evidence and analysis identified above before that balance is struck.

PART 2: CONSIDERATION OF ALTERNATIVE SITES

7. The Statutory Framework for the Consideration of Alternatives

7.1 Regulation 14(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the Environmental Statement to include a description of the reasonable alternatives studied by the Applicant which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the Applicant’s choice, taking into account the effects of the development on the environment.

7.2 The Council notes, and adopts, the point made in the written representations of Protect Diseworth submitted ahead of Issue Specific Hearing 1⁸, that the Applicant’s consideration of alternatives in Chapter 4 of the Environmental Statement appears to proceed from a starting proposition – that ‘only a site closely related to East Midlands Airport and EMG1 would genuinely offer a reasonable alternative’, and that ‘the Freeport designation of the EMG2 Main Site, limits the sites that can be considered to provide a realistic alternative’⁹ – which forecloses the consideration of alternatives on grounds of commercial and policy preference, rather than testing alternatives against their relative environmental effects, as Regulation 14(2)(d) requires.

7.3 The Council respectfully agrees with that analysis, and develops it further below by reference to: (a) the Council’s own evidence on the sustainability performance of EMP90 relative to other sites assessed in NWLDC’s evidence base; (b) the procedural history by which EMP90 came to be included within the East Midlands Freeport and, subsequently,

⁸Submission of Protect Diseworth (IP F3E6B1906), Issue Specific Hearing 1, 11 March 2026, paragraph 6(b).

⁹Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.4.3.

within NWLDC’s emerging Local Plan; (c) the treatment of the other two East Midlands Freeport sites as ‘not reasonable alternatives’ on grounds that are, in the Council’s view, circular; (d) the adequacy of the Applicant’s assessment of land south of the Kegworth Bypass; and (e) the existence of a materially smaller, more localised scheme for part of the EMP90 land, promoted by East Midlands Airport and Prologis, which the Council considers demonstrates that a less harmful alternative exists on a portion of the site.

8. NWLDC’s Own Sustainability Evidence for EMP90

8.1 NWLDC’s own evidence base does not present EMP90 as an outstanding or preferred site on sustainability grounds. The Sustainability Appraisal of EMP90, as set out in NWLDC’s Additional and Updated Employment Site Assessments (September 2025), records the scores reproduced in Table 1 below.

SA Ref.	Sustainability Appraisal Objective	EMP90 Score
SA1	Health and Wellbeing	0
SA2	Inequalities	0
SA3	Community	+
SA4	Housing	0
SA5	Economy	+
SA6	Town/Village Centres	—
SA7	Employment	++
SA8	Sustainable Travel	++
SA9	Air, Light & Noise	—
SA11	Flooding	0
SA12	Biodiversity & Geodiversity	–
SA13	Landscape	—
SA14	Land-use Efficiency	—
SA15	Historic Environment	–
SA16	Water & Soil	0
SA17	Waste	0

Table 1: Sustainability Appraisal scores for EMP90 (NWLDC, Additional and Updated Employment Site Assessments, September 2025). Key: ++ significant positive; + minor positive; 0 neutral; – minor negative; — significant negative.

8.2 As Table 1 shows, EMP90 records significant negative (—) scores against four of the sixteen Sustainability Appraisal objectives (SA6 – Town/Village Centres; SA9 – Air, Light and Noise; SA13 – Landscape; SA14 – Land-use Efficiency), and minor negative (–) scores against a further two (SA12 – Biodiversity and Geodiversity; SA15 – Historic Environment). Only two objectives (SA7 – Employment, and SA8 – Sustainable Travel) record a significant positive (++) score, alongside minor positive scores for SA3 (Community) and SA5 (Economy).

8.3 The Applicant's own narrative commentary on these scores acknowledges that the scale of the proposed development would detract from and diminish the rural setting of Diseworth, that there is potential for harmful impacts on the Diseworth Conservation Area, and that the development would 'breach' the A453, which currently marks a clear boundary between large-scale commercial development to the north and east and the rural, agricultural character of the land to the south¹⁰.

8.4 By way of comparison, other sites assessed in the same evidence base and proposed for allocation – for example EMP63 (Option 1, Carnival Way, Castle Donington) and EMP66 (former Measham Colliery site) – record materially more favourable Sustainability Appraisal profiles. EMP63 (Option 1) records significant positive scores against SA6, SA7, SA8 and SA9, reflecting its location adjoining the existing settlement boundary of Castle Donington and its access to bus services and local facilities. EMP66, a brownfield site, records an improved (significant positive) score for SA14 (Land-use Efficiency) following confirmation of its status as previously developed land, alongside a landscape sensitivity assessed in the Council's own Landscape Sensitivity Study as 'low to change'. Neither comparator site approaches the scale of EMP90, but the comparison illustrates that NWLDC's own evidence does not identify EMP90 as a site that performs well against sustainability criteria; rather, it is a site whose inclusion appears to the Council to have been driven primarily by considerations external to that evidence base – in particular, its Freeport status – as set out in Section 9 below¹¹.

8.5 The Parish Council also notes that EMP90 is the only site within NWLDC's wider SHELAA evidence base to carry Freeport ('Tax Site') status, a point which the Applicant's own evidence acknowledges is 'a significant factor when considering this site in comparison with others'. The Council agrees that it is a significant factor – but considers that the Examining Authority should be alert to the risk that this factor has operated, in practice, to substitute for, rather than supplement, a genuine site-specific sustainability and alternatives assessment.

9. How EMP90 Came to Be Part of the East Midlands Freeport, and the Implications for the Alternatives Assessment

9.1 The Parish Council considers that the procedural history by which EMP90 came to be included within the East Midlands Freeport's EMAGIC tax site is directly relevant to the Examining Authority's consideration of alternatives, because it explains why the Applicant's alternatives assessment in Chapter 4 of the Environmental Statement takes the Freeport designation as effectively a fixed constraint, rather than as something whose own site-selection basis can or should be examined.

9.2 As far as the Council has been able to establish from publicly available sources:

- land south of the A453 (now EMP90/EMG2) was first promoted by East Midlands Airport and SEGRO in October 2020 as part of early Freeport bid development, but was subsequently removed from the bid;
- in early 2022, following what East Midlands Airport's own Industry Consultative Committee minutes describe as a Government-driven (Treasury) requirement for the

¹⁰North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 assessment, Key Planning Considerations and Conclusion sections.

¹¹North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 assessment, 'Freeport' section.

EMAGIC tax site to include additional land in order to meet a minimum area threshold for Freeport qualification, the East Midlands Freeport Board proposed re-including the land south of the A453, and this was submitted to and approved by Government in early March 2022;

- the legal designation of the EMAGIC tax site boundary, including this land, was made by the Designation of Freeport Tax Sites (East Midlands Freeport) Regulations 2022 (SI 2022/184), with effect from 22 March 2022; and
- the same Industry Consultative Committee minutes record that stakeholders raised concerns about the absence of consultation or communication regarding the inclusion of this land, which East Midlands Airport attributed to the speed of the process required by Government.

9.3 The Council understands that no published Freeport Board paper or minute sets out a shortlist of candidate parcels considered for inclusion in the EMAGIC tax site at this stage, the appraisal criteria applied, or the reasons why alternatives (if any) were not preferred; the relevant material appears to have been treated as commercially exempt.

9.4 The Council also draws attention to correspondence from NWLDC's own Strategic Director, dated as early as 4 December 2020 – prior to the events described above – and submitted as Exhibit 'PD1' to the written representations of Protect Diseworth for Issue Specific Hearing 1¹², in which the Strategic Director observed that for any site to have credibility and planning legitimacy, its identification would need to go through due process, that officers would not have the authority from elected members to put forward sites irrespective of landowner support, and that without such a process there would be no planning legitimacy to any sites identified.

9.5 EMP90 was not included within NWLDC's Regulation 18 consultation on its emerging Local Plan. The Council understands that the Local Plan Committee resolved, on 19 November 2025, to agree 'in principle' the inclusion of EMP90 as a strategic warehousing and general needs employment site in the Regulation 19 version of the Local Plan, in the context of the Freeport designation and the DCO application that, by that date, had already been submitted (and resubmitted) and was proceeding through Examination.

9.6 The combined effect of paragraphs 9.2 to 9.5 above is, in the Council's view, that EMP90's status as a 'strategic' site – and hence its treatment by the Applicant as the only realistic location for the EMG2 proposals – derives not from a structured, evidence-based site selection exercise undertaken by or on behalf of the local planning authorities, but from: (i) a 2020 commercial promotion by East Midlands Airport and SEGRO; (ii) a 2022 Freeport boundary adjustment driven by a need to meet a minimum area threshold, with no published consideration of alternative parcels; and (iii) a 2025 'in principle' Local Plan resolution that itself post-dates, and appears to respond to, the DCO process rather than to inform it. The Council respectfully submits that a site whose strategic status has this provenance cannot simply be treated, for the purposes of Regulation 14(2)(d), as a starting point that 'limits the sites that can be considered to provide a realistic alternative'¹³. On the contrary, it is precisely

¹²Submission of Protect Diseworth (IP F3E6B1906), Issue Specific Hearing 1, 11 March 2026, Exhibit "PD1" (email of J. Arnold, Strategic Director, North West Leicestershire District Council, 4 December 2020).

¹³Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.4.3.

because EMP90's inclusion within the Freeport has not itself been tested against alternatives that the Examination represents the first genuine opportunity for that question to be addressed.

10. The Other East Midlands Freeport Sites: Ratcliffe-on-Soar and EMIP Burnaston

10.1 Chapter 4 of the Environmental Statement dismisses the other two locations comprising the East Midlands Freeport – the former Ratcliffe-on-Soar power station site (Nottinghamshire) and Goodman's East Midlands Intermodal Park ('EMIP') at Burnaston, adjacent to the Toyota plant (Derbyshire) – as 'not considered as reasonable alternatives', on the basis that 'to realise the Freeport's ambitions ... all three sites are proposed to come forward and it is therefore not a matter of progressing one in preference to another'¹⁴.

10.2 The Council considers this reasoning to be circular, and to misapply the test in Regulation 14(2)(d). The question that Regulation 14(2)(d) requires to be addressed is not whether other Freeport sites are also being progressed (a question of programme management for the Freeport as a whole), but whether a reasonable alternative exists that would meet the objectives of the proposed development – here, the provision of additional strategic B8/B2 floorspace in the sub-region – with materially less harmful environmental effects. The fact that the Freeport programme as a whole intends to bring forward all three locations does not answer that question; if anything, it underlines that the demand the Applicant says EMG2 would meet is not uniquely attributable to, or dependent upon, development at EMP90, since, on the Applicant's own case, broadly equivalent demand is to be met at Ratcliffe-on-Soar and EMIP as well.

10.3 The Council notes in particular that:

- the former Ratcliffe-on-Soar power station site benefits from an extant Local Development Order (granted July 2023) for a range of employment, energy generation and energy storage uses, is in the process of being decommissioned, and – unlike EMP90 – does not require the loss of greenfield agricultural land immediately adjoining a designated conservation area and a village whose residents would experience direct and substantial amenity effects from 24/7 logistics operations; and
- EMIP at Burnaston is itself the subject of a separate Nationally Significant Infrastructure Project application (at pre-submission consultation stage at the time of writing) for a strategic rail freight interchange of circa 500,000 sqm – a scale broadly comparable to EMG2 – and is identified as a proposal in the Regulation 19 South Derbyshire Draft Local Plan Part 1, which was the subject of public consultation in Spring 2025.

10.4 In other words, on the Applicant's own evidence, a site of comparable scale to EMG2, serving a comparable function, located elsewhere within the East Midlands Freeport and – unlike EMP90 – the subject of a structured Local Plan and NSIP process that has tested its suitability and alternatives, already exists and is being progressed. The Council respectfully submits that the Examining Authority should require the Applicant to explain why, if EMIP can meet a substantial proportion of the sub-region's strategic distribution need through a process

¹⁴Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraphs 4.4.5 and 4.4.6.

that has tested alternatives, EMP90 needs to do so as well, at a scale that, as set out in Part 1 above, appears to exceed what a robust, factorised assessment of need would support.

10.5 The Council further notes that the exclusion of Ratcliffe-on-Soar and EMIP from the alternatives assessment on the grounds given is particularly difficult to reconcile with the Applicant's own acknowledgement, in the same chapter, that no definition of 'strategic scale' is provided by the local and regional evidence base, and that a threshold of at least 25ha has therefore been applied 'in the absence of other available guidance'¹⁵, drawing on a study (the West Midlands Strategic Employment Sites Study, Icen, August 2024) prepared for a different region entirely, by the same consultancy (Icen) responsible for the Icen Study referred to in Part 1 above. The Council does not suggest that there is anything improper in Icen having prepared evidence for more than one client or region; but it does suggest that a 25ha 'strategic scale' threshold, imported without adaptation from a West Midlands study, should not be treated as an objective or locally-derived basis for excluding sites from consideration as alternatives, particularly where, as with Ratcliffe-on-Soar and EMIP, those sites comfortably exceed that threshold in any event.

11. Land South of Kegworth Bypass: An Incomplete Comparison

11.1 The Council notes that the Applicant did consider, and reject, land to the south of the Kegworth Bypass as an alternative location. The stated reasons for rejection relate principally to: (a) concerns raised by the local highway authority about the achievability of an acceptable access arrangement, having regard to the function of the bypass; (b) the absence of equivalent public transport and active travel connectivity to EMG1; (c) the site's location partly within the East Midlands Airport Public Safety Zone, where Local Plan Policy Ec6 establishes a general presumption against new development; and (d) unspecified 'heritage, landscape and amenity impacts', which the Applicant asserts, without further analysis, also affect the EMG2 Main Site and therefore do not represent land south of Kegworth Bypass being 'a better alternative in that regard'¹⁶.

11.2 The Parish Council does not seek to argue that land south of the Kegworth Bypass is necessarily a preferable site overall – the highways concerns identified by the local highway authority are not insignificant, and the Council does not have the resources to test them independently. However, the Council does observe that the comparative assessment of this site, as set out in the Environmental Statement, addresses access, public transport connectivity and the Public Safety Zone in some detail, but does not provide any comparable site-specific analysis of ecology, landscape character, noise or air quality for land south of the Kegworth Bypass against which the (admittedly serious) effects of the EMG2 proposals on Diseworth, its Conservation Area, and the separation between Diseworth and the East Midlands Airport/EMG1 commercial area, could be benchmarked.

11.3 In particular, land south of the Kegworth Bypass does not lie immediately adjacent to a village with a designated Conservation Area and listed buildings in the way that EMP90 lies immediately adjacent to Diseworth. If, as the Applicant's own Sustainability Appraisal evidence for EMP90 records, the scale of the EMG2 proposals would detract from and diminish the rural setting of Diseworth and risk harm to the Diseworth Conservation Area, then a comparative

¹⁵Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.4.4, referring to the West Midlands Strategic Employment Sites Study (Icen, August 2024).

¹⁶Environmental Statement, Chapter 4 (Document DCO 6.4/MCO 6.4, October 2025), paragraph 4.4.19.

assessment of alternatives that does not test whether equivalent or lesser harm would arise at a site without an immediately adjoining sensitive settlement cannot, in the Council's view, be regarded as having taken into account the effects of the development on the environment in the manner Regulation 14(2)(d) requires.

12. The EMA/Prologis Proposal: Evidence That a More Proportionate Alternative Exists for Part of EMP90

12.1 Perhaps the most directly relevant evidence that a more proportionate and less harmful alternative exists is the scheme promoted by East Midlands Airport (through its operator, MAG) and Prologis for part of the EMP90 land itself.

12.2 As recorded in the Applicant's own Factual Update (September 2025) within NWLDC's site assessment for EMP90, the land to the north of Hyam's Lane (part of EMP90) was the subject of a planning application submitted by Manchester Airports Group in June 2024 (ref. 24/00727/OUTM) for outline permission for some 135,000 sqm of B2/B8 floorspace with ancillary offices, awaiting determination at the time of that update¹⁷. The EMAGIC Community Forum notes of 20 February 2026 confirm that this scheme – covering 'a third of the land south of the A453' – has progressed with Prologis announced as development partner (January 2025), with revised plans submitted to NWLDC in November 2025¹⁸.

12.3 The Council considers that the existence of this scheme is significant to the Examination for at least three reasons.

- First, it demonstrates that a materially smaller proportion of the EMP90 land – and a materially smaller quantum of floorspace (135,000 sqm, as against the Applicant's proposed 300,000 sqm plus 200,000 sqm of mezzanine) – is capable of being brought forward through the ordinary Town and Country Planning Act process, without recourse to a Development Consent Order, and is reported by the East Midlands Freeport itself to demonstrate strong market interest in the site and the region¹⁹. If a scheme of this scale can proceed through normal planning channels and meet genuine market demand, the Council respectfully submits that the Applicant should be required to demonstrate why a scheme more than three times that size, requiring a DCO, is necessary – rather than, for example, a phased approach in which the EMA/Prologis element proceeds first and the case for any further development on the remainder of EMP90 (or elsewhere) is tested in light of actual take-up.
- Second, the EMA/Prologis scheme, by virtue of its smaller scale and its location closer to the existing airport boundary and to East Midlands Gateway 1, has been characterised as representing a more pragmatic approach to development south of the A453 near the airport, involving less impact on the nearby villages, on the landscape and countryside and on road traffic generation than the Applicant's proposals for the whole of EMP90²⁰. If correct, this is directly relevant evidence that a less

¹⁷North West Leicestershire District Council, Additional and Updated Employment Site Assessments (September 2025), EMP90 assessment, Factual Update (September 2025), item 1.

¹⁸EMAGIC Community Forum, Notes, 20 February 2026.

¹⁹EMAGIC Community Forum, Notes, 20 February 2026: "Overall, this position demonstrates strong market interest in the site and the region."

²⁰Correspondence from C. Cain, 22 February 2026, characterising the EMA/Prologis proposals for part of the EMP90 site.

environmentally damaging means of meeting at least part of the identified need exists, located on part of the very site that the Applicant says offers no reasonable alternative.

- Third, the existence of two separate applications – the Applicant’s DCO, covering the whole of EMP90 including the land that is also the subject of the EMA/Prologis application, and the EMA/Prologis application itself, proceeding (at the time of writing) through NWLDC’s ordinary development management process – raises a direct question of interoperability that the Council understands has already been identified by the Examining Authority as an issue for discussion at Issue Specific Hearing 1²¹. The Council does not seek to resolve that question in this representation, save to observe that the existence of a competing, smaller-scale, more locally accountable application for part of the same land is itself evidence that the ‘no reasonable alternative’ conclusion in Chapter 4 of the Environmental Statement cannot be correct, at least in relation to that part of the site.

13. Conclusions on Alternatives

13.1 For the reasons set out above, the Parish Council does not consider that the Applicant’s consideration of alternative sites, as set out in Chapter 4 of the Environmental Statement, discharges the requirements of Regulation 14(2)(d) of the EIA Regulations. In summary:

- the Applicant’s starting proposition – that only a site closely related to East Midlands Airport and EMG1, within the Freeport designation, can offer a reasonable alternative – is a commercial and policy framing, not a functional or environmental one, and forecloses the comparative assessment that Regulation 14(2)(d) requires;
- NWLDC’s own Sustainability Appraisal evidence does not identify EMP90 as a strong-performing site; on the contrary, it records significant adverse scores across landscape, land-use efficiency, town and village centre, and air/light/noise objectives, with the site’s Freeport status appearing to be the principal factor distinguishing it from other, more favourably-scoring sites;
- the procedural history of EMP90’s inclusion within the East Midlands Freeport does not disclose any structured, published consideration of alternative parcels, and EMP90’s inclusion within NWLDC’s emerging Local Plan post-dates, and appears to respond to, the DCO process rather than to have tested it;
- the exclusion of the other two East Midlands Freeport sites (Ratcliffe-on-Soar and EMIP Burnaston) from the alternatives assessment, on the basis that all three Freeport sites are intended to come forward, is circular and does not address whether those sites could meet the identified need with materially less environmental harm – which, on the evidence available, they appear capable of doing;
- the comparative assessment of land south of the Kegworth Bypass does not extend to the environmental topics – ecology, landscape, noise, air quality – that are most directly in issue for EMP90 given its proximity to Diseworth; and
- the EMA/Prologis scheme for part of EMP90 itself provides direct evidence that a materially smaller, less harmful scheme, capable of being delivered through ordinary

²¹Submission of Protect Diseworth (IP F3E6B1906), Issue Specific Hearing 1, 11 March 2026, paragraph 4 (Interoperability).

planning processes, exists for at least part of the site, undermining the conclusion that no reasonable alternative to the Applicant’s proposals exists.

13.2 The Council respectfully submits that, taken together with the concerns regarding the need case set out in Part 1, these matters represent a significant gap in the evidence base before the Examination, and one that goes to the heart of the planning balance. The Council requests that the Examining Authority require the Applicant to provide a structured, criteria-based comparative assessment of the alternatives identified above (and any others the Examining Authority considers relevant), addressing environmental effects on a like-for-like basis, before the Examination concludes.

PART 3: ROAD TRAFFIC IMPACT

14. Introduction

14.1 This Part 3 of Kegworth Parish Council’s (“the Parish Council”) submission addresses the impact of the Proposed Development on the road network, and in particular on the M1 Junction 24 and Finger Farm Roundabout (Junction 23A) corridor on which Kegworth depends for access to the M1, the A453 and the wider Strategic Road Network (“SRN”).

14.2 This submission on behalf of the Council adopts and relies upon the technical analysis set out in SCP’s Technical Note 04 (reference SC/SP/251399/TN04 – Rev4.0, dated 28 April 2026) (“TN04”), prepared on behalf of East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (“EMA/EMIAL”) and submitted as Appendix 1 to their Deadline 3 submission. While EMA/EMIAL’s interest in the Proposed Development is distinct from that of the Parish Council, the deficiencies in the Applicant’s traffic and transport case identified in TN04 are of direct and, in some respects, even greater relevance to Kegworth, given the village’s reliance on the same junctions for everyday access.

14.3 The remainder of this section (i.e. Part 3) of the Council’s representation therefore addresses:

- the internal inconsistency in the Applicant’s case for the highway works, including the traffic generation assumptions which underpin it (paragraph 15);
- the lack of mitigation at junctions on Kegworth’s principal access routes (paragraph 16);
- the ineffectiveness of the mitigation proposed at M1 Junction 24 (paragraph 17);
- the cumulative impact of the approved Finger Farm employment development at Junction 23A, which the Parish Council does not consider has been properly addressed (paragraph 18);
- construction phase impacts (paragraph 19); and conclusions (paragraph 20).

15. An Inconsistent and Unclear Case for the Highway Works at Junction 24

15.1 As TN04 identifies, the Applicant’s case for the scale of the highway works proposed at M1 Junction 24 is unclear and, at times, internally inconsistent. It is not clear whether the Junction 24 works are intended as mitigation for the Proposed Development, or whether they are of a scale designed to enable wider growth properly attributable to other developments, including Isley Woodhouse and the Ratcliffe-on-Soar Power Station site (TN04 paragraphs 7.2 to 7.6).

15.2 This matters to Kegworth because the Junction 24 works, and the associated Kegworth Bypass corridor (A453/A6), form part of the immediate environment of the village. Residents are entitled to know what is actually being delivered as a consequence of EMG2, when, and on what basis – rather than for EMG2 to be presented as the vehicle for a much larger, and as yet unconsented, strategic scheme (see paragraph 17.4 below). If that wider scheme does not proceed in the form or on the timescale assumed, Kegworth risks being left adjacent to a part-completed junction carrying additional EMG2-related traffic without the benefit of the full mitigation on which the Applicant's case depends.

15.3 A further, and more fundamental, uncertainty underlying the highway works in this element of the Council's submission is the scale of traffic the Proposed Development is itself assumed to generate. The Transport Assessment tests EMG2 on the basis of some 430,000 sqm of floorspace for transport purposes (340,000 sqm B8 at EMG2, including 100,000 sqm of mezzanine, plus 30,000 sqm B8 at EMG1 Plot 16 and 60,000 sqm B2 at EMG2), generating 929 two-way trips in the AM peak and 1,065 in the PM peak, including 174 and 155 HGV trips respectively. No employee-number assumption has been identified in the available material, notwithstanding its direct relevance to parking demand, shift patterns and peak-hour interactions with the airport.

15.4 TN04 records that a further 100,000 sqm of mezzanine floorspace at EMG2 is not fully assessed as conventional traffic-generating floorspace, and that if it were so assessed it could add a further 176 AM and 220 PM two-way trips; and that, if the advanced manufacturing element of the scheme (some 20% of the development) were tested against alternative trip rates together with this additional mezzanine, the uplift could be of the order of 788 AM and 454 PM trips (TN04 [paragraph reference to be confirmed]). If the highway works at Junctions 23A and 24 addressed in this Part 3, and the viability appraisal addressed in Part 4, have been sized and costed on the basis of the lower, 430,000 sqm figure, the Parish Council submits that the ExA should require the Applicant to demonstrate that the works (and their cost) remain adequate on the higher trip generation figures TN04 identifies as plausible, including by way of an enforceable cap on vehicle trips by plot and for the development as a whole, with monitoring and consequences for breach.

16. Lack of Mitigation at Junctions on Kegworth's Access Routes

16.1 TN04 identifies several junctions on the local network, used by Kegworth residents and by through-traffic on routes that pass close to the village, for which no effective mitigation is proposed. Using the numbering the Traffic Impact Assessment they are

- (i) *Junction 8 (A453/The Green Priority Junction)*: the without-development queue on the minor arm of 5.9 pcus (33m) is forecast to increase to 122.9 pcus (706m) in 2028, and to 172 pcus (989m) in 2038 – “which essentially queues all the back towards the village of Diseworth”, immediately adjacent to Kegworth (TN04 paragraphs 4.31 to 4.38). No physical mitigation is proposed; the Applicant instead relies on traffic re-routing via Finger Farm Roundabout and the A42, the scale of which has not been demonstrated (TN04 paragraph 4.31 and 4.37).
- (ii) *Junction 9 (A453/East Midlands Airport Roundabout)*: forecast to operate over theoretical capacity even without the development (RFC 1.11 in 2038), with queues extending beyond the available storage towards Junction 10 (A453/Walton Hill signal junction) on the strategic corridor used by Kegworth – and worsening further with the

addition of development traffic. No physical mitigation is proposed (TN04 paragraphs 4.39 to 4.43).

(iii) *Junction 2 (A453/Beverley Road Roundabout)*: no modelling results whatsoever have been provided for this junction, despite it forming one of the key access points to the Airport and business park (TN04 paragraphs 4.27 to 4.28).

16.2 The Parish Council is concerned that traffic displaced from these junctions – whether by re-routeing assumptions built into the Applicant’s model, or simply by drivers seeking to avoid the queues described above – has the clear potential to find its way onto local roads through and around Kegworth, including the Kegworth Bypass, without this having been assessed.

16.3 The assessment at Junction 9 (A453/East Midlands Airport Roundabout) referred to at paragraph 16.1(ii) above does not appear to test the effect of forecast growth in airport activity itself. EMA’s evidence is that the airport has no rail link and depends on road access via, among others, M1 Junction 24, Finger Farm Roundabout and the A453/East Midlands Airport Roundabout for the entirety of its passenger and cargo operations, which operate on a 24/7 basis. Given that Junction 9 is already shown to operate over theoretical capacity in the 2038 future baseline before any EMG2 traffic is added, the Parish Council submits that the Applicant should be required to test a sensitivity scenario reflecting credible airport growth (of the order of 10 million passengers per annum and 650,000 tonnes of freight), including associated staff, taxi, HGV and seasonal passenger peak movements, so that the true cumulative pressure on this junction – relied upon daily by Kegworth residents – can be understood.

17. The Mitigation Proposed at M1 Junction 24 Has Not Been Shown to Be Effective, and May Worsen Safety on the Corridor Adjoining Kegworth

17.1 M1 Junction 24 sits immediately to the east of Kegworth, and the Kegworth Bypass (A453/A6) forms part of the same corridor. TN04 identifies serious and, on the Applicant’s own evidence, unresolved concerns about the operation of this junction with the Proposed Development in place.

17.2 Without mitigation, the Stage 1A modelling shows the mean maximum queue on the M1 southbound off-slip (A50) increasing from 38m to 669m in the 2028 AM peak as a result of the development (TN04 paragraph 4.5). With the Applicant’s proposed mitigation in place (Stage 2A), that queue increases further still, to 1140m – i.e. the proposed mitigation results in a longer queue than would arise without it, a result TN04 describes as not logical and for which no explanation has been provided by the Applicant (TN04 paragraphs 4.12 to 4.13).

17.3 TN04 records that this increase is sufficient for the queue to reach the mainline of the M1 itself, both in 2028 and, to a greater extent, in 2038 (TN04 paragraphs 4.14 to 4.18), which TN04 states should not be expected of any development (“We would not expect the development to queue back onto the mainline of any motorway” – TN04 paragraph 4.18). A queue reaching the M1 mainline immediately adjacent to Kegworth represents a direct and serious road safety risk to all users of that section of motorway and the Kegworth Bypass, including Kegworth residents.

17.4 TN04 further records that the Applicant’s 2019 VISSIM modelling and the more recent 2023 PRTM-based sensitivity testing produce materially different results for this same approach, without explanation, and that confirmation has not been provided as to why the more recent, validated 2023 model is not being relied upon (TN04 paragraphs 3.4 to 3.6).

Given that this discrepancy goes to the heart of the safety case for the junction immediately adjacent to Kegworth, the Parish Council submits that it must be resolved – with the underlying traffic flow data and modelling files made available to Interested Parties – before the ExA could properly be satisfied as to the acceptability of the Junction 24 proposals.

17.5 TN04 also records that National Highways regards the Junction 24 mitigation as part of a wider strategic solution being developed by a consortium of developers (including the Applicant, the operator of the power station site, and the developers of a proposed new village), the design and modelling of which has not yet been agreed (TN04 paragraphs 6.9 to 6.12). The Parish Council's concern, addressed further in Part 4 below, is that the effectiveness of the mitigation on which Kegworth's safety depends therefore appears to be contingent on a scheme that is neither consented nor fully costed.

17.6 The Parish Council further notes that, beyond the 2019/2023 modelling discrepancy addressed at paragraph 17.4 above, EMA/SCP record that the underlying M1 Junction 24 VISSIM model input data and methodology have not been made available to them at all, such that the queue figures discussed above could not be independently checked by EMA's own consultants. Given that the Applicant's strategic case depends on these models demonstrating an overall benefit to the SRN, while the figures extracted by SCP suggest serious residual or worsened queuing on the J24 southbound off-slips, the Parish Council submits that full disclosure of the model files and methodology to Interested Parties is a precondition of the ExA being able to resolve this dispute.

17.7 The wider strategic scheme referred to at paragraph 17.5 above is, on the Applicant's own case, intended in part to accommodate growth associated with the Ratcliffe-on-Soar Power Station redevelopment and other committed and draft Local Plan development. However, the material available to the Parish Council does not isolate the queue-length effect of the Ratcliffe-on-Soar development alone at Finger Farm Roundabout (Junction 23A) or Junction 24, with and without the proposed new M1-to-A50 slip road and the other Junction 24 works. Without that decomposition, neither the ExA nor the Parish Council can understand how much of the benefit claimed for the Junction 24 mitigation is attributable to addressing EMG2's own impact, as opposed to creating capacity for this and other separate, and separately consentable, development. The Parish Council requests that the Applicant be required to provide a Ratcliffe-specific sensitivity or decomposition for both junctions.

18. The Cumulative Impact of the Approved Finger Farm Employment Development at Junction 23A Has Not Been Addressed

18.1 Finger Farm Roundabout (M1 Junction 23A) is identified in TN04 as a junction through which a significant proportion of traffic to and from the Proposed Development will pass, including traffic arriving from the south via the M1 and A42, which the Applicant's own evidence indicates would exit the M1 at Junction 23A to access Finger Farm Roundabout and the site (TN04 paragraph 4.26). Despite this, TN04 records that no mitigation is proposed at Finger Farm Roundabout in the EMG2 application, notwithstanding that the earlier Prologis application – for a materially smaller development – identified the need for mitigation at this same junction (TN04 paragraphs 4.29 to 4.30).

18.2 The Parish Council is not aware of any assessment by the Applicant of the cumulative effect of EMG2 at Finger Farm Roundabout together with the employment development at the former Finger Farm site itself (drawing reference 754-CPA-ZZ-ZZ-DR-A-0102, planning

reference 22/01939/VCUM, comprising three employment units (EMP01–EMP03) with a combined gross external area of approximately 6,885 sqm and 231 car parking spaces, accessed directly from the Finger Farm Roundabout via a new signal-controlled pedestrian/cycle crossing on the A453).

18.3 This omission is significant for four reasons:

- First, the Finger Farm development is, on the evidence available to the Parish Council, a committed scheme generating its own vehicular trips through Finger Farm Roundabout, in addition to those generated by EMG2.
- Second, the new signal-controlled crossing associated with that development introduces an additional operational constraint on the roundabout – a signal stage competing for capacity with the additional EMG2 traffic – which does not appear to feature in the Applicant’s assessment of Finger Farm Roundabout (to the extent any such assessment exists; see paragraph 18.1 above).
- Third, TN04 records that the Applicant’s proposed M1-to-A50 link road at Junction 24 is said to divert traffic away from Finger Farm Roundabout, but that no data has been provided on the scale of that diversion (TN04 paragraphs 4.26 and 4.29), so it is not possible to verify whether any beneficial effect of that diversion would offset, or would be overwhelmed by, the combined additional traffic from EMG2 and the Finger Farm development.
- Fourth, and separately from its traffic generation and the signal-controlled crossing addressed above, the Finger Farm development itself introduces an additional arm onto Finger Farm Roundabout.

Finger Farm Roundabout is already a complex, multi-arm junction carrying significant strategic M1/A453/A50 movements; the addition of a further arm increases the number of conflicting traffic movements and, taken together with the new signal-controlled crossing referred to above, increases the number of stages that any future signal-based control of the roundabout would need to accommodate. This materially constrains the scope for effective signal-phasing mitigation of the congestion and delay already identified at this junction, over and above the trip generation effects of the Finger Farm development considered separately above.

18.4 In short, two substantial traffic generators – EMG2 and the Finger Farm employment development – converge on the same roundabout, on the same approach used daily by Kegworth residents travelling to and from the M1 and the wider SRN, and (so far as the Parish Council can establish) without any combined assessment of their effects having been undertaken.

18.5 The Parish Council therefore requests that the Applicant be required to:

- (i) confirm whether the Finger Farm employment development (including its associated signal-controlled crossing) has been included as committed development within the traffic models underpinning the EMG2 Transport Assessment, and if so, on what trip generation and distribution assumptions;
- (ii) if it has not been so included, to rerun the relevant assessments of Finger Farm Roundabout – and, given the interrelationship identified in TN04 paragraph 4.26, of Junction 24 – to incorporate it; and

- (iii) provide the traffic flow diagrams referred to at TN04 paragraphs 2.4 and 4.26, so that the cumulative position at Finger Farm Roundabout can be properly understood by the ExA and Interested Parties, including the Parish Council.

19. Construction Phase Impacts on Kegworth

19.1 TN04 records that the information provided by the Applicant on construction phase impacts is inadequate, that the Construction Traffic Management Plan does not address off-site mitigation works, and that overnight closures of the M1 – for example to relocate gantries at Junction 24 – are of particular concern (TN04 paragraphs 5.2 to 5.8 and 5.21).

19.2 Given Kegworth's immediate proximity to Junction 24 and the M1, any such works will be experienced directly by the village, whether through noise, lighting, or diversion of traffic onto local roads while the M1 or Junction 24 is affected. The Parish Council adopts TN04's request (Appendix 3, items 5 and 8) for a proper construction programme and assessment of construction traffic impacts before, rather than after, the Order is confirmed.

19.3 The Parish Council further notes TN04's conclusion that the Stage 1 Road Safety Audit for the Junction 24 and associated works is invalid, having been carried out without an approved audit brief and without consideration of all relevant design information, including in relation to departures from standard affecting the M1 northbound exit slip and entry curvature at Junction 24, and the bridge clearance over the A453 on the M1NB–A50WB interchange link (TN04 paragraphs 8.40 to 8.49). These are precisely the safety matters of most direct concern to a village situated immediately adjacent to this junction, and the Parish Council does not consider they can properly be left to be resolved after consent is granted.

19.4 The TA's construction traffic estimate of 108 two-way AM peak trips and 107 two-way PM peak trips (covering EMG2, EMG1 and the highway works) is itself focused on the standard commuter peak hours. Given that East Midlands Airport's cargo operations are 24/7 and night-time sensitive, and that TN04 identifies overnight M1 closures at Junction 24 – for example to relocate gantries – as a particular concern (paragraph 19.1 above), the Parish Council submits that a construction traffic and road-closure assessment confined to the AM/PM commuter peaks is likely to understate the impact on both the airport and Kegworth, and that a night-time and weekend assessment should be required as part of the construction programme sought at paragraph 19.2 above.

20. Conclusion on Part 3

20.1 For the reasons set out in TN04, and amplified above by reference to Kegworth's particular circumstances, the Parish Council does not consider that the Applicant has demonstrated that the highway and traffic impacts of the Proposed Development – in particular at M1 Junction 24 and at Finger Farm Roundabout (Junction 23A), both critical to Kegworth's access and amenity – have been adequately assessed or would be adequately mitigated.

20.2 Until the matters identified at paragraphs 15 to 19 above are resolved – including, in particular, the cumulative effect of the Finger Farm employment development at Junction 23A – the Parish Council submits that the ExA cannot properly be satisfied that the Proposed Development would not give rise to an unacceptable impact on highway safety for the purposes of paragraph 116 of the National Planning Policy Framework (December 2024), nor that the scale, location and timing of the highway works proposed at Junctions 23A and 24 are justified.

PART 4: VIABILITY: THE COSTS OF HIGHWAY MITIGATION AT M1 JUNCTIONS 23A AND 24

21. Introduction

21.1 This Part 4 addresses the relationship between (i) the highway mitigation works required at Junctions 23A and 24, as discussed in Part 3 above and in TN04, and (ii) the Applicant's case on viability and on the justification for the compulsory acquisition ("CA") of third-party land, including agricultural land within the Parish.

21.2 Under section 122 of the Planning Act 2008, the Secretary of State must be satisfied, among other things, that there is a compelling case in the public interest for the inclusion of CA powers in the Order, having regard to the purposes for which the land is required and to all those affected. The deliverability and viability of the scheme – including its ability to fund the highway works on which its acceptability depends – is plainly relevant to that exercise.

21.3 In the context of its case on viability and compulsory acquisition, the Applicant has represented that the Proposed Development is expected to deliver a return of approximately 15.9% Reference REP1-028D / DCO 4.6, *Summary of Viability Appraisal*, paragraphs 10 and 13; see also paragraphs 14–15. The Parish Council's concern, developed below, is that this figure does not appear to take account of the full cost of the highway mitigation at Junctions 23A and 24 that Part 3 and TN04 demonstrate is necessary – nor of the cost consequences if that mitigation, as currently proposed, proves ineffective and has to be revisited.

22. The Scale of the Highway Works at Junctions 24 and 23A Is Substantial

22.1 TN04 paragraph 4.10 sets out the mitigation package proposed at M1 Junction 24, comprising:

- construction of a new free-flow link road from the M1 northbound to the A50 westbound, crossing over the A453, with associated A50 westbound merge alterations (DCO Works Nos. 9 and 10);
- widening of the A50 eastbound link at Junction 24 and other related works and traffic management measures (DCO Work No. 11);
- alteration of the west side of the Junction 24 roundabout, including additional running lanes and removal of a segregated left-turn lane (DCO Work No. 12a);
- signing and lining amendments on the east side of the Junction 24 roundabout and the A453 southbound approach (DCO Work No. 12b);
- provision of a new M1 northbound exit to the A50, with associated gantry, signage, signal and road marking improvements on the M1 (DCO Work No. 8); and
- signage changes on the M1 northbound before Junction 23A (DCO Work No. 16).

22.2 Works of this character – a new grade-separated link road crossing a classified road, alterations to a motorway junction including gantries, signals and signing, and associated land take – represent major strategic highway infrastructure. The Parish Council notes that the cost of comparable schemes elsewhere typically runs into many tens if not hundreds of millions of pounds, and submits that the cost of this package, properly and fully assessed, should be a material input to the viability appraisal that underpins the Applicant's case on CA.

22.3 At Finger Farm Roundabout (Junction 23A), TN04 paragraph 4.29 records that the Prologis application – for a smaller development – was found to require mitigation at this junction. As set out in Part 3 above, EMG2, together with the cumulative effect of the approved Finger Farm employment development, represents a materially larger source of traffic at this junction than the Prologis scheme, yet no cost for mitigation at Junction 23A appears to feature in the scheme as currently presented.

23. The Applicant’s Own Evidence Indicates the Junction 24 Mitigation May Not Be Effective, With Consequent Cost Implications

23.1 As set out at paragraph 17 above, TN04 paragraphs 4.12 to 4.18 record that, even with the Applicant’s proposed mitigation in place, queues on the M1 southbound off-slips increase substantially – to 1140m and 1722m respectively in 2028 – and extend back onto the mainline of the M1. On the Applicant’s own modelling, therefore, the mitigation package costed (on whatever basis it has been costed) does not achieve an acceptable outcome.

23.2 If, as a result of the matters raised in Part 3, the ExA or Secretary of State were to require further or different mitigation at Junction 24 and/or Junction 23A as a condition of confirming the Order, the cost of that additional mitigation would itself need to be reflected in the viability case. It is not sufficient, in the Parish Council’s submission, for the claimed 15.9% return to be calculated solely by reference to the mitigation package as currently described in the application documents; it must be tested against a mitigation package that is actually capable of delivering an acceptable safety outcome at both junctions.

24. The Junction 24 Mitigation Appears to Depend on a Wider, Unconsented and Uncosted Strategic Scheme

24.1 TN04 paragraphs 6.9 to 6.12 record National Highways’ position that the Junction 24 mitigation forms part of a wider strategic solution being developed by a consortium of developers – including the Applicant, the operator of the Ratcliffe-on-Soar power station site, the proposed developers of a new village, and other landowners – the design and junction modelling for which has not yet been agreed.

24.2 If, as this evidence suggests, the Junction 24 works forming part of the EMG2 application are in substance a component of (or a contribution towards) that wider strategic scheme, the Parish Council submits that:

- (a) the viability appraisal should make clear what proportion of the total cost of the wider scheme is attributable to, and being funded by, EMG2, and the basis on which that apportionment has been calculated; and
- (b) the ExA should be satisfied that the wider scheme – on which the effectiveness of the EMG2 mitigation appears to depend – is itself realistically deliverable and funded, and is not contingent on land (including land within the Parish) being brought forward through CA powers sought under this Order without the cost of that land, or of the works it would enable, having been reflected in the viability case for EMG2.

25. Relevance to the Compulsory Acquisition Case

25.1 The Applicant’s case for CA rests, in part, on the proposition that the scheme is viable and deliverable and that the public benefits it would bring outweigh the harm caused by the

compulsory acquisition of private land. The figure of 15.9% (DCO 4.6 Summary of Viability Appraisal) appears to be relied upon as part of that case.

25.2 If that figure has been calculated without including: (a) the full cost of the mitigation at Junction 24 necessary to achieve an effective – rather than merely modelled – outcome (paragraph 23 above); (b) any cost attributable to mitigation at Finger Farm Roundabout (Junction 23A) made necessary by EMG2 and its cumulative effect with the Finger Farm employment development (Part 3 above); and (c) EMG2’s proper share of the cost of the wider Junction 24 strategic scheme on which its own mitigation depends (paragraph 24 above); and (d) the cost consequences, for the highway works addressed in paragraphs 15.3 to 15.4 above, if the Proposed Development’s traffic generation proves to be materially higher than the 430,000 sqm basis on which the application has been assessed – then, in the Parish Council’s submission, the figure overstates the viability of the scheme as actually required to be delivered, and correspondingly understates the resource burden the scheme places on the public highway network and on those whose land is sought for it.

25.3 Were those costs to be included, and the resulting return materially lower, this would be directly relevant to two matters which the Secretary of State must weigh: first, whether the scheme remains viable at all without recourse to CA – that is, whether CA is in substance being used to avoid costs that a viable scheme would otherwise have to bear; and second, the weight properly to be given to the Applicant’s case that the public benefits of the scheme outweigh the harm done by CA, including the harm to landowners and to the amenity of residents of the Parish.

26. Request

26.1 The Parish Council requests that the ExA require the Applicant to produce, and make available to Interested Parties, a revised viability appraisal which:

- (i) incorporates the full, properly costed mitigation package required at Junction 24 – including any additional measures needed to address the queuing onto the M1 mainline identified at TN04 paragraphs 4.12 to 4.18 – and at Finger Farm Roundabout (Junction 23A), including the cumulative effect of the Finger Farm employment development identified in Part 3 above;
- (ii) sets out EMG2’s apportioned share of the cost of the wider Junction 24 strategic scheme referred to at TN04 paragraphs 6.9 to 6.12, and the basis for that apportionment;
- (iii) discloses the resulting rate of return on the Proposed Development, for comparison against the approximately 15.9% figure relied upon by the Applicant [reference to be confirmed]; and
- (iv) confirms whether, and if so how, the mitigation package and cost addressed at (i) above remain adequate if the Proposed Development’s traffic generation is materially higher than the 430,000 sqm basis tested, having regard to the matters identified at paragraphs 15.3 to 15.4 above.

26.2 Pending receipt of that information, the Parish Council submits that the ExA and Secretary of State cannot be satisfied that the statutory tests for the confirmation of compulsory acquisition powers under this Order are met.

27. Conclusion on Part 4

27.1 The costs of the highway mitigation at Junctions 23A and 24 are not a peripheral matter: on the Applicant's own evidence (TN04), that mitigation is central to whether the Proposed Development gives rise to an unacceptable impact on highway safety, and its delivery appears to depend on a wider scheme that is neither agreed nor costed. The Parish Council submits that those costs must be transparently and fully reflected in the viability case before any conclusion can properly be reached on the compelling case in the public interest for compulsory acquisition.

28. Conclusions and Next Steps

28.1 This representation has set out the Parish Council's concerns across all four areas identified in Section 1 above: the case of need for the scale of development proposed at EMG2/EMP90 (Part 1); the adequacy of the Applicant's consideration of alternative sites (Part 2); the road traffic impact of the Proposed Development on the M1 Junction 24/Finger Farm Roundabout corridor and on Kegworth's access routes (Part 3); and the consequences for scheme viability, and for the Applicant's case on compulsory acquisition, of the highway mitigation that Part 3 and TN04 demonstrate is required (Part 4). The Council's conclusions on each of these matters, and its requests to the Examining Authority, are set out in Sections 6, 13, 20 and 27 above respectively.

28.2 Taken together, the Council considers that these matters represent significant gaps in the evidence base before the Examination, going to the heart of both the planning balance that the Secretary of State will be asked to strike and the statutory tests for the confirmation of compulsory acquisition powers. The Council respectfully requests that the Examining Authority require the Applicant to provide the further evidence and analysis identified in this representation before the Examination concludes.

28.3 The Parish Council would welcome the opportunity to discuss any of the matters raised in this representation further at subsequent hearings and reserves the right to supplement or amend this representation in light of the Applicant's responses and any further evidence that becomes available during the Examination.