

Document DCO 7.13 / MCO 7.13

# Applicants' Response to Deadline 2 and 3 Submissions

JUNE 2026

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

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Highway Order 202X and The East Midlands  
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Order 202X**

**APPLICANTS' RESPONSE TO DEADLINE 2 AND 3  
SUBMISSIONS**

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# **1 Introduction**

- 1.1 This document relates to the applications for a second phase at East Midlands Gateway Logistics Park (EMG1), being an application for a Development Consent Order (DCO) made by SEGRO Properties Limited (DCO Applicant) and an application for a Material Change Order (MCO) made by SEGRO (EMG) Limited (MCO Applicant). The DCO Applicant and the MCO Applicant are together the "Applicants".
- 1.2 This document has been prepared by the Applicants to set out their response to the submissions made by interested parties submitted to the Examining Panel (ExP) at Deadlines 2 and 3. This document is submitted at Deadline 4 of the Examination.

## 2 Applicants' Response

2.1 The Applicants' response is set out in the following appendices:

<b>Interested Party</b>	<b>Appendix</b>
<b>Local and Highway Authorities</b>	
North West Leicestershire District Council (NWLDC)	1
Leicestershire County Council (LCC)	2
National Highways (NH)	3
<b>Parish Councils</b>	
Long Whatton and Diseworth Parish Council	4
<b>Local Interest Groups</b>	
Protect Diseworth	5
<b>Landowners and persons with an interest in land</b>	
Prologis UK Limited and Prologis UK 121 Limited (Prologis)	6
East Midlands International Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (EMA)	7

2.2 Where a response refers to an annexure, this can be found at the end of this document. Annexures are numbered using letters (A, B, C, etc.).

2.3 Further, in the interests of efficiency, it should be noted that:

- (a) the Applicants have not sought to respond to every point made by every interested party at Deadlines 2 and 3. Some of the points repeat earlier points or do not require a response;
- (b) where the same or similar points are raised in multiple instances, the Applicants do not repeat the same response; and
- (c) where the same point has been made in previous submissions, the Applicants refer to their previous responses, rather than repeating them again in this document.

## APPENDIX 1

### RESPONSE TO SUBMISSIONS MADE BY NWLDC

Submissions received at Deadline 3 [REP3-057]		
No.	Matter	Applicants' Response
1.	<p><b>Emerging North West Leicestershire Local Plan</b></p> <p>Question 1.1 of the First Written Questions of the Examining Panel ('ExP') requires NWLDC to update the ExP on the status of the emerging North West Leicestershire Local Plan ('emerging Local Plan').</p> <p>In this respect, at the Local Plan Committee ('LPC') of 22nd April 2026, the policy wording to be associated with the EMP90 site allocation (Land South of East Midlands Airport (EMA)) within the emerging Local Plan was agreed by Members. The wording associated with this policy is submitted as appendix 1 for the attention of the ExP.</p> <p>At this time, the minutes of the LPC of 22nd April 2026 where the policy wording for EMP90 was discussed are yet to be finalised and published, therefore they will be submitted to the ExP as part of Examination Deadline 4 (unless requested earlier by the ExP).</p>	The Applicants note the response.
2.	<p><b>Applicants' Response to Deadline 1 Submissions (DCO 7.12)</b></p> <p>NWLDC reserves its position on the responses provided by the Applicants within the above document until they have been subject to detailed review. However, it is considered relevant and helpful, at this time, to provide a response to the following matter where clarification has been requested by the Applicants.</p>	The Applicants note the response.

3.	<p><b>Question 19.0.25 – Sustainable Transport Strategy from the First Written Questions of the ExP</b></p> <p>In responding to the response of NWLDC to Q19.0.25, the Applicants have requested clarification on NWLDC’s view that there should be a requirement for 6-month bus passes for employees, when accounting for the approach to the Sustainable Transport Strategy (‘STS’) adopted as part of East Midlands Gateway 1 (‘EMG1’).</p> <p>As part of planning permissions associated with ‘major’ residential, commercial or employment developments, the associated Section 106 agreements typically secure a 6-month bus pass (and not a 1-week taster bus pass) as a means of encouraging the use of public (sustainable) transport by residents and / or employees. Such a 6-month bus pass would be funded by the developer and would be offered to all residents and / or employees.</p> <p>This requirement for a 6-month bus pass as part of major development has previously been advised by Leicestershire County Council (‘LCC’) as the Highways Authority and advisors to NWLDC on highway and transportation matters. In these circumstances, NWLDC will defer a response on this matter to LCC. It is noted, however, that the Applicants are content for 6-month bus passes to be a ‘fallback’ position should the targets of any approved STS not be met.</p>	<p>The Applicants note the response and refer to their response to action post hearing point 45 (<b>Document DCO 7.15 / MCO 7.15</b>).</p>
4.	<p><b>Policy</b></p> <p>1. Land to the south of East Midlands Airport, as shown on the Policies Map, is allocated for some 300,000 sqm (excluding mezzanines) of strategic-scale warehousing (Use Class B8) and manufacturing (Use Class B2) with ancillary offices (Use Class E(g)(i)). No more than 20% of the total B2/B8 floorspace will be for manufacturing use. A training centre for use by the site occupiers (Use Class F1(a)) would also be an acceptable use. A subsidiary element of uses falling within Use Classes</p>	<p>The Applicants note the response and confirm that the DCO Application is in accordance with the emerging policy.</p>

	<p>E(g)(ii) and E(g)(iii) and non-strategic warehousing (B8) will be acceptable provided it is clearly demonstrated that:</p> <ul style="list-style-type: none"> <li>(a) significant economic benefits will result; and</li> <li>(b) strategic warehousing will be the predominant use of the site.</li> </ul>	
5.	<p>2. Development of this site will be subject to the following requirements:</p> <ul style="list-style-type: none"> <li>• Masterplan/phasing</li> </ul> <p>A masterplan for the whole site must be submitted to and approved by the Council prior to any planning applications being determined, unless one has previously been approved through a Development Consent Order process. The masterplan will demonstrate how the whole site will be developed in a co-ordinated and comprehensive way, including development phasing.</p> <p>Subsequent planning applications must adhere to the approved masterplan. The justification for any departure from the approved masterplan must be clearly demonstrated.</p> <ul style="list-style-type: none"> <li>• Landscape and Visual Impact</li> </ul> <p>Informed by the findings of a comprehensive Landscape and Visual Impact Assessment (LVIA), proposals for the site will be required to;</p> <ul style="list-style-type: none"> <li>(a) respond positively to, and integrate successfully with, the site's landscape setting;</li> <li>(b) minimise as far as possible the visual impacts of development;</li> <li>(c) provide an extensive landscaped setting for development within the site boundaries. This will include ensuring existing landscape features are retained and enhanced wherever possible and substantial landscape buffers which incorporate native species planting and naturalistic bunding are provided along visually sensitive boundaries including the frontage to A453; and</li> </ul>	<p>The Applicants note that:</p> <p><b>Masterplan/phasing</b></p> <p>The DCO Scheme will be approved pursuant to a development consent order, which proposes a co-ordinated and comprehensive development for the whole site as shown on the Parameters Plan [AS-006D] and Illustrative Landscape Masterplan [APP-040D].</p> <p><b>Landscape and Visual Impact</b></p> <p>The DCO Scheme has been informed by a comprehensive LVIA and the landscape and visual impacts of the DCO Scheme are set out in Chapter 10 - Landscape and Visual – of the Environmental Statement [AS-041]. The Applicants are satisfied that the DCO Scheme is in accordance with the emerging policy.</p> <p><b>Design &amp; Layout</b></p> <p>The DCO Scheme has taken into account the site's topography, including in respect of building heights; has had regard to the guidance from the North West Leicestershire Good Design Guide; achieves visual and physical separation between Diseworth and the development through provision of the Community Park</p>

	<p>(d) deliver the most important elements of landscape mitigation in advance of development.</p> <ul style="list-style-type: none"> <li>• Design &amp; Layout</li> </ul> <p>Proposals for the site will be required to:</p> <ol style="list-style-type: none"> <li>(a) Take full account of the site's topography in the design of the scheme, including building heights;</li> <li>(b) Demonstrate how the guidance from the North West Leicestershire Good Design Guide has been applied to the design of the scheme;</li> <li>(c) Achieve effective and permanent separation, both visual and physical, between Diseworth and the development, including by ensuring substantial areas of land within the site boundary remain free of built development;</li> <li>(d) Maintain and enhance the existing network of Public Rights of Way which coincide with the site and, in addition, expand public access to the countryside in this location; and</li> <li>(e) Ensure that any adverse noise, vibration and visual impacts on residential properties are fully addressed through the scheme's design.</li> </ol> <ul style="list-style-type: none"> <li>• Heritage</li> </ul> <p>Informed by the findings of a comprehensive Heritage Impact Assessment, proposals for the site will minimise any adverse impacts on the significance of heritage assets. This will include securing a countryside setting to Diseworth Conservation Area which maintains the village's legibility as a stand-alone historic settlement set within its agricultural context.</p> <ul style="list-style-type: none"> <li>• Airport</li> </ul> <p>In line with Policy Ec9 – East Midlands Airport: Safeguarding, the design of development, including lighting, solar panels and landscaping,</p>	<p>and western landscaping buffer; maintains, enhances and creates new Public Rights of Way; and ensures that adverse noise, vibration and visual impacts on residential properties are fully addressed. Further details on how the DCO Scheme has been designed and laid out are set out in the Design Approach Document [REP2-022].</p> <p><b>Heritage</b></p> <p>Chapter 12 – Cultural Heritage – of the Environmental Statement [REP3-018] and Appendix 12A – Built Heritage Statement [AS-053] comprise the heritage impact assessment which has informed the design of the DCO Scheme.</p> <p><b>Airport</b></p> <p>The DCO Scheme has had regard to the proximity of East Midlands Airport. Discussions are ongoing between EMA and the Applicants with a view to agreeing protective provisions dealing with aerodrome safeguarding matters.</p> <p><b>Green Infrastructure</b></p> <p>The DCO Scheme incorporates an integrated network of green and blue infrastructure which will achieve enhanced ecological connectivity within the site and provide connections to land beyond the site. See Chapter 10 - Landscape and Visual – of the Environmental Statement [AS-041].</p> <p><b>Surface Water</b></p> <p>Chapter 13 – Flood Risk and Drainage – of the</p>
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<p>its construction and its operation should not adversely affect operations or safety at East Midlands Airport.</p> <ul style="list-style-type: none"> <li>• Green Infrastructure</li> </ul> <p>Development proposals will incorporate an integrated network of green and blue infrastructure that relates to the topography, natural features and existing habitat across the site and surrounding countryside and, where appropriate, extends public access to the countryside in this location. Green corridors will achieve enhanced ecological connectivity within the site and provide connections to land beyond the site.</p> <ul style="list-style-type: none"> <li>• Surface water</li> </ul> <p>The applicant will prepare a site-wide Drainage Strategy, including a site-wide approach to SuDS, which will demonstrate how the following requirements will be met:</p> <ol style="list-style-type: none"> <li>(a) there will be no transfer of flows from one catchment to the other;</li> <li>(b) discharge rates will meet the Lead Local Flood Authority's requirements;</li> <li>(c) any surface water discharging into a watercourse which in turn flows to Lockington Marshes SSSI or Attenborough Gravel Pits SSSI must first be directed through an appropriate SuDS scheme prior to discharge; and</li> <li>(d) existing properties will not be exposed to increased flood risk from any source.</li> </ol> <ul style="list-style-type: none"> <li>• Highways, Transport and Freight</li> </ul> <p>Proposals for the site will be required to;</p> <ol style="list-style-type: none"> <li>(a) Provide for a safe and suitable access from A453;</li> <li>(b) Deliver off-site highway improvements in line with Policy xx;</li> <li>(c) Support sustainable travel choices by businesses, employees and visitors by;</li> </ol>	<p>Environmental Statement [REP3-020] and the Sustainable Drainage Statements for the EMG2 Works, Highway Works and EMG1 Works [APP-149, APP-150 and APP-151] set out how the Applicants have had regard to drainage in the design of the DCO Scheme.</p> <p><b>Highways, Transport and Freight</b></p> <p>The DCO Scheme provides a safe and suitable access from A453; delivers significant off-site highway improvements; will support sustainable travel choices by businesses, employees and visitors by providing an integrated walking and cycling network within the site with connections to existing Public Rights of Way which adjoin the site and making provision for bus services to connect the site with key settlements; and will build on the success of EMG1 to enable occupiers to use East Midlands Gateway Rail Freight Interchange.</p> <p><b>Parking</b></p> <p>The Applicants are satisfied that the DCO Scheme provides for sufficient on-site parking, loading and waiting space to meet all its operational needs.</p>
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	<ul style="list-style-type: none"> <li>a. Providing an integrated walking and cycling network within the site with connections to existing Public Rights of Way which adjoin the site; and</li> <li>b. Providing high-quality, frequent and accessible bus services which connect the site and key settlements, including Castle Donington, Kegworth, Derby and Nottingham.</li> </ul> <p>(d) Demonstrate that occupiers will use East Midlands Gateway Rail Freight Interchange to transport a significant proportion of goods by rail.</p> <ul style="list-style-type: none"> <li>● Parking</li> </ul> <p>Proposals for the site will provide sufficient on-site parking, loading and waiting space to meet the full operational needs of the site.</p>	
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## APPENDIX 2

### RESPONSE TO SUBMISSIONS MADE BY LCC

Submissions received at Deadline 2 [REP2-046]		
No.	Matter	Applicants' Response
1.	<p>The Examining Panel should be made aware that the seven Statements of Common Ground (SoCG) with LCC submitted by the Applicant at Deadline 1 do not reflect the SoCG returned by LCC to the Applicant team with track change comments on 2nd February 2026. This includes the descriptions of matters agreed and not agreed, and RAG ratings. It is understood that the Applicant amended the SoCG prior to submission, but unfortunately documents were not shared with LCC prior to Deadline 1.</p> <p>LCC has provided further comments on seven SoCG to the Applicant prior to Deadline 2 and it is hoped that these are submitted to the Examination by the Applicant in their entirety to assist in supporting the Examining Panel in their understanding of matters agreed, under discussion, and not agreed. LCC submits separately two of these track changed SoCG to support its deadline 2 submission.</p>	<p>The Applicants note the response. The SoCG submitted by the Applicants at Deadline 1 were the Applicants' draft SoCGs as required by the Examination timetable. The Applicants note however that this response has now been superseded by the Exp's Rule 17 letter dated 19 May 2026 [PD-019].</p>
2.	<p>Works Plans Sheet 1 of 4</p> <p>LCC has no comments (other than those made in the responses to the EXP first questions [REP1-088] and Local Impact Report [REP1- 084] regarding Works no 15 (EMA junction uncontrolled crossing)).</p>	<p>The Applicants have worked with LCC to develop a layout for a controlled crossing that can be constructed within the order limits and does not require significant changes to the road layout. A drawing showing the controlled crossing, alongside the uncontrolled crossing, is provided at Annex A. A capacity assessment of this crossing has been produced which confirms that in the very unlikely event there is a crossing demand every cycle, the junction will operate within capacity in all modelled scenarios (i.e. the same modelled scenarios agreed</p>

		<p>with LCC including the sensitivity testing). A copy of this assessment is also provided at Annex A.</p> <p>Whilst the Applicants are not in agreement with LCC that the uncontrolled crossing has significant safety concerns, for the reasons set out at ISH3 (see the Applicants' post hearing submissions set out in Document DCO 7.14 / MCO 7.14), given that LCC's clear preference is for a controlled crossing and that it can be constructed with relatively little additional work over and above an uncontrolled crossing, the Applicants have agreed to amend the EMG2 highway works (Works No. 15) to provide a controlled crossing.</p> <p>Accordingly, the Applicants have updated the Works Plan Sheet 1 (Document DCO 2.3A [REP1-007D]), Components Plan (Document DCO 2.7 [AS-008]) and Highway Plans General Arrangement Sheet 1 (Document DCO 2.8A [REP1-016D]).</p> <p>The Applicants have sought the view of the Road Safety Audit Team on the revised proposal, and a copy of this correspondence is found at Annex B.</p>
3.	<p>Access and Rights of Way Plans Sheet 1 of 2</p> <p>With regard to Hyam's Lane, LCC raised concerns over the mechanism to allow cycle access in conjunction with a PRow to ensure no loss of the PRow from the definitive map in its dDCO comments [REP1-087] submitted at Deadline 1. Additionally, LCC does not wish to adopt the proposed public footpath between points 6 and 16 as set out in its dDCO comments [REP1-087] submitted at Deadline 1.</p>	<p>The Applicants have addressed the concern regarding the definitive map by including reference to footpath status. Revised Access and Rights of Way Plans (Documents 2.4A and 2.4B [REP1-011D] and [REP1-012D]) have been updated and the wording in the draft DCO will be revised at Deadline 5.</p> <p>The Applicants have agreed with LCC that the eastern boundary public footpath can be a permissive path rather than a public footpath. The Applicants have revised the Access and Rights of Way Plan</p>

		(Document 2.4A [REP1-011D]) to show this and the draft DCO will be revised at Deadline 5. The Applicants consider that it is important for this path to be formally shown on the certified plans as a permissive path to give confidence that this path will be made available given it was a clear part of the Applicants' proposals at the statutory consultation.
4.	<p>Access and Rights of Way Plans Sheet 2 of 2</p> <p>With regard to public footpath L57, LCC has raised concerns over the mechanism to allow cycle access in conjunction with a PRow to ensure no loss of the PRow from the definitive map in its dDCO comments [REP1-087] submitted at Deadline 1.</p>	This has been addressed in the same way as confirmed in point 3 above.
5.	<p>Highway Plans General Arrangement Sheet 1 of 4</p> <p>LCC reserves its position on the highway design on the LRN pending resolution of PRTM2023 modelling and final understanding of the impacts on the LRN as set out in its Written Representations [REP1-085]. LCC also notes its comments in the responses to the EXP first questions [REP1-088] and Local Impact Report [REP1-084] regarding Works no 15 (EMA junction uncontrolled crossing).</p>	See the Applicants' response to the Deadline 3 submission below and the response at point 2 above in relation to Works No. 15.
6.	<p>Traffic Regulation Plan</p> <p>As set out in its Written Representations [REP1-085] whilst the LHA is generally content with the proposed traffic regulation orders at this stage, the LHA reserves its position on this matter pending the resolution of PRTM2023 modelling and final understanding of the impacts on the LRN, should any further TROs be required.</p>	The Applicants are continuing to discuss this point with LCC.
7.	<p>A453 Safeguarded Land Plan</p> <p>The extent of the proposed safeguarding does not account for dualling of the A453 to the west of the Beverley Road roundabout along the</p>	This matter is not agreed by the Applicants, but the Applicants will respond further at Deadline 5 having sight of LCC's Deadline 4 submission in response to

	<p>entirety of the EMG2 main site frontage. A revised drawing should be submitted to the Examination.</p>	<p>the action point given to them on this issue at the ISH3.</p>
<p>8.</p>	<p>Appendix 6A – Transport Assessment Part 1 of 10 revision 1</p> <p>Revision P5 dated 2nd April 2025. LCC has taken the tracked changes at face value. LCC has only reviewed the document text at this stage.</p> <p>LCC’s position on matters still under discussion is as set out in LCC’s track changed comments on the Highways and Transport Statement of Common Ground (SoCG) issued to the Applicant on 20th April 2026.</p> <p>Revised paragraph 6.9 states that, ‘The Stage 1 Road Safety Audit (RSA) process has been completed with the RSA and Design Team Response reports and revised drawings agreed with NH and LCC. All geometric departures from standard on the SRN have been approved by NH.’ However, LCC’s response to the RSA is dependent on no further design changes being required due to any modelling concerns and identified impacts on the LRN requiring mitigation.</p> <p>Revised paragraph 6.50 states that the CTMP has been formally agreed by LCC in the SoCG. This is not the case. LCC has concerns as set out in its tracked changes to the SoCG for deadline 2.</p> <p>Amendments to the CTMP are required given network restrictions and to consider the impact of construction of highway works. Revised Paragraph 7.26 includes, ‘Whilst LCountyC agreed the construction traffic numbers there is an outstanding matter in relation to minerals and waste under discussion.’ This matter remains under discussion and LCC have not therefore agreed the construction traffic numbers on this basis.</p> <p>Paragraph 8.29 refers to a PRTM 2023 sensitivity test presented under a separate document. LCC has yet to review this.</p>	<p>The latest position between the Applicants and LCC is set out in the updated SoCG provided at Deadline 4.</p> <p>In relation to the Road Safety Audit, the Applicants response is set out in point 13 below.</p> <p>The CTMP has been updated and reissued at Deadline 4 to take into consideration the recent comments received. Any perceived disconnect in relation to construction traffic numbers was resolved at a meeting held on 29 May 2026 with LCC.</p> <p>The Applicants note that PRTM 2023 sensitivity test related matters remain under discussion with LCC.</p>

9.	<p>Appendix 6A – Transport Assessment Part 2 of 10 revision 1</p> <p>LCC’s position on matters still under discussion is as set out in LCC’s track changed comments on the Highways and Transport SoCG issued to the Applicant on 20th April 2026.</p>	<p>The latest position between the Applicants and LCC is set out in the updated SoCG provided at Deadline 4.</p>
10.	<p>Appendix 6A – Transport Assessment Part 3 of 10 revision 1</p> <p>LCC’s position on matters still under discussion is as set out in LCC’s track changed comments on the Highways and Transport SoCG issued to the Applicant on 20th April 2026.</p>	<p>The latest position between the Applicants and LCC is set out in the updated SoCG provided at Deadline 4.</p>
11.	<p>Appendix 6A – Transport Assessment Part 4 of 10 revision 1</p> <p>LCC’s position on matters still under discussion is as set out in LCC’s track changed comments on the Highways and Transport SoCG issued to the Applicant on 20th April 2026.</p>	<p>The latest position between the Applicants and LCC is set out in the updated SoCG provided at Deadline 4.</p>
12.	<p>Environmental Statement Chapter 18 – Materials and Waste</p> <p>LCC broadly accepts the changes made within the document, but as set out in LCC’s track changed comments on the Materials and Waste SoCG issued to the Applicant on 20th April 2026, further clarification is provided in Technical Notes not yet submitted to the Examination by the Applicant. LCC has requested that the Applicant make these submissions.</p>	<p>The Applicants confirm that materials and waste matters are under discussion as set out in the updated SoCG provided at Deadline 4.</p>
13.	<p>Road Safety Audit 1</p> <p>As set out in its Written Representations [REP1-085] and Local Impact Report [REP1-084] LCC reserves its position on the highway design on the LRN pending resolution of PRTM2023 modelling and final understanding of the impacts on the LRN and any associated mitigation requirements.</p>	<p>The Applicants will review with LCC the need for a supplemental Stage 1 Road Safety Audit following the outcome of discussions with LCC on mitigation measures for Kegworth and Castle Donington.</p> <p>The Applicants note that this, if needed, would be a Stage 1 Road Safety Audit specific to these works and</p>

		does not affect the validity of the original Stage 1 Road Safety Audit.
14.	<p>Design Team Response Document to Road Safety Audit 1</p> <p>As set out in its Written Representations [REP1-085] and Local Impact Report [REP1-084] this has been agreed by LCC on the basis of current highway design, but LCC reserves its position on the highway design on the LRN pending resolution of PRTM2023 modelling and final understanding of the impacts on the LRN and any associated mitigation requirements.</p>	See the response to point 13 above.
<b>Submissions received at Deadline 3 [REP3-058]</b>		
<b>No.</b>	<b>Matter</b>	<b>Applicants' Response</b>
1.	<p>Appendix 6A – Transport Assessment Part 5 of 10 revision 1</p> <p>LCC has reviewed the directional signing strategy. This requires amendments as set out in the comments on REP1-058 below.</p>	See response to point 7 below. The Applicants will update the directional signing strategy if required based on the outcome of the discussions on signage with LCC.
2.	<p>Appendix 6A – Transport Assessment Part 6 of 10 revision 1</p> <p>LCC has reviewed the updated VISSIM LMVR and has no further comments to make.</p>	The Applicants note the response.
3.	<p>Appendix 6A – Transport Assessment Part 7 of 10 revision 1</p> <p>LCC has reviewed the updated VISSIM forecasting report and has no further comments to make.</p>	The Applicants note the response.
4.	<p>Appendix 6A – Transport Assessment Part 8 of 10 revision 1</p> <p>LCC has reviewed the local junction models on the LRN and has no further comments to make.</p>	The Applicants note the response.

5.	<p>Appendix 6A – Transport Assessment Part 9 of 10 revision 1</p> <p>LCC has reviewed the local junction models on the LRN and has no further comments to make.</p>	The Applicants note the response.
6.	<p>Appendix 6A – Transport Assessment Part 10 of 10 revision 1</p> <p>LCC has reviewed the revised COBA assessment and considers that this should be extended to include the former A6 Derby Road, Kegworth based on predicted increases in flows as a consequence of mitigation proposals. Please also see related comments below.</p>	<p>The Applicants have discussed this further with LCC and understand that they are seeking a review of personal injury collisions (PICs) rather than an updated COBA assessment. This PIC assessment will be included with the report referenced in the response to point 7 below post receipt of the formal information from LCC. At the time of writing, the Applicants have now received the PIC data for Kegworth from LCC and are considering the same with a view to responding at Deadline 5.</p>
7.	<p>PRTM 2023 Sensitivity Test Technical Note and Local Road Network Impact Assessment Note</p> <p>LCC has reviewed the BWB 'PRTM 2023 Sensitivity Test Modelling' report dated 1<sup>st</sup> March 2026 and has the following comments:</p> <ul style="list-style-type: none"> <li>• Paragraph 6.4, with regard to mezzanine floorspace, states that Appendix 12 (considered below), 'demonstrates how there would be a negligible increase in traffic along the local road network that would not affect any of the previous modelling and hence conclusions of the TA.' As indicated below, LCC does not fully agree with this conclusion given the increases in traffic flows on the former A6 Derby Road, Kegworth and through the centre of the village of Castle Donington.</li> <li>• Appendix 12 to the report is formed by BWB Technical Note EMG2-BWB-GEN-XX-RP-TR-0042 dated 13<sup>th</sup> March 2026, 'Assessment of Residual Impacts on Local Road Network'. The LHA has the following comments:</li> </ul>	<p>The Applicants have produced a report which reviews the impacts in Kegworth and Castle Donington and sets out proposed mitigation measures. This has been issued to LCC for their review.</p>

	<p><u>Kegworth</u></p> <ul style="list-style-type: none"> <li>• In the 2038 morning peak hour, the traffic flow on Derby Road, Kegworth (former A6), is forecast to increase by 163 vehicles to 1,450 vehicles.</li> <li>• The Technical Note sets out that, 'The increase of 163 trips relates entirely to background reassignment and there are no vehicles from the EMG2 development predicted to use Derby Road. It is therefore a localised effect of re-assignment that will have benefits on the surrounding local highway network'.</li> <li>• However, LCC considers that this is a significant hourly increase in flows brought about by the development proposals which requires mitigation. LCC have requested that the Applicant designs a scheme of mitigation, and LCC awaits submission.</li> </ul> <p><u>Castle Donington</u></p> <ul style="list-style-type: none"> <li>• In the 2038 morning peak hour the flow of vehicular traffic on the Castle Donington bypass is predicted to increase by 73 vehicles to 1,453 vehicles. During the same period, the flow of traffic on High Street, Castle Donington, is predicted to increase by 52 vehicles to 478 vehicles.</li> <li>• LCC is concerned that all through-traffic is not predicted to use the bypass to the detriment of the community of Castle Donington.</li> </ul> <p>As set out in LCC's response to Q19.0.5 of the EXP first questions [REP1-088], 'LCC awaits confirmation from the Applicant of what existing signage on the Local Road Network (LRN) is proposed to be amended, and what additional signing is to be provided to encourage use of the Castle Donington Relief Road.'</p>	
8.	<p>EMFM 2019 Sensitivity Test</p> <p>LCC notes that this assessment was undertaken at the request of National Highways and has no comments to make.</p>	<p>The Applicants note the response.</p>

## APPENDIX 3

### RESPONSE TO SUBMISSIONS MADE BY NH

Submissions received at Deadline 2 [REP2-048]		
No.	Matter	Applicants' Response
2.1	<p>Further progress has been made since NH's submission at Deadline 1. All technical matters relating to the modelling and design of the SRN mitigation works are now agreed, with the exception of Biodiversity Net Gain and Departures from Standard Approval. This is reflected in the Statement of Common Ground, which is to be submitted by the Applicants at Deadline 2. Specifically, the Applicant's standalone modelling of the proposed EMG1 changes (MCO) has been reviewed and NH is satisfied that there are no material safety or congestion impacts arising on the SRN, directly related to that proposal alone. Therefore, no mitigation is required in relation to the EMG1 changes beyond the committed EMG1-specific Travel Plan.</p>	<p>The Applicants note the response.</p>
2.2	<p><b>Biodiversity Net Gain (BNG)</b></p> <p>NH's Relevant Representation, point 4.1.13 states that, "NH requires an assessment of net change in biodiversity units, for each unit type present (i.e. area-based habitat units and hedgerow units) for the NH estate specifically. This is so it is clear what the impacts on the highways estate is as a result of these proposals. Further, a 10% net gain must be provided on the NH estate."</p> <p>The Applicants' response, in paragraph 3.5.1 of Document DCO 7.2, submitted at Deadline 1 was that, "The DCO Application was submitted prior to the mandatory requirement for 10% BNG to be provided. Notwithstanding that position, the DCO Applicant has designed the scheme to achieve in excess of 10% BNG when assessed across the entire project (See Biodiversity Net Gain Report (APP-116)). In the</p>	<p>Following further discussion between the Applicants and NH, NH has confirmed that it is satisfied with the BNG assessment submitted by the Applicants confirming that the project as a whole will deliver at least a 10% gain in accordance with the metric. This is reflected in the SoCG agreed by the Applicants and NH and submitted at Deadline 4 (<b>Document DCO 8.5 / MCO 8.5</b>).</p>

	<p>circumstances where the highway works to the SRN are not being publicly funded by the Road Investment Strategy and the highway works are part of a larger scheme, the KPI referred to by NH does not apply and there is no purpose served in carrying out an assessment purely for the existing SRN estate. It would be disproportionate to require 10% BNG on the National Highways estate alone.”</p> <p>NH remains concerned about the potential permanent loss of habitats on its estate, and about the lack of clear information from the Applicant (as requested by NH at 4.1.11-13 of its relevant representation). NH’s KPIs require it to deliver no net loss of biodiversity on its estate. It is acknowledged that the Applicant’s works are not part of the Road Investment Strategy, but the highway works will still impact NH’s estate which is subject to NH’s KPIs. It is not reasonable for the Applicant to put NH’s compliance with its KPI (which apply across its estate) at risk, and not seek to provide enhancements on the estate. Potential negative impacts to existing habitats arise as a direct result of the Applicant’s scheme, and it is not proportionate to expect NH (who are ultimately funded by the taxpayer) to remedy this across its estate alone.</p> <p>NH considers that the Applicant should be reviewing whether land forming part of the NH estate (within the Order limits) can be used to deliver BNG enhancements, and if not, seek to enter into discussions with NH on enhancements to other parts of the NH estate.</p>	
2.3	<p><b>DMRB Compliance (Departures from Standard)</b></p> <p>All geometry departures from standard for the SRN mitigation scheme have been approved by NH.</p> <p>The signal and signage departures have now been finalised following approval of the scheme layout. These have been discussed with NH specialists and will be submitted shortly for formal review. No significant challenges are anticipated.</p>	<p>All of the signage and signalling departures have now been approved by NH which means that all of the departures from road layout standards are approved.</p> <p>Further details are provided in the supplemental note on departures provided at Annex C.</p>

2.4	<p><b>Property (Compulsory Acquisition)</b></p> <p>NH has completed its review of the plots contained within the Book of Reference and has provided comments to the Applicant. NH has only identified minor discrepancies and is therefore not proposing to submit this detail into the examination.</p> <p>NH continues to oppose the compulsory acquisition of its land and/or rights and will discuss any relevant plots with the Applicant to find an appropriate solution, once they have digested NH's comments on the Book of Reference.</p>	<p>The Applicants note the response. Discussions are ongoing and it is anticipated that compulsory acquisition issues will be addressed in the draft protective provisions to be agreed with NH.</p>
2.5	<p><b>Protective Provisions</b></p> <p>NH is currently negotiating the draft protective provisions with the Applicant. The key points in dispute were summarised by NH at Deadline 1 [REP1-233]. NH will provide the ExP with updates as negotiations progress.</p>	<p>The Applicants note the response and confirm that draft protective provisions remain under discussion. It is anticipated that updated draft protective provisions will be included in the dDCO [REP2-008D] to be submitted at Deadline 5.</p>

## APPENDIX 4

### RESPONSE TO SUBMISSIONS MADE BY LONG WHATTON AND DISEWORTH PARISH COUNCIL

Submissions received at Deadline 2 [REP2-047]		
No.	Matter	Applicants' Response
1.	<p>Comments on Applicants' Response to Examining Panel's First Written Questions:</p> <p>Q1.2.11 Community Fund: If this fund is designed to mitigate some of the detrimental impact of the development on the immediate area the figure of £200K does not seem enough, particularly for Long Whatton and Diseworth. We know that Breedon on the Hill have already put their case for substantial traffic calming measures to be funded by the scheme and it is likely that Diseworth and Long Whatton will require something similar. However, the effect of the proposed development on the community of Diseworth will be substantially greater than neighbouring settlements and applications for a share of the fund will no doubt be greater.</p> <p>It is believed that EMAGIC1 provided a larger fund split between Kegworth, Castle Donington as well as Hemington/Lockington. The effect of EMAGIC2 on Diseworth in particular will be far greater than any of these four settlements.</p>	<p>The Applicants note the response. Careful consideration has been given to the amount of the community fund, including by reference to that provided at EMG1, and is considered appropriate.</p>
2.	<p>Comments on Applicants' Response to Examining Panel's First Written Questions:</p> <p>Q1.4.2, Q1.4.3 &amp; Q1.4.4 Community Park: We look forward to the promised further detail; however, we repeat the LWDPC view that the industrial development is too close to the conservation village of Diseworth. The Community Park is the ideal opportunity to achieve suitable separation as well as going some way to restoring some of the</p>	<p>The Applicants note the comments relating to the Community Park. The park is considered to be a significant, notable and beneficial feature of the DCO Scheme. It will serve multiple functions and will satisfy a range of aims including increased public access and amenity; enhanced habitats and biodiversity and as part of the landscape and visual mitigation strategy by maintaining an open and undeveloped area between</p>

	<p>amenity lost to the villagers of Diseworth. Whilst LWDPDC have been actively involved with the applicant in the planning and amenity provided by the Community Park it has been consistent in its view that a larger 'buffer zone' should be provided by this community area.</p> <p>The width of the Park (the gap between the EMAGIC2 and Diseworth) should be at least the same distance between the village of Lockington and EMAGIC 1.</p> <p>The drainage mitigation included withing the proposed Community Park is vitally important to Diseworth to avoid serious flooding issues. Therefore the build of the park, with its drainage mitigation system, should also be a priority, with the construction of it not left until the main site is occupied</p>	<p>the edge of Diseworth and the proposed built development area. Whilst the Parish Council would like a larger park or buffer zone, the Applicants consider the mitigation to be appropriate and proportionate, achieving its intended purposes without compromising the proposed development.</p> <p>As regards drainage mitigation, the Applicants refer the Parish Council to Chapter 13 - Flood Risk and Drainage – of the Environmental Statement [REP3-020], which confirms that the drainage basins within the Community Park and along the southern boundary of the EMG2 Main Site will be delivered at the start of the construction phase to help manage surface water quantity and quality at the construction phase.</p>
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## APPENDIX 5

### RESPONSE TO SUBMISSIONS MADE BY PROTECT DISEWORTH

<b>Submissions received at Deadline 2 [REP2-054, REP2-055, REP2-056 and REP2-057]</b>		
<b>Applicants' Response</b>		
<b>Comments on NWLDC LIR Written Representations [REP2-054]</b>		
The Applicants note the response to the Local Impact Report (LIR) of NWLDC. The Applicants' own response to the LIR deals with the points set out in it [REP2-031].		
<b>Comments on LCC LIR Written Representations [REP2-055]</b>		
The Applicants note the response to the LIR of LCC. The Applicants' own response to the LIR deals with the points set out in it [REP2-031].		
<b>No.</b>	<b>Matter</b>	<b>Applicants' Response</b>
<b>Comments on any submissions received by Deadline 1 (Heritage) [REP2-056]</b>		
1.	<p>11.0.1:</p> <p>The NWLDC response states simply that it “agrees with the applicant’s assessment” in respect of intervisibility and that “there are no differences in conclusions” for the MCO application. However, no reasoning is provided to explain why agreement has been reached, whether the authority independently tested the Applicant’s assumptions, which heritage principles were applied (e.g. NPPF, PPG, Historic England guidance on setting), or whether professional judgement was exercised beyond reliance on the Applicant’s documentation. As a result, the response is assertive rather than evidential, and does not lead to an understanding of the basis of NWLDC’s agreement.</p>	<p>The Applicants note the response and that the comments made have been superseded to some extent by discussions at ISH3. Since then, further discussions have taken place between the Applicants and Historic England and Chapter 12 of the Environmental Statement [REP3-018] has been updated and will be resubmitted at Deadline 4. The Applicants are also continuing to progress a SoCG with NWLDC and Historic England on heritage matters.</p>

Historic England does not endorse the Applicant's heritage assessment as currently framed. HE raises specific concerns about the way heritage setting and experience have been assessed, particularly where the Applicant has relied heavily on the absence of current intervisibility as a screening criterion. In relation to Diseworth Conservation Area and the Grade II-listed Church of St Michael and All Angels, HE stresses that any conclusion must be grounded in a more holistic assessment of setting that goes beyond static views, including:

- the approach to Diseworth from the north-east along Hyam's Lane,
- the kinetic experience of movement through the landscape,
- the group value and landmark role of the church spire within the conservation area.

HE advises that these aspects should be revisited in line with its Good Practice Advice Note 3 (GPA3), particularly when considering design and mitigation.

HE is also critical in respect of St Mary and Hardulph Church. While the Applicant concludes that there would be "no meaningful impact" on this asset, HE disagrees and considers that:

- the proposed development would introduce competition in the skyline;
- the elevated position and long-distance views associated with this church would be affected;
- this would result in harm to significance, even if at the lower end of the "less than
- substantial harm" spectrum.

	<p>HE emphasises that the presence of existing modern infrastructure does not negate or cancel out further harm caused by additional development and that such harm must be assessed proportionately, not dismissed on the basis of an already altered landscape Finally, HE notes that where less than substantial harm is identified for designated assets, NPPF paragraph 215 requires that this harm must be clearly identified and weighed against the public benefits of the proposal.</p> <p>Protect Diseworth agree with Historic England that the use of current intervisibility as a criterion for excluding effects on the settings of heritage assets appears to be inappropriate for a site where the development itself is expressly intended to re-model ground levels, introduce very large scale built form, introduce tall vertical elements (i.e. warehouse massing), and potentially remove or reduce existing screening features over time. Consequently, clarification is required as to how reliance on present-day conditions provides a sound basis for excluding setting effects arising from future visibility, scale and contextual changes. Protect Diseworth also stress that the public benefits of this proposal are being overstated in order to tip the balance in favour of the acceptance of harm to a 2000 year old historic conservation area.</p>	
2.	<p>11.0.2:</p> <p>The Applicant refers only to the Enclosure Map and the 1848 Tithe Map without any discussion of scope or limitations. They give no justification as to why these sources alone are sufficient to rule out ecclesiastical land associations when other potential sources could have been consulted (e.g. parish records, glebe terriers, diocesan archives, or later tithe apportionments). Neither has it been investigated whether ecclesiastical influence might have existed indirectly (e.g. through patronage, advowson, or land tenure arrangements not captured in tithe mapping). The response does not demonstrate that the Applicant has considered whether there are any indirect associations, historic agricultural use in</p>	<p>The 1848 Enclosure Map is considered a detailed historical resource in order to establish potential historical relationship between the site and the Church of St Michael and All Angels. The purpose of the review was not to provide a definitive archival history of all possible ecclesiastical connections, but to identify whether there was evidence of a relevant historic relationship between the site and the heritage asset capable of contributing to setting or historic association. The sources consulted are considered sufficient for that purpose because they provide a reliable record of historic landholding and field pattern at the relevant periods. No evidence was identified within those sources to indicate that</p>

	<p>support of parish life, or long-standing spatial relationships that might nonetheless be relevant to setting or communal value.</p> <p>The second part of the question has been avoided by an assertion that an absence of evidence in their own very narrow investigation justifies a statement that no changes are required. No explanation is given as to why—or on what heritage principles—their investigation justifies a sound conclusion that the existing assessment of setting and significance is complete.</p>	<p>the site formed part of church land, glebe, or other ecclesiastical property, nor was there evidence of a spatial or functional relationship that would support an association relevant to the asset's significance. Based on the results of this cartographic review it was not considered that further research into other potential sources of information was required. As no additional evidence of historical association between the site and the Church of St Michael and All Angels was identified, it is considered that the existing assessment is still appropriate and that no amendment to the assessment conclusions was required.</p>
3.	<p>11.0.3:</p> <p>The NWLDC response relies on LCC's archaeologist confirming, based on review and site attendance, that no remains are of equivalent significance to Scheduled Monuments. However, it does not explain what criteria were applied in reaching that judgement, how equivalence was assessed against the Footnote 75 NPPF test (which is intentionally stringent), or whether factors such as rarity, survival, group value, or potential to inform national research frameworks were considered. The conclusion is therefore asserted rather than demonstrated, which limits its evidential weight.</p> <p>The HE response is simply a statement of no current concern, rather than a statement of no potential concern. HE explicitly states that it is not aware of archaeological features of equivalent significance to Scheduled Monuments, defers to the County Council Archaeological Officer (LCC) on all below-ground archaeology matters and confirms it has not independently interrogated archaeological significance beyond what has been brought to its attention. This is not a positive endorsement but simply a non-objection by deferral.</p>	<p>The Applicants note the response.</p>

<p>4.</p>	<p>11.0.4:</p> <p>The acknowledgement of the conflict is welcome, but is not a means of resolving it. The revised text repeatedly states that impacts and effects are “offset through recording and publication”. This approach remains problematic because PPG ID 18a-002-20190723 is explicit that the ability to record archaeology must not be a factor in deciding whether loss should be permitted. The Five Estuaries decision letter confirms that preservation by record does not reduce harm and cannot be treated as compensation for loss in the planning balance. By continuing to describe recording as “offsetting” impacts, the revised wording reintroduces precisely the logic that policy prohibits, even while simultaneously stating that impacts are “not reduced”. In effect, the amendments change the wording but not the reasoning. The revised paragraphs repeatedly assert two contradictory propositions, those being</p> <ol style="list-style-type: none"> <li>1. Recording “offsets” impacts and effects; yet</li> <li>2. Recording “will not reduce the overall impacts or effects” and the residual effect “will remain unchanged”.</li> </ol> <p>If the residual effect is unchanged, then recording cannot logically be said to offset harm in planning terms. The continued use of that term blurs the critical distinction between:</p> <ul style="list-style-type: none"> <li>• acceptance of harm (a planning judgement), and</li> <li>• archaeological response to accepted harm (a mitigation practice).</li> </ul> <p>This internal inconsistency undermines the clarity and policy alignment of the assessment narrative.</p> <p>This approach implies that the stated recording benefits contribute to why the harm is acceptable, rather than being consequences that follow after harm has already been justified.</p>	<p>Chapter 12 – Cultural Heritage – of the Environmental Statement [REP3-018] has been revised to address the ExP’s concerns regarding the terminology and the conclusions regarding anticipated residual impacts to the archaeological resource within the site. The amended text is now considered to be consistent with the Secretary of State’s Five Estuaries Offshore Wind Farm decision letter.</p>
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	<p>The ExP question asked not only for reconciliation of wording, but for confirmation that assessment conclusions remain valid, or if different conclusions arise, that these be clearly set out. While the Applicant states that the residual effects will mirror the construction phase significance, there is no clear explanation of why those levels of harm are considered acceptable in policy terms, or whether alternative avoidance or minimisation strategies were considered.</p> <p>The revised wording introduces multiple residual effect statements, including “Moderate to Minor Adverse residual effect”, “negligible residual effect on remaining assets” and statements that residual effects “remain unchanged”. It is not clear which receptors have which residual effect, whether “unchanged” refers to magnitude, significance category, or both, and how these conclusions align across Tables 12.8 and 12.10. This reduces transparency and makes it difficult to track the reasoning from impact to conclusion.</p>	
5.	<p>11.0.5:</p> <p>The Applicant’s core argument is that because the M1 plus EMG1 works and associated infrastructure are already present in the foreground of the view (as shown in Plate 11), there can be no further effect on the Church’s setting or significance. This is a weak premise because Heritage policy does not treat an already compromised setting as incapable of further harm. Incremental or cumulative change can still be harmful, particularly where it increases visual dominance, intensifies industrial character, or further erodes the legibility of a landmark within the wider landscape. In effect, the Applicant’s position risks a “baseline capture” argument, where existing harm is treated as a justification for allowing additional change without proper assessment.</p> <p>The response describes existing infrastructure as an “established component of the view” but does not assess the nature of the proposed change, specifically whether new highway works alter alignment, movement patterns, traffic intensity, lighting, or whether the proposed</p>	<p>In line with the ExP’s request, a full assessment of potential impacts to the St Andrew’s Church has been included within Chapter 12 – Cultural Heritage – of the Environmental Statement [REP3-018]. Through further discussion with Historic England v11 of the SoCG the Applicants and HE agree that the construction phase of the EMG1 works will give rise to less than substantial harm to the asset’s significance, which is likely to represent a negligible level of less than substantial harm, and that no harm is anticipated to arise once the development is operational.</p>

	<p>M1–A50 link introduces a new engineered form distinct from the existing motorway. The issue is not simply whether infrastructure exists, but whether the proposed development changes the character of that infrastructure in a way that affects how the Church is experienced.</p> <p>Although the ExP explicitly requested consideration of “the Church spire as a designed landmark element within the wider landscape (including its vertical prominence/ skyline role)”, the Applicant concludes, without analysis, that the EMG1 Works “do not compete with or diminish the spire’s role”. This is asserted, not demonstrated in the absence of and comparative analysis of heights (spire vs gantries/cranes), assessment of skyline competition or visual clutter or consideration of altered focus or distraction in key views. A landmark’s role can be diminished without being physically obscured, particularly through introduction of competing vertical elements or loss of visual clarity and prominence. The Applicant relies on Historic England guidance that “tall church spires are unlikely to be affected by small-scale development unless that development competes with them”. However, this reliance is weak because the EMG works and MCO gantry cranes cannot reasonably be described as “small-scale development”.</p> <p>The Applicant’s statement that they can provide if required an updated assessment implicitly acknowledges that the existing analysis does not address the ExP concerns in full. This suggests that the current conclusion is not the result of a completed and tested assessment.</p>	
6.	<p>11.0.6:</p> <p>NWLDC’s response places decisive weight on the fact that the land was leased to agricultural tenants and was not acquired “to form part of a formal setting”. This is problematic because Heritage setting is not limited to land intentionally designed as setting. Historic England guidance (which the question correctly cites) is explicit that “historical and cultural association may also form part of the asset’s setting.” Agricultural land owned, managed, or economically tied to an estate can form part of</p>	The Applicants note the response.

	<p>setting, even if informally arranged or tenanted. The response therefore narrows the concept of setting more than national guidance allows, treating formal design intent as determinative. NWLDC states that “the connection is not legible”, but does not explain how legibility was assessed. There is no reference to historic mapping evidence, estate boundaries, routeways, land use continuity, or experiential understanding of estate land. Legibility is a matter of heritage judgement, and without explanation it becomes a bare assertion rather than a reasoned conclusion.</p> <p>The question explicitly references the Applicant’s assessment, and Prologis UK’s Relevant Representation stating that the land does form part of the setting. However, the NWLDC response does not acknowledge the existence of this contrary interpretation, explain why it disagrees with that view or set out why one interpretation was preferred over another. The response concludes that the land does not make a meaningful contribution to the setting or significance, but it does not explain whether any contribution exists but is minor, or whether the contribution is considered negligible or zero.</p> <p>HE accepts that the Site historically formed part of the monastic and estate landscape associated with Langley Priory (Grade II*), St Mary and St Hardulph Priory Church at Breedon on the Hill (Grade I), and the associated scheduled hill fort. They go on to state that they do not agree with the applicant’s conclusion that there is no setting impact and state that that harm would be at a negligible level of less than substantial harm. They do not quantify why the acknowledged harm will be classified as negligible, nor do they quantify what the acknowledged remaining significance contribution of the site actually is.</p>	
7.	<p>11.0.7:</p> <p>Protect Diseworth completely agree with LCC that the EMG2 application underestimates the impacts upon the setting and character of the</p>	The Applicants note the response.

	<p>Diseworth Conservation Area. We would therefore ask LCC to further clarify their position, giving clear recommendations whether:</p> <ul style="list-style-type: none"> <li>• further assessment is required;</li> <li>• further mitigation (design changes, buffering, layout amendments) should be considered;</li> <li>• the ES conclusions should change.</li> </ul> <p>Additionally, LCC identifies both the surviving medieval and post-medieval ridge-and-furrow earthworks and a probable windmill mound (HER MLE4744) as non-designated heritage assets contributing to conservation area significance, but neither of these is properly addressed in the Conservation Area Assessment.</p>	
8.	<p>11.0.8:</p> <p>The second and more substantive part of the question asked whether “the proposed development would have any effect on the significance of any of these heritage assets (using ‘significance’ as defined in the Glossary of the Framework)”. The response does not reference the Framework definition and limits consideration to visual screening, and appreciation of architectural value only. There is no assessment of historic, evidential, associative, or communal value, which is a material omission when responding to a heritage policy question. The statement that: “these buildings are largely screened from the proposed development by the built fabric of Diseworth village” is a simplistic and incomplete heritage test because screening alone does not determine whether significance is affected. The response states that the buildings are “largely screened” which is in itself an admission that they are not fully screened, without explaining how the screening was assessed, whether it is entirely permanent or partially seasonal, and whether upper floors, gardens, or approach routes were considered.</p>	The Applicants note the response.

	<p>The Conservation Area appraisal identifies nearly 50 Unlisted Buildings of Interest, yet NWLDC identifies only one locally listed building and provides no differentiation between buildings of higher or lower contribution, centrally located or edge-of-settlement assets, or assets whose significance may be more sensitive to change. A single generic conclusion applied to all assets is not a proportionate heritage assessment in an area of differing elevations, where the proposed site is largely elevated above the level of the village, and particularly where the question asks which assets might be affected and why.</p>	
9.	<p>11.0.9:</p> <p>The Applicant's response is procedurally candid but substantively weak, because it acknowledges an error in identifying the applicable conservation area duty, but does not explain whether or how the correct PA2008 statutory test has been applied. It asserts, without justification, that conclusions remain unchanged and provides no clarity on the nature or scope of the proposed amendment. Further clarification is therefore required to confirm that the conservation area assessment has been undertaken with proper regard to the statutory duty under regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010; and that the Examining Authority can rely on the ES conclusions for Diseworth Conservation Area with confidence.</p>	<p>The statutory duty under Sections 66 and 72 apply strictly to the exercise of planning functions under the Town and Country Planning Act 1990. Because a DCO is granted under the Planning Act 2008 for Nationally Significant Infrastructure Projects (NSIPs), this specific legislative test is not formally triggered. It has therefore been removed from ES Chapter 12 – Cultural Heritage. There are equivalent tests in regulations made under the 2008 Act, Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008. We confirm that the conservation area assessment has been undertaken with proper regard to the statutory duty under regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010. Accordingly, the Examining Authority can rely on the ES conclusions with confidence, as the assessment already addresses the correct heritage considerations and the identified correction is administrative rather than substantive.</p>
10.	<p>11.0.10:</p> <p>The Applicant's explanation that "within or close to" means "within 500 m of the Order limits" is helpful, but it also confirms that paragraph 12.3.3</p>	<p>ES Chapter 12 12 – Cultural Heritage contains a robust assessment of Scheduled Monuments which could be impacted by the DCO Scheme. Scheduled Monuments located beyond the 2km study area, in</p>

	<p>was ambiguous as submitted. The original wording gave the impression that no Scheduled Monuments were relevant to the EMG2 Project, but the Bulwarks Scheduled Monument (AR10) was in fact assessed in detail elsewhere in Chapter 12. The need for clarification during Examination demonstrates that the ES did not communicate its screening logic clearly at submission. Additionally, the 500 m distance criterion to define what is “within or close to” the project is introduced without any policy basis, guidance reference, or professional justification is provided for adopting it as a meaningful screening distance. National heritage guidance does not prescribe fixed distance thresholds for assessing effects on Scheduled Monuments, particularly effects on setting. As such, the threshold appears arbitrary unless explicitly justified</p> <p>The Applicant states that Scheduled Monuments were screened into or out of assessment based on the Desk Based Assessment (DBA) conclusions. However the Bulwarks Scheduled Monument is acknowledged to lie outside the 2 km study area, yet it is included due to its “prominent position within the wider landscape”. Other Scheduled Monuments within or close to the 2 km study area are scoped out. This introduces an internal inconsistency, as Landscape prominence and setting are cited as a reason to include The Bulwarks, but the response does not explain why similar reasoning was not applied to other Scheduled Monuments identified within the wider study area, particularly those at Breedon-on-the-Hill raised in NWLDC’s RR. The Applicant’s repeated relies on the DBA as having “robustly assessed” impacts without summarising what criteria were applied in the DBA to conclude “no harm”, whether those conclusions relate to physical impacts only, or setting, views, prominence, and contextual relationships, how the DBA conclusions were translated into the ES Chapter 12 screening decisions necessitates reliance on cross-referencing lengthy appendices to understand fundamental screening judgments, thus reducing transparency. Although the response lists Scheduled Monuments near Breedon-on-the-Hill and acknowledges their consideration within the DBA, it does not directly respond to NWLDC’s concern about how these designated assets are treated within ES Chapter 12 or explain why these</p>	<p>addition to the Bulwarks Scheduled Monument, were considered but were scoped out of full assessment due to established lack of intervisibility, known historical associations, or viewed context with the existing EMG1 structures thus not presenting any meaningful change to how the Monuments are experienced. NWLDC are in agreement with this position, while HE have not flagged any other Scheduled Monuments other than The Bulwarks Scheduled Monument which require assessment. HE has agreed with the Applicants in V11 of their SoCG that any impacts to The Bulwarks Scheduled Monument should be considered by the ExP within the planning balance.</p>
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	<p>monuments are scoped out of detailed assessment when they are within or adjacent to the stated 2 km study area. There is no clarification whether setting effects arising from topography, prominence on elevated ground, or wider landscape appreciation were assessed and dismissed. As a result, the rationale for excluding these assets from further assessment remains opaque.</p>	
11.	<p>11.0.11:</p> <p>The Applicant confirms that Part of Site A will be removed and subject to preservation by record, and that the entire area at Junction 24 (Field 40), which was previously preserved in situ, is to be removed in its entirety. However, Appendix 12B previously described these areas as having been selected for preservation in situ under the EMG1 DCO, so the response confirms that preservation in situ is no longer being maintained for at least two of the three previously protected areas. The Applicant does not explain why removal of Field 40 is now acceptable when it was previously preserved, whether avoidance options were reconsidered, or how this change affects the balance of harm in heritage terms. The effect is that preservation in situ appears to be treated as contingent rather than protected, which is contrary to the principle that in-situ preservation is the preferred outcome.</p> <p>The approach that monitoring is sufficient where prior preservation existed does not explicitly acknowledge that loss of preserved deposits represents a downgrade in heritage protection compared to the EMG1 position. There is no explanation of how this increased harm has been reassessed.</p> <p>The Applicant acknowledges that Figures 5 and 6 of Appendix 12B “can be modified to better locate these areas in question”, confirming that there is no clear, consolidated plan showing which areas remain preserved in situ, which are partially encroached, which are removed entirely, and how these relate spatially to Order Limits and construction footprints. This material omission requires the cross-referencing of</p>	<p>The impacts to below-ground archaeological assets associated with the EMG1 Works has been robustly assessed within Appendix 12b and ES Chapter 12, methodology and conclusions to which have been reviewed by the LCC Archaeological Officer and considered appropriate. Such have been agreed between the Applicants and LCC and set out within the current version of the LCC SoCG.</p> <p>As part of the EMG1 DCO it was considered appropriate that Site A could be preserved in-situ underneath the EMG1 landscaping bunds. Field 40 was initially proposed for archaeological mitigation in the form of detailed excavation, although due to the EMG1 development area not extending into the area of Field 40, the archaeological remains in questions have been preserved in-situ under existing farmland by default.</p> <p>The Applicants and LCC's Archaeological Officer have agreed the content of an Archaeological Mitigation Statement to address the requirement for archaeological mitigation associated with the EMG2 Project, which will be submitted to the ExP at Deadline 4.</p>

	multiple appendices and figures in order to infer this information, undermining transparency and making scrutiny unnecessarily difficult.	
12.	<p>11.0.12:</p> <p>The Applicant states that the archaeological evidence base is “sufficient to define the mitigation approach”, but does not explain how or why the evidence base is sufficient. The ExP question was not simply whether trenching had occurred, but whether the outcomes are demonstrably adequate to define mitigation and that analytical step is missing. The Applicant relies heavily on correspondence from the LCC Archaeological Officer (dated 30 January 2026) stating that the evidence base is sufficient and that further trenching can be secured via Requirement 13. While LCC’s view is relevant, it is not a substitute for explanation. The Applicant does not summarise the substance of LCC’s reasoning, explain the assumptions underpinning that concurrence, or confirm whether LCC’s acceptance is conditional or precautionary. This makes it difficult to independently assess whether the evidence base is genuinely robust, or merely pragmatically acceptable subject to later control. The Applicant states that no further pre-determination evaluation is required, yet simultaneously confirms that additional trial trenching has been requested by LCC and will take place (albeit post consent). This undermines the certainty of the claim that the current evidence base is sufficient. If further trenching is necessary to “refine the extent” of excavation, this it implicitly acknowledges that the full extent of archaeological remains is not yet known and so the mitigation strategy is not finalised. The assertion that “the anticipated results ... are not expected to change the assessment” effectively pre-judges the outcome of any further evaluation. This is contrary to the purpose of evaluation itself.</p> <p>The ExP question explicitly asking whether further evaluation is required for “any part of the authorised development (including Highway Works)” is not properly addressed as the Applicant’s response focuses almost exclusively on Field 40 adjacent to Junction 24, and does not clearly</p>	<p>As above, the impacts to below-ground archaeological assets associated with the EMG2 Project has been robustly assessed within Appendix 12b and ES Chapter 12, methodology, conclusions, and proposals for mitigation of below-ground archaeological impacts have been reviewed by the LCC Archaeological Officer and considered appropriate. LCC’s response to ExP’s Q1 confirms that the archaeological assessment presented is appropriate for a programme of post-consent archaeological mitigation to be undertaken, and that no further evaluation trial trenching being required as part of the DCO submission. The methodology, conclusions, and proposals for mitigation of below-ground archaeological as set out within the assessment have been agreed between the Applicants and LCC and set out within the current version of the LCC SoCG.</p> <p>The Applicants and the LCC Archaeological Officer have also agreed the content of an Archaeological Mitigation Statement to address the requirement for archaeological mitigation associated with the EMG2 Project, which will be submitted to the ExP at Deadline 4.</p>

	<p>confirm whether highway corridors, embankments etc. were evaluated to a sufficient level, or whether any highway areas are now reliant solely on post consent investigation.</p> <p>LCC confirms that the trial trenching programme has been sufficient and adequately undertaken but does not explain what criteria were used to judge sufficiency (coverage, density, representativeness) and whether sufficiency applies equally across the EMG2 Main Site, MCO areas and Highway Works corridors, and whether there are areas of lower confidence within the evidence base. As with several other LCC responses, professional assurance is provided without an audit trail, limiting the ability to understand why the conclusion has been reached. LCC states that the trial trenching programme is sufficient and that “No additional pre-determination trial trenching has been requested on any aspect of the scheme...” yet also states that “Further archaeological investigation ... will target investigation of the archaeological impact of the planned Highways Works.” This raises the question of whether the evidence base is already sufficient to define mitigation, and if so, why is further archaeological investigation still required to understand impacts? This suggests that key uncertainties remain unresolved at determination stage, particularly for the Highway Works. The response implicitly accepts a lower evidential threshold for the Highway Works than for other parts of the scheme, by deferring investigation entirely post consent. This raises questions such as “why are below-ground impacts for highway works less critical to assess in advance?” and “how is proportionality being applied consistently across the project?”</p>	
13.	<p>16.0.13:</p> <p>The Applicant states unequivocally that “the assessment of effects does not rely upon the delivery of the Community Park.” This is a bare assertion, given that NWLDC has raised the Community Park as acting as a buffer; and the ExP specifically asked the Applicant to explain whether and to what extent the “no significant effect” conclusion relies upon that buffer. The Applicant’s response does not provide any</p>	<p>As set out in the Applicants' response to Q1, the assessment of effects does not rely upon the delivery of the country park, with the assessment of impacts not relying on the effects of constructing the country park. It is considered that the heritage conclusions for Diseworth Conservation Area remain robust.</p>

	<p>reasoning showing why the Community Park is not relied upon, beyond citing the absence of reference in a limited paragraph range. This is insufficient without explaining how the same conclusions would still be reached in the absence of that measure.</p> <p>The Applicant refers narrowly to Appendix 12A, paragraphs 5.30–5.34, and notes that these paragraphs do not mention the Community Park. However, the ExP question is not limited to whether the Community Park is mentioned in a specific paragraph; it asks where within the submitted heritage assessment as a whole the role of the Community Park/buffer is set out, if relied upon. By limiting its response to a small extract of Appendix 12A, the Applicant does not demonstrate that the Community Park plays no implicit or contextual role elsewhere in the assessment, or address whether baseline assumptions, landscape context, or conclusions may have been influenced by anticipated buffering or separation.</p> <p>The failure to address how heritage significance (i.e. harm to the significance of a conservation area under the NPPF and PPG) relates to or is distinguished from EIA significance, or whether an effect that is not significant in EIA terms could nonetheless constitute harm in heritage policy terms is a material omission. This is because heritage assessment and EIA use different conceptual thresholds, and conflating those risks understating heritage impacts.</p> <p>Although the Applicant confirms that the robustness of heritage conclusions is unaffected if the community park is not delivered, the response does not explain what aspects of the site context, distance, screening, or design ensure the Conservation Area is unaffected. There is no presentation of a scenario where the Community Park is delayed, reduced, or not delivered. The ExP explicitly asked: “where within the submitted heritage assessment the role of the Community Park / buffer is clearly set out as part of the basis for the Diseworth Conservation Area conclusions (including which specific measures are relied upon)”. If the Community Park is not relied upon, the logical expectation is that the</p>	<p>Although NWLDC and HE disagree with the Applicants' assessment of impact to the Diseworth Conservation Area, as set out in the respective SoCG, it is the loss of rural setting to the Conservation Area that is expressed as a concern to NWLDC and HE, not the role of the proposed country park or proposed embedded mitigation.</p>
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	<p>Applicant would identify what measures are relied upon instead (e.g. separation distance, topography, orientation, building heights, retained landscape features). The response does not do this, and as a result, the basis for the “no significant effect” conclusion remains unclear. The Applicant concludes by stating that “The Applicants are satisfied that the heritage conclusions ... remain robust”, but the ExP is not asking whether the Applicant is satisfied, but whether the conclusions can be objectively traced to a clear and resilient evidential basis, particularly given acknowledged uncertainty around the Community Park’s delivery.</p>	
14.	<p>11.0.14:</p> <p>While assuming concurrent construction may represent a reasonable worst-case scenario, the Applicant does not explain how this assumption has been tested or why the conclusions are robust if it proves incorrect. In the absence of any sensitivity check or explanation of outcomes under no overlapping or partially overlapping construction periods, the Examining Authority cannot be confident that the assessment conclusions are not contingent on a single programme assumption rather than representing a bounded and resilient worst-case envelope</p>	<p>An updated version of Chapter 12 – Cultural Heritage – of the Environmental Statement [REP3-018] will be submitted at Deadline 4 which includes a revised cumulative impact assessment containing enhanced sensitivity assessment where overlapping construction/operation scenarios between the DCO Scheme and the Isley Woodhouse project are incorporated.</p>
15.	<p>11.0.15:</p> <p>The Applicant does not confirm that the requested schedule has been prepared in the form specified, does not demonstrate that all required assessment and policy information is included, does not confirm provision of an Excel version and does not commit to the iterative update and change log process requested by the ExP. As a result, the Examining Authority cannot be confident that Annex 11A fulfils the stated purpose of a single, definitive, examination-ready heritage impact assessment schedule, and further clarification or resubmission is required</p>	<p>A Heritage impact assessment schedule was completed and submitted at Deadline 2 in a format consistent with that requested by the ExP.</p>

Comments on any submissions received by Deadline 1 (Response to Applicants' First Written Questions) [REP2-057]		
1.	<p>Q1.1.1</p> <p>PD note that based on the response of NWLDC, that the Regulation 19 consultation on the emerging local plan, is scheduled to end in September, with the processing of responses to that consultation in October. The emerging plan is due to be submitted formally to the Planning Inspectorate at the end of 2026. As such, the emerging plan is not at an advanced stage of preparation and has not been rigorously tested through an Examination in Public (EiP). As per our comments made at D1, PD maintain that it can be offered no weight as a material consideration relative to the DCO application, with the examination closing before the EiP.</p>	<p>The Applicants note the response and refer to the Planning Statement [AS-018] which addresses the weight to be attached to the emerging Local Plan.</p>
2.	<p>Q1.1.2</p> <p>PD note that in response to this question, NWLDC cross refers to their Local Impact Report (LIR Ref: REP1-103)). In commenting on the proposed allocation of the site within the emerging local plan, NWLDC state in their LIR at Paragraph 5.49 that 'As is outlined in the Relevant Representation ('RR') from NWLDC [RR-003], on 19th November 2025, NWLDC's Local Plan Committee agreed in principle to the allocation of land identified as EMP 90 (i.e. the EMG2 site) for strategic scale warehousing in the Regulation 19 version of NWLDC's emerging NWLLP (2023 – 2042) subject to the outcome of traffic modelling, viability and infrastructure requirements.' PD have maintained their objection to the proposed allocation throughout and in our view, traffic modelling, viability and infrastructure requirements (along with other issues) are fundamental as to whether the principle of development is acceptable. Moreover, it is also notable that (although PD consider it should be offered no weight at this stage) NWLDC state that at Paragraph 5.51, that 'any weight to be attached to the emerging NWLLP would be limited at this stage.'</p>	<p>The Applicants note the response.</p>

3.	<p>Q1.2.1</p> <p>PD would reaffirm the views expressed in its D1 submissions in relation to our own response to this question, but with the following additional points. PD welcome that the Applicant agrees that the 'tilted balance' does not apply and therefore the presumption in favour of sustainable development does not apply in this case. The Applicant refers to the partial review of the current local plan in 2021, but whilst one of the things it sought to do was address the ongoing delivery of employment land, NWLDC did not consider it necessary to allocate the EMG2 site for employment development and therefore PD considers this partial update of the plan in 2021 has little bearing on the specific proposals for the site, as presented within the DCO submission. PD note that under the terms of the current local plan, the 6 site should be considered within the context of part (2) of policy Ec2 and PD consider the most obvious failing is in relation to part (c) which states that any such additional employment is subject to the proposal 'Not being detrimental to the amenities of any nearby residential properties or the wider environment.' PD consider that the proposed development will be detrimental to the amenities of nearby residential properties and it will continue to make such representations throughout the examination period. Finally, PD would also comment that the issue of 'need' as enshrined within Policy Ec2 has not been satisfactorily demonstrated, within an area which already has an established employed land supply from existing employment development, including EMG1.</p>	<p>The Applicants note the response. As set out in the Planning Statement [AS-018] accompanying the DCO Application, it is the Applicants' view that the DCO Scheme satisfies the requirements of Policy Ec2(2).</p>
4.	<p>Q1.2.4</p> <p>PD note that there is significant uncertainty attributed to the route of the cables, being important supporting infrastructure to the proposed development. Whilst the process described may be typical for a planning applications, it is expected that an NSIP project should include all of the associated infrastructure within (and as a minimum the routing) the application submission, noting the scale and extent of such projects and</p>	<p>The Applicants note the response but disagree for the reasons set out in their response to Q1.2.4 [REP1-054].</p>

	that the Planning Act 2008 seeks to promote a single consenting and assessment regime.	
5.	<p>Q1.2.8</p> <p>PD do not consider the Applicant has provided clarity on the question posed by the ExP. Based on their response, they have not explained the relevance of the 20% figure and why it is important. They have explained there are no controls around this figure, but they have not explained the possibility of different environmental effects if this figure is exceeded, beyond a brief comment on possible transport effects. They neither comment upon nor rule out other possible environmental effects beyond transport considerations. In relation to noise, the Applicant states that they expect more traffic with the B2 use than the B8 use and hence this results in a 'Worst Case' for noise and air impacts. As pointed out above, they have not answered the question regarding how this is secured. By their own reasoning, if more than 20% became 'advanced manufacturing' the air and noise impacts might be expected to further increase. Another aspect relating to the question of 'does advanced manufacturing generate different environmental effects in relation to ... noise and disturbance compared to storage and distribution' has not been answered. It is implied within Class B2 use that there are not significant noise emissions, yet it is not clarified how for a particular business this is to be secured. As far as we are aware there is no fixed definition of 'advanced manufacturing' and we don't see how a particular use can be determined to be Class B2 without some form of assessment or limit being placed on the emissions from that particular use.</p>	<p>The Applicants note the response but disagree for the reasons set out in their response to this question [REP1-054]. The Applicants also refer to their response to ExQ2 1.0.4 and 18.0.3 (Document DCO 7.16 / MCO 7.16).</p>
6.	<p>Q1.2.10</p> <p>PD consider that the response provided by the Applicant is very generic and does not represent the specific nature of the site. Firstly, whilst PD agrees that there is no industry standard, the Applicant offers no evidence as to whether discussions have taken place with NWLDC. It is assumed not, otherwise it would be presented in the response, and PD</p>	<p>The Applicants note the response however we respectfully disagree. The Applicants have had regard to the specific nature of the site in proposing suitable construction working hours. No justification or evidence has been provided by Protect Diseworth for different hours and the proposed construction working hours are not unusual for a large-scale</p>

	<p>can also see no reference to this issue in NWLDC's LIR (Ref: REP1-103). PD are surprised that such a fundamental point has to date not been discussed with NWLDC. In presenting their views, the Applicant offer no reasoned explanation and justification of the proposed construction working hours, that reflects the surrounding physical and natural environment and particularly the sensitivity of the relationship with the residents of Diseworth. With reference to the Northampton Gateway Rail Scheme PD disagrees that this project is a similarly comparable scheme. Much of the surrounding residential areas for that scheme are located to the northern side of the M1, which acts as a physical barrier and in itself is a background source of intervening noise. Closer to this development site and on the southern side of the M1 is the settlement of Milton Malsor, which is to the northwest of the far northern corner of the Northampton Gateway scheme and with residents in that case offered a level of separation and protection by the village park and other intervening land, which acts as a buffer. The EMG2 scheme by comparison has a significant proportion that runs parallel to the eastern side of the village and comes into closer proximity. PD consider this project example to be irrelevant in informing a bespoke and proper approach to the consideration of noise impacts associated with the proposed construction working hours. In the absence of any reasoned explanation from the Applicant, PD would refer the ExP back to its own response in relation to this question submitted at D1.</p>	<p>project. The ES has assessed the noise impacts of the proposed development during construction within Chapter 7 – Noise and Vibration - of the Environmental Statement [REP3-010] and this concludes the effects would not be significant.</p>
7.	<p>Q1.2.11</p> <p>PD would refer back to its response to D1 on this point. The fact remains that until such time a commitment is enshrined within the Draft DCO, this remains a voluntary arrangement, with nothing that binds the Applicant to deliver against such a commitment. Moreover, we note that such a specific commitment would be unusual to be contained within a draft DCO and therefore should this be included, PD look forward to scrutinising any draft wording. If such a wording was not enshrined within the draft DCO, then the Applicant should make it clear that the fund is a possible benefit only. Finally, based on the PD estimations, for the two</p>	<p>The Applicants note the response. See the Applicants response to ExQ2 18.0.1 (Document DCO 7.16 / MCO 7.16).</p>

	parishes affected, this would amount to a fund of approximately £66 per person, which is considered insufficient for any meaningful contribution to positively impact the community. PD would also query why Isley cum Langley is not an identified beneficiary of the scheme.	
8.	<p>Q1.3.2</p> <p>PD note the Applicant's position that the Prologis application and their own application are incompatible. This includes differing access points, location of development areas and the heights of buildings. PD remains opposed to both developments as a matter of principle but find it to be extraordinary that such competing developments could be approved under differing consenting regimes and one may prevent the other one from proceeding. This is particularly clear when it comes to Article 42 of the Draft DCO (Planning Permission) which confirms that any planning permission granted may continue to be lawfully implemented, notwithstanding any incompatibility with the DCO scheme.</p>	The Applicants note the response. The purpose of article 42 of the draft DCO [REP2-008D] is to ensure that inconsistencies between planning permissions do not prevent further development being undertaken pursuant to an earlier planning permission or the DCO itself.
9.	<p>Q1.4.2</p> <p>PD look forward to reviewing and commenting on this further plan, when it is available within the examination. In the interim, we make the following comments:</p> <ul style="list-style-type: none"> <li>• Clarity is required on the areas of parkland that are available for walking and/or human activity and those areas that will be protected from disturbance (including dog free areas).</li> <li>• This particularly includes the protection of ground nesting birds such as Nightingales, which have been referenced by the Applicant.</li> <li>• PD note that experience from the existing EMG1 community park includes significant areas where dogs can roam freely and 'off lead' which introduces potential conflict with species and their 23 habitats.</li> </ul>	The Applicants note the response.

	<ul style="list-style-type: none"> <li>• In addition, PD consider the Applicant should provide further information on how public safety will be maintained in the park, including any experience from anti-social behaviour that may have been experienced through use of the EMG1 park.</li> </ul>	
10.	<p>Q1.4.3</p> <p>PD note there is little evidence to substantiate the comment from the Applicant that the park presents a meaningful buffer. The Applicant provides no evidence as to whether 25 the concept of the community park is supported as a matter of principle and/or how comments of the community have influenced the design concepts to date. PD considers that the Applicant has offered no tangible evidence as to how the community park provides sufficient space to deliver both active recreational use and ecological mitigation. PD consider that the community park will result in encroachment upon the settlement of Diseworth, as evidenced by VPC Figure 11.9 and VP1 11.14. PD consider that the size of the 'buffer' is not the determining factor, it is the distance to Diseworth that is the key area of concern and the adequacy of the buffer in providing separation from the development areas. PD also note the Applicant comment that the buffer zone reflects the buffer zone in the emerging NWLDC emerging plan, but PD note that the current planning application has reduced the size of this buffer.</p>	<p>The Applicants note the response but disagree. The DCO Scheme has been informed by a comprehensive Landscape and Visual Impact Assessment and the landscape and visual impacts of the DCO Scheme are set out in Chapter 10 - Landscape and Visual – of the Environmental Statement [AS-041].</p>
11.	<p>Q1.4.4</p> <p>Firstly, PD would comment that it is not currently clear whether there will be any restrictions on type of recreational activities allowed and how such activities would be controlled and managed. Furthermore, we note that the wording of Requirement 28 within the Draft DCO currently states that the community park must be provided substantially in accordance with the Community Park Plan. PD is therefore concerned about any downgrading of value that may result at the discharge of requirement stage, in the event that permission was forthcoming.</p>	<p>The Applicants confirm that such matters will be set out in the management and maintenance scheme of the Community Park which will be approved by NWLDC pursuant to Requirement 28 of the draft DCO [REP2-008D].</p>

12.	<p>Q2.0.2</p> <p>PD would query on this issue whether capacity would be subject to specific control through a Requirement, or other similar control mechanism within the Draft DCO.</p>	<p>The Applicants confirm that no such controls are proposed or considered necessary.</p>
13.	<p>Q2.0.4</p> <p>PD note the comments above but would ask the Applicant to explain how the 'strong sense of identity' is reflected by the outward facing aspects of the development towards Diseworth. As such, if the outward facing aspects are those principally seen by the village, should these facades be given a more natural and sympathetic treatment.</p>	<p>The 'Strong sense of identity' is formed through both the approach to built form and its orientation, and the approach to the landscaping and earthworks on and around the site. The scheme has been specifically designed with units set away from Diseworth and the intervening area extensively landscaped. The landscaping in this area includes an approach to earthworks that will help to screen the proposal from view together with the creation of an extensive community park. Both of which will contribute to the schemes sense of identity.</p>
14.	<p>Q2.0.5</p> <p>PD note the limited response above. If the Applicant had been paying careful attention to building proportions, then the buildings would not be of such a scale, that they cannot be visually mitigated. Notwithstanding that, we would also comment as follows:</p> <ul style="list-style-type: none"> <li>• How has the applicant responded to the rural environment and proximity to a heritage village and has a more nuanced and sympathetic façade treatment beyond straight line horizontals and verticals been considered leaning to more natural rhythms?</li> <li>• As the village facing side is so close to village human scale, will this side of the development be given closer attention to human scale massing and detailing?</li> </ul>	<p>The design approach to the scheme has sought to comprehensively respond to the site and its context as well as balancing other design and commercial objectives. The approach has regard to the assessment of all environmental issues including the surrounding environment and the relationship of the site with Diseworth. This comprehensive approach is set out in the Design Approach Document when read as a whole.</p> <p>The maximum height of units on the western side of the site (those parts closest to the village) are lower than on other parts of the site, as set out on the Parameters Plan. The Parameters Plan also defines and secures the buffer between the eastern edge of Diseworth and the proposed built development.</p>

	<ul style="list-style-type: none"> <li>• By what point will building heights be fixed and to what extent will this be concluded within the examination process, rather than being considered as a Requirement?</li> </ul> <p>PD consider that the Applicant relies on generic descriptions of an approach, rather than demonstrating a commitment to a genuine design intent. It is clear from the Applicant's own visual representations that it is not possible to create a more attractive and cohesive environment - this may be in relation to the design itself, but the proposals will not be cohesive with the existing character and setting of the settlement. In this regard views are not 'framed' they are dominated by the proposals.</p> <p>PD considers it important that the Applicant provide sufficient information within the examination so as to be clear on the scale of development. For example, the ultimate height is indicated by a red 'dashed' line. PD considers that the visual images should present the buildings at this height, so that the maximum scale of the buildings and the resulting effects can be properly understood.</p>	<p>Maximum building heights are fixed by the scheme parameters and form the basis of relevant elements of the assessment within the ES.</p> <p>The parameters fix the maximum height of buildings. All images, cross sections and montages use the maximum heights (ie the worst-case effects) to demonstrate the potential effects of the proposal.</p>
15.	<p>Q2.0.6</p> <p>On this issue, PD would ask whether such fencing could and should comprise acoustic fencing, so as to safeguard amenity during the construction and operational phases of the proposed development.</p>	<p>The Applicants do not consider acoustic fencing to be required.</p>
16.	<p>Q3.0.1</p> <p>PD welcome the clarity provided by the Applicant on utilising the most appropriate methodology to report impacts on BMV land, noting that as a result of aligning to Natural England (NE) methodology, impacts have been upgraded from moderate to major. We look forward to reviewing further comments from NE in this regard.</p>	<p>The Applicants note the response.</p>
17.	<p>Q3.0.2</p>	<p>The Applicants note the response.</p>

	<p>PD note the Applicant's position that all BMV land impacted will be lost on a permanent basis. Noting the comments from the Applicant on the possible re-use of soil, this should include commentary on the total percentages of topsoil from Grades 1, 2 and 3a BMV land that will be repurposed on the site, as opposed to being sold on and used in offsite development projects.</p>	
18.	<p>Q3.0.3</p> <p>PD note the acknowledgement from the Applicant that the BMV land to be lost is permanent and therefore irreversible. PD consider that given the Applicant has referred to the 41 scheme's compliance with the NPSNN1 this should include how they have demonstrated compliance with the mitigation hierarchy of avoid, minimise, rehabilitate and compensate in line with Paragraph 5.1.89 of the NPSNN which states that: 'Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality.'</p>	<p>The Applicants note the response and confirm that this point is addressed in Chapter 15 of ES on Agriculture and Soils [AS-061].</p>
19.	<p>Q3.0.4</p> <p>Noting the above, PD look forward to commenting on the Applicant's response on the Soil Management Plan when it is available.</p>	<p>The Applicants note the response.</p>
20.	<p>Q3.0.5</p> <p>Once again, PD look forward to the opportunity to review the Technical Note when it is published subsequent to D2.</p>	<p>The Applicants note the response and can confirm that the technical note has been submitted at Deadline 4 as part of our response to the ExQ2 in respect of Q3.0.2.</p>

21.	<p>Q3.0.6</p> <p>PD considers the impact on agricultural land in respect of land ownership is currently unclear and the following points require clarification.</p> <ul style="list-style-type: none"> <li>• PD requests further information on Landowner 2 as we understand that any land previously owned by a local farmer has now been willingly sold to Prologis. This would mean that all land to the North of Hyams Lane is now in the control of the Prologis/EMIA consortium and tenanted to the former owner who will subsequently have no further financial gain. SEGRO would need to compulsorily purchase this land for their scheme to be delivered.</li> <li>• Landowner 3 - (land South of Hyams Lane) purchased this land several years ago (we believe speculatively) and already has an option agreement with SEGRO should this proposal be successful. We request SEGRO confirm this for transparency.</li> </ul>	<p>Details of land ownerships can be found in the Book of Reference accompanying the DCO Application [APP-021D].</p>
22.	<p>Q5.0.6</p> <p>PD notes the above and would offer the following comments:</p> <ul style="list-style-type: none"> <li>• To retain marine life throughout the year, has the impact of the reduction in groundwater flow into Hall Brook been evaluated to ensure Hall Brook, which currently flows all year, is not adversely impacted?</li> <li>• During prolonged periods of no or little rain the brook reduces to a trickle with the brook bed always remaining wet (albeit with only ~4cm depth average), thus ensuring marine life is retained. With the site not being used for agriculture would this cleaner water feed in be more positive to the health of the brook's marine life than relying solely on the airport water?</li> <li>• Groundwater springs pop up along the village boundary to the site. With such sensitivity, would a sensible mitigation be to allow for an option</li> </ul>	<p>The Hall Brook catchment extends to approximately 2.41km<sup>2</sup>, of which East Midlands Airport occupies around 63%. The EMG2 Works affect approximately 0.30km<sup>2</sup>, representing around 12% of the catchment. The dominant hydrological influence on Hall Brook is therefore the wider catchment, including the airport.</p> <p>The site's contribution to low flows in the Brook via throughflow or groundwater is considered minimal. The on-site ditch network is seasonally dry, which is consistent with the underlying ground conditions not supporting significant infiltration. The development</p>

	<p>for a diversion trickle feed in from site into Hall Brook during the dry season?</p>	<p>does not intercept or abstract groundwater, and no works are proposed to the Hall Brook itself.</p> <p>Regarding water quality, current arable land use contributes suspended solids, nitrates, and phosphates to the catchment. The Environment Agency classifies the receiving water body as having poor ecological status, with phosphate pollution identified as a key pressure. Replacement of arable land with managed green infrastructure, including the Community Park, removes this input from the catchment, which is considered beneficial to water quality in the Brook, including during low-flow conditions.</p> <p>On this basis, it is considered that the project's effects on groundwater flow to the Hall Brook will be negligible for any associated aquatic species.</p>
23.	<p>Q8.1.3</p> <p>On this issue PD would query whether 'stress' testing been conducted to demonstrate whether in extreme exceedance conditions flood waters cannot get mixed with foul or combined public sewer effluent or the other way round (as has been experienced in Diseworth).</p>	<p>The DCO Scheme will drain foul and surface water within entirely separate systems in the site. The foul and surface water drainage infrastructure within the development is located outside of the floodplain</p>
24.	<p>Q8.3.6</p> <p>PD note that NWLDC in response to the first point seem largely content with a discharge period of 8 weeks, with some qualifying comments. PD note that other LA's are typically seeking a longer period (10 weeks plus) for the discharge of requirements. PD consider it important that NWLDC has the time and resources available to deal with matters of detailed approval, in the event that permission is forthcoming.</p>	<p>The Applicants note the response.</p>

25.	<p>Q12.0.2</p> <p>PD note that the A42 slip road to Moto junction is not visible from Diseworth, whereas the vehicles on the slip road are clearly visible.</p>	The Applicants note the response.
26.	<p>Q12.0.3</p> <p>PD agree that it is typical for a replanting requirement to secure the replacement of any 'failed' planting and that a contingency should be planned to account for this scenario. PD note that the Applicant is planning for the scheme to deliver a minimum BNG of 10% and therefore we would highlight the crossover between this and the typical 30-year monitoring and management associated with BNG.</p>	The Applicants note the response and can confirm that draft Requirement 10 (LEMP) of the dDCO secures replacement planting of any failed landscaping over a period of 15 years.
27.	<p>Q12.0.6</p> <p>PD note that with reference to sequential views, viewpoints (VP) B and C are essentially from the same location at the very western end of Hyams Lane and look into the fields to the north. VP D is from the centre of the lane and looks directly south. What is not recorded is a view looking along the lane or from the higher ground at the eastern end of the lane where there are open views over Diseworth. PD would refer the Applicant to the key views as considered within the Long Whatton and Diseworth Neighbourhood Plan<sup>2</sup> within Appendix Two (Important Views) and these should be recorded and considered by the Applicant. The extract from Appendix 2 states as follows: 'Viewpoints 06-08 are taken sequentially travelling westwards from the top of the PRoW, Hyams Lane, which bisects the parcel. This PRoW represents a historic route into Diseworth from the neighbouring Kegworth. VP06 is recorded from the PRoW which connects along Hyam's Lane between Donnington Park Services and the 2 Submission Version v3b.pdf 145 village. This is a key view encompassing the characteristics of the landscape which define the setting and context of Diseworth. This is an open and panoramic view, providing a visual connection along a recreational route, including the spire of St Michaels in Diseworth and the wider surrounding countryside.</p>	<p>The Applicants note the response however we note that the recently issued Examiner Report of the Long Whatton and Diseworth Neighbourhood Plan states that Viewpoints 05, 06, 07 needs to be deleted from the Plan and Viewpoint 08, should be excluded from the extent of the sensitive view of any land that would fall within the Freeport area. The Examiner concludes that "<i>development at the Freeport should not be subservient to a policy on important local views</i>".</p> <p>With that being said and noting the synergy of landscape and heritage matters in respect of the impact on Diseworth, Chapter 12 and Appendix 12A have been updated to respond to Historic England's request for a sequential route-based assessment of Hyam's Lane. This updated information has been updated at Deadline 4. Additional imagery is being prepared and will be submitted at Deadline 5.</p>

	<p>The main transport infrastructure can be seen to the east but from this point the impact on receptors experience of the landscape is minimal. Travelling along Hyams Lane the settlement becomes more visible with the spire of St Michael's the only built form to break the skyline to the south and the control tower a focal point of the skyline to the north. Breaking away from Hyam Lane onto the PRow through the field adjacent to the settlement edge the church spire remains the only built form to break the skyline (VP07 &amp; 08). From this point the landscape to the west of Diseworth opens at a higher elevation, further emphasising Diseworth's position in the bowl of the landscape. Modern developments on the northern edge of Diseworth are built at a slightly higher elevation and are more apparent from VP08 than the majority of the settlement which sits in the bowl of the landscape until you are directly above it from these routes. This has had an impact on the historic character of the village and consequently the extended built form of the village has begun to impact the wider visual quality of the settlement within the landscape. PD note that these are one of the most important receptor groups, are most sensitive to the development and will receive the highest impacts and level of effects as a result of the Proposals. Although the discussion in Appendix 10F does touch on views from the more elevated ground and views to the south, it is light touch and because there is a lack of representative viewpoints is not able to describe fully the potential impacts or reflect those for the general public to understand. 146 We agree with the conclusion of Major Adverse but we do agree that this reduces over time. We are not satisfied that enough 'breathing' space has been left along the route and if there were views which looked along the line of the route and these were visualised this would help to understand the potential level of impact. Finally, no photomontages are produced for views from the centre or northern views from Hyams Lane.</p>	
28.	<p>Q12.0.11</p> <p>Having reviewed the above, PD would query whether on site lighting lux calculations include vehicle lights?</p>	<p>The lighting calculations (horizontal and vertical illuminance) does not include vehicle lighting. It is</p>

		<p>not possible to include vehicle lighting within these calculations for several reasons:</p> <ol style="list-style-type: none"> <li>1. Vehicle light sources are transient and move around a site, making illuminance predictions of vehicle-generated lighting in any one area of a site impractical and inaccurate.</li> <li>2. There are no defined luminous intensity (cd) requirements on headlights imposed by UK legislation or regulation</li> <li>3. These light sources do not form part of any lighting design</li> <li>4. Vehicle light sources are required by law to be used during the night for highways safety purposes</li> <li>5. GN01:2021, GN08:2023 and PLG04:2013 the main guidance documents the lighting assessment is based on do not include vehicle light sources for the above reasons.</li> </ol> <p>However, mitigation is included within the design of the Proposed Development that will reduce/mitigate the effects of vehicle headlights on the area surrounding the Main Site (specifically those effects on Diseworth). Namely the proposed screen bunding and landscape planting.</p> <p>Of this mitigation, the most effective and quickest to take effect will be the proposed screen bunding. As per the Construction Phasing Plan provided at Appendix 2 of the CEMP [REP2-026D] this bunding</p>
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		<p>will be constructed so that it is in place during the construction phase.</p> <p>It should also be noted that:</p> <ol style="list-style-type: none"> <li>1. The use of high beam headlight is only allowed on unlit roads within the UK</li> <li>2. It is an offence to use high beam headlights in the UK in built up areas, when there are oncoming vehicles, when following vehicles, or when you are approaching a junction.</li> </ol> <p>Therefore, the use of high beam headlight is not permitted within the Proposed Development, and the mitigation that is secured as part of the DCO and within the Construction Phasing Plan provided at Appendix 2 of the CEMP will only be required to mitigate the effects of dipped headlights.</p> <p>Based on the proposed bunding, which is secured as part of the DCO, vehicle headlights will not result in any additional significant effects on any receptors above what is currently assessed within ES Chapter 11.</p> <p>As such, no clarification or supplementary explanation to ES Chapter 11 or the supporting calculation outputs are required.</p>
29.	<p>Q15</p> <p>As an overarching comment in respect of section 15 below, PD note that job creation figures associated with the proposed development vary across the application submission documents, Freeport and other</p>	<p>The Applicants note the response and refer you to Chapter 5 Socio-Economic <a href="#">[[REP3-008]]</a> for further details on this matter in respect of the forecasted FTE jobs to be generated by EMG2. The peak number of FTE permanent jobs generated by EMG1 is approx. 7,000 jobs (as of December 2025). The</p>

	<p>publications alongside those figures released in the media. PD would therefore ask the Applicant to confirm:</p> <ul style="list-style-type: none"> <li>• Actual number of FTE permanent jobs created by EMG1.</li> <li>• Forecast FTE jobs created by EMG2, at the construction and operation phases, excluding any redeployed roles from EMG1.</li> </ul>	<p>forecasted FTE jobs to be generated by EMG2 (excluding the MCO) is 430 FTE on-site jobs at construction stage and 3,700 new FTE on-site jobs once fully operational.</p>
30.	<p>Q15.0.2</p> <p>PD note the Applicant's refer to it being an NSIP, but in reality, it does not qualify by default under the terms of the Planning Act 2008. In the view of PD, the Applicants have sought to elevate the prospects for success, by removing the ability for local decision making. In reality, there is little evidence that the proposed development makes a genuine national contribution. Moreover, if it is of national significance, there is limited evidence as to why the proposed development needs to be located on the chosen site, including the consideration of alternatives.</p>	<p>The Applicants note the response.</p>
31.	<p>Q15.0.5</p> <p>Overview PD continues to argue EMFs existence should be given no weight in these proceedings. It sees the situation as Kafkaesque in that a consortium of vested interests in government and commerce have taken a decision that currently productive agricultural land next to Diseworth should be used for industrial purposes without reference to it and critically, that such an act should be used to justify that development. What follows supplements the core arguments already set out in earlier documents: i) paragraph 6 in Relevant representations (p7/79 of pdf RR-025D) dated 7 January 2026 ii) paragraph 6c (Needs and Alternatives) of submission made prior to ISH (p3/7 of Rep 1 239) As alluded to previously, SEGRO and its former commercial partner EMA (predecessor to Prologis) jointly responded with a glossy submission to a "call for sites" by NWLDC some years before the designation. Local planning procedures did not allow that to go forward at that time and even now,</p>	<p>The Applicants note the response.</p>

NWLDC's LIR in these proceedings (REP1-103 AT P116/117) demonstrates the extent to which the DCO application and indeed, by implication, Prologis' application are in practice in breach of and/or not supported by local planning policies. Whilst acknowledging the undoubted forensic approach to this application by the ExP, PD is left with the uneasy feeling that EMF and its partners see development of the EMP 90 land as a "done deal" because of that designation nevertheless continuing to claim that development will be 190 subject to "normal planning procedures" (CEO EMF and others) and particularly bearing in mind the marketing and publicity by it and others. This unease stretches back to the start of the process when, in April 2022, the chair of EMF in a meeting with LWDPC and PD said, "the expectation was that something would happen." In the same conversation, she claimed the purpose of EMF was to focus upon retention of university students in the East Midlands area and that [they/EMF] "were not looking for big rectangular sheds." The substance of MHCLG's reply to ExP's Regulation 17 Request In PD's view, the reply continues the pattern of obfuscation and lack of transparency displayed in relation to the inclusion of the site since its designation in February 2022. If these were court proceedings, PD suggests any judge would give short shrift to such obfuscation. "Annex B" (purportedly a "factual note") merely says in overview that the extent was "determined by reference to the suitability and justification of the proposed sites." It merely refers to "revised proposals" the failure of the first permission and in claiming that "Annex A therefore evidences that alternative configurations were considered" should be construed as a transparent response to the Request. All that the "Annex A" documents show is that the initial bid was rejected and the second accepted. No explanation whatsoever is given as to how (PD's emphasis) the extent was arrived at the apparent nub core of the Regulation 17 Request. The section below give direct examples of the Department's failures of transparency. 191 Freedom of Information Requests As alluded to previously, strenuous attempts have been made over several years via the FOI route to establish the answer to this core question. Such requests have been made to LCC, NWLDC, the former DLUHC. In addition to the then minister (Dehanna Davidson) refusing to answer the

	<p>point in a letter to Diseworth's then MP in 2023. The most recent attempt was put to MHCLG recently. That latter request has just been the subject of internal review but that upheld the initial decision with nothing beyond the very limited initial disclosure being made. This, despite the fact what little was disclosed confirmed the following specific facts: i) the CEO of LCC was in regular correspondence with the Department over the issue (little of that correspondence was in fact disclosed). ii) an email of 13.12.21 from DLUHC to the CEO referring to "the primary objective [of Freeports] is regeneration of underdeveloped sites..." iii) an email dated 22.12.21 from BEIS to that CEO referred to "there having been a huge bone of contention [re the land] .....what has changed?" iv) an email of 13.1.22 from DLUHC to the CEO made specific requests for details of "planning risks for the new site...." In addition, there were numerous examples of the existence of other documents. All these issues were pointed out but rejected by the review process. This specific issue will be pursued and referred to the Information Commissioner, but the ExP is also asked to pursue this issue until a satisfactory response is given.</p>	
32.	<p>Q16.0.1</p> <p>PD are aware that the target criterion of Pol 05 is neither mandatory for this development, or for any particular rating under the BREEAM scheme, it is also the case that NPPF, PPG:N and NPSE do not give target criteria with respect to existing Background Noise levels for fixed plant. The standard which deals with the assessment of impact of such plant noise is BS 4142:2014+A1:2019. However, this standard only deals with the assessment of impact and does not give advice or targets for mitigation. As the intention of the BREEAM scheme is for sustainable development (i.e. target criteria for fixed plant noise which are unlikely to lead to complaints and / or disturbance in the future) we are of the opinion that this is a suitable and desirable criterion for this development and see no reason why this criterion should not be achievable.</p> <p>This issue was raised as Exhibition Board 11 stated:</p>	<p>Pol 05</p> <p>The Applicants agree that the NPPF, PPG:N and NPSE do not give target criteria with respect to background sound levels for fixed plant. However, these documents do set out the aims of government noise policy, which include avoiding significant adverse effects and mitigate and minimise any adverse effects within the context of Government policy on sustainable development.</p> <p>As set out in the response to Q16.0.5 below, the target rating levels have been set using the guidance in BS 4142:2014+A1:2019. These are set to below the level at which an adverse effect would occur.</p>

	<p>The emerging scheme design includes embedded and additional mitigation measures to reduce the impacts of the development during both construction and operational phases. This currently includes:</p> <ul style="list-style-type: none"> <li>• Implementation of a best practice construction environmental management plan to manage noise, dust and lighting effects of the construction phase of the scheme.</li> </ul> <p>PD notes that this gives the impression that the CEMP has already been produced. If the CEMP has not yet been produced and finalised PD would ask how has the noise due to construction has been accurately assessed.</p> <p>As per our comments on the Applicant's response to 1.2.8, PD do not understand how it is possible to know that 'advanced manufacturing' uses are not expected to generate significant levels of vibration when there is no definition of what these uses are.</p> <p>PD note the thresholds of draft ES table 7.3 appear to be the values of Category A of Table E1 of the standard (reproduced in our previous letter J005102-8713-RDC-01. However, the table title states that the values are 'Example threshold of potential significant effect at dwellings'. Note the word 'significant', which corresponds to the 'Significant Observed Adverse Effect Level' of NPSE. The Applicant has proceeded to incorrectly define this as 'LOAEL' (Lowest Observed Effect Level) when the table clearly indicates that these are Significant effects at dwellings. The Applicant goes on to state that Significant adverse effect levels are 10dB higher than these levels. We are of the opinion that this is an incorrect interpretation of the standard.</p> <p>PD note that irrespective of whether bulk earthworks are to take 18 months or 3 years, they are proposed for a period of more than 6</p>	<p>Therefore, meeting the aims of Government Noise policy.</p> <p>Furthermore, it could be argued that if achieving a level of 5 dB below background (which would be below the LOAEL in policy terms) required extensive mitigation, the economic and environmental cost of that mitigation might not outweigh the benefit of attenuation provided and therefore is not compliant with government policy on sustainable development.</p> <p>Noise emission from fixed mechanical and ventilation plant (including substations) and any other noisemaking machinery as well as all mobile plant are controlled through Requirement 21 of the DCO.</p> <p>CEMP</p> <p>A CEMP was submitted as part of the DCO Application documents, the latest revision is <u>REP2-026D</u>. The CEMP sets out the overarching systems and controls that will be adopted during the construction phase of the project. It provides the framework for the phase and construction component specific CEMPs (P-CEMPS) which will be produced for each component of the development.</p> <p>As described in the ES chapter (April 2026) Paragraph 7.2.10 the predictions are based on the preliminary information, methods and construction programme provided in together with experience from EMG1, to provide details of any works that are likely to overlap. The predicted construction noise levels have been combined based on overlapping</p>
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	<p>months. Section E.5 of BS 5228-1 clearly states: “Based upon the above, it is suggested that the limit of 55 dB LAeq, 1 h is adopted for daytime construction noise for these types of activities but only where the works are likely to occur for a period in excess of six months. Precedent for this type of approach has been set within a number of landmark appeal decisions associated with the construction of ports.” As such the Applicant is incorrect, and for projects such as this with large scale and long term earth moving lasting more than 6 months the Criterion of Section E.5 applies (55dB LAeq, 1 hour daytime, background + 10dB evening and 42 dB LAeq, 1 hour night-time). The above criteria appear to be substantially exceeded at the majority of receptors (Table 7.17 of Chapter 7 of the ES).</p>	<p>works in terms of the available programme information, referred to as timeslices. This represents a robust worst case approach, based on information currently available.</p> <p>Please also see the Applicants' response to ExQ2 Q16.0.2 which provides further details of what would be contained in the construction noise appendix to the P-CEMPs, including a detailed construction noise assessment for that phase of works, based on information provided by the contractor.</p> <p><b>Advanced Manufacturing Uses</b></p> <p>It is considered unlikely that advanced manufacturing uses would be expected to generate significant levels of vibration at the nearest receptors given;</p> <p>a) the distances between the warehousing and the receptor locations. For context, LA111<sup>1</sup> (which relates to the assessment of noise and vibration from the construction and operation and maintenance of highways projects), indicates that a reasonable study area from construction vibration is 100m. The Federal Transit Administration<sup>2</sup> also indicate that operational vibration from railways can be screened out at distances of over 61m. All receptors in Diseworth are at least 100m from any warehousing.</p> <p>b) if any advanced manufacturing uses did generate high levels of vibration, mitigation would need to be</p>
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<sup>1</sup> LA 111 version 2, Design Manual for Roads and Bridges, National Highways (2020)

<sup>2</sup> Federal Transit Administration (2018) Transit Noise and Vibration Impact Assessment Manual (FTA Report No 0123)

		<p>provided at source to isolate the equipment from the building structure/slab to mitigate against building damage and in order to provide an acceptable working environment for employees and potentially other equipment/machinery in the vicinity of the vibration source.</p> <p>Construction Noise Criteria</p> <p>Regarding ES Table 7.3 and construction noise criteria and section E.5 of BS 5228-1, please see Applicants' response to ExQ2 Q16.0.1.</p>
33.	<p>Q16.0.5</p> <p>PD note that Paragraph 7.7.14 of the EMG2 ES (Jan 2026) states that the target noise levels 'are not proposed noise limits, and some exceedances of these values would still meet the requirements of noise policy'. We are not clear what this means, surely the target levels do (or ought to) represent noise limits.</p>	<p>It is noted that the corresponding paragraph in the EMG2 ES (Jan 2026 or April 2026) is Paragraph 7.7.17.</p> <p>The target rating levels have been set on the basis that noise from fixed should not exceed the typical or sensitivity test background sound levels at each receptor.</p> <p>In accordance with the relevant standard for assessing this type of noise (BS 4142:2014+A1:2019) and as stated in Paragraph 7.2.32 of the April 2026 ES, the initial estimate of impact is determined by comparing the rating level against the background sound level:</p> <ul style="list-style-type: none"> <li>• where the rating level does not exceed the background sound level, this is an indication</li> </ul>

		<p>of the source having a low impact, depending on the context.</p> <ul style="list-style-type: none"> <li>where the rating level exceeds the background sound level by around 5 dB, this is likely to be an indication of an adverse impact, depending on the context.</li> </ul> <p>Therefore, the rating level can exceed the background (for example by 1 or 2 dB) but not actually be an adverse impact. Noise policy indicates that adverse impacts should be mitigated and minimised but as stated in Paragraph 5.241 of the NPSNN (and Paragraph 7.3.6 of the April 2026 ES) these policy aims must be met, within the context of Government policy on sustainable development. Hence the levels are quoted as target levels as opposed to fixed limits.</p> <p>Regardless, noise emission from fixed mechanical and ventilation plant (including substations) and any other noisemaking machinery as well as all mobile plant are controlled through Requirement 21 of the DCO.</p>
34.	<p>Q16.0.6</p> <p>PD note that the response does not appear to address how the assumption of electric hook-ups is secured through the DCO.</p>	<p>The Applicants confirm that electric hook-ups will be secured by Requirement 30 of the draft DCO [REP2-008D].</p>
35.	<p>Q16.0.8</p> <p>PD note the thresholds of draft ES table 7.3 appear to be the values of Category A of Table E1 of the BS5228-1 (reproduced in our previous letter J005102-8713-RDC-01. However, the table title states that the</p>	<p>The Applicants disagree that the incorrect thresholds have been used. Please see the Applicants' response to ExQ2 Q16.0.1.</p>

	<p>values are 'Example threshold of potential significant effect at dwellings'. Note the word 'significant', which corresponds to the 'Significant Observed Adverse Effect Level' of NPSE. The Applicant have proceeded to incorrectly define this as 'LOAEL' (Lowest Observed Effect Level) when the table clearly indicates that these are Significant effects at dwellings. The Developer goes on to state that Significant adverse effect levels are 10dB higher than these levels. We are of the opinion that this is an incorrect interpretation of the standard. Where bulk earthworks are proposed for a period 212 of more than 6 months. Section E.5 of BS 5228-1 clearly states: "Based upon the above, it is suggested that the limit of 55 dB LAeq, 1 h is adopted for daytime construction noise for these types of activities but only where the works are likely to occur for a period in excess of six months. Precedent for this type of approach has been set within a number of landmark appeal decisions associated with the construction of ports." Again, the above limit, if considered in terms of NPSE terminology represents a SOAEL value, as clearly shown by the use of the term 'limit' to describe the specified noise level. As such the Applicant's criterion for construction noise assessment is incorrect, and for projects such as this with large scale and long term earth moving lasting more than 6 months the Criterion of Section E.5 applies (55dB LAeq, 1 hour daytime, background + 10dB evening and 42 dB LAeq, 1 hour night-time.)</p>	
36.	<p>Q16.0.9</p> <p>PD would comment that Paragraphs 6.1 to 6.8 of the CEMP refer back to thresholds given in Table 7.3 of the Environmental Statement. This is the table where the SOAEL has been incorrectly determined as the threshold levels of BS 5228-1 Annex E increased by 10 dB. This is incorrect and the thresholds should be those given in Table E.1 of BS 5228-1.</p>	<p>The Applicants disagree that the incorrect thresholds have been used. Please see the Applicants' response to ExQ2 Q16.0.1.</p>

<p>37.</p>	<p>Q16.0.12</p> <p>In PD's view this still doesn't appear to be clear. Paragraph 7.2.9 of EMG ES Chapter 7 states that noise from construction activities has been predicted using "the methodologies described in Annex F of the British Standard BS 5228-1:2009+A1:20141 and the International Standard ISO 9613 2:20242 using the noise modelling software package IMMI. " We note that the calculations must have used either Annex F of BS5228, or ISO 9613 as the two methods are not equivalent and the Applicants have still not confirmed which has been used for construction noise</p> <p>PD are not aware of any circumstances where broadband alarms would be prohibited on Health &amp; Safety grounds. If the caveat would only apply in very limited circumstances, why can these circumstances not be explicitly stated. The current statement does not appear to be defined sufficiently precisely to be enforceable.</p>	<p>Regarding the prediction of noise from construction activities, in accordance with Annex F of BS 5228-1:</p> <ul style="list-style-type: none"> <li>• Annex C of BS 5228-1 has been used to determine the noise emission from the various items of construction equipment that will be used, as identified in Appendix 7B of the ES titled 'Construction Data'.</li> <li>• An on-time correction has been applied for each source (F2.2.2.1 part e).</li> <li>• A cumulative sound power level has been determined for each activity identified in Appendix 7B.</li> </ul> <p>Each activity has then been modelled as an ISO 9613 point source in IMMI Noise Modelling Software.</p> <p>Propagation between the source and the receptor i.e. distance attenuation, screening, reflections and ground effect have then been determined in accordance with ISO 9613-2:2024, which is considered to be a more accurate prediction methodology.</p> <p>Regarding reversing alarms, please refer to Applicants' response to ExQ2 Q16.0.3.</p>
<p>38.</p>	<p>Q19.0.1</p> <p>PD note that while the Applicant explains why AECOM is engaged for PRTM outputs and confirms that LCC and National Highways review the resulting data, the response does not explain the non-financial relationships between AECOM and each party, nor identify any internal</p>	<p>The Applicants note the response, but the points raised are matters for AECOM and those instructing them.</p>

	arrangements or safeguards within AECOM to manage potential conflicts of interest arising from its simultaneous engagement by the Applicant, LCC and NH.	
39.	<p>Q19.0.2</p> <p>Having reviewed the above, PD notes the Applicant's response explains what was intended but does not correct the underlying ambiguity in the ES or confirm whether an amendment will be made. This does not confirm consistency across the application documents, meaning the ES remains unclear, contrary to the purpose of the ExP Q19.0.3 The applicants Trip generation rates Could the applicants please check the calculations in Table 15 of the TA [APP-080] for the both the The Applicants confirm that the total EMG2 HGV arrivals of 66 is correct and calculated using the EMG1 surveyed trip rates. However, the difference of -215 HGV arrivals (equating to -256.4%) is incorrect and instead should read 249 transport modelling work nor any other technical aspects of the TA.</p>	The Applicants do not consider there to be any ambiguity, and the draft Environmental Statement has been updated where appropriate.
40.	<p>Q19.0.3</p> <p>The Applicant confirms that the originally reported difference of -215 HGV arrivals (-256.4%) is incorrect and should instead be -15 HGVs (-18.5%). This is not a trivial correction as the original figures represent an order-of-magnitude error, so the change materially changes the interpretation of the comparison being presented in Table 15. The response does not explain how such a significant numerical error arose, or whether this error is isolated or indicative of wider calculation issues. The statement that correction of this error has no impact is a bare assertion without supporting evidence. The stated purpose of Table 15 is "to demonstrate that the agreed trip rates are robust." However, this change undermines that very claim of robustness. The Applicant must confirm that other areas of the TA have been checked and shown to contain no similar errors.</p>	As set out in the previous response, the purpose of the calculations in Table 15 of the TA [APP-080] was to compare the development traffic generation using the agreed trip rates against surveyed trip rates from EMG1, to demonstrate that the agreed trip rates are robust. Therefore, this incorrect value has no impact on the transport modelling work nor any other technical aspects of the TA. Hence it is isolated, with no bearing on any the subsequent calculations, or assessments, in the supporting transport documents whatsoever.

41.	<p>Q19.0.5</p> <p>The Applicant has not stated how signage would be secured if LCC required it. Article 18 is not a means of securing mitigation.</p>	<p>The provision of signage remains under discussion with LCC.</p>
42.	<p>Q19.0.7</p> <p>While the Applicant identifies where traffic from the schemes listed by Protect Diseworth is included in the PRTM modelling, the response does not explain why those schemes have been treated as part of the baseline, nor how their inclusion has influenced the conclusions reached. The response demonstrates that traffic data has been added to the model but does not explain whether the interaction between this proposal and the other schemes has been considered, or what difference their combined presence makes to the assessment outcomes.</p>	<p>Full details of all schemes included in the modelling are presented in the Uncertainty Log at Appendix 8 of the Transport Assessment.</p>
43.	<p>Q19.0.11</p> <p>PD notes the response above appears to rely heavily on assertion rather than evidence. The Applicant concludes that “nothing proposed at EMG2 will prejudice the delivery of any of the proposed allocations in the emerging Local Plan.” Without clearly setting out how this conclusion was tested, what criteria were used to assess “prejudice”, or how risks were ruled out across different scenarios. As an example, there is already a recognition from the transport consortium that Segro formed with NH, IW developers and others, that the dualling of the A453 will be required as part of the IW development and yet the Applicants are planning to build right up to the southern boundary of the A453, meaning any such development will have to done on the northern boundary on land owned by EMA, which has already written to confirm its opposition to the IW development. The ExP explicitly asked for measures undertaken and evidence. The response primarily provides reassurance rather than demonstrable proof.</p>	<p>The Applicants note the response but disagree. Regard has been had to proposed allocations in the emerging Local Plan in preparing the DCO Application and discussions are ongoing with LCC about the extent to which any land might need to be safeguarded for the future A453 dualling.</p>

44.	<p>Q19.0.12</p> <p>The Applicant has explained why they believe that traffic reductions on the A453 are expected to occur but have not explained how significant those benefits are in the context of the wider development, or whether they meaningfully offset the traffic and environmental impacts arising elsewhere because of the scheme. Additionally, the response relies on assumptions about driver behaviour and sat-nav routing without sensitivity testing or explanation of 258 how robust the reduction would be if those assumptions do not hold. Further, the modelling is based on 2022 observed flows and only at single hour peak periods (07.45-08.45 and 17.00-18.00). Residents know that congestion is caused by concentrated traffic patterns associated with multiple coinciding flight arrivals; staff shift changes across all companies based in the airport business parks (typically 15.45-16.45) and motorsport events/music festivals at Donnington Park. No modelling has been done that reflects the real congestion challenges that local people experience.</p>	<p>The Applicants note the response and confirm that all modelling has been undertaken in accordance with industry standards.</p>
45.	<p>Q19.0.13</p> <p>The Applicant explains how active travel infrastructure will be improved, but the response relies largely on design intent and assumed behavioural change. The claimed permanent benefits to severance, safety, and user experience are not quantified or tested against baseline conditions, and no explanation is provided as to how robust these benefits would be over time as traffic levels increase.</p>	<p>These matters are considered in Chapter 6 – Traffic and Transportation - of the Environmental Statement [AS-032] and the associated appendices.</p>
46.	<p>Q19.0.14</p> <p>“AAWT data is not available from PRTM” is not a basis for the modelling to therefore be accepted. The Applicants should explain why if PRTM2023 is the preferred/required model for highways authorities that the core modelling for this development has been done in EMFM2019, with PRTM2023 only being used as a supplementary sensitivity test?</p>	<p>The core modelling was undertaken in EMFM2019, because at the commencement of traffic modelling work for this proposed development, PRTM2023 had not been validated or approved for use at that point. The use of PRTM2023 as a supplementary</p>

		sensitivity test was therefore agreed with all members of the Transport Working Group.
47.	<p>Q19.0.16</p> <p>The Applicant's response only partially answers the question, which also requires that the Applicant "ensure that any further road safety audits or iterations of those completed to date are submitted as they become available". There is only confirmation of an update at D1, not of an ongoing process of updates.</p>	The Applicants are continuing to provide updates on road safety audits, including at this Deadline 4.
48.	<p>Q19.0.17</p> <p>The Applicant confirms that no analysis has been done to confirm traffic light phasing between EMG1 and EMG2 but has not provided an overview of whether it is required. Specifically, they have not stated what analysis could be undertaken, what solutions could be recommended, or how these could be secured. They are instead relying on MOVA control and are assuming that this will provide a satisfactory solution without any appropriate modelling. MOVA optimises individual junctions rather than managing interactions between them, and given the very high volumes of traffic forecast, the response does not provide 264 confidence that traffic will operate in a free-flowing manner across the wider area, nor does it explain how coordination could be introduced if problems arise.</p>	As previously noted, EMG2 includes signalisation only within the internal site to provide bus priority, whilst the site access roundabout operates under priority control. The modelling indicates that the existing MOVA configuration performs satisfactorily between EMG1 and M1 J24, utilising the current controller specification and MOVA configuration. Once the site becomes operational, should any coordination issues arise, the MOVA system can be revalidated on site to enhance coordination between junctions to maximise throughput. This is a standard process with MOVA, although based on our modelling, it is not anticipated that this will be required.
49.	<p>Q19.0.18</p> <p>The question asked how incorporation into the National Cycle Network would be secured, but the response only shows that WWCT (Sustrans) has indicated in principle support, that adoption would occur after completion, and that approval is conditional on satisfaction at detailed</p>	WWCT (Sustrans) will not agree to the adoption of the cycle track without seeing the detailed design for the track. However, should the track not be adopted by WWCT following said detailed design, this will not affect the cycle route provision, even if it is not formally numbered as an NCN route.

	design stage. There is no legal mechanism identified that secures NCN adoption, NCN numbering (Route 15) or inclusion on official NCN mapping. An expression of support is not a commitment and does not bind WWCT. The response concludes with “the Applicants see no reason why they cannot be satisfied” which is not evidence. Without certainty, or at least a secured fallback if certainty cannot be achieved, this is merely optimism.	
50.	Q19.0.20  The applicant has not provided the requested document (s106 planning obligation) or explained whether the obligation lapsed, was superseded, was varied, or remains enforceable.	A copy of the planning obligation was provided at Deadline 1. See Annex 1F of Applicants' Response to First Written Questions [REP1-054]. The obligation has not been varied and remains enforceable.
51.	Q19.0.21  The question asked directly, “whether the difference in the morning peak have any implications for the modelling and the analysis thereafter”, but the response does not explicitly say whether there are any implications or not, and what the consequences of any implications might be. Yet again, all modelling has been done based on the A453 being “just another road that normal modelling applies to”. No allowance has been made for it being the core access road to both East Midlands Airport and Donnington Park Racetrack. In particular, the assessment does not clearly demonstrate that the Applicant has robustly incorporated the published growth trajectory of East Midlands Airport, which forecasts an increase from just over 4 million passengers currently to over 5 million by 2030 and beyond. This represents a 268 material and foreseeable increase in passenger-related vehicle movements on the same constrained highway network assessed in the DCO. The absence of transparent, quantified testing of this growth within the cumulative assessment undermines confidence in the reliability of the modelling outputs. Similarly, there is no clear evidence that the transport assessment has adequately captured the impact of major event-driven traffic associated with Donnington Park Circuit, including large-scale events such as Download Festival. These	The difference in the morning peak does not have any implications for the modelling and the analysis thereafter.  The A453 has been assessed as per the validated and agreed, Leicestershire County Council maintained, PRTM strategic traffic model, hence allowance has naturally been made for it providing the main access for East Midlands Airport and Donnington Park Racetrack. Whilst it may not explicitly assess the impact of Download Festival for example, this happens once a year, and other events are irregular and should not form the basis for the assessment work and associated mitigation requirements.  The forecast levels of growth included within the model were provided by all local planning authorities, including North West Leicestershire

	<p>events generate substantial, highly concentrated traffic peaks that interact directly with airport flows and strategic road network demand. The failure to explicitly test these peak conditions as part of a realistic cumulative scenario represents a significant omission. Taken together, these issues point to a systematic underestimation of cumulative and peak-period impacts on the A453 and surrounding network. The Applicant's reliance on an earlier modelling framework, combined with the apparent omission or simplification of key real-world demand drivers, calls into question whether the proposed mitigation is sufficient. This matter should be subject to further detailed examination, including through updated modelling using the most current frameworks and explicit testing of combined peak scenarios.</p>	District Council, as set out in the PRTM planning data uncertainty log.
52.	<p>Q19.0.22</p> <p>The Applicant states that spelling errors have been corrected and tables and analysis have been updated and reissued at Deadline 1. They do not, however, go on to give either specific page, table, or figure references to show where corrections can be verified or any before-and-after confirmation that the identified errors (e.g. nil PM flows, incorrect column headings) have been resolved. This means that the corrections must be accepted on trust alone.</p>	Tracked change documents have been provided at each deadline to enable any corrections to be identified.
53.	<p>Q19.0.23</p> <p>Once again, the Applicant has confirmed that changes have been made without confirming exactly what has been done. It is once again up to the ExP to check whether this has been done to their satisfaction.</p>	Tracked change documents have been provided at each deadline to enable any corrections to be identified.
54.	<p>Q19.0.24</p> <p>PD notes that only part of the first question is answered – it goes on to ask whether the data is not invalid due to self-selection and why the survey can be considered statistically robust. Those points remain insufficiently addressed. A 24% response rate is not self-evidently</p>	The Applicants would highlight that the findings from the employee travel surveys, including the site wide and individual occupier survey response rates, are reported to the EMG1 Sustainable Transport Working Group and Leicestershire County Council via the EMG1 Annual Site Wide Travel Plan

	<p>representative, particularly on a large, 24/7 logistics site. The response does not explain whether 24% is considered adequate for this type of workforce, whether confidence levels or margins of error were assessed, or whether response rates were consistent across different occupiers, shift patterns, weekdays vs weekends, or day vs night workers. Without this, it cannot be determined how reliable the figures are, only how many people replied. Regarding the second question, while the Applicant has revised the bus usage calculation to reflect near-year-round operation, the response treats the issue as a numerical 276 correction rather than addressing whether bus demand and provision are representative of a 24/7 logistics workforce. The assumption that daily demand remains unchanged across weekdays, weekends, and night-time operations is not explained, and reliance on future monitoring limits confidence in the robustness of the current forecasts. Regarding the third question, The Applicant relies on paragraphs 7.27, 7.30 and 8.12 of the Sustainable Travel Strategy [APP-084] and Requirement 4(3) of the draft DCO, which requires compliance with that Strategy. The difficulty is that the Strategy does not currently explicitly secure free public use. The Applicant proposes to update the Framework Travel Plan to include this, so at present, the free public use commitment is prospective, not yet embedded in the approved document set. This means the assurance depends on a future amendment, rather than something already secured. The statement of continuance does not define a minimum level of service, no conditions for alteration or withdrawal of the service, nor definition of the term “perpetuity”.</p>	<p>Monitoring Report. Each year, for the past seven years, the survey response rate has been accepted by the EMG1 Sustainable Transport Working Group stakeholders and considered appropriate to inform progress towards the Site Wide Travel Plan targets.</p> <p>The Applicants would also reiterate the response provided at Deadline 2 [REP1-054], which sets out that the annual employee travel survey is just one of the methods used to monitor mode share and progress towards the Site Wide Travel Plan targets. Importantly, independent operational datasets including annual camera-based traffic counts (at each unit), shuttle bus patronage records, public transport satisfaction surveys, and insights from employee focus groups, are used to corroborate the findings from the employee travel surveys. All this evidence is reported to the EMG1 Sustainable Transport Working Group and Leicestershire County Council each year to collectively measure progress towards the travel plan targets.</p> <p>Finally, the Applicants note that, as outlined within the Transport Assessment [REP1-031] it has been agreed with the local highways authority, and National Highways to utilise trip rates for EMG2 that are consistent with those used at the planning stage for EMG1 (2014), which account for a minimal sustainable transport mode share and thus as ‘worse case’ scenario with regards to single occupancy car use. Highways mitigation measures account for the single occupancy vehicle trip rates modelled in the Transport Assessment (REP1-031) and therefore the delivery of the mode share targets beyond this baseline presents a betterment of the</p>
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		<p>forecast (and assessed) demand on the road network.</p> <p>Details of the current bus provision in the vicinity of EMG1 are set out in Table 4-1 the EMG2 Sustainable Travel Strategy [APP-084] and the proposed bus services for EMG2 in paragraphs 7.33 – 7.44 of the same document. This outlines that the services currently operating in the vicinity of EMG1 (which would serve EMG2) already operate early morning, late evening and overnight. They are therefore representative of the working patterns and demand likely to be seen at EMG2. Forecast demand for those bus services from EMG2 employees has been informed by the bus mode share and workforce distribution recorded at EMG1. This methodology is set out in Chapter 9 of the EMG2 Sustainable Transport Strategy [APP-084]. Daily demand for bus services remains largely unchanged across weekday and weekends as it is anticipated that occupiers at EMG2 will operate 24/7 and therefore the level of daily demand for bus services will not vary significantly across the week. Demand for nighttime bus services has not been assessed separately as this is considered within the daily demand for services. Finally, the Applicants also reiterates the response provided at Deadline 2 [REP1-054] which sets out that if investment is required to increase bus capacity, this would be led by updated data collected from the EMG2 occupiers based where employees are commuting from (based on employee home postcode data), and investment decisions would be made by the EMG2 Sustainable Transport Working Group.</p>
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		<p>The Applicants would clarify that it has always been the intention that the internal shuttle bus will be free for public use, as well as employees. The Applicants are however proposing to submit an update to the Site Wide Travel Plan which will specifically reference that the internal shuttle bus will be free for public use. The minimum level of service for the shuttle bus will be tailored around the employee shift patterns at the site to meet the needs of those using the service. This will be determined when occupiers have been secured for the site. The service will be funded through the site's management charge, rather than the Travel Plan or Bus Fund, which means that after these two funds have expired, the service can continue to be provided for the benefit of occupiers on-site (and for public use). This is set out in paragraph 5.11 of the EMG2 Framework Travel Plan [APP-085].</p>
55.	<p>Q19.0.26</p> <p>PD consider the assumption of "Very Low" usage is neither evidenced nor realistic. No evidence is provided on expected usage levels or baseline pedestrian counts, and no allowance is made for future use as the Community Park becomes established, increased use by visitors and employees, or potential growth in walking and leisure activity. Classifying the route as "for leisure purposes" does not logically imply low use, particularly where new infrastructure is being promoted to encourage active travel. By limiting the justification to "leisure use", the Applicant downplays the functional importance of the crossing and narrows the basis for safety assessment. The Applicant argues that a controlled crossing cannot be justified, but this line of reasoning is cost-led, not safety-led. There is no comparison of relative safety outcomes between uncontrolled and controlled options, any explanation of how vulnerable users (children, older people, less mobile users) are protected at an</p>	<p>Without prejudice to the responses provided, and stance taken to date, it has since been agreed with Leicestershire County Council that the crossing in question will be upgraded to provide a controlled facility.</p>

	uncontrolled crossing on a high-speed corridor, or any reference to traffic speeds or HGV proportions on the A453. In highway design, cost and land take do not override safety considerations, and that balance is not demonstrated here.	
56.	<p>Q19.0.27</p> <p>The Applicant's response acknowledges numerous substantive errors but fails to address their consequences. The assessment of severance and non-motorised user delay relies heavily on corrected-after-the-fact assurances. It dismisses very large traffic increases using untested assumptions and maintains conclusions that are no longer evidently supported by the corrected data, exhibiting inconsistent methodology application and poor internal coherence. As such, the response does not provide a robust basis for concluding that severance and NMU impacts are negligible and materially undermine confidence in the conclusions presented in Chapter 6 of the ES.</p>	<p>Building on the previous responses provided, and as intimated, there will be no negative consequences of the changes which will be undertaken to the ES Transport Chapter. As a result, the severance and NMU impacts will remain negligible, with no further mitigation required, over and above the infrastructure already proposed as a result of the scheme.</p>
57.	<p>Q19.0.28</p> <p>While the Applicant refers to monitoring and escalation procedures in the CTMP, the response does not explain how construction traffic levels would be actively capped or restrained. The process would allow repeated exceedance before action is taken and defines no immediate mitigation. No enforcement mechanism or legal consequence for breach are identified, and as such, the proposed "cap" 284 does not operate as a binding traffic limit. The Applicant's response regarding the build compound appears to confirm that construction phasing will ensure a compound on the west side is available from the outset, avoiding any interim period during which HGVs might overspill while awaiting delivery of the permanent HGV park to the east. However, this phasing logic is implied rather than stated explicitly, and the response does not explain how this sequencing would be secured should circumstances change. The Applicant's response regarding the number of working days does not address the identified arithmetic inconsistency and instead asserts,</p>	<p>The CTMP (revision 11) has been amended to provide further detail of the monitoring and enforcement procedure.</p> <p>Before the commencement of any phase of works, a Phase CTMP (pCTMP) will be issued for approval by the LPA and highway authorities. Details of access and compound requirements will be provided in each pCTMP.</p> <p>The evidence is provided as to why a five day working week represents a worst-case; as stated previously <i>"as the calculations are derived based on the number of deliveries of materials, which are fixed components, amending the calculations to a 6-day working week would reduce peak hour/daily construction movements, as the same total number</i></p>

	<p>without evidence, that a five-day working assumption represents a worst case. No revised calculations or spreadsheets have been provided, and the six-day working proposal described in the application is not reflected in the assessment. The response also fails to consider Saturday peak impacts or demonstrate that daily and hourly construction traffic effects would be reduced. Consequently, the construction traffic calculations cannot be regarded as robust or representative of the proposed working pattern. The response to the question about traffic spread is not actually answered. The Applicant was asked to justify the assumption of an even spread or consider a realistic worst-case scenario with peaks and troughs and reassess conclusions if those changed results. The response does neither and there is no justification for stating that this is a “worst-case” as the worst-case scenario must be demonstrated. Ironically, the Applicant admits that earthworks occur first, buildings follow and landscaping occurs later. This 285 undermines the even-spread assumption as the different phases will not by nature generate similar traffic volumes. By acknowledging phasing but continuing to model traffic as evenly spread, the Applicant contradicts their own explanation.</p>	<p><i>of movements would be spread over more days.”</i> Hence the numbers set out would be divisible by 6 rather than 5.</p> <p>With regards to the final two comments, the construction traffic numbers have been formally considered and approved by National Highways and Leicestershire County Council as providing a robust assessment which was assessed in PRTM.</p> <p>The assessment adopted with regards to there being a peak level of construction activity in the first year of construction, based on the methodology adopted, provides a worst-case assessment, and even then, the proposed construction numbers will be capped and monitored accordingly.</p>
58.	<p>Q21.0.1</p> <p>PD note that the Applicant has not provided clarity on this point and what upgrades could be needed in principle and indeed whether the hydraulic sewer modelling should be brought forward and presented into the examination.</p>	<p>As the local sewer operator, it is Severn Trent Water’s duty to identify what upgrades may be required to accommodate the foul water from development. The Applicants do not have access to this information. Severn Trent have identified that they will undertake the necessary assessments if the scheme receives approval. This is not an unusual approach for a sewer operator to adopt. Under the Water Industry Act (1991) Severn Trent Water have a legal duty to accept connections to the public sewers from new development, and to provide, maintain, and extend public sewer systems and sewage treatment works to ensure effective drainage.</p>

59.	<p>Q21.0.2</p> <p>PD would ask whether a Maintenance and Management Plan (or similar) should form part of the documentation that should be provided for consideration in respect of flood control measures and surface water drainage prior to any decision being made.</p>	<p>Draft Requirement 17 of the dDCO requires the submission of detailed long-term maintenance of the surface water drainage system and approved by the Lead Local Flood Authority.</p>
60.	<p>Q21.0.3</p> <p>PD notes that the Applicant's response above infers no flooding has occurred in Hemington/Lockington. For the avoidance of doubt are the Applicants able to confirm no flood events have occurred during construction and operational phases, derived from EMG1.</p>	<p>The Applicants are not aware of any flood events arising from construction and operation of EMG1.</p>
61.	<p>Q21.0.7</p> <p>PD would question what the basis for the EA agreeing to 1:100yr storm +25% rather than +40% as the appropriate design storm standard. We would further question whether the discharge rate has been sufficiently lowered and/or the attenuation volume increased sufficiently to give equivalence to +40% across the risk scenarios. Leicestershire County Council as LLFA requires the use of the upper-end climate-change allowance for surface-water drainage design, in accordance with the Local Flood Risk Management Strategy (2024). Under Environment Agency guidance, the upper-end allowance for peak rainfall intensity is +40%, and we would suggest therefore be used for attenuation sizing. Option Design storm used for sizing Sensitivity test Overall mitigation level 1 1 in 100-year + 40% +20% Higher 2 1 in 100-year + 25% +40% Lower Furthermore, we would refer to evidence from planning applications approved by NWLDC as set out below for comparison purposes. 1. EMA Parallel Taxiway &amp; Apron Expansion Application: 22/01345/FUL (NWLDC) Documents containing +40% requirement; Flood Risk Assessment &amp; Drainage Strategy, LLFA Consultation Response &amp; Environmental Statement – Water Environment Chapter. They say that attenuation basins and drainage networks must be</p>	<p>EA climate change guidance identifies that the central allowance should be considered for developments with a lifespan up to the 2100s, and the upper allowance used for those with a lifespan beyond the 2100s. The EMG2 Project's lifespan is expected to be in the region of 75-years, meaning a +25% allowance used to inform the design event. However, the upper end allowance (+40%) was also assessed as a credible maximum climate change event. This approach was agreed with the EA and LLFA. To reconfirm, the drainage basins can accommodate the credible maximum climate change storm (the 1 in 100-year+40% storm) with no exceedance.</p> <p>As reported under Q21.0.5, the proposed discharge rate from the EMG2 Main Site is substantially below the existing greenfield runoff rate. This represents an improvement over existing conditions. The surface water storage provided by the development will be</p>

	<p>designed to the 1 in 100-year +40% rainfall intensity and +20% used only for sensitivity testing. LLFA states “upper-end climate-change allowance required” 2. EMA Cargo East / DHL Expansion Application: 20/01443/FUL Documents containing +40% requirement; FRA, Surface Water Drainage Strategy &amp; LLFA Response. Key precedent: This is the closest hydrological analogue to Hyam’s Lane — same catchment, same LLFA, same policy wording. 3. Segro Logistics Park (SLP) – Castle Donington Application: 15/00302/OUTM Documents containing +40% requirement; FRA (Vol 1 &amp; 2), Drainage Strategy, LLFA Response &amp; Officer Report. Key wording used: “Surface water attenuation has been sized to the 1 in 100-year +40% climate-change allowance in accordance with LLFA requirements.” 4. South East Coalville (Linden/Bloor) Application: 17/01587/OUT Documents containing +40% requirement; FRA, SuDS Strategy &amp; LLFA Response. 5. M1 Junction 24 / A50 Logistics Hub Application: 18/00425/OUTM Documents containing +40% requirement; FRA, SuDS Strategy &amp; LLFA Response. This is the same settlement boundary and same LLFA reviewer as for this application.</p>	<p>sufficient to accommodate the 1 in 100-year+25% and +40% storm at the proposed discharge rate.</p>
62.	<p>Q21.0.8</p> <p>PD note that the NNNPS requires the following for NSIP projects, sites greater than 1ha or near a watercourse the following modelling. 1. 1 in 100-year +20% rainfall; 2. 1 in 100-year +40% rainfall (design); 3. 1 in 1000-year rainfall (exceedance); 4. 1 in 100-year +70% fluvial climate change (if near a watercourse); 5. Overland exceedance routing; 6. Residual risk assessment (blockage, failure, extreme climate scenarios). This should seek to demonstrate that attenuation sized to +40% and exceedance flows are routed safely on-site with no increase in flood risk to; Adjacent land, Watercourses, Highways’ or Third-party property. As such, can it therefore be explained why the 1-in-1000-year (0.1% AEP) flood event is not required to be modelled in the EMG2 drainage/flood-risk strategy with respect to exceedance routing. In addition if 1-in-1000yr has not been used as the extreme event, what return rate has been used</p>	<p>The Flood Risk Assessment and accompanying drainage strategy have been prepared in accordance with the NNNPS (March 2024), specifically para. 5.131 to 5.142 relating to the applicant’s assessment and mitigation of flood risk. The NNNPS does not refer to a specific set of model scenarios that need to be fulfilled, but it does encourage engagement with the EA and LLFA to agree the scope of the FRA which has been undertaken. The EA and LLFA have not raised any concerns related to the assessment of flood risk or the proposed drainage strategy. To confirm the attenuated storage is sized to accommodate the 1 in 100-year+25%/+40% storm, and exceedance flow routes will be provided between the basins/SuDS.</p>

	to assess; map exceedance flow paths, identify ponding depths and ensure no off-site worsening.	
63.	<p>Q22.0.3</p> <p>PD would refer back to its comments on the Applicant's response to Question 1.2.10 and its view on the construction working hours not being appropriate and that the Applicant has not sought to properly justify and explain their position. PD is surprised that such a provision exists, and the Applicant should be asked to explain why this is necessary.</p>	<p>The wording to enable changes to working hours to be agreed with the local planning authority is consistent with the provisions of the draft DCO [REP2-008D] and other made DCOs / planning permissions for similar projects. It provides flexibility and justification will be provided on a case by case basis in order to secure the local planning authority's agreement to the change.</p>

## APPENDIX 6

### RESPONSE TO SUBMISSIONS MADE BY PROLOGIS UK LIMITED AND PROLOGIS UK 121 LIMITED

Submissions received at Deadline 2 [ <a href="#">REP2-050D</a> , <a href="#">REP2-051D</a> , <a href="#">REP2-053D</a> and <a href="#">REP2-052D</a> ]		
No.	Matter	Applicants' Response
Covering letter dated 21 April 2026 [ <a href="#">REP2-051D</a> and <a href="#">REP2-052D</a> ]		
1.	<p>Collaboration with EMA/EMIAL</p> <p>Prologis notes that it has had sight of the Deadline 2 Submission made by East Midlands Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (together "EMA/EMIAL"), and that those submissions have been prepared following collaboration and discussion between the Prologis and EMA/EMIAL.</p> <p>Prologis considers that EMA/EMIAL's submissions are aligned with Prologis' own case. Prologis therefore supports and agrees with EMA/EMIAL's submissions insofar as they overlap with and reinforce the points advanced by Prologis, without seeking to repeat those points in Prologis' own submissions.</p>	The Applicants note the response.
2.	<p>Statement of Common Ground</p> <p>Having provided the 7 April SoCG to the Applicant on behalf of both Prologis and EMA/EMIAL, Prologis received the amended 21 April SoCG version from the Applicant's representative at 16:23 on the date of Deadline 2. Given the timing of receipt, Prologis has not had adequate opportunity to properly review the Applicant's amendments to the 7 April SoCG prior to Deadline 2 and its subsequent publication.</p> <p>The tracked changes version at Appendix 3 to this letter demonstrates the extent to which the Applicant has rejected the proposals advanced by Prologis in the 7 April SoCG. Prologis notes that whilst the</p>	The Applicants note the response. It is incorrect to suggest that the Applicants have chosen not to engage with the ExP's approach or that proposed by Prologis. The Applicants have instead sought to engage constructively and to confine SoCG to those matters which are of primary interest to the ExP. In any event, it is noted that the format of all SoCG will now be updated to align with the ExP's Rule 17 letter dated 19 May 2026 [ <a href="#">PD-021</a> ].

	<p>Examining Panel's Rule 8 letter identified land interests as the minimum topic to be addressed in the Statement of Common Ground, it also stated that "<i>should parties wish to include more, then the ExP is content to receive this</i>". Prologis had sought to provide additional detail in the 7 April SoCG in order to better assist the Examining Panel in understanding the parties' respective positions. The Applicant has chosen not to engage with this approach.</p> <p>In the interests of transparency, Prologis has appended to this letter both a clean copy of the 7 April SoCG and the tracked changes version provided by the Applicant (the 21 April SoCG) to provide the Examining Panel with full visibility on the progress in respect of the tripartite Statement of Common Ground.</p>	
<b>Deadline 2 Submission [REP2-050D and REP2-053D]</b>		
<p>2.1 – 2.16</p>	<p>Vires and Section 35 Direction</p> <p>SEGRO's response to the issue at Deadline 1 raises significant concerns regarding the lawfulness of any DCO granted pursuant to the DCO Application as submitted. Any application made in reliance on a Section 35 Direction must correspond fully with the proposed project specified in that direction. If it does not, to make a DCO in relation to the development contained in the DCO Application would be <i>ultra vires</i>. In simple terms, the power of the Secretary of State to make a DCO under the PA 2008 in a case such as this flows directly from the terms of the Section 35 Direction. As explained below, that important jurisdictional issue is reflected in the way the Direction is drafted.</p> <p>The Section 35 Direction dated 21 February 2024 directs (emphasis added):</p> <p><i>... that the proposed East Midlands Freeport – East Midlands Gateway Phase 2 ("the Proposed Project") <u>as set out in the applicant's formal</u></i></p>	<p>The Applicants note the response and note that, whilst it is correct that the power of the Secretary of State to make a DCO under the PA 2008 flows from the Section 35 Direction, there is no authority for the assertion that an application made in reliance on a Section 35 Direction must "<i>correspond fully with the proposed project specified in that direction</i>" or that if it does not then the application would be ultra vires. To do so would be to put an unsubstantiated gloss on the words of the statute. See Appendix 12 of the Applicants' response to Deadline 1 submissions on this point [REP2-032].</p> <p>The introductory text to the Section 35 Direction provides context and the Secretary of State's reasons for issuing the direction. The "Proposed Project" is identified as the East Midlands Gateway Phase 2, as set out in the applicant's formal qualifying request. The Secretary of State</p>

	<p><i>request be treated as development of national significance for which development consent is required.</i></p> <p>The text of the direction then states:</p> <p><i>The Secretary of State notes that <u>the Proposed Project comprises the following as detailed or referred to in the Applicant's qualifying request</u>: • a logistics and manufacturing hub, <u>including a substantial carbon neutral campus/headquarters including co-located head office functions.</u></i></p> <p>This fixes the description of the Proposed Project.</p> <p>The Direction continues (emphasis added):</p> <p><i>Having considered <u>the detail of the Proposed Project</u> against the criteria ... the Secretary of State is of the view that the Proposed Project by itself is nationally significant".</i></p> <p>The reference within the Direction to the Secretary of State having considered '<i>the details of the Proposed Project</i>' and to these details being '<i>set out in the applicant's formal request</i>' or '<i>detailed or referred to in SEGRO's qualifying request</i>' makes it clear that the Direction is to be understood by reference to the application to which it responded.</p> <p>That formulation and approach reflects the underlying statutory context. Section 35ZA(2) provides that the power in section 35(1) to give a direction in a case within section 35(2)(a)(ii) (business or commercial projects of prescribed description) is exercisable only in response to a 'qualifying request'. Section 35ZA(11) defines a 'qualifying request' as a written request for a direction which (emphasis added):</p> <p style="padding-left: 40px;">(a) <i>specifies the development to which it relates; and</i></p> <p style="padding-left: 40px;">(b) <i>explains why the conditions in section 35(2)(a) and (b) are met in relation <u>to the development.</u></i></p>	<p>summarises that request as "a logistics and manufacturing hub, including a substantial carbon neutral campus/headquarters including co-located head office functions".</p> <p>The Applicants have previously explained in Action Point 15 [REP1-053], that the supporting statement referred to in the Direction identifies Maersk's ambitions to create a carbon neutral inland port across both EMG1 and EMG2. The supporting statement records Maersk's aspiration to deliver a campus at a scale commensurate to what it has delivered on EMG1, which represents approximately 10% of the total floorspace at EMG1. The Applicants have previously explained that Maersk remain supportive but it is understandably premature for them to commit before the DCO has been granted. The Applicants' position remains that the Secretary of State did not mandate the provision of a substantial carbon neutral campus/headquarters because that feature is not included in their reasons for issuing the Direction. However, the Applicants' intend to provide a facility as part of the development and have therefore refined the wording in Requirement 32 to require not less than 10% of the total floorspace to be provided as a campus.</p> <p>The Applicants would emphasise that the Secretary of State's reasons for issuing the Direction and identifying the Proposed Project as nationally significant included "the substantial physical size and scale of the project". That reason is a clear link back to the 2013 Policy Statement issued by the then Department for Communities and Local</p>
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	<p>In the formal application made to the Secretary of State for the Section 35 Direction ("the Section 35 Application")<sup>3</sup> SEGRO not only made clear that the development to which it relates included a sustainable carbon neutral campus/headquarters including co-located head office functions, but also emphasised and relied upon that feature of the Proposed Project as an important component relevant to its purported national significance.</p> <p>Section 4 of the Section 35 Application is entitled 'The Proposed Development' and its purpose was to satisfy the requirement in section 35ZA that a qualifying request must specify the development to which the request relates.</p> <p>At paragraph 4.2 SEGRO explained (emphasis added):</p> <p><i>... The proposal is for a logistics and manufacturing <u>hub including a very substantial carbon neutral campus/headquarters required by Maersk.</u></i></p> <p>The importance of this 'very substantial carbon neutral campus/headquarters' was further explained and emphasised at paragraph 4.6 (emphasis added):</p> <p><i>The development <u>would be anchored by a new centralised UK operation for Maersk ... which would make up a third of the total EMG2 site.</u></i></p> <p>Further detail in respect of this anchor element of the development and its importance was provided in paragraphs 4.7 and 4.8 (emphasis added):</p> <p><i>4.7 Maersk's ambition is to bring together its UK operation to create a carbon neutral inland port with access to rail, road and air. At EMG1, Maersk already occupies an existing 65,000 sq.m (700,000 sq.ft) logistics operation within the Freeport area and is in the process of delivering a bespoke rail-freight container handling facility on land</i></p>	<p>Government which indicated a relevant consideration when judging whether a project was nationally significant would be "whether the project is of a substantial physical size". A minimum gross internal floorspace is identified of 40,000m<sup>3</sup>, which the EMG2 proposals comfortably exceed. The reference to the substantial physical size of the entire project should not however, be conflated with the reference to a substantial carbon neutral campus which, for the reasons given, is entirely separate.</p> <p>The Applicants are cognisant of the fact that the Section 35 Direction provides that if the details of the proposed project change, the Applicants "may wish to seek confirmation from the Secretary of State that the development which is to be the subject of the proposed application is the same as that for which this Direction is given". The Applicants considered this matter before making the DCO Application and concluded that the project had not changed sufficiently to warrant seeking a further confirmation. The factors / considerations that led the Secretary of State to granting the Section 35 Direction remained the same.</p> <p>The Applicants consequently strongly deny that the DCO Application as submitted fails to comply with the Section 35 Direction in respect of the delivery of a 'substantial carbon neutral campus/headquarters including co-located head office functions'. This is</p>
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<sup>3</sup> A copy of the Section 35 Application is located at Annex C to these submissions.

<p><i>adjacent to the rail freight terminal operated by Maritime Transport. <u>The proposed campus at EMG2 would build upon the success of these facilities at EMG1 to create a national centre of operations.</u> The facilities would comprise of both logistics warehousing and co-located head office functions. <u>This strategic project requires a high quality, comprehensively master planned environment,</u> of a calibre and scale commensurate with what has been delivered by SEGRO at EMG1.</i></p> <p><i>4.8 Maersk's two key visions of integrating logistics and achieving Net Zero by 2040 are closely aligned with the East Midlands Freeport objective of being the UK's pre-eminent multimodal inland Freeport. The inter-port rail connectivity provides a key enabler for Maersk in integrating both Ocean and domestic supply chains whilst also meeting environmental objectives. Its new logistics facility at EMG1 has been constructed in accordance with the UKGBC Net Zero Carbon Standard and the ambition is for the new connected container yard (adjacent to the Maritime Transport Rail Terminal) to run with net zero emissions. Maersk aim to link this with electric HGVs which will create further opportunities for supply chain decarbonisation by enabling last mile journeys from the Rail Terminal to Maersk's facilities at EMG1 to be undertaken by electric HGV along with subsequent final mile deliveries.</i></p> <p>Section 5 of the Section 35 Application sought to address relevant considerations arising from the DCLG's 2013 Policy Statement on the making of section 35 directions in the context of the Proposed Project as specified in section 4. In paragraph 5.13 SEGRO relied upon the importance of the proposed new facility for Maersk (emphasis added):</p> <p><i>... <u>The proposed development will be home to Maersk's new national operational hub, creating an inland port and will take up approximately a third of the total site.</u> The proposed development would therefore support and encourage the strategic growth plans of a major global logistics and shipping company to strengthen their presence in the</i></p>	<p>on the basis that delivery of the campus will be secured by Requirement 32.</p> <p>Further, the Applicants also strongly deny that the DCO Application as submitted fails to comply with the Section 35 Direction due to the fact that the description of development does not include the Use Class E(g)(i) consent that would be necessary to authorise the 'co-located head office functions' expressly identified in the Section 35 Direction. The development comprises primarily a logistics and manufacturing hub. Any office use is ancillary to that primary purpose.</p>
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	<p><i>regional [sic] and further afield. This would not be possible without building on their already significant commitment at EMG1.</i></p> <p>Mindful of the jurisdictional significance of the description of the proposed development to which it relates, the Direction warns SEGRO that if the details of the Proposed Project change, SEGRO <i>'may wish to seek confirmation from the Secretary of State that the development which is to be the subject of the proposed application is the same as that for which this Direction is given.'</i> SEGRO did not seek any such confirmation before submitting the DCO Application and has therefore proceeded at risk.</p> <p>The DCO Application as submitted fails to comply with the Section 35 Direction in two critical respects:</p> <p>(a) First, the dDCO makes no provision for, and does not secure the delivery of, the <i>'substantial carbon neutral campus/headquarters including co-located head office functions'</i> which formed an integral part of the project description in the Section 35 Direction. The principal powers in Part 2 of the dDCO authorise operation and use only for <i>'logistics and advanced manufacturing uses'</i> – there is no reference to a carbon neutral campus or headquarters.<sup>4</sup> No plans or assessments accompanying the DCO Application show these aspects.</p> <p>(b) Second, the description of development applied for is confined to B2 and B8 uses and does not include the Use Class E(g)(i) consent that would be necessary to authorise the <i>'co-located head office functions'</i> expressly identified in the Section 35 Direction or a mixed-use campus development comprising a combination of such uses.</p> <p>In both respects, the development that would be authorised by the dDCO does not correspond to the development described in the Section</p>	
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<sup>4</sup> Article 5 of the dDCO provides: *"Subject to the provisions of this Order and to the requirements, the undertaker and any persons authorised by the undertaker may operate and use that part of the authorised development comprised in Works Nos. 1 to 5 for the purposes of logistics and advanced manufacturing uses, any purposes for which such parts of the authorised development is designed and for any purposes ancillary to those purposes."*

	<p>35 Direction and would not secure its delivery. If the Secretary of State were to grant development consent for a scheme that departs from the Direction in these respects, such a decision would be ultra vires and susceptible to challenge.</p> <p>SEGRO's Deadline 1 submissions have reinforced rather than answered these concerns.</p>	
2.17 – 2.33	<p><u>Carbon Neutral Campus</u></p> <p>The dDCO as submitted makes no specific provision for, and does not secure the delivery of, the carbon neutral campus element identified in the Section 35 Direction. It is not reflected in the description of development in Schedule 1. It is not shown on plans accompanying the application. It is not secured through the requirements in Schedule 2. There is nothing else of which Prologis is aware that would secure the delivery of such development, whether by a particular point in time or at all, in the event the DCO were granted.</p> <p>SEGRO's response to Action Point 15 has served only to deepen this concern. That response has introduced a material and revealing qualification to SEGRO's position. SEGRO now states that the project "<i>consisted primarily of a logistics and manufacturing hub and, only if required by Maersk, a carbon neutral campus/headquarters</i>" (emphasis added).</p> <p>That characterisation represents a fundamental departure from the basis on which the Section 35 Direction was sought and granted. It is wholly inconsistent with the terms of SEGRO's own application for the direction (see above).</p> <p>At ISH1, counsel for SEGRO submitted that the carbon neutral campus was 'not integral' to the Section 35 Direction. That position was unsustainable when it was advanced, and the Applicant's response to Action Point 15 has rendered it wholly untenable. SEGRO now seeks to dismiss the campus element by asserting that the Secretary of State, in</p>	<p>These comments were prepared and submitted prior to the Hearings held in May and the Action Points that arose from those hearings.</p> <p>The Applicants' response to Action Point 30 (DCO 7.15 Applicants Response to Hearing Action Points Deadline 4) explains the correct approach to be adopted when considering the wording of the Secretary of State's Section 35 Direction dated 21 February 2024 [APP-068] (the "Direction").</p> <p>The Applicants note that Prologis offers no supporting justification for drawing the scope of the Direction so unrealistically tightly and contend that this is because no such support exists.</p> <p>When considered fairly and reasonably, it is plain that the Secretary of State's decision did not include carbon neutrality as a reason why the project was considered to be nationally significant.</p> <p>Notwithstanding that position, the Applicants are content to include a requirement to provide a carbon neutral campus as part of the proposed development. The Applicants have refined the</p>

	<p>granting the direction, <i>'did not single it out as being key to his decision that the DCO Scheme is nationally significant'</i>. That assertion is irrelevant to the legal question. The relevant question is not whether the Secretary of State identified the campus as the sole or principal reason for granting the direction, but whether the project as described in the direction (and for which the Secretary of State exercised the section 35 power) includes a substantial carbon neutral campus/headquarters. It plainly does.</p> <p>The attempted retreat from the description of the proposed development in the Section 35 Application and Direction is made more explicit by the proposed requirement that SEGRO now offers. The draft requirement provides that:</p> <p>"any part of the authorised development which comprises a campus/headquarters including co-located head office functions shall be carried out in accordance with a scheme submitted to and approved by the local planning authority setting out the measures to be taken with a view to achieving carbon neutral construction".</p> <p>That requirement is purely contingent: it applies only 'if' a campus comes forward. It does not secure the delivery of the element that was integral to the Section 35 Direction; it merely imposes a carbon neutrality standard in the event that such development is independently proposed by an occupier. The proposed requirement is further diluted by not requiring the achievement of carbon neutral status, but rather "a view to it". Furthermore, the carbon neutral component is limited to construction, which is in conflict with paragraph 4.8 of the Section 35 Application which refers to the ambition for the new container yard "to run with net zero emissions" - a formulation which addresses operational emissions, not merely those arising from construction.</p> <p>Accordingly, the proposed requirement does not secure provision of the campus and equally fails to secure carbon neutrality. The proposed requirement simply underlines the conclusion that what is now proposed</p>	<p>wording to be included in the dDCO to be submitted at Deadline 5.</p>
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does not correspond with the description of the Proposed Project in the Section 35 Direction, and that as a result the Secretary of State does not have the jurisdiction to grant a DCO in the terms applied for.

In those circumstances, SEGRO has two potential options available to address the jurisdictional issue:

(a) it could seek to amend the application to bring it within the scope of the Section 35 Direction (supported by any additional assessments that may be required as a result); or

(b) it could withdraw the application.

Simply persisting with the application in its current form and relying on the position stated at Deadline 1 is plainly not a reasonable option for SEGRO. It would lead either to an unlawful decision by the Secretary of State to grant a DCO in circumstances where there is no power to do so and the likelihood of legal challenge or, more likely, a refusal to grant the DCO applied for.

Furthermore, the particular facts of this case illustrate the importance of that jurisdictional issue. SEGRO sought a Section 35 Direction so that it could obtain powers of compulsory acquisition over land actively being promoted for essentially the same type of development by a third party (initially MAG and later MAG/Prologis). In seeking now to justify the grant of such powers, it lays claim to the benefit of the Secretary of State's conclusion that the Proposed Project described in the Direction is nationally significant. But the decision made pursuant to the Section 35 Application was in respect of a materially different development, one with a 'very substantial' campus/headquarters for Maersk, operating as an 'anchor' for the development as a whole and occupying approximately a third of the entire site. That is no longer what is proposed and its delivery would (at best) not be secured if the DCO was granted in its current form.

	<p>The change in the description of development from that contained in the Section 35 Application and Direction is reflected in the absence of any binding contractual commitment from Maersk or any other potential customer. There is nothing in the DCO Application that secures Maersk's stated support for centering its UK operation at the EMG2 site such that the Examining Panel ("ExP") and the Secretary of State can properly rely upon it as ensuring that the development authorised reflects that covered by the Section 35 Direction. The Maersk letter is a statement of aspiration, not a legally enforceable obligation. As might be expected of any prudent potential customer at this early and uncertain stage, Maersk has not made any binding commitment. If Maersk chooses not to proceed in line with its letter, there would be no legal means of compelling SEGRO to deliver the development as described by the Section 35 Direction.</p> <p>As matters stand, SEGRO would (at the very least) be free to develop a scheme which is materially different from that to which the direction relates – and it cannot be assumed that such a scheme, short of the carbon neutral campus/headquarters, would have been judged by the Secretary of State to be nationally significant.</p> <p>In addition, if the Secretary of State is persuaded by evidence that Maersk or any other potential customer does have a requirement for a carbon neutral campus or headquarters facility in this location, there is no reason why that requirement could not equally be met by Prologis or any other developer on the site. Any such requirement would not be specific to SEGRO and provides no justification for the grant of compulsory acquisition powers.</p> <p>The fact that SEGRO's own proposed requirement applies to 'any occupier' who proposes a campus, and is not limited to Maersk, is itself an acknowledgment that the delivery of this element is not dependent on SEGRO as the developer or the making of the DCO.</p>	
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	<p>There is also no evidence of a binding commitment by SEGRO that the facility referred to in the letter of support (if it was ever to come forward) will have the critical characteristic of being carbon neutral. SEGRO has not defined what it considers 'carbon neutral' to mean in this context (either in the proposed requirement or otherwise), nor distinguished between the concepts of carbon neutrality and net zero carbon in current practice in either construction or operation. Neither term has any established legal meaning which could be relied upon to fill that lacuna. As counsel for Prologis submitted at CAH1, whilst historically these terms were used interchangeably, current practice tends to distinguish between them: 'net zero carbon' is generally used where emissions have been robustly measured and materially reduced, with any residual emissions minimised before offsetting, whereas 'carbon neutral' is typically used in a looser sense, to denote that emissions have been measured and offset, without necessarily demonstrating significant or indeed any reduction.</p> <p>The use of the formulation '<i>with a view to achieving</i>' in the proposed requirement further dilutes the commitment: it does not require carbon neutral construction to be achieved, only that measures are taken 'with a view to' achieving it – an aspiration, not a standard. It does not address the operation phase of the intended "campus/headquarters".</p> <p>Thus, even leaving to one side the jurisdictional barrier that exists to the granting of the DCO as applied for, the element of the scheme that was presented to the Secretary of State as a defining characteristic of the project justifying its national significance has been reduced to a contingency that may or may not materialise.</p>	
2.34 – 2.38	<p><u>Co-Located Head Office Functions</u></p> <p>So far, SEGRO has not sought to address the correct land use classification of a "campus/headquarters including co-located head office functions". These terms are not defined in the proposed requirement, and nor are they used anywhere else in the dDCO. Once SEGRO has set out its position on this matter, Prologis will have the</p>	<p>These comments were prepared and submitted prior to the Hearings held in May and the Action Points that arose from those hearings.</p> <p>The Applicants' note that Prologis' comments seek to cherry pick references from the Section 35 Direction whilst failing to consider the Direction as a</p>

<p>opportunity to consider what is said and to respond. It is possible that SEGRO may seek to argue that the head office functions should properly be regarded as purely ancillary to the primary B2/B8 uses, and thus that a development as described in the Section 35 Direction could in principle be constructed and operated under the DCO as applied for (even if there is no certainty that would happen). Any such argument does not withstand scrutiny. The Section 35 Direction describes a '<i>substantial carbon neutral campus/headquarters including co-located head office functions</i>'. The use of the word 'substantial' is significant and reflects the development specified in the Section 35 Application. A substantial headquarters is not naturally read as incidental floorspace that is merely ancillary to warehouse uses. If the headquarters element is a substantial part of the development case – as SEGRO clearly and unequivocally represented to the Secretary of State in seeking the Section 35 Direction – it should be expressly authorised and assessed as such.</p> <p>The Section 35 Direction applies to a scheme of development that includes '<i>co-located head office functions</i>'. As explained above, such a development would fall within Use Class E(g)(i) (offices) under the Town and Country Planning (Use Classes) Order 1987 (as amended). Alternatively, it would comprise a mixed use development including Class E(g)(i) (offices). However, as per the DCO Application's Planning Statement and Transport Assessment, the description of development applied for includes B2 (general industrial) and B8 (storage and distribution) uses only. No E(g)(i) use is included (or suitable mixed use), and no provision for it is made in Schedule 1 to the dDCO or elsewhere in the application documents.</p> <p>This presents a significant and currently unanswered question regarding the treatment and provision for the suggested Maersk headquarters. If the substantial co-located head office functions are to be treated as ancillary to the B2/B8 uses, they would need to be subsidiary in both scale and purpose to those primary uses, with appropriate controls in the requirements securing this limitation. This was plainly not the intention at</p>	<p>whole. That approach is contrary to established judicial interpretation to review a document through the eyes of the reasonable reader, see <i>Lambeth LBC v Secretary of State for Housing Communities and Local Government [2019] UKSC 33</i> (available on BAILII). Lambeth confirmed that the correct approach whatever the legal character of the document in question is to find the natural and ordinary meaning of the words used, viewed in their particular context and in light of common sense.</p> <p>The Applicants have provided a response to Action Point 30 (DCO 7.15 Applicants Response to Hearing Action Points Deadline 4) which addresses both the overreliance placed by Prologis on a "substantial carbon neutral campus" and "co-located head office".</p>
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	<p>the time the Section 35 Direction was sought and made, where this element of the development was described as 'very substantial'.</p> <p>A further consequence of the way in which the proposed development has been framed in the application documents is that the Secretary of State has no basis on which to assess the impacts of such a headquarters (whatever its carbon credentials), as it has not been provided for in SEGRO's own environmental impact assessment or transport assessment. The environmental effects of a substantial campus/headquarters with co-located head office functions – including traffic generation, air quality, landscape and visual impact, and effects on residential amenity – would be materially different from those of a B2/B8 logistics scheme, yet none of these impacts have been assessed. Note that the headquarters functions include but are not limited to the head office functions.</p> <p>Even if, somehow, the jurisdictional and assessment issues could be overcome without SEGRO changing the application so that it aligned with the Section 35 Direction, the mismatch between the proposed development in the DCO and the Proposed Project as defined in the Section 35 Direction would have significant consequences for the assessment of the case for compulsory acquisition. SEGRO has only been given the opportunity to seek powers of compulsory acquisition as a result of the Section 35 Direction, which is founded upon a particular and express description of the Proposed Development on its face. If that development either would not or may not actually be delivered if the DCO is implemented in full, for the reasons set out above that necessarily affects the judgment to be made by the Secretary of State as to whether a compelling case exists to grant powers of compulsory acquisition. In short, when the proposed development is shorn of that additional distinguishing element it can no longer be assumed to be nationally significant and the public interest benefits claimed for the opportunity for SEGRO to deliver B8/B2 development on the Prologis/MAG land rather</p>	
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	than this being delivered by Prologis/MAG become even more limited in nature.	
3.1 – 3.11	<p>Response to SEGRO's position on reasonable alternatives</p> <p><u>CA Guidance</u></p> <p>SEGRO's Deadline 1 response to Prologis's Relevant Representation demonstrates a misunderstanding of the approach to the consideration of potential alternatives in the application of the compelling case test under section 122 PA 2008.</p> <p>The CA Guidance is inevitably subsidiary to the legal test set by Parliament, which is that the case for compulsory acquisition must be compelling. That in turn reflects the pre-existing caselaw that informed the use of those words in the PA 2008 and explains what that means in practice. The words used in the CA Guidance must be understood and applied having careful regard to that legal context.</p> <p>The approach to the consideration of alternatives, and the adequacy of the Applicant's exploration of alternatives before resorting to an application for compulsory powers, must be seen against the backdrop of the recognition by the courts of the draconian nature of such powers and the reasons why a compelling case is needed to justify their use. In <i>Mapeley Beta Acquisition Co Ltd. v. SSCLG</i> [2016] EWHC 2997 (Admin) the court described property ownership as a constitutional right that is jealously guarded by law. A compelling case that compulsory acquisition is necessary in the public interest must therefore be made out to take this right away without consent. One aspect of that robust legal protection of this constitutional right which forms part of the compelling case test is that before that draconian sanction is adopted other options should have been considered and discarded (see <i>Margate Town Centre Regeneration Co Ltd. v. SSCLG</i> [2013] EWCA Civ 1178). Resort to compulsory acquisition is intended as a last resort (see <i>Saravanamuthu v. SSCHLG</i> [2025] EWHC 2132 (Admin)). These</p>	<p>Prologis' submission on the approach to alternatives in the context of compulsory acquisition and section 122 of the PA 2008 is misconceived.</p> <p>Firstly, SEGRO notes once again that the repeated references to caselaw add nothing to Prologis's case. Such reliance on caselaw seeks to present compulsory purchase powers as being all but unattainable, so demanding is the requirement to demonstrate a 'compelling case'. The ExP should not be misled; the Appellant does not dispute the various propositions/formulations adopted by the Courts in the various decisions cited, but at the same time a 'compelling case' is demonstrated frequently up and down the country as compulsory purchase orders, Transport and Works Act Orders, or DCOs are confirmed. Satisfaction of the compelling case test is not rare, unusual or unattainable; rather it is achieved often and without fanfare.</p> <p>Secondly, SEGRO does not dispute that compulsory acquisition powers require a compelling case in the public interest, nor that the decision-maker must be satisfied that reasonable alternatives to the compulsory acquisition of the relevant land and rights have been explored. The issue is whether, on the facts of this case, the alternatives now advanced by Prologis provide realistic,</p>

	<p>cases are considered in further detail in section 4 below in respect of the correct understanding and application of the compelling case test.</p> <p>When considering alternatives in the context of an application for powers of compulsory acquisition, both timing and evidence are key. This is reflected in paragraph 8 of the CA Guidance which requires the Applicant "<u>to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored</u>" (emphasis added). It is important to note the use of the past tense. It is not a matter of responding to suggested alternatives after the application for compulsory powers has been made. The burden is instead squarely on the Applicant to demonstrate what was done to consider alternatives before the decision to seek compulsory powers.</p> <p>SEGRO's response to the five alternatives identified by Prologis<sup>5</sup> states at paragraph 3.57 that <i>'the guidance does not require that the alternatives must be ruled out as definitely unworkable or any other similarly high bar. Rather the guidance requires that reasonable alternatives be explored'</i>. That response misses the point in two important ways. First, it fails to recognise the context for and important purpose of the consideration of alternatives here, and thus the importance of demonstrating a thorough, systematic and open-minded examination of alternatives by SEGRO. Second, it fails to grapple with the implications of the points explained above about timing and the need for evidence.</p> <p>The key question therefore is not whether SEGRO can now, at the examination stage, articulate reasons why each alternative raised by Affected persons in their Relevant Representations might be said to be problematic. The burden is on SEGRO to demonstrate that it considered reasonable alternatives prior to submission of the DCO Application. Where it is proposed to seek draconian powers to interfere</p>	<p>deliverable and sufficiently certain substitutes for the powers sought. They do not.</p> <p>Further, the point as 'timing' is also overstated. The Guidance applies in such a way that the Secretary of State should be satisfied, at the point that he/she determines whether or not to authorize compulsory purchase powers, that the policy requiring consideration of alternatives to compulsory acquisition has been satisfied. There is no requirement to 'pull down the shutters' at the point when the application for the DCO was submitted. The ExP will be very familiar with the MHCLG document (January 2025) entitled Guidance on the Compulsory Purchase Process which anticipates that compulsory purchase powers be pursued in tandem with the carrying out of negotiations (see for example Paragraph 2.8 of that document).</p> <p>The reliance placed by Prologis on the language of the CA Guidance does not advance its case. The Guidance requires reasonable alternatives to compulsory acquisition to have been explored; it does not require an applicant to anticipate and exhaustively document every hypothetical delivery structure that an affected landowner might later formulate in opposition to the application. Nor does it require the applicant to rule out every alternative as impossible. The relevant exercise is a practical one, directed to whether there is a reasonable alternative to the compulsory acquisition powers sought which would enable the objectives of the</p>
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<sup>5</sup> DCO 7.2 Response to Relevant Representations, Appendix 6, paragraphs 3.55-3.79.

	<p>with a constitutional right that is jealously guarded by law, that consideration must be shown to be genuine, structured and thorough. Anything less would not be enough to discharge the burden that the law and the CA Guidance has imposed. This should have included each of the alternatives put forward by Prologis and any other reasonable alternatives.</p> <p>In this context it is striking that SEGRO's response provides no indication, let alone evidence, of when, by whom, or on what basis alternatives were assessed prior to the DCO Application being made. That is a remarkable state of affairs given the clear terms of the CA Guidance, the fact that the examination is now well underway and that SEGRO has submitted its response to Relevant Representations by Affected Persons which squarely raise this point. It may well indicate that this crucial step was not taken, or not taken seriously, before the application was submitted. If that does prove to be the case, SEGRO simply will not be able to satisfy the requirements of the CA Guidance.</p> <p>Each of the five alternatives identified by Prologis represents a pathway that could and should have been thoroughly examined by SEGRO before seeking compulsory acquisition powers. They are not abstract possibilities but concrete steps that were available to SEGRO and that it chose not to take or explore with the landowners.</p> <p>In support of its assertion that alternatives have been 'thoroughly explored', SEGRO offers a single sentence: <i>'It is indisputable from the record of interaction between the parties that alternatives have been thoroughly explored with a genuine view on the part of SEGRO to reach agreement.'</i> The record set out at Annex 1 of SEGRO's response does not tell the full story. It demonstrates that correspondence took place, but it does not demonstrate what alternatives were explored, what information was prepared to inform any such consideration, and how and by whom the alternatives were assessed. It is incapable of being treated as evidence capable of discharging the burden to demonstrate</p>	<p>DCO Scheme to be delivered with sufficient certainty.</p> <p>That is consistent with the structure of the PA 2008 regime. Section 122 requires the decision-maker to be satisfied both that the land is required for the development, or to facilitate or be incidental to it, and that there is a compelling case in the public interest for acquisition. It does not impose a separate statutory pre-condition requiring a formal pre-application audit of every possible commercial, planning or joint venture arrangement. The CA Guidance must be applied in that statutory context. It cannot be converted into a bar which prevents the Secretary of State from considering the substance of the evidence before the Examination, including the Applicants' explanation of why the alternatives now advanced are not reasonable substitutes for the powers sought.</p> <p>As noted above, Prologis' emphasis on timing is therefore overstated. The fact that an applicant responds during the Examination to alternatives raised in relevant representations does not make that response a post hoc rationalisation. It is an ordinary and necessary part of the examination process. Where an affected party advances a particular alternative, the applicant is entitled to explain why that alternative does not remove the need for compulsory acquisition. The question for the ExP and, ultimately, the Secretary of State is not whether Prologis can identify a theoretical route by which some development might occur without the powers sought, but whether that route is a reasonable, available and deliverable alternative to</p>
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	<p>that alternatives have been properly explored before compulsory powers were sought.</p> <p>Notably, each of the alternatives currently under consideration has been proposed by Prologis in response to the application for compulsory powers, not by SEGRO. Despite multiple requests, SEGRO has failed to share information necessary to enable proper evaluation of those alternatives, even at this late stage. This is not the conduct of a party genuinely exploring alternatives; it is the conduct of a party seeking to foreclose them. Properly understood in appropriate context, the chronology represents the repeated attempts by Prologis to initiate the exploration of alternatives and SEGRO placing obstacles in the way of the genuine exploration of those alternatives. The absence of any substantive documentation showing a pre-application internal assessment of alternatives before the ExP is telling. SEGRO's position amounts to an attempted post hoc rationalisation in the face of opposition, not the pre-decision structured assessment contemplated by the CA Guidance and required in the practical working out of the implications of the surrounding legal context.</p> <p>Therefore, SEGRO has not met the evidential test in the CA Guidance and its internal decision-making process must be examined to understand whether there is in fact any evidence reasonably capable of meeting that test. To confer powers of compulsory acquisition on the current basis, the Secretary of State would have to act contrary to the CA Guidance. It is difficult to contemplate how a compelling case could exist on the facts here if that Guidance is not satisfied.</p>	<p>the DCO Scheme and to the acquisition powers required to secure it.</p> <p>Nor is Prologis assisted by repeated characterisation of compulsory acquisition as a “last resort”. That principle does not mean that compulsory acquisition may be authorised only after every possible commercial structure has been negotiated to impasse, or only where all alternatives are demonstrated to be impossible. It means that compulsory acquisition must be justified as necessary and proportionate in the public interest. Where voluntary agreement or collaborative delivery would leave the scheme dependent on an unwilling or competing landowner, future permissions, uncertain planning allocations, unsecured commercial arrangements or unresolved infrastructure interfaces, the decision-maker is entitled to conclude that those matters do not provide a reasonable alternative to the acquisition powers sought.</p> <p>It is not correct to say that the Applicants have not given an indication of what alternatives have been considered. The Applicants must demonstrate that the compulsory acquisition powers are justified and that reasonable alternatives have been explored. It is not required to disclose privileged or internal deliberative material simply because Prologis asserts that the Applicants' assessment must have been inadequate. The adequacy of the Applicants' case falls to be assessed by reference to the application documents, the Statement of Reasons, the Book of Reference, the negotiations and correspondence between the parties, and the</p>
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		<p>evidence and submissions provided during the Examination.</p> <p>In any event, Prologis' submission does not identify a reasonable alternative which the Applicants have failed to take seriously. The five alternatives on which Prologis relies are either variants of the Joint Application scheme, partial-access solutions, hybridised versions of the DCO Scheme, or joint venture structures. Each depends on matters outside the Applicants' control and each would introduce uncertainty as to land assembly, infrastructure delivery, phasing, funding, mitigation, commercial governance and the delivery of the public benefits of the DCO Scheme. The fact that Prologis can describe those possibilities as "concrete steps" does not make them reasonable alternatives to compulsory acquisition.</p> <p>It is also wrong to suggest that the record of engagement between the parties is irrelevant unless it contains the type of internal assessment Prologis now demands. Engagement with affected landowners is itself directly relevant to whether alternatives to compulsory acquisition have been explored, including voluntary acquisition, agreement as to rights, and other means of securing the land and interests required. Prologis' disagreement with the Applicants' conclusions does not demonstrate that the exploration was not genuine, structured or sufficient. As Prologis (and EMA) are aware, the Applicants have engaged extensively with them on various alternatives. The Applicants are unable to share with the ExP the full details of what has been considered given that much of the engagement is subject to a non-disclosure agreement or covered</p>
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		<p>by without prejudice. It is unreasonable therefore for Prologis (and EMA) to criticise the lack of evidence of alternatives when such arrangements prevent the sharing of much of that evidence.</p> <p>The attempt by Prologis to recast the alternatives issue as a threshold procedural failure should consequently be dismissed. The same applies to the assertion by Prologis that the evidential test in the CA Guidance has not been met. The proper question remains whether the powers sought are necessary, proportionate and justified by a compelling case in the public interest. Prologis' proposed alternatives do not provide an equivalent or deliverable route to the DCO Scheme, and they do not demonstrate that the Secretary of State would act contrary to the CA Guidance by granting the powers sought.</p>
3.12 – 3.20	<p><u>Overarching Points</u></p> <p>SEGRO's 'overarching points'<sup>6</sup> warrant close examination. First, at paragraph 3.59,<sup>7</sup> SEGRO asserts that alternatives (a) and (b) depend upon planning permission being granted pursuant to the Joint Application, '<i>the likelihood and timing of which is wholly uncertain.</i>' SEGRO's reliance on the alleged uncertainty of the Joint Application is misplaced when regard is had to the material uncertainties affecting its own DCO Application. As set out in Section 2 of this submission, a serious issue has arisen as to whether the Secretary of State has jurisdiction to grant the DCO as applied for. That legal obstacle to the lawfulness of any decision to make a DCO as applied for in this case is additional to the issue of viability and deliverability and the other</p>	<p>Prologis' submissions on SEGRO's overarching points are flawed as they proceed from a false assumption that the Joint Application and the DCO Application are the same / provide equivalent benefits. They also assume that any uncertainty attaching to the DCO process neutralises the uncertainties inherent in the alternatives advanced by them. That is not the correct approach.</p> <p>It is the Applicants' position that it is not whether any consenting process is free from uncertainty but rather whether the alternatives advanced by Prologis provide a realistic, deliverable and sufficiently certain substitute for the compulsory</p>

<sup>6</sup> DCO 7.2 Response to Relevant Representations, Appendix 6, paragraphs 3.58–3.67

<sup>7</sup> DCO 7.2 Response to Relevant Representations, Appendix 6

	<p>inherent uncertainties of the DCO process itself.<sup>8</sup> SEGRO cannot simultaneously assert that the Joint Application is too uncertain to form the basis of an alternative whilst advancing a DCO Application that is itself beset by uncertainty and, if successful, the attendant risk of legal challenge.</p> <p>Even setting those points to one side, SEGRO cannot assert that open-minded decision makers are more or less likely to deliver a positive outcome to an application in one forum, but not in another. The decision-making process followed by the local planning authority is public and transparent. The ExP and in due course the Secretary of State will be able to follow that process without difficulty by seeking updates from NWLDC. Other interested parties will be able to review and supplement any response it provides by reference to publicly available material.</p> <p>Further and in any event, SEGRO has based its response on the unrealistically pessimistic assumption that the uncertainty on which it relies will persist even at the stage that the Secretary of State comes to determine its application for a DCO. That is not an assumption that could sensibly be made by the ExP for the purposes of examining the application and it will plainly need carefully to consider how the grant of planning permission might affect the position so that this can be factored into its report and recommendation to the Secretary of State. Having regard to that task facing the ExP, SEGRO's failure to engage openly and fully with those implications in its response to Prologis's representations is surprising and unhelpful to the proper examination of its application for powers to compulsorily acquire Prologis's land.</p> <p>It is also notable that SEGRO has itself sought to characterise the Joint Application as interfering with its DCO. In its letter of objection to the Joint Application dated 5 January 2026, SEGRO stated that approval of the Joint Application would '<i>undermine the DCO process and the SoS's</i></p>	<p>acquisition powers sought in order to deliver the DCO Scheme as a whole.</p> <p>The Applicants are entitled to identify the uncertainty of the Joint Application as a material flaw in alternatives (a) and (b). As explained in the Applicants' Deadline 1 response, there is presently no planning permission for the Joint Application scheme, the timing and outcome of that application are uncertain, the form of any permission and mitigation are unknown, and the off-site highway mitigation required for the Joint Application has not yet been identified. The Applicants also recorded that it was not known whether the application would be acceptable to the highway authorities (in light of the further holding objection from NH – see Annex J of this document – that was not an unwarranted assertion) or the local planning authority, particularly having regard to its piecemeal nature and its effect on the delivery of the remaining two-thirds of the emerging Local Plan allocation. That is a materially different type of uncertainty from the ordinary uncertainty inherent in the determination of any DCO Application until a final decision is reached by the Secretary of State.</p> <p>Nor is Prologis assisted by asserting that the Applicants' DCO Application is itself uncertain, or that it may be vulnerable to legal challenge. Those are assertions made by Prologis and are not reasons to treat the Joint Application as a reasonable alternative to the powers sought. The DCO Application is the application before the ExP. It</p>
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<sup>8</sup> As per paragraphs 4.13 and 5.23(c) of the Prologis Written Representation

	<p><i>direction that the EMG2 scheme is a project of national significance</i>'. This position is difficult to reconcile with SEGRO's simultaneous assertion that the Joint Application is too uncertain to form the basis of a reasonable alternative. SEGRO cannot credibly contend both that the Joint Application poses a real threat to its DCO process (warranting objection) and that it is so uncertain as to be incapable of being delivered. Nor is it appropriate for SEGRO to invoke its own objection to the Joint Application as evidence of the uncertainty of that application – particularly when the substance of that objection has been contested by Prologis.</p> <p>SEGRO has instead sought to dismiss the reasonableness of alternatives (a) and (b) based upon their uncertainty concerns rather than recognising that planning permission for the proposed uses is very likely to be granted sooner rather than later: the site will become a draft employment allocation in the Regulation 19 version of the Local Plan; it is located in the Freeport and the Applicant is itself seeking development consent for essentially the same development on that land in the DCO. These matters along with the locational advantages of the site and the fact it is controlled by a willing and capable developer actively promoting its development mean that absent the DCO there is reasonable certainty that it will come forward for employment development. Hence rather than dismissing these alternatives, SEGRO should have considered the implications of a grant of planning permission for the compelling case test, including if necessary the implications of any uncertainty as to exactly when it is granted.</p> <p>Second, SEGRO asserts at paragraphs 3.60–3.61<sup>9</sup> that some of the alternatives would '<i>adversely impact on the delivery of the whole DCO scheme</i>' and involve a '<i>mix and match approach</i>'. This argument begs the very question at issue: whether comprehensive single-developer delivery <i>via</i> compulsory acquisition is necessary in the public interest on the particular facts of this case. SEGRO's submission presupposes the</p>	<p>is supported by the application documents. By contrast, alternatives (a) and (b) depend upon a separate planning permission which has not been granted and upon mitigation and delivery arrangements which remain unresolved. The fact that the Applicants objected to the Joint Application does not create the inconsistency alleged by Prologis. The Applicants' objection was not that the Joint Application was certain to be delivered and therefore must be treated as a reasonable alternative. The objection was that, if permitted, the Joint Application would prejudice the comprehensive planning and delivery of the wider EMG2 Main Site. The Applicants' letter of 5 January 2026 to the Joint Application expressly objected on the basis that the application was incomplete, failed to address deficiencies in its piecemeal nature and detailed impacts, and would prejudice the development of the EMG2 Main Site as a whole, including the Freeport objectives and the aims of the emerging Local Plan. There is no contradiction between saying that an application is uncertain as to outcome and saying that, if granted, it would create unacceptable planning and delivery consequences.</p> <p>Prologis' submission also understates the significance of the highway position. The Joint Application was subject to a NH response recommending that planning permission not be granted for a specified period to allow further assessment and to enable the impacts on the strategic road network and the adequacy of mitigation to be understood. See the latest position</p>
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<sup>9</sup> DCO 7.2 Response to Relevant Representations, Appendix 6

<p>answer it seeks to prove. As repeatedly emphasised by Prologis, the relevant question is whether the benefits that might <i>potentially</i> be achieved <i>via</i> Compulsory Acquisition are so great as to justify granting such powers – not whether the alternatives precisely replicate SEGRO's preferred delivery model. The mere fact that an alternative would involve some adaptation from the current DCO design does not render it unreasonable. Moreover, given the site's credentials (essentially similar to those set out above) it is entirely reasonable to conclude that the Southern Land, and therefore the benefits associated with development of the entire site, are also likely to come forward via a planning application without the need for compulsory acquisition. Prologis alternatives (c) and (d) address whole DCO site delivery using standard planning and commercial mechanisms such as a Joint Venture Agreement which could include equalisation of costs for off-site highways and on-site spine road / utilities / physical infrastructure.</p> <p>Paragraph 3.62 also exposes a fundamental inconsistency in SEGRO's position. Without prejudice to the submissions on viability to be made at Deadline 3, the scenario that SEGRO dismisses as one that 'could not happen' is precisely the scenario that SEGRO has itself relied upon in Appraisal 2 of its Viability Appraisal to seek to demonstrate to the Secretary of State that the Southern Land cannot viably be developed on its own. SEGRO cannot have it both ways: either the scenario it has used in its Viability Appraisal reflects the most realistic and robust (i.e. commercially attractive) option for the independent development of the Southern Land or it does not. If it does not, Appraisal 2 does not provide (and could not properly be held to provide) evidence capable of justifying the assertion made in SEGRO's Statement of Reasons. This is an issue that Prologis will address at Deadline 3 when it responds to the Viability Appraisal.</p> <p>Third, SEGRO argues at paragraph 3.65 that alternatives require '<i>joint, co-operative working between developers</i>' and that '<i>all attempts to negotiate such terms have failed.</i>' Prologis does not accept that characterisation. First, joint, collaborative working is entirely</p>	<p>at Annex J of this document. This suggests that the highways position remains far from certain. By contrast, substantial progress has been made in finalising modelling and agreeing mitigation for the DCO Scheme, and the only outstanding matters are limited. That evidence does not support Prologis' suggestion that the two consenting routes should be treated as equally uncertain for the purpose of assessing reasonable alternatives.</p> <p>It is also wrong to suggest that the ExP should assume that the uncertainty attaching to the Joint Application will have disappeared by the time the Secretary of State determines the DCO Application. The possibility that a separate planning permission may be granted in the future does not make alternatives (a) and (b) reasonable now. Even if permission were granted, the form of that permission, its mitigation requirements, its interface with the DCO Scheme, and its implications for the delivery of the Southern Land and the wider highway NSIP would still need to be understood. The ExP can take account of any material change in circumstances if it occurs, but the Applicants were not required to assess alternatives on the basis of an assumed future permission whose terms, timing and consequences remain unknown.</p> <p>Prologis' criticism of the Applicants' "mix and match" point is similarly misplaced. The Applicants do not say that every alternative must replicate their preferred delivery model. The point is that the DCO Scheme has been developed as a comprehensive scheme for the whole EMG2 Main Site, including the highway NSIP and associated mitigation. The</p>
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	<p>commonplace in active and high growth development areas – it is not to be treated as a difficulty that justifies the use of draconian powers of compulsory acquisition. SEGRO is itself working with local and highway authorities through a Transport Working Group (the developer grouping refers to itself as 'East Midlands Growth Point'). As far as Prologis is concerned, negotiations remain ongoing notwithstanding SEGRO's efforts to foreclose them. SEGRO's assertion that Prologis is 'difficult' to negotiate with is difficult to reconcile with the fact that it is SEGRO, not Prologis, that has sought to characterise the negotiations as having failed.</p> <p>Finally, it is important to recognise that it will not properly be open to the ExP or the SoS to simply accept at face value SEGRO's assertion that it has made reasonable attempts to negotiate in good faith and that this has failed, particularly in circumstances where those matters are contested. Those are matters calling for evidence, and that evidence will need to be thoroughly tested.</p>	<p>DCO Scheme is the product of a lengthy iterative process directed to identifying the appropriate form of development across the site, minimising environmental impacts and providing appropriate mitigation, including mitigation not restricted to the site itself. A proposal which combines the Joint Application scheme on one part of the site with a different scheme or re-plan on another part is not equivalent to that comprehensive scheme. That conclusion is reinforced by the Applicants' objection letter to the Joint Application. The letter explains that the development of the site in a piecemeal fashion would prejudice the development of the EMG2 Main Site as a whole, undermine delivery of a project of national significance, the Freeport objectives and the emerging Local Plan, and create a significant risk that land south of Hyam's Lane would not proceed at all. Those are not matters of preference or commercial convenience. They go to whether the alternatives would deliver the same public benefits, mitigation and certainty as the DCO Scheme. Prologis' reliance on the site's Freeport status, the emerging Local Plan and the general suitability of the land for employment development does not answer the point. Those matters may support the principle of employment development, but they do not secure the delivery of the DCO Scheme, the highway NSIP, the integrated infrastructure, or the comprehensive mitigation package on their own.</p> <p>The criticism based on paragraph 3.62 and the Viability Appraisal does not undermine the Applicants' position. The point at paragraph 3.62 is that, if the northern land came forward under a</p>
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		<p>separate planning permission, the existing DCO could not simply be used to deliver the Southern Land in isolation. A new scheme would need to be identified, with its own environmental assessment and as yet unidentified/unconfirmed highway mitigation, and that process would introduce uncertainty and delay. That point is not contradicted by the Applicants testing scenarios in a viability appraisal. A viability appraisal may assess a scenario for evidential purposes without the Applicants accepting that the scenario is a realistic, deliverable or reasonable alternative to the compulsory acquisition powers sought.</p> <p>Finally, Prologis' response to the joint-working point is not accepted. SEGRO does not suggest that collaboration between developers is impossible in every case. It is fact-specific. The alternatives advanced by Prologis would require detailed commercial terms, agreement on land interests, the provision and timing of essential on-site and off-site infrastructure, arrangements for maintenance and operation of the whole site, and co-ordination of public realm and beneficial infrastructure such as the Transport Hub and HGV park. These matters have the potential to cause difficulty and delay even between fully co-operative parties, and that those risks increase where the parties do not have a collaborative relationship.</p> <p>The assertion by Prologis that the Applicants have sought to foreclose negotiations is not accepted. Discussions are ongoing. There may be a failure to agree terms but that does not establish that the Applicants failed to negotiate or that a joint working</p>
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		alternative is available, certain or deliverable.
3.21 – 3.26	<p><u>Reasonable Alternatives</u></p> <p>Paragraphs 3.69 - 3.73 address SEGRO's concerns with alternative (a). This alternative will provide certainty of delivery of the Joint Application scheme to realise its benefits for the Freeport. Prologis accept that this does not provide certainty for the delivery of the Southern Land, but the Joint Application will facilitate the principal access corridor that could provide access to the Southern Land. The Southern Land will become a draft employment allocation in the emerging Local Plan, and it is within the Freeport, so Prologis consider that in this alternative scenario, there is a reasonable prospect of employment development being delivered upon it in the absence of the DCO. The Council are bringing forward the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document (currently a draft) which sets out a framework for contributions towards off-site highways improvements and site-specific infrastructure delivery.</p> <p>Paragraph 3.74 purports to address alternative (b) but in reality, simply fails to engage with it in any meaningful way. As explained in Prologis's RR and WR, the underlying principle reflected in alternative (b) is that in the event that the use of compulsory acquisition could be justified to enable the land south of Hyam's Lane to be developed, that objective could be achieved simply by taking the land and/or rights over land between the Southern Land and the public highway. This would leave Prologis and MAG free to develop the remainder of the Northern Land (either under the DCO or any planning permission granted to them, depending on the circumstances). SEGRO's only response to this alternative in its Deadline 1 submissions is to assert that it has the same difficulties as described in response to alternative (a) and that it "does not overcome the dependency of the southern land on the northern land and crucially the need for co-operation from a competitor". That response is patently inadequate and misconceived. First and foremost, if SEGRO had powers to achieve access to the southern land by</p>	<p>Whilst Prologis references the Applicants' concerns with alternative (a), it has no clear answers as to how those concerns might be addressed. Indeed, the Applicants note that Prologis accepts that the Joint Application does not provide certainty for the delivery of the Southern Land and that it will only "facilitate" an access corridor to the Southern Land.</p> <p>The Applicants further note that Prologis only asserts that, with the emerging allocation and Freeport status, there is a "reasonable prospect" of employment development being delivered on the Southern Land in the absence of the DCO. Notwithstanding there is in fact no such prospect (there is no reason to assume any material prospect of such development), it is notable that Prologis themselves do not seek to set the bar higher than that.</p> <p>As regards alternative (b), the Applicants reject the assertion that they have failed to engage with it in any meaningful way. Limiting the compulsory acquisition to taking land and/or rights over land between the Southern Land and the public highway, leaving Prologis free to develop the remainder of the Northern Land, is not a credible alternative for the reasons already provided by the Applicants, including that it is dependent on the Joint Application being consented and delivered, the need for a new consent for the Southern Land and the compromised form of development that would result in fewer benefits being delivered. It is not inadequate or misconceived for the Applicants to</p>

	<p>compulsion it clearly would overcome the dependency to which it refers. It is understood that SEGRO has agreed terms with the landowner of the Southern Land which exclude the use of compulsory acquisition powers, thereby closing off this route for itself. Second, the objections made to alternative (a) do not provide a satisfactory basis for discounting alternative (b).</p> <p>(a) Alternative (b) does not depend on planning permission being granted on the northern land, and the principle would apply equally if instead Prologis were to rely on the development consent which SEGRO has applied for under the DCO (see the Spawforths' Report appended to Prologis's Written Representations at pages 30-32, scenario (b)(ii).</p> <p>(b) For the same reasons, concerns about 'mix and match' could be addressed through the same route, if they had any merit. In reality, the two developments are so similar in their essential nature and form that this issue cannot amount to a point of principle.</p> <p>(c) It is for the party seeking powers of compulsory acquisition to demonstrate that such an approach would render it impossible or excessively difficult to deliver the DCO as a whole. For the reasons set out in Prologis's RR and WR and in this response, SEGRO has failed to show why two highly experienced developers could not develop the site as a whole using common commercial mechanisms to deal with apportionment of costs etc and any other practical matters.</p> <p>(d) Issues related to viability will be dealt with at Deadline 3.</p> <p>Paragraphs 3.75 - 3.76 address alternative (c). SEGRO are correct that Prologis could implement the Joint Application under this scenario, but they could alternatively implement the DCO scheme on the northern land. In considering this objection to alternative (c), it is to be recalled</p>	<p>indicate that have little confidence that there would be sufficient cooperation between the parties to enable the taking of land or rights on such a limited basis would work at all or in a timely way to enable the Southern Land to be developed within the Freeport window. The engagement between the parties to date bears this out.</p> <p>It is not clear on what basis Prologis say that alternative (b) is not dependent on planning permission being granted for the northern land. It is not realistic to think that access over the northern land could be taken in isolation. Nor, in the absence of any agreement, is it reasonable to think that the two parts of the site could be delivered independently of each other pursuant to the DCO given the significant obligations and requirements which arise from the DCO which need to be delivered across the DCO Scheme not on a piecemeal basis. Also, to suggest that the two developments are so similar that a "mix and match" approach could work through the same route is to take a blasé approach and ignore the realities and complexities of delivering such development. A form of joint venture arrangement as proposed by Prologis cannot be achieved through the DCO itself and the common commercial arrangements suggested by Prologis rely on cooperation between the parties which do not exist here.</p> <p>As regards alternative (c), Prologis state that there is an inconsistency in the Applicants' response. This is not correct. The Applicants' viability appraisal demonstrates that the Southern Land alone is not viable as a standalone development separate from the northern land. The risk that Prologis would</p>
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	<p>that SEGRO's case is that the development proposed in the Joint Application is not commercially viable. Whilst Prologis does not accept this, and will respond in more detail to the suggestion at Deadline 3, SEGRO's position on viability is plainly inconsistent with this element of its response. In short, if SEGRO wishes the Secretary of State to conclude on the evidence that the development proposed in the Joint Application is unlikely to be implemented because of a lack of commercial viability, it cannot also invite the conclusion that if Prologis is given the ability to implement the DCO on its land it will instead be likely to implement the Joint Application scheme. In any event, this is an entirely reasonable alternative that should have been considered by SEGRO prior to deciding to seek Compulsory Acquisition powers, and is still capable of being pursued now. It addresses SEGRO's case as to the benefits of facilitating whole DCO scheme delivery, and any issues calling for co-ordination could be dealt with through standard planning and commercial mechanisms such as a Joint Venture Agreement. Such an agreement could include equalisation of costs for off-site highways improvements and on-site spine road / utilities / physical infrastructure delivery.</p> <p>Paragraphs 3.77 - 3.79 seek to dismiss alternatives (d) and (e) with great brevity. As noted, the reasonable alternatives should have been explored by SEGRO as a precursor to Compulsory Acquisition and hence should have been considered before the Examination commenced. If this was the case, then the DCO scheme could have been amended to achieve the targeted substitution of some of the Joint Application parameters. Alternative (d) proposes the implementation of the DCO scheme with targeted amendments, combined with standard planning and commercial mechanisms such as a Joint Venture; and alternative (e) does the same with the whole DCO scheme being implemented by a single SEGRO / Prologis Joint Venture entity which would decide whether (or not) to include amendments to the DCO scheme to reflect the Joint Application parameters. The "enhanced benefits" would be those from the Joint Application scheme such as the</p>	<p>choose to implement the Joint Application (if it receives planning permission) rather than cooperate in delivery of the DCO Scheme on its land is precisely the problem with alternative (c). It would leave the Southern Land stranded, without the critical mass of development or infrastructure necessary for viability. The question is not whether the Joint Application development is viable in isolation, but whether Prologis would choose to participate in the DCO Scheme rather than pursuing its own competing development. Given Prologis's clear opposition to the DCO and its promotion of the Joint Application, such confidence is wholly lacking.</p> <p>Again, Prologis repeatedly refers to standard planning and commercial mechanisms as though they provide a solution. But all of these mechanisms – principally joint venture arrangements, cooperation agreements, and the like – require willing parties and aligned commercial interests. Neither condition exists here.</p> <p>Alternative (d) is not a credible alternative. The suggestion that the DCO Scheme could have been "amended to achieve targeted substitution of some Joint Application parameters" fundamentally misunderstands the nature of the DCO Scheme. The scheme was developed through extensive environmental assessment, stakeholder consultation, and iterative design over a period of years. It cannot simply be re-engineered to accommodate a different developer's separate proposals, which were themselves developed without regard to the comprehensive planning of the EMG2 site. The DCO Scheme reflects a holistic approach to development of the site, balancing built</p>
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	<p>on-site Training Hub and larger development zone in the northern area. Both these alternatives are entirely reasonable.</p> <p>The ExP is invited to note the disparity between SEGRO's assertion that alternatives have been 'thoroughly explored' and the remarkably thin and unevidenced nature of its responses. Each alternative is dismissed in terms that presuppose the very conclusions SEGRO seeks to establish; that comprehensive single-developer delivery is essential; that the Joint Application creates unacceptable uncertainty; and that collaboration with Prologis is impossible. None of these propositions is self-evident, and SEGRO's submissions do not provide the evidential foundation to support them.</p> <p>Prologis repeats the invitation made to the ExP at paragraph 6.8 of the Prologis Written Representation to seek a detailed disclosure of the internal decision pathway that led to the conclusion that compulsory acquisition of the Prologis/MAG Land was necessary and proportionate having explored all reasonable alternatives. The current absence of any such evidence suggests that the alternatives were not genuinely explored before the decision to seek compulsory acquisition was made, and that SEGRO's current responses constitute post hoc rationalisation rather than the demonstration of what was done required by the CA Guidance.</p>	<p>development, highway infrastructure, environmental mitigation, landscape, ecology, and phased delivery. It is not a matter of substituting parameters.</p> <p>The "enhanced benefits" claimed by Prologis from such a scheme, such as the on-site Training Hub and larger development zone in the northern area do not detract from the compelling case in the public interest in delivering the DCO Scheme. Their delivery remains unconsented and uncertain for the reasons outlined above, dependent on matters beyond the Applicants' control and would inevitably delay the delivery of the significant public benefits associated with the DCO Scheme.</p> <p>Finally, as regards alternative (e), a joint venture entity requires collaborative working between the parties. The Applicants have been engaging with EMA since 2020 on joint promotion and potential options/joint venture arrangements. A joint venture was explored with EMA in Autumn 2021. The Applicants paid a considerable fee for an exclusivity agreement with EMA signed in August 2022. Heads of terms negotiations continued until October 2023 when EMA announced it would not sell. After Prologis acquired its interest in late 2024, the Applicants contacted Prologis in late 2024 and has continued to seek to progress discussions over the last 18 months or more. The suggestion that "standard commercial mechanisms" can resolve the difficulties is naïve in the context of two directly competing commercial developers. Prologis is actively promoting a competing development on the same land whilst simultaneously opposing the DCO. The suggestion that these parties would enter a joint venture on terms acceptable to both, within any</p>
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		<p>reasonable timescale, is fanciful.</p> <p>Prologis invites the ExP to note the disparity between the Applicants' assertion that alternatives have been 'thoroughly explored' and the remarkably thin and unevidenced nature of its responses. The Applicants would invite the ExP to note that the alternatives put forward by Prologis are not reasonable, lack real detail, ignore the realities of the particular circumstances which apply here and are largely dependent on cooperation and joint working which has not been possible to achieve since 2020 with EMA and since late 2024 with Prologis.</p> <p>Finally, Prologis's invitation for disclosure of internal decision-making documents is misconceived. The CA Guidance requires the applicant to demonstrate that alternatives have been explored. It does not require disclosure of internal commercial deliberations or privileged communications. The Applicants have discharged their obligation under the CA Guidance through the public examination documents listed above, which provide a detailed, evidenced account of its decision-making process.</p>
4.1 – 4.17	<p>Compulsory acquisition: the compelling case</p> <p>In its Deadline 1 submissions, SEGRO has revealed a significant misunderstanding of the nature and operation of the compelling case test and the legal standard that must be satisfied before the Secretary of State may authorise the compulsory acquisition of the Prologis/MAG Land. This section addresses:</p> <p>(a) the manner in which SEGRO has articulated its case; and</p>	<p>The Applicants reject the assertion by Prologis that they have a "<i>significant misunderstanding of the nature and operation of the compelling case test</i>". Prologis has materially mischaracterised what the Applicants have said and advances legal arguments which do not withstand scrutiny when the relevant</p>

	<p>(b) the judicial treatment of the compelling case test and its implications here.</p> <p><u>SEGRO's Case on the Compelling Case Test</u></p> <p>At paragraph 3.47 of its response to the Prologis Relevant Representation, SEGRO addresses the balance of 'public benefits v private loss'. SEGRO's articulation of the test is revealing. It acknowledges that the CA Guidance requires 'compelling evidence' of public benefit outweighing private loss, but then asserts that the Guidance <i>'does not qualify the term "outweigh" and that "there is no requirement such as to significantly, substantially or greatly outweigh.'</i> SEGRO thereby advances the proposition that a marginal improvement in public benefit over private loss is sufficient to satisfy the statutory test. That proposition is wrong in law and the Secretary of State's decision would be susceptible to challenge if the application was determined on that basis.</p> <p>It is nevertheless instructive to note that SEGRO has prepared and advanced its case on the basis of this understanding of the applicable legal test. The ExP and the Secretary of State will therefore need to read and appraise SEGRO's Statement of Reasons with that legal error clearly in mind.</p> <p>The error is a fundamental one. Section 122(3) of the PA 2008 provides that the Secretary of State must be satisfied that 'there is a compelling case in the public interest' for the compulsory acquisition. The word 'compelling' is significant: it imports a standard that is materially higher than a bare balance of advantage. In framing section 122 of the PA 2008 Parliament chose to import the concept of the compelling case into legislation. As explained in more detail below, it is necessary to have regard to the caselaw when seeking to understand and apply the test. As the caselaw makes clear, the public benefits must not merely outweigh the private loss; they must do so decisively. Parliament chose</p>	<p>statutory framework and case law are properly analysed.</p> <p>Mischaracterisation of the Applicants' Position</p> <p>Prologis asserts that the Applicants advances the proposition that a marginal improvement in public benefit over private loss is sufficient to satisfy the statutory test. That is a mischaracterisation of what the Applicants said.</p> <p>The Applicants noted that the CA Guidance requires <i>"compelling evidence"</i> that public benefit outweighs private loss, but that the Guidance <i>"does not qualify the term 'outweigh'"</i> and that <i>"there is no requirement such as to significantly, substantially or greatly outweigh"</i>. That statement was made in direct response to Prologis's relevant representation, in which Prologis had sought to import precisely those additional adverbs into the statutory test.</p> <p>The Applicants' point remains:</p> <ul style="list-style-type: none"> <li>• The words <i>"significantly"</i>, <i>"substantially"</i> or <i>"greatly"</i> do not appear in section 122 of the PA 2008, nor in the CA Guidance. Prologis cannot import words into the statute that Parliament chose not to include.</li> <li>• That textual observation is entirely distinct from asserting that a <i>"marginal improvement"</i> in public benefit would suffice. The Applicants have never made that assertion.</li> </ul>
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	<p>the word 'compelling' for a reason: it connotes a standard that is qualitatively different from a bare balance of advantage.</p> <p>SEGRO's approach treats the statutory test as if it were no more than a conventional planning balance – an exercise in which the decision-maker weighs benefits against harms and, if the former marginally exceed the latter, grants consent.</p> <p>That is not what section 122(3) requires. The compelling case test is not merely a balance; it is an all-embracing assessment that includes consideration of: (a) the alternatives that were or ought to have been explored; (b) the attempts made to avoid CA through changes to the scheme or through negotiation; (c) the balance of public interest benefits against public interest harms; and (d) the proportionality of the interference with private rights.</p> <p>SEGRO's approach also fails to grapple with the distinct character of the compelling case test as recognised in paragraph 16 of the CA Guidance, which provides that '<i>There may be circumstances where the Secretary of State could reasonably justify granting development consent for a project, but decide against including in an order the provisions authorising the compulsory acquisition of the land.</i>' That makes explicit that the test for granting development consent and the test for authorising compulsory acquisition are different and separable. A scheme may be acceptable in planning terms – the benefits may 'outweigh' the harms in the planning balance – but the additional and distinct threshold of a 'compelling case in the public interest' for compulsory acquisition may not be met.</p> <p>As the Court of Appeal confirmed in <i>R (FCC Environment (UK) Ltd) v Secretary of State for Energy and Climate Change</i> [2015] EWCA Civ 55 ("Rookery") the test for compulsory acquisition is distinct from, and not automatically satisfied by, any decision to grant development consent.<sup>10</sup></p>	<ul style="list-style-type: none"> <li>• The Applicants have always accepted that the word "<i>compelling</i>" in section 122(3) sets a high evidential standard. The Applicants confirmed at the Compulsory Acquisition Hearing (CAH1) that it is satisfied the compelling case test is met.</li> </ul> <p>It is therefore Prologis, not the Applicants, that has misunderstood the position. The Applicants' statement that those additional words are absent from the statutory language is a correct statement of law. It does not follow and the Applicants have never suggested that the test is thereby rendered a bare balance of advantage.</p> <p>The distinction is important and is addressed further below: section 122(3) requires "<i>a compelling case in the public interest</i>". The word "<i>compelling</i>" qualifies the case (i.e. the evidence and reasoning must be compelling, cogent and strong). Paragraph 13 of the CA Guidance uses the word "<i>outweigh</i>" in respect of the balance between public benefits and private loss. The Applicants correctly observed that this word is not further qualified by additional adverbs. These are two different elements of the test, and Prologis has conflated them.</p> <p>Correct Legal Framework</p> <p>Section 122 of the PA 2008 provides the statutory test for the authorisation of compulsory acquisition. Section 122(2) requires that the land is required for the development to which the development</p>
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<sup>10</sup> Please refer to paragraph 5.4 of Prologis' Written Representation.

	<p><u>Judicial Treatment of the Compelling Case Test</u></p> <p>The courts have considered the approach to the compelling case test in compulsory purchase cases and have established a clear and consistent line of authority that bears directly on the present case. The Court has used the term "draconian" in the context of compulsory acquisition given the level of intervention in private rights effected by the grant and exercise of powers of compulsion. The term is not used lightly and decision-makers should be alive to its importance – it is not a rhetorical flourish but the word used by the Court.</p> <p>In <i>R v Secretary of State for Transport, ex parte De Rothschild</i> [1988] 57 P&amp;CR 330, the Court of Appeal considered the principles to be applied when the court reviews the Secretary of State's confirmation of a compulsory purchase order and held:</p> <p>"the Secretary of State must be satisfied that the compulsory purchase order is justified on its merits before he can properly confirm it. He must not exercise his powers capriciously. Given the obvious importance and value to land owners of their property rights, the abrogation of those rights in the exercise of his discretionary power to confirm a compulsory purchase order would, in the absence of what he perceived to be a sufficient justification on the merits, be a course which surely no reasonable Secretary of State would take."<sup>11</sup></p> <p>Whilst the Court declined to accept that "special rules" beyond ordinary Wednesbury principles apply to subsequent legal challenge in compulsory purchase cases, it made clear that "<i>the draconian nature of the order will itself render it more vulnerable to successful challenge on Wednesbury/Ashbridge grounds unless sufficient reasons are adduced affirmatively to justify it on its merits.</i>"<sup>12</sup></p> <p>The <i>De Rothschild</i> formulation drew on the earlier decision of the Court of Appeal in <i>Prest v Secretary of State for Wales</i> [1983] 81 LGR 193, in which Lord Denning MR stated:</p>	<p>consent relates, or is required to facilitate or is incidental to that development, or is replacement land. Section 122(3) requires that there is "<i>a compelling case in the public interest</i>" for the land to be acquired compulsorily.</p> <p>The CA Guidance amplifies the statutory test. Paragraph 13 of the Guidance provides:</p> <p><i>"The Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss."</i></p> <p>The Applicants accept and has always accepted that:</p> <ul style="list-style-type: none"> <li>• The word "<i>compelling</i>" in section 122(3) sets a high standard. The evidence and reasoning in support of compulsory acquisition must be cogent, strong and persuasive.</li> <li>• The Secretary of State must be satisfied that the public benefits derived from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired.</li> </ul>
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	<p><i>"I regard it as a principle of our constitutional law that no citizen is to be deprived of his land by any public authority against his will, unless it is expressly authorised by Parliament and the public interest <u>decisively so demands</u>: and then only on the condition that proper compensation is paid: see Attorney-General v. De Keyser's Royal Hotel Ltd. If there is any reasonable doubt on the matter, the balance must be resolved in favour of the citizen"</i> (emphasis added).</p> <p>That language – 'the public interest decisively so demands' – is important. It establishes that the standard is not one of marginal advantage. The public interest must 'decisively demand' the compulsory acquisition. Lord Denning added that: <i>'If there is any reasonable doubt on the matter, the balance must be resolved in favour of the citizen.'</i> SEGRO's attempt to characterise the test as a bare balancing exercise in which any margin of advantage suffices is directly contrary to this established constitutional principle.</p> <p>In <i>Mapeley Beta Acquisition Co Ltd v Secretary of State for Communities and Local Government</i> [2016] EWHC 2997 (Admin), Mr Justice Kerr stated:</p> <p>"The law jealously guards the right of a property owner to enjoy its property, which has been called a constitutional right. A compelling case that the purchase is necessary in the public interest must be made out to take the right away without consent. The Secretary of State may only endorse the destruction of the owner's property right if it is "clear that the Secretary of State has allowed those rights to be violated by a decision based upon the right legal principles, adequate evidence and proper consideration of the factors which sway his mind into confirmation of the order sought": per Watkins LJ in <i>Prest v. Secretary of State for Wales</i> [1983] 81 LGR 193 , 211–2, cited by Laws J in <i>Chesterfield Properties plc v. Secretary of State for the Environment</i></p>	<ul style="list-style-type: none"> <li>• The test is not a bare balance of advantage and requires a qualitative assessment of the strength of the case overall.</li> <li>• The matters identified in the CA Guidance including whether the land is needed, whether alternatives have been explored, whether there is a reasonable prospect of funding, and whether the purposes justify interfering with the rights of those with an interest in the land—are all relevant considerations.</li> </ul> <p>The Applicants readily accept the formulation of the compelling test by the courts in both <i>de Rothschild &amp; Prest</i>; the public interest must 'decisively' (alternatively, 'clearly') justify the confirmation of compulsory acquisition powers. However, what the Applicants do not accept is that Prologis may legitimately import into the statutory test additional qualifications that Parliament chose not to include. The test is as stated in section 122 and the CA Guidance. It is not enhanced by the addition of words such as "<i>significantly</i>", "<i>substantially</i>" or "<i>greatly</i>" before the word "<i>outweigh</i>". If Parliament or the Secretary of State had intended such a qualification, it would have been included.</p> <p>The Applicants further accepts that the test for compulsory acquisition is distinct from the test for granting development consent, as acknowledged in paragraph 16 of the CA Guidance and as noted in the <i>FCC Environment (UK) Ltd</i> decision concerning</p>
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<sup>11</sup> R v Secretary of State for Transport, ex parte De Rothschild [1988] 57 P&CR 330, at 337

<sup>12</sup> R v Secretary of State for Transport, ex parte De Rothschild [1988] 57 P&CR 330, at 336.

	<p>(1997) 76 P&amp;CR 131 , 128."</p> <p>Of particular significance to the present case is the decision of the Supreme Court in <i>R (on the application of Sainsbury's Supermarkets Ltd) v Wolverhampton City Council</i> [2010] UKSC 20. The Supreme Court considered the exercise of compulsory purchase powers under section 226 of the Town and Country Planning Act 1990 in circumstances where two rival private developers competed for the same site. Lord Collins, delivering the leading judgment, emphasised that "<i>The courts have been astute to impose a strict construction on statutes expropriating private property, and to ensure that rights of compulsory acquisition granted for a specified purpose may not be used for a different or collateral purpose...</i>" Lord Collins went on to state that:</p> <p><i>"there is a difference between the exercise of powers of compulsory acquisition and the exercise of powers to control development and grant planning permission, which is rooted in the deep-seated respect for private property."</i></p> <p>Lord Walker, in the same case, stated:</p> <p><i>"the exercise of powers of compulsory acquisition, especially in a "private to private" acquisition, amounts to a serious invasion of the current owner's proprietary rights. The local authority has a direct financial interest in the matter, and not merely a general interest (as local planning authority) in the betterment and well-being of its area. A stricter approach is therefore called for. As Lord Collins says in his conclusions at para 71 of his judgment, a real (rather than a fanciful or remote) connection must be shown between any off-site benefits and the proposed redevelopment for which a compulsory purchase order is proposed."</i></p> <p>The <i>Sainsbury's</i> analysis is of direct relevance to the present case. SEGRO is a private commercial developer. It seeks to acquire, by compulsion, the land of another private commercial developer - Prologis - which is itself actively promoting the same type of development on the same land. This is a paradigm 'private to private' acquisition of the kind</p>	<p>the Rookery South Resource Recovery Facility. The Applicants' case addresses both tests and does not conflate them. The examples given in paragraph 16 of circumstances in which compulsory acquisition might not be authorised (such as where not all land is shown to be necessary, or where no funding is available) are not applicable to the present case.</p> <p>It is also to be noted that compulsory acquisition powers are an important feature of the development consent order regime. They apply equally to all nationally significant infrastructure projects, including commercial and business projects promoted by private developers. The PA 2008 deliberately provides for the use of compulsory acquisition when cooperation has failed, precisely so that such failure does not constitute a blockage to the delivery of projects of national significance.</p> <p>Response to the case law cited by Prologis</p> <p>Prologis places considerable reliance on <i>Prest v Secretary of State for Wales</i> [1983] 81 LGR 193, and in particular the formulation that compulsory purchase powers should not be exercised unless "<i>the public interest decisively so demands</i>". The Applicants are well aware of that decision, as noted above.</p> <p>However, the Applicants' case is that the public interest does justify the compulsory acquisition of the Prologis/EMA land. EMG2 has been confirmed as nationally significant by a Section 35 Direction and the comprehensive delivery of the entire Freeport site (which cannot be achieved without the</p>
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	<p>that the Supreme Court identified as 'particularly sensitive' and for which 'a stricter approach is... called for.' The ExP is invited to apply that heightened standard to every element of SEGRO's case for compulsory acquisition.</p>	<p>Prologis/EMA land) is in the public interest. It is settled law that the use of compulsory purchase powers can properly be justified in order to achieve a better scheme of development in the public interest than an alternative scheme put forward by an objector which does not require compulsory acquisition. That was expressly recognised in <u>London Borough of Bexley v Secretary of State</u> [2001] EWHC 323, at paragraph 44 per Harrison J, specifically having regard to the <u>de Rothschild</u> decision relied upon by Prologis.</p> <p>As to <i>De Rothschild</i>, Prologis relies on the reference to the "<i>draconian nature</i>" of compulsory purchase orders. The Applicants do not dispute that compulsory acquisition is a serious interference with property rights and that the exercise of such powers must be justified. That is precisely what section 122 requires, and the Applicants' Statement of Reasons addresses that test in full.</p> <p>However, the reference to the "<i>draconian nature</i>" of compulsory purchase does not establish a legal test beyond that already codified in section 122. It is descriptive of the general principle that the power should not be exercised lightly. The Applicants agree with that principle but submit that this case amply satisfies the statutory threshold.</p> <p>Prologis also cites <i>Mapeley Beta Ltd</i> [2016], referring to the description of the right not to have one's property taken as a "<i>constitutional right</i>" which is "<i>jealously guarded</i>". Again, the Applicants do not dispute the importance of property rights. The entire compulsory acquisition regime, including the</p>
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		<p>statutory compensation code, exists precisely because Parliament recognises both the importance of those rights and the circumstances in which they may properly be overridden in the public interest.</p> <p>The question is not whether the right is important but whether the statutory test in section 122 is met. The Applicants submit that it is.</p> <p>Prologis characterises the present case as a private to private acquisition and says the ExP should apply a "<i>heightened standard</i>" or "<i>stricter approach</i>" relying on <i>Sainsbury's Supermarkets Ltd v Wolverhampton City Council</i> [2010] UKSC 20. This reliance is misplaced.</p> <p><i>Sainsbury's</i> concerned a different statutory context and the issue before the Supreme Court was whether a local authority could take into account benefits that would accrue on other land (i.e. off-site benefits) when deciding to make a CPO under section 226. The reference to a private to private acquisition arose in the context of rival private developers competing for the same site, with the local authority choosing between them. Further, the basis on which the Court indicated that a stricter approach was justified, was that – in that case – by the benefit which the City Council stood to receive.</p> <p>The PA 2008 regime is fundamentally different from section 226 of the 1990 Act. It applies exclusively to projects of national significance, which EMG2 is. Parliament specifically provided in the PA 2008 for private developers to apply for and obtain compulsory acquisition powers for nationally</p>
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		<p>significant projects. This was a deliberate legislative choice. Section 122 of the PA 2008 is self-contained. It draws no distinction based on the identity of the applicant or the ownership of the land to be acquired. If Parliament had intended a different or heightened test for land owned by commercial developers, it would have said so.</p> <p>There is accordingly no basis in the statute for the application of a heightened standard simply because the land proposed to be acquired is owned by another private developer.</p> <p>Also, the suggestion of form of immunity from compulsory acquisition for developers could have unintended consequences, including encouraging parties to acquire interests in land affected by proposed DCOs specifically to frustrate delivery of nationally significant infrastructure.</p> <p>The ExP is also invited to note that Prologis itself has recently applied for a Section 35 Direction for DIRFT IV, and in doing so acknowledged that <i>"powers of compulsory acquisition are likely to be required as private treaty negotiations on land rights cannot be guaranteed"</i>. Prologis therefore accepts, when it is the promoter rather than the objector, that compulsory acquisition powers are a necessary and proper part of the DCO regime for commercial logistics developments, including where private land is to be acquired.</p> <p>Compelling case</p> <p>Without prejudice to the full case set out in the Statement of Reasons and the supporting</p>
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		<p>examination documents, the Applicants summarise the compelling case for compulsory acquisition of the Prologis/EMA land as follows:</p> <ul style="list-style-type: none"><li>• Comprehensive delivery of the Freeport site: The entire East Midlands Freeport site must be delivered comprehensively through a coordinated masterplan to realise the full public benefits. Piecemeal development of individual parcels cannot deliver the same quantum or quality of benefits, including the strategic infrastructure necessary to unlock the site's full potential. There is a time-limited opportunity to deliver the full benefits of the Freeport designation. Delay occasioned by piecemeal development risks the loss of those benefits.</li><li>• Economic benefits: EMG2 will deliver substantial local, regional and national economic growth, including significant employment generation and inward investment consistent with Government policy for the Freeport programme.</li><li>• Strategic highway improvements: The scheme includes improvements to M1 Junction 24, which are of such significance as to constitute a nationally significant infrastructure project in their own right. These improvements cannot be delivered through piecemeal development.</li><li>• Local community benefits: EMG2 will deliver a community park, public rights of way, an HGV Park, a bus interchange, which require comprehensive delivery of the wider site.</li></ul>
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		<ul style="list-style-type: none"> <li>• Environmental benefits: The scheme delivers significant environmental benefits including biodiversity net gain that can only be achieved through the masterplanned approach.</li> <li>• Alternatives considered: The Applicants have explored alternatives and sought to negotiate with Prologis and EMA for the acquisition of the land by agreement. The PA 2008 deliberately provides for the use of compulsory acquisition when cooperation has failed so that such failure does not constitute a blockage to the delivery of a project of national significance.</li> <li>• Funding and viability: The scheme is viable and funded. There is a reasonable prospect of the necessary funding being available.</li> </ul> <p>As to the private loss which Prologis and EMA say they will suffer, the statutory compensation code ensures that they will receive full market value compensation for any land compulsorily acquired. The private loss is therefore financial in nature and is fully addressed by the compensation regime.</p> <p>The Applicants submit that the public benefits summarised above substantially outweigh the private loss, which is in any event mitigated by the statutory compensation code.</p> <p>For the reasons set out above, it is the Applicants' position that:</p> <ul style="list-style-type: none"> <li>• Prologis has materially mischaracterised the Applicants' position. The Applicants have never</li> </ul>
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		<p>asserted that a marginal improvement in public benefit suffices. The Applicants have always accepted that section 122(3) sets a high standard.</p> <ul style="list-style-type: none"> <li>• The case law cited by Prologis, whilst of general relevance, does not establish any test beyond that contained in section 122 of the PA 2008 and the CA Guidance.</li> </ul> <p>The compelling case for compulsory acquisition of the Prologis/EMA land is accordingly made out.</p>
5.1 – 5.7	<p>Public benefits versus private loss</p> <p>Prologis reserves the right to supplement the submissions made in this section with its response to be submitted at Deadline 3 in relation to socio-economic issues, in accordance with the examination timetable set out in the Rule 8 Letter.</p> <p>As explained in section 2 above, there is a direct connection between the vires issue and the assessment of the compelling case for compulsory acquisition. In addition to representing a legal barrier to the grant of the DCO as applied for, the failure of the DCO Application to accord with the Section 35 Direction has direct implications for the CA case:</p> <p>(a) First, the Section 35 Direction is the foundation for the claim that delivery of the development should attract particular weight because it is of national significance. If the DCO Application does not correspond to the development described in the Direction, it cannot be assumed that the development is of national significance.</p> <p>(b) Second, if either the Application is amended to bring it into line with the section 35 Direction, or SEGRO seeks to argue that the proposed development as applied for already includes scope for substantial headquarters and head office functions, no such development has</p>	<p>The Applicants note the response but do not agree that there is a direct connection between the vires issue and the assessment of the compelling case. In any event, the issue does not fall to be considered as the DCO Application is in accordance with the Section 35 Direction. Further:</p> <ul style="list-style-type: none"> <li>• It is misconceived to suggest that if the DCO Application does not correspond fully to the Section 35 Direction then the DCO Scheme cannot be assumed to be of national significance. There is no such requirement in the PA 2008 or in supporting guidance. Also, even if the DCO Application were not in accordance with the Section 35 Direction (which the Applicants maintain it is), then having regard to the reasons given by the Secretary of State for granting the Section 35 Direction, as set out in that decision, it is clear that the scheme as proposed by the DCO Application would be</li> </ul>

	<p>been assessed in the Environmental Statement or Transport Assessment. Neither the ExP nor the Secretary of State can properly evaluate the public benefits (or environmental effects) of development that has not been assessed.</p> <p>(c) Third, in the absence of clarity about what development is actually being sought, a compelling case for compulsory acquisition cannot be made out.</p> <p>In the context of the correct test for CA powers as outlined above, the benefits claimed by SEGRO in support of their CA case must be scrutinised to determine whether they are genuinely attributable to the exercise of CA powers – or whether they are merely additive benefits. For these purposes, 'attributable' benefits are those which would not arise but for compulsory acquisition; 'additive' benefits are those which result simply from more land being developed, regardless of whether that development is secured through compulsory acquisition or through conventional planning and commercial mechanisms. In this case, the additive benefits are those which would come forward in any event if the Southern Land were developed under the Town and Country Planning Act 1990.</p> <p>The benefits claimed by SEGRO in its response<sup>13</sup> (including Freeport business rates, operational jobs, GVA, the community park, sustainable transport, and BREEAM Outstanding standards) are not exclusive to the DCO route and certainly do not require compulsory acquisition powers (even if delivered pursuant to development consent granted by the DCO). As noted in Section 13 of the Prologis Relevant Representation, these do not provide any material benefit which would justify CA powers. Nowhere in SEGRO's Annex 5 comparison does it engage with the distinction between benefits that are genuinely attributable to compulsory acquisition and benefits that are merely additive. Instead, SEGRO's analysis proceeds as if the relevant question were simply whether the DCO</p>	<p>determined to be nationally significant in its own right.</p> <ul style="list-style-type: none"> <li>• The assertion that the proposed development with a substantial carbon neutral campus, headquarters or head office functions has not been assessed is without foundation. All aspects of the DCO Application have been assessed in the Environmental Statement and Transport Assessment.</li> <li>• The suggestion that there is an absence of clarity about what development is actually being sought is unfounded. The development is clearly described in the application documents, the draft DCO and the Planning Statement.</li> </ul> <p>Prologis's submission that the ExP should apply an "additive/attributable" distinction under section 122(3) PA 2008 is misconceived and misleading. That distinction is not found in section 122(3) PA 2008, in the Compulsory Acquisition Guidance, or in any decided case known to the Applicants. It is an artificial construct of Prologis' own devising, designed to diminish the significance of the very substantial public interest benefits that the DCO Scheme will deliver. The key consideration in this context is that of identifying the benefits that will be delivered were the DCO Scheme to come forward as promoted, as distinct from/compared to the benefits which will come forward if the DCO Scheme does not. All other exercises/approaches suggested by Prologis are intended to muddy the</p>
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<sup>13</sup> DCO 7.2 Response to Relevant Representations, Appendix 6, Annex 5

	<p>Scheme delivers marginally greater benefits than the Joint Application. That is not the question. The question is whether those benefits that can only be achieved through the exercise of compulsory acquisition powers are so compelling as to justify the draconian interference with Prologis' property rights that is proposed. SEGRO has not identified any such benefits, still less demonstrated that they meet the demanding threshold of section 122(3).</p> <p>SEGRO's critique of the Joint Application and the timing of delivery is superficial. SEGRO identifies a series of date slippages in the anticipated determination of the Joint Application, but fails to engage with the substantive question: what would be the consequences for SEGRO's case in the event that planning permission is granted? For the reasons briefly outlined above, Prologis is confident that the development proposed in the Joint Application is in accordance with the relevant development plan and national policy and would generate very substantial public interest benefits, and that there is nothing to displace the resulting presumption in favour of granting permission. SEGRO has appended its objection to the Joint Application at Annex 3 but tellingly it has neither appended nor attempted to engage with Prologis' response to that objection dated 2 March 2026. In order for the Secretary of State to understand SEGRO's case, it will be necessary to know how SEGRO says it would be affected in the event that planning permission for the Joint Application has been granted by the time of the Secretary of State's decision. In those circumstances, the incremental benefits of the DCO Scheme over the Joint Application would be limited, and certainly not sufficient to justify the draconian interference with Prologis' rights.</p> <p>Moreover, it is not only private loss that must be weighed in the balance. The grant of compulsory acquisition powers would cause public loss: the loss of the opportunity to deliver the public interest benefits of the Joint Application. Those benefits noted in Section 8 of the Prologis Relevant Representation will be lost to the public, irrespective of whether the DCO Scheme is ultimately delivered if CA powers are granted. As explained in Prologis's Relevant Representations and Written Representations, the</p>	<p>pool and distract the ExP from where its focus should properly lie. Section 122(3) PA 2008 requires the Secretary of State to be satisfied that "there is a compelling case in the public interest" for the compulsory acquisition. The Compulsory Acquisition Guidance requires "compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired." The test is whether the public benefits of the scheme as a whole — including the compulsory acquisition sought — outweigh the private loss. It is not a dissection exercise in which individual benefits must be traced to the exercise of compulsory acquisition powers as distinct from the act of development itself.</p> <p>If Prologis' approach were correct, no compulsory acquisition for any development could ever be justified, since it could always be said that the benefits flow from the development rather than the legal mechanism by which the land was assembled. That is not the correct interpretation of the statute, and it has no basis in law.</p> <p>Whilst the Applicants accept that some of the benefits of the DCO Scheme could be achieved via a TCPA permission (which permission does not exist), that is not true of all benefits. The DCO Scheme delivers benefits which are attributable to the comprehensive, single-developer approach that can only be achieved through the exercise of compulsory acquisition powers. These include, but are not limited to the delivery of the Highway NSIP at Junction 24 of the M1; the integrated approach to</p>
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	<p>Environmental Statement submitted with the DCO Application does not assess this public interest harm, and SEGRO's analysis proceeds as if the only consequence of granting CA powers is private loss to Prologis and MAG. That is a fundamental deficiency in the evidence before the ExP which, as per Annex B below, SEGRO has not seen fit to rectify.</p> <p>There is a further dimension to the public interest harm which extends beyond the immediate parties. As set out at paragraphs 5.13 to 5.18 of the Prologis Written Representation, the use of compulsory acquisition powers to reverse the outcome of a fair, open and transparent commercial competition between rival developers sets a damaging precedent whose implications would go well beyond the immediate facts.</p>	<p>sustainable transport across EMG1 and EMG2; the comprehensive Community Park; the integrated power, drainage and site management infrastructure; and the ability to bring forward the entire EMG2 Main Site in a coordinated manner within the Freeport window. The benefits of the DCO Scheme consequently establish a compelling case in the public interest.</p> <p>Prologis states that SEGRO's critique of the Joint Application and the timing of delivery is superficial. However, that statement has no substance to it; indeed it is itself superficial. The Joint Application was submitted by EMA in May 2024 and has still not been determined. Its determination date has slipped repeatedly. National Highways maintains a holding objection, with traffic modelling and assessment still to be completed and agreed – see Annex J of this document which quite clearly demonstrates that there are significant issues outstanding which present a barrier to planning permission being granted. The assertion by Prologis that the Joint Application will be determined in Summer 2026 appears hopeful at best. This is particularly so in circumstances where assertions of determination dates have already been repeatedly made, only for those deadlines to be missed.</p> <p>If planning permission is granted pursuant to the Joint Application, then it remains the Applicants' position that there is a compelling case in the public interest for compulsory acquisition given that the benefits of the DCO Scheme far exceed those that could be delivered by the Joint Application alone. To categorise those benefits as "incremental" as</p>
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		<p>Prologis does is to misunderstand the Applicants' case. The compelling case in the public interest rests not on marginal incremental benefits over the Joint Application, but on the comprehensive delivery of the entire Freeport site as a nationally significant project. The DCO Scheme is not merely an alternative means of delivering what the Joint Application proposes; it is a fundamentally different and more comprehensive scheme.</p> <p>Further, Prologis's suggestion that the grant of compulsory acquisition powers would cause public loss is misconceived. There will be no adverse impacts from the Joint Application not proceeding because the benefits of the DCO Scheme far outweigh those of the Joint Application. The DCO Scheme delivers all the benefits that the Joint Application would deliver, and substantially more besides.</p> <p>Finally, the suggestion by Prologis that the use of compulsory acquisition powers to reverse the outcome of a fair, open and transparent commercial competition between rival developers sets a damaging precedent whose implications would go well beyond the immediate facts, is utterly without merit. Prologis acquired its land interests with full knowledge of the proposed DCO Application, including the risk that compulsory acquisition powers would be sought. Compulsory acquisition powers are an integral feature of the DCO regime under the PA 2008 and apply equally to all nationally significant infrastructure projects, including commercial and business projects. This is precisely the type of circumstance for which Parliament provided such powers, namely, to</p>
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		overcome blockages to the delivery of nationally significant development caused by an inability to reach agreement on land acquisition. Indeed, the proposition that a developer's interest in land could or should provide immunity from compulsory acquisition could create a far more damaging precedent, including encouraging parties to acquire interests in DCO-affected land specifically to frustrate delivery of nationally significant infrastructure.
Annex A	<p>AP2 (Morpeth)</p> <p>SEGRO's response to Action Point 2 (DCO 7.4) purports to distinguish the Morpeth Revocation Decision on the basis that EMG2 is privately funded and will deliver 'objectively verifiable economic benefits for the region', whereas the Morpeth scheme was a publicly funded road scheme where Government reassessment withdrew funding due to poor value for money.</p> <p>The Morpeth Decision actually reinforces Prologis' case for the reasons set out at paragraphs 7.7–7.25 of its Written Representation. SEGRO's response at Deadline 1 conflates funding with viability. As Prologis's Written Representations explain, the two are distinct concepts.</p>	The Applicants disagree with response. The Applicants acknowledge and agree that funding and viability are two distinct concepts. The Applicants' position is that funding is available and the DCO Scheme is viable.
Annex A	<p>AP8 (Legal basis of determination)</p> <p>SEGRO's response to Action Point 8 conflates two legally distinct concepts: the 'salami-slicing' doctrine under the EIA Regulations and the question of whether different elements of a project should be determined under section 104 or section 105 of the Planning Act 2008.</p> <p>The 'salami-slicing' doctrine is directed at preventing applicants from artificially dividing a single project into smaller components to avoid triggering EIA thresholds. It has no application to the question addressed by Action Point 8, which is the distinct statutory question of how the Secretary of State should determine whether to grant development</p>	See Applicants' post hearing submission to the ISH3, agenda item 3.1 (Document DCO 7.14 / MCO 7.14).

	<p>consent and confer other powers for the different elements of a project once properly assessed under the EIA Regulations.</p> <p>The question posed was whether the determination of the EMG2 project should be undertaken under section 104, section 105, or a 'split approach'. That is a question of statutory jurisdiction as described in R (EFW Group Ltd) v Secretary of State for Business, Energy and Industrial Strategy [2021] EWHC 2697 (Admin), in which Mr Justice Dove held at [59]: <i>'I accept the submission of the defendant that section 105 of the 2008 Act should be interpreted as applying to free-standing parts of an application to the extent that "section 104 does not apply in relation to the application". Such an approach reflects the purpose and intent of the legislation without unduly disturbing the effect of the statutory language. Thus, the ExA was correct to take the approach which he did.'</i> This is not a question of environmental assessment methodology. SEGRO accepts that the EMG2 project should be determined on the basis of a 'split approach', with the business and commercial development determined under section 105 and the Highways Works determined under section 104. That concession is correct, but what must then follow is a discrete assessment of the split components in order to provide the Secretary of State with the evidence necessary to make a lawful determination under each statutory framework. Without such discrete assessment, the Secretary of State cannot reliably conclude that the requirements of section 104 and section 105 have been separately satisfied.</p>	
Annex A	<p>AP12 (Freeport)</p> <p>Two points of principle: (1) the Freeport benefits are additive, not exclusive to the DCO route – they accrue from the scale of the whole site being developed; and (2) the Freeport designation is not dependent on a single developer or on compulsory acquisition.</p>	The Applicants note the response.
Annex A	AP15 (Carbon Neutral Campus)	The Applicants disagree with the response. SEGRO's application for the Section 35 Direction

	<p>SEGRO is now introducing conditionality to the carbon neutral headquarters that was not provided for in the Section 35 Direction. The qualification 'only if required by Maersk' is a material departure from the basis on which the Direction was sought. The proposed contingent requirement does not secure delivery of the campus element. This goes directly to the vires point addressed at Section 2 above.</p>	<p>was for logistics and industrial uses with Maersk being a potential occupier. The Section 35 Direction does not reference or tie the direction to Maersk. See response above on the vires point.</p>
Annex A	<p>AP21 (Dualling)</p> <p>Prologis notes the fundamental inconsistency in SEGRO's position: SEGRO seeks compulsory acquisition of the Prologis/MAG Land on the basis that it is required to facilitate the delivery of the DCO Scheme, yet the proposed safeguarding requirement would sterilise part of that same land against development in order to accommodate potential future highway works that SEGRO's own Transport Assessment confirms are not triggered by the DCO Scheme. Land cannot simultaneously be 'required' for development (so as to justify its compulsory acquisition) and 'required' to be kept free from development (so as to safeguard it for future highway works). In the absence of a clear and satisfactory explanation to the contrary, the implications of SEGRO's approach to this issue are that it cannot satisfy either the test in section 122(2) or that in section 122(3) in relation to this land.</p> <p>Prologis reserves its position to review the safeguarding requirement once the updated dDCO is received at Deadline 2.</p>	<p>The Applicants do not seek to compulsorily acquire land to facilitate the A453 dualling. The Applicants seek powers to acquire the land to deliver essential mitigation for the DCO Scheme. Land can be required and acquired for one purpose (in this case, landscaping) sufficient to justify its compulsory acquisition and at the same time be restricted so that the delivery of the DCO Scheme does not prejudice some future works. In any event, the Applicants note that a response from LCC at Deadline 4 is awaited on the extent to which the land needs to be safeguarded for the A453 dualling.</p>
Annex A	<p>AP25 (New evidence requested by the ExP)</p> <p>SEGRO's response is both unsubstantiated and circular. It amounts to an assertion that the DCO scheme's benefits far outweigh the alternative so as to justify CA power. The response provides no evidence, no analysis, and no engagement with the question put.</p> <p>Prologis submits that:</p> <p>a) The uncertainty SEGRO identifies regarding the Joint Application</p>	<p>The Applicants note the response which has now been superseded by the discussion at ISH3. See Applicants' response to Action Point 31 in Appendix 1 of the Applicants' Post Hearing Submissions Deadline 4 (Document DCO 7.15 / MCO 7.15).</p>

	<p>applies equally to the DCO scheme - the argument cuts both ways (Written Representation, paragraph 5.35);</p> <p>(a) The assessment of adverse effects in the context of EIA does not depend on the certainty that they will occur. It is concerned with effects that are 'likely', a term which has a specific meaning in this statutory context. So far from connoting certainty, it does not even mean 'more likely than not' in the context of EIA. In the EIA context "likely" connotes a real risk of something happening, reflecting the precautionary principle, and not probability (<i>R (An Taisce) v. Secretary of State for Energy and Climate Change</i> [2016] Env. L.R. 2, per Sullivan J at [12], [19] and [23]).</p> <p>(b) In this case, there is plainly (at least) a real risk of a scenario in which the grant of the DCO as applied for (i.e. including powers of compulsory acquisition) prevents implementation of the development proposed in the Joint Application, but where the development authorised by the DCO either does not come forward, or comes forward only in part, or subject to substantial delay. Hence the need identified by Prologis for a realistic worst-case assessment to be undertaken of those effects (Written Representation, paragraph 2.4(a)). Even on SEGRO's own evidence, there is a realistic possibility that the DCO scheme would not be implemented, and in that event the consequences of frustrating the Joint Application must be assessed. To assess such a realistic worst case is not to conclude that SEGRO's proposal is unlikely to come forward, it is merely to identify the serious possibility that it may not do so.</p> <p>The ES does not assess the socio-economic consequences of frustrating the Joint Application where the DCO scheme is not delivered in full or at all. That deficiency has not been remedied, and the consequence is that the ES remains materially incomplete and the efficacy and efficiency of the examination process continues to be undermined by insufficient evidence on behalf of SEGRO.</p>	
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Annex B	<p>Q1.3.2</p> <p>Further to the response provided to this question by Prologis at Deadline 1, the following observations are made to SEGRO's response.</p> <p>The Joint Application and the Proposed Development are both made in outline form, based on Parameters with no fixed masterplan. Both schemes allow for a variance of levels within development parcels and plots, depending on the number of buildings to come forward within each parcel. The Proposed Development provides for a 3m variance (+/- 1.5m up or down). Consequently, it is not evident what basis or assumptions have informed the comparison set out by SEGRO at Annexure 1E. Prologis consider that the discrepancies and associated tolerances mean that the ability for the schemes to marry up, or the risk of incompatibility, cannot be reliably assessed at this stage. This assessment will depend on the final masterplans for both developments.</p> <p>The levels proposed within the Joint Application were specifically designed around enabling the roundabout access to the south, on Hyam's Lane, at the existing ground level to allow land to the south of Hyams' Lane, which forms part of the Proposed Development, to come forward and enable delivery of the wider scheme. Following changes made by SEGRO, the width, geometry, and nature of the access corridors now differ and the opportunity to achieve compatibility between the Joint Application and the Proposed Development has not been secured. These differences arise from each scheme having been designed independently. Critically, SEGRO altered its access arrangements after Prologis had amended the Joint Application to better align with SEGRO's earlier proposals, without explanation or consultation with Prologis. It was open to SEGRO to amend its DCO Application prior to or following submission to align with the Joint Application which had already been submitted.</p> <p>The section overlay provided at Annexure 1D does not feature a map key to convey where within the Site the sections relate to. Similarly, it is suggested the current Prologis / EMIA site section and SEGRO's section</p>	<p>The Applicants' response to Q1.3.2 as set out in Annex E of their response to the ExP's First Written Questions [REP1-054] assumed that the DCO would be made based on the draft DCO as drafted and the Parameters Plan submitted with the DCO Application.</p> <p>The DCO Application has been made for the comprehensive development of the entirety of the EMG2 Main Site. It is not necessary therefore and would result in a compromised scheme to seek to achieve compatibility between the Joint Application the DCO Scheme given that only one can come forward on the terms for which consents are sought. As regards the access into the DCO Scheme, two alternative accesses were always proposed. Ultimately, following consultation, the preferred and more optimal access was chosen.</p> <p>An updated section overlay was provided at Deadline 3 [REP3-056].</p>
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	<p>should be clearly labelled on the drawing. The remaining seven pages of Annexure 1D appear to be blank or illegible and as such Prologis would query if there is any further or missing information which is illegible.</p>	
Annex B	<p>Q1.4.3</p> <p>Breeding skylark have been confirmed within the EMG2 Main Site at moderate levels (magnitude), with a residual minor adverse significance of effect, with surveys indicating an estimated nine breeding territories. Skylark are a Species of Principal Importance under Section 41 of the NERC Act and are Red listed on Birds of Conservation Concern, and therefore the development is required to follow the mitigation hierarchy set out in paragraph 193 of the NPPF.</p> <p>The proposed Community/Country Park is not considered to provide a suitable or reliable mechanism for mitigating the loss of skylark breeding habitat. This is because of the anticipated multifunctional nature of the Country Park, including public access, landscape planting and attenuation features, which are unlikely to consistently provide the open and undisturbed conditions typically required by nesting skylark.</p> <p>While the EMG2 Ecology and Biodiversity ES chapter refers to grassland management measures that may support foraging and wider biodiversity value, it has not been clearly demonstrated that the Country Park is intended to function as, or would be capable of delivering, effective replacement breeding habitat for skylark. SEGRO's response to Prologis' Relevant Representation reflects this position at issue 5, noting that '<i>the most likely scenario will be that the small number of skylarks are displaced into the significant amounts of suitable habitat available locally</i>', but does not identify specific mitigation measures to address the loss of on site breeding habitat.</p> <p>It is therefore not considered that the Community Park can perform the intended multipurpose functions effectively or in full.</p>	<p>The Applicants have been in discussions with LCC as regards the impacts of the DCO Scheme for skylarks. LCC agrees with the level of impact identified by the Applicants and has confirmed that no further off-site mitigation is required. This will be reflected in the SoCG to be submitted at Deadline 4.</p>

	<p>In order properly to understand and assess the likely success of the Community Park in integrating the multiple functions it is intended to serve, and thus the likelihood that it will deliver the benefits claimed, a plan should be provided by SEGRO which clearly delineates the areas designated for public access, the areas allocated for drainage and balancing ponds, and the areas set aside for skylark mitigation. Such a plan would enable proper assessment of the extent to which the Community Park can deliver public access and recreational benefit, given the competing demands on the space. SEGRO's application documents do not appear to include any plan or breakdown that would enable this assessment to be comprehensively made.</p>	
Annex B	<p>Q5.0.3</p> <p>Breeding skylark have been confirmed within the EMG2 Main Site at moderate levels, with surveys indicating an estimated nine breeding territories. Skylark are a Species of Principal Importance under Section 41 of the NERC Act and are Red-listed on Birds of Conservation Concern, and therefore the development is required to follow the mitigation hierarchy set out in paragraph 193 of the NPPF.</p> <p>The British Trust for Ornithology (BTO) Breeding Bird Survey (BBS) data show that skylark populations remain substantially below historical levels following severe long-term declines since the 1960s, and the species remains Red-listed on Birds of Conservation Concern 5, reflecting its continued conservation vulnerability<sup>14</sup>. While agricultural intensification is recognised as a key driver of decline, BTO evidence<sup>15</sup> demonstrates that local availability, extent and connectivity of suitable open arable habitat strongly influence skylark density and persistence, meaning that large-scale development resulting in permanent habitat loss and fragmentation contributes cumulatively to ongoing pressures on the species. Long-term</p>	See response above.

<sup>14</sup> Maps of population density and trends | BTO – <https://www.bto.org/get-involved/volunteer/projects/bbs/results/maps-population-density-and-trends>

<sup>15</sup> Skylark | BTO – <https://www.bto.org/learn/about-birds/birdfacts/skylark#population-change>

	<p>declines in skylark populations in England appear to have stabilised, with increases of approximately 14% recorded between 2013 and 2023; however, this short-term increase has not offset the substantial population and range losses that have occurred (overall estimated -11.8% change in population abundance between 1995 and 2023) and therefore does not indicate a full recovery to previous levels<sup>16</sup>.</p> <p>The ES confirms that the proposed development would result in the permanent loss of suitable arable nesting habitat, and that this habitat cannot be replaced within the EMG2 Works. As avoidance is not possible, the focus necessarily shifts to mitigation and, where required, compensation. While on-site grassland management measures are proposed, these habitats would not replicate arable farmland conditions and, owing to accessibility, disturbance, planting structure and fragmentation, will not function as reliable nesting habitat for skylark. On-site measures may contribute to foraging opportunities but are unlikely, in isolation, to fully mitigate the loss of breeding habitat.</p> <p>The ES places reliance on the displacement of skylark into surrounding farmland; however, this approach is not secured and does not fully reflect the cumulative loss of arable habitats arising from other committed or proposed developments. In this context, reliance on displacement alone does not provide certainty that the residual effects have been satisfactorily addressed.</p> <p>Additionally, in the Local Impact Report – East Midlands Gateway Phase 2, April 2026, Leicestershire County Council state that skylark will be impacted by the loss of arable habitat as a result of the proposed development, and while impacts are proposed to be reduced through grassland management and provision of alternative habitat, details of suitable breeding habitat have not been provided at the time of reporting. It is therefore not robust to seek to sidestep the NPPF's paragraph 193</p>	
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<sup>16</sup> Heywood, J.J.N., Massimino, D., Balmer, D.E., Kelly, L., Marion, S., Noble, D.G., Pearce-Higgins, J.W., White, D.M., Woodcock, P., Wotton, S. Gillings, S. (2025) The Breeding Bird Survey 2024. BTO Research Report 765. British Trust for Ornithology, Thetford.

	<p>approach simply by labelling the effect as a “residual minor” effect. SEGRO's non-significant conclusion depends materially on (i) displacement into surrounding farmland and (ii) the Community Park grasslands functioning effectively as mitigation. As illustrated above, these measures still leave a material risk that significant harm has not been avoided.</p> <p>Therefore, a range of mitigation options still available should be explored further. These include targeted off-site arable mitigation, such as the creation and long-term management of skylark plots within cereal crops<sup>17</sup> or provision of off-site grassland management, where sufficiently open and undisturbed grassland can be secured and managed specifically to meet skylark nesting requirements, with appropriate controls on access and vegetation structure. These mitigation options are well-established and commonly accepted approaches for mitigating development impacts on farmland birds and can be implemented flexibly and proportionately. These options should be considered as necessary to ensure compliance with paragraph 193 of the NPPF.</p>	
<b>Submissions received at Deadline 3 [REP3-061, REP3-062, REP3-063 and REP3-064]</b>		
<b>No.</b>	<b>Matter</b>	<b>Applicants' Response</b>
<b>Covering letter dated 21 April 2026 [REP3-062 and REP3-064]</b>		
1.	<p>Collaboration with EMA/EMIAL</p> <p>Prologis notes that it has had sight of the Deadline 3 Submission made by East Midlands Airport Limited and East Midlands Airport Property Investments (Industrial) Limited (together "EMA/EMIAL"), and that those submissions have been prepared following collaboration and discussion between the Prologis and EMA/EMIAL.</p>	The Applicants note the response.

<sup>17</sup> AHW4: Skylark plots - GOV.UK – <https://www.gov.uk/find-funding-for-land-or-farms/ahw4-skylark-plots>

	<p>Prologis considers that EMA/EMIAL's submissions are aligned with Prologis' own case. Prologis therefore supports and agrees with EMA/EMIAL's submissions insofar as they overlap with and reinforce the points advanced by Prologis, without seeking to repeat those points in Prologis' own submissions.</p>	
<p><b>Deadline 3 Submission [REP3-061 and REP3-063]</b></p>		
<p>2.1 – 2.28, Annex A and Annex C</p>	<p>Viability Introduction and overarching position</p> <p>At CAH1, the Applicant acknowledged that viability is a matter calling for evidential treatment and committed to providing viability evidence by Deadline 1.<sup>18</sup> That commitment has been reflected, in form at least, in the production of the Viability Appraisal. Prologis' substantive response to the Viability Appraisal is contained in the expert report of Mr Peter Roberts FRICS CEnv of DWD, appended in full at Annex A ("DWD Report"). This Section 2 summarises the case Prologis is making on viability; the ExP is invited to read the DWD Report in full for the detailed underlying analysis.</p> <p>Before turning to the substance, Prologis emphasises the following four propositions which form the basis of Prologis' case on viability and which the ExP is invited to keep in mind when reading the more detailed material that follows:</p> <p style="padding-left: 40px;">(d) Viability is highly material to the section 122(3) PA 2008 test on the facts of this case. The Applicant itself, at paragraph 9 of the Viability Appraisal, has acknowledged that viability is "<i>an extremely important issue</i>" for that part of the EMG2 development being promoted through a DCO. That acknowledgment is correct as a matter of legal principle.</p>	<p>The Applicants response to Mr Roberts' expert report, prepared by Mr Colin Cottage BSc (Hons.) MRICS of Ardent, is at Annex L of this document. This document is integral to the response of the Applicants on the issue of viability as raised by Prologis. This document provides a complete answer to the case advanced by Mr Roberts on behalf of Prologis. It should be read carefully before further consideration of the matters below.</p> <p>Implications for the section 122(3) PA 2008 case</p> <p>Prologis say that the viability evidence must be assessed by reference to the three elements of the case in which viability has a role to play and that this goes directly to the section 122(3) PA 2008 case and to the public interest balance which the Secretary of State must strike. They further state that the viability evidence strengthens the Prologis' case that there is no compelling case in the public interest for the compulsory acquisition of the Prologis/MAG Land.</p> <p>There is no basis to the above.</p>

<sup>18</sup> See Oral Submissions Summary at the section addressing CAH1

	<p>Viability and deliverability are central to whether SEGRO can demonstrate the public interest benefit required to outweigh the certain and immediate harm of the loss of Prologis' constitutional right to the peaceful enjoyment of its land. It is also central to the consideration of alternatives, in that SEGRO seeks to rely on viability considerations to rule out the alternative of developing the Southern Land independently, thereby delivering the same or similar economic benefits without the need for compulsory acquisition. This is not a matter that can be deferred to the Upper Tribunal Lands Chamber's later assessment of compensation. It is not a dispute about compensation, but about the conceptually distinct and prior issue of viability. Whilst the assessment of viability for the purposes of development control decision-making necessarily requires consideration of land value as a key element (see e.g. PPG on Viability at paragraph 011), any conclusions on that matter reached by the Secretary of State for the purposes of making a judgment on viability here will not involve a determination of what the appropriate compensation would be for compulsory acquisition and would not in any event bind the Upper Tribunal. Viability is squarely a matter for the ExP's recommendation and for the Secretary of State's decision under section 122(3) PA 2008.</p> <p>(e) The Applicant's own evidence shows that the DCO Scheme is only marginally viable. The Viability Appraisal records a profit on cost of only 15.91% – a mere 0.91 percentage points above the 15% hurdle rate which the Applicant itself identifies as the minimum level of return acceptable for a development of this nature and scale. The DCO Scheme is therefore, on the Viability Appraisal's own figures, only marginally viable even before any of the concerns and shortcomings identified in the DWD Report are factored in. Moreover, no sensitivity analysis has been provided (in breach of mandatory RICS</p>	<p>The Applicants accept that viability goes to delivery which is a key element of the case for compulsory acquisition. The Applicants have demonstrated that the DCO Scheme is overwhelmingly viable. As set out in Mr Cottage's report at Annex L of this document, there is nothing in Mr Roberts' report that demonstrates otherwise.</p> <p>Similarly, there is nothing in Mr Roberts' report that demonstrates that the Southern Land is viable in isolation.</p> <p>Finally, the Applicants have been clear that there is insufficient information to say whether the Joint Application is viable. Prologis say that it is viable, indeed it is materially more viable than the DCO Scheme, but the lack of robustness in their appraisal does not support this. It is not possible to determine with any confidence therefore that the Joint Application is a deliverable or viable alternative to the DCO Scheme.</p>
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	<p>Professional Standards applicable to such appraisals), meaning that neither the ExP nor the Secretary of State has any means of assessing how robust even that marginal figure actually is. Even if all other aspects of Mr Cottage's assessment were to be taken at face value, the scheme would not be viable because Mr Cottage has significantly underassessed the Market Value of the Prologis/MAG Land: once the cost of acquiring that land is properly assessed by reference to market value rather than the £225,000 per acre ceiling derived from the SEGRO/Aldridge Promotion and Option Agreement, the Applicant's own viability appraisal demonstrates that the DCO Scheme cannot achieve the 15% profit on cost that the Applicant itself has identified as the minimum acceptable hurdle rate. The Viability Appraisal amounts to no more than an illustration of how the scheme could be viable if the landowners were prepared to accept £225,000 per acre and were not to achieve the market value before the Upper Tribunal Lands Chamber; that does not constitute an appropriate, let alone robust, viability appraisal.</p> <p>(f) The Applicant's own evidence does not show that development of the Southern Land in isolation is unviable. The "Aldridge Land only" appraisal at Mr Cottage's Appendix H is fundamentally flawed, proceeding as it does on the basis of an entirely artificial scenario that could never occur in reality and does not represent what a prudent developer would do in order to seek to develop that land independently in the absence of compulsory acquisition powers. As a result of that fundamental flaw in approach, it loads onto the appraisal of the Southern Land in isolation a series of costs which (i) would not be incurred at all under a Town and Country Planning Act 1990 route (most obviously, the £10.5 million cost of obtaining a DCO that would never need to be sought in the event of an independent development) and (ii) related to infrastructure (the spine road through the</p>	
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	<p>Prologis/MAG Land) which would already have been delivered by Prologis in any event as part of the Joint Application (which is assumed to have occurred in Mr Cottage's Aldridge Land only scenario). Once those costs are stripped out, the Southern Land plainly is capable of viable independent development. At the very least, the fundamental flaws in the approach to this issue in the Viability Appraisal mean that it is not properly capable of substantiating the assertion made (without evidence) in the Applicant's Statement of Reasons. However, SEGRO has elected to put itself in a position where it cannot achieve this because it has agreed to purchase the Aldridge Land at an inflated value and only if it achieves a DCO. In this context, however, the issue of viability must be assessed on a market basis by reference to what a prudent developer would do in the absence of compulsory acquisition powers and not what SEGRO has chosen to do in the expectation of the grant of such powers.</p> <p>(g) The Joint Application is, by reference to the Applicant's own inputs, manifestly viable. The DWD Report sets out an indicative appraisal of the Joint Application which is illustrative, theoretical and indicative only. It has been prepared by adopting SEGRO's own inputs and methodology as set out in the Viability Appraisal so far as practicable (save in respect of unit-specific rents and yields appropriate to the unit sizes that Prologis would deliver) for the express purpose of demonstrating that, even on the Applicant's own assumptions, the Joint Application is viable. It is not, and is not intended to be, an assessment of Market Value. On that basis, the Joint Application generates a residual land value of £31,250,000 at a 15% profit on cost – significantly in excess of the £22,902,329 land value that the Viability Appraisal has assumed for the Prologis/MAG Land in the Applicant's own DCO Scheme appraisal. Importantly, those figures make no</p>	
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	<p>allowance for any premium attributable to the Prologis/MAG Land's role in enabling development of the Aldridge Land; Prologis' case on viability is not, and does not need to be, predicated on any ransom or access-controlling premium. Far from being an unviable scheme as the Applicant has alleged (without any proper evidential support), the Joint Application is plainly viable and indeed, on the Viability Appraisal's own inputs, is substantially more viable than the DCO Scheme: as Mr Roberts confirms at paragraph 7.17 of the DWD Report, if the £22,902,329 assumption in the Viability Appraisal is adopted in respect of land value, the profit secured by the Joint Application would, on the balance of probabilities, significantly exceed the 15% hurdle rate (and the 15.91% calculated for the DCO Scheme on the same assumption).</p> <p>(h) The cumulative effect of those four propositions is that the Viability Appraisal does not advance the Applicant's case for compulsory acquisition; it undermines it. The new evidence on viability now before the ExP demonstrates that the public interest benefits which the Applicant says will flow from the DCO Scheme are not, on the Applicant's own figures, deliverable; whereas the public interest benefits which would flow from the Joint Application – which Prologis is willing and capable of delivering on land it controls without recourse to compulsory acquisition – are plainly deliverable. Furthermore, the Viability Appraisal has failed to substantiate a critical part of the Applicant's case, namely that the benefits associated with the development of both the northern and southern land cannot viably be delivered in the absence of compulsory acquisition.</p> <p>The Viability Appraisal: an outline of the principal deficiencies</p>	
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Against that backdrop, the principal deficiencies in the Viability Appraisal – explained in detail in the DWD Report at sections 3 to 9 – may be summarised as follows.

Failure to adopt a market-based approach to land value

The Viability Appraisal proceeds on the assumption that the owners of both the Aldridge Land and the Prologis/MAG Land would each release their land for £225,000 per acre. That figure is derived not from a calculation of the residual value of each development site, or from an analysis of comparable market transactions, but instead from the terms of the Promotion and Option Agreement dated 31 March 2020 between SEGRO and Mr Aldridge in respect of the landlocked Aldridge Land. In simple terms, Mr Cottage’s appraisal simply assumes (and thus invites the ExP and the Secretary of State to assume) that the price SEGRO has agreed to pay pursuant to that Agreement for the Aldridge Land is also the appropriate value to adopt for the land controlled by Prologis/MAG. No explanation is provided as to why that is considered a robust and realistic assumption, and no other evidence is provided to support it. There is also no consideration of the implications for the appraisal if that key input proves to be inaccurate, whether by means of a sensitivity analysis or otherwise. There is no evidential basis whatsoever for assuming that the owner of the Prologis/MAG Land – which is not landlocked, abuts an adopted highway, and is the subject of the Joint Application – would similarly accept £225,000 per acre as adequate consideration to release that land for the Applicant’s scheme.

As explained in the DWD Report at paragraphs 6.15 to 6.19, the assumption that the market would pay the same price per acre for two such fundamentally dissimilar parcels of land is not credible as a matter of basic valuation principles, and is simply not realistic, let alone robust, even if the Viability Appraisal’s underlying assertion that the Prologis scheme is unviable were correct (which it is not). The Prologis/MAG Land would, as a matter of commercial reality, attract considerable interest from other developers in the market and, having regard to the

	<p>prices paid in the market for opportunities of this scale and quality, the landowner would expect a price significantly in excess of £225,000 per acre.</p> <p>Mr Cottage himself acknowledges at paragraph 28 of the Viability Appraisal that his adopted land purchase cost of circa £225,000 per acre "<i>assumes that planning permission exists for logistics/warehouse development and that a negotiated settlement is reached with Prologis/MAG</i>". That assumption underlines, rather than answers, the difficulty Mr Cottage faces. If, as he has assumed, planning permission for logistics/warehouse development is to be taken to exist over the Prologis/MAG Land, the value at which a willing landowner would release that land must logically be assessed by reference to what the market would pay for land with the benefit of that planning permission, not by reference to a contractual figure agreed in respect of a separate, landlocked parcel without planning permission. As explained in section 3 of the DWD Report, the Prologis/MAG Land would in those circumstances attract considerable interest from competing developers, and the price reasonably required to secure its release would be materially higher than £225,000 per acre.</p> <p>The point goes deeper still. The Viability Appraisal's own appraisal of the Aldridge Land in isolation generates a profit of just 3.62% – well below the 15% hurdle rate identified in the Viability Appraisal (see DWD Report, paragraph 9.1 and Viability Appraisal, Appendix H). If the Viability Appraisal's own appraisal of the Aldridge Land in isolation does not generate enough headroom to support a £225,000 per acre payment, then it follows that no developer in the market would be prepared to pay £225,000 per acre for the Aldridge Land. The Market Value of the Aldridge Land must, on the figures set out in the Viability Appraisal, be significantly below £225,000 per acre. The figure reflects the price that the Applicant has agreed to pay because of its particular contractual position rather than the price the market would in fact pay. That price, in turn, is itself a product of the fact that the Promotion and Option Agreement was entered into on the basis of a DCO being</p>	
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promoted, with the prospect of compulsory acquisition powers being deployed to assemble the wider site. In the alternative scenario which Appraisal 2 purports to test – the development of the Southern Land independently in the absence of a DCO and powers of compulsory acquisition – that prospective uplift plainly would not be in play, and Mr Cottage's reliance on the £225,000 per acre figure as the relevant land value input is misconceived for that further reason. None of this assists SEGRO: SEGRO has contracted to acquire the Aldridge Land at £225,000 per acre on terms which are conditional on the grant of the DCO, and so remains bound to pay that price even though the Market Value of the Aldridge Land is, on the Viability Appraisal's own figures, significantly lower.

What that means, as explained in section 9 of the DWD Report, is that the Applicant's case on viability is not driven by any deficiency in the Prologis scheme or in the Southern Land – it is driven by the Applicant's own contractual commitment to overpay for the Aldridge Land. The Applicant has, in effect, rendered its own scheme unviable by virtue of the terms it has agreed with Mr Aldridge: standing back, because of the price that SEGRO has chosen to pay in respect of the Aldridge Land, it can only just make its scheme viable (and only then on the assumption that all other inputs adopted in the Viability Appraisal are correct) if Prologis/MAG agree a price for their land no higher than £225,000 per acre, or such a value emerges from the assessment of compensation in due course. There is no obligation on Prologis or MAG to accept anything other than Market Value for their land; and (at the very least) there is no proper evidential basis for the Secretary of State to assume that the figure of £225,000 per acre is the value that would so emerge. On the contrary, for the reasons explained in the DWD Report, the Market Value of the Prologis/MAG Land is likely to be significantly higher than £225,000 per acre: Mr Roberts' indicative appraisal of the Prologis scheme, adopting the inputs and methodology in the Viability Appraisal (save in respect of unit-specific rents and yields), generates a residual land value of £31,250,000 (being approximately £306,000 per acre of the Prologis/MAG Land) at the 15% hurdle rate, and Mr Roberts

considers that the Market Value that would in fact emerge from the market would be materially higher still, as he has confirmed at paragraph 7.21 of the DWD Report by reference to market evidence of comparable land transactions. It is important that the ExP appreciates that this is not an abstract point: the land value assumed in the Viability Appraisal is the price that SEGRO will ultimately need to pay in the real world if the DCO Scheme proceeds, whether through voluntary agreement or through determination by the Upper Tribunal (Lands Chamber). If the Upper Tribunal determines compensation at or near the market value identified in the DWD Report, the DCO Scheme would fall well below the 15% hurdle rate that the Applicant itself identifies as the minimum acceptable return, rendering the scheme unviable and undeliverable. By that stage, SEGRO would already be contractually committed to the Aldridge Land at £225,000 per acre and would have no realistic means of correcting the position. This goes to the heart of whether the DCO Scheme would ever in fact be implemented, even if consented.

Failure to provide a sensitivity analysis

The RICS Professional Standard "Financial viability in planning: conduct and reporting" – a mandatory requirement of RICS members – requires that all financial viability assessments and subsequent reviews provide a sensitivity analysis of the results, to allow the decision-maker to consider how changes in inputs to a financial appraisal affect viability and to apply a viability judgement to the outcome of a report.<sup>19</sup>

No sensitivity analysis has been provided in the Viability Appraisal, despite the fact that the software model used in the Viability Appraisal provides this facility (see DWD Report, paragraph 8.7). That omission is significant for at least three reasons:

- (a) the Viability Appraisal records a profit of 15.91% – only 0.91 percentage points above the 15% hurdle rate which the Viability Appraisal itself accepts as the minimum return required to deliver the

<sup>19</sup> As per paragraph 2.9 of RICS Professional Standard "Financial viability in planning: conduct and reporting" 1st edition. May 2019 available at Annex C to this submission.

	<p>project.<sup>20</sup> For the reasons set out in the DWD Report, that calculated rate of 15.91% is neither realistic nor robust. The DCO Scheme is, on the Viability Appraisal's own figures, marginal in viability terms even before any of the criticisms made in the DWD Report have been factored in;</p> <p>(b) modest increases in construction costs, modest decreases in rents, modest worsening of yields, or modest increases in the assumed land value, would each be more than sufficient to drive the appraisal below the 15% hurdle rate. In each case these are realistic risk factors that any prudent commercial developer would be required to consider; and</p> <p>(c) the absence of any sensitivity analysis means that neither Prologis, nor the ExP, nor the Secretary of State has any means of assessing how robust the Applicant's own case for viability actually is. The correctness or otherwise of Mr Cottage's assertion at paragraph 41 of his report that he could drive an improved profit level by altering his assumed inputs cannot be tested and assessed, particularly as small changes in the inputs can be used to achieve disproportionate changes in the outcome. The professional standard requirement to "<i>stand back</i>"<sup>21</sup> (RICS Professional Standard, Financial viability in planning: conduct and reporting) cannot be properly performed without that analysis.</p> <p>In order for the ExP properly to examine and test the Applicant's case it will be necessary for the Applicant to disclose its electronic appraisal models and to provide a sensitivity analysis of the type which RICS standards require, which Prologis and the ExP can then assess and respond to. Until that information is provided, the Viability Appraisal can</p>	
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<sup>20</sup> Paragraphs 39 and 40 of the Viability Appraisal.

<sup>21</sup> As per paragraph 2.9 of Annex C.

only be afforded very limited weight and it is not properly capable of substantiating the Applicant's case.

Disclosure of underlying cashflows

Despite requests from DWD to Mr Cottage and further separate requests from Prologis' solicitors to the Applicant's solicitors, the Applicant has not provided copies of the underlying cashflows or programme breakdown for the Viability Appraisal (see DWD Report, paragraphs 3.32 to 3.34). Without those materials, it is not possible for Mr Roberts, or the Examining Panel, or the Secretary of State to ascertain the extent to which the cashflow timings adopted in the Viability Appraisal are reasonable, or to assess the impact on finance costs of differing assumptions about the timing of receipts and payments. As the DWD Report explains, these are critical issues in any viability exercise; differences in cashflow assumptions can produce significant differences in finance costs and, in turn, in the calculated rate of return. In the absence of this information, the Viability Appraisal is of limited assistance in enabling informed conclusions to be reached on this extremely important issue.

Prologis renews its request that the Applicant disclose its electronic models and cashflows to enable proper scrutiny of its viability case. If the Applicant is willing, as it should be, to put its viability evidence into the public domain to support the case for the draconian power of compulsory acquisition, it must equally be prepared to allow that evidence to be properly tested. Until such disclosure occurs, Prologis reserves its position to develop its critique of the Viability Appraisal in further detail at later deadlines.

The "Aldridge Land only" appraisal: development of the Southern Land in isolation

The Applicant's case for the compulsory acquisition of the Prologis/MAG Land rests in part on the assertion that the Southern Land cannot viably be developed on its own, and that compulsory acquisition of the

	<p>Prologis/MAG Land is therefore necessary in order to secure viable delivery of the development of the Southern Land. The Viability Appraisal's "Aldridge Land only" scenario at Appendix H is the only evidence that has (belatedly) advanced in support of that central proposition. That evidence is incapable of substantiating the Applicant's case.</p> <p>As Prologis explained at paragraph 3.18 of the Deadline 2 Submission, that proposition exposes a fundamental inconsistency in the Applicant's position: the scenario which the Applicant has dismissed elsewhere in its Deadline 1 evidence as one that "could not happen"<sup>22</sup> is nevertheless precisely the scenario it has adopted in Appraisal 2 of the Viability Appraisal to seek to demonstrate that the Southern Land cannot viably be developed on its own. The Applicant cannot credibly have it both ways. It is simply not tenable for the Applicant to claim that its Appraisal 2 represents a fair and robust assessment of how a developer would approach the development of the Southern Land independently in the absence of a DCO and thus powers of compulsory acquisition.</p> <p>In any event, as set out at section 9 of the DWD Report, the "Aldridge Land only" appraisal is fundamentally flawed by reference to its own internal logic. There are four key issues:</p> <p>(a) DCO Costs. The "Aldridge Land only" appraisal includes £10,532,951 of costs in respect of obtaining a DCO (see DWD Report, paragraph 9.6). There is no proper basis for including those costs in an assessment of whether development of the Aldridge Land could come forward independently. The underlying purpose of Mr Cottage's Appraisal 2 is to substantiate the assertion made in SEGRO's Statement of Reasons at paragraph 5.57 that even if the development of the Prologis/MAG land did make provision for a deliverable vehicular access, "<i>development of the southern part of the EMG2 Main Site would not be viable or deliverable as standalone development</i>". An appraisal of viability to address that counterfactual</p>	
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<sup>22</sup> DCO 7.2, Appendix 6, paragraph 3.62

	<p>scenario must consider what would be likely to happen in circumstances where there was no DCO and no access to compulsory powers. An alternative developer of the Aldridge Land in that scenario could not pursue a DCO: it is only possible to seek a DCO for development as described in the section 35 direction, and a materially smaller scheme confined to the Aldridge Land would fall outside its scope. Such a developer would instead pursue planning permission under the Town and Country Planning Act 1990. The cost of securing such a planning permission would be significantly less than the cost of securing the DCO (see DWD Report, paragraph 9.10). This factor alone, combined with the belated provision of the Viability Appraisal, demonstrates that SEGRO did not give any proper consideration to this alternative either before deciding to seek compulsory acquisition or before making the unevidenced assertion in its Statement of Reasons.</p> <p>(b) Road Costs. The "Aldridge Land only" appraisal includes the cost of providing the spine road through the Prologis/MAG Land. That makes no commercial sense in the realistic counterfactual, in which Prologis would (in the absence of a DCO) be implementing the Joint Application on the Prologis/MAG Land and providing the spine road at its own cost as part of its own development. Any alternative developer of the Aldridge Land would simply tie into that spine road. Assigning that cost to the Aldridge Land is double-counting that materially distorts the appraisal.</p> <p>(c) Site Costs. The Viability Appraisal has effectively started with the costs that would be incurred for the whole DCO Scheme and then stripped out elements that are bespoke to the development of the Prologis/MAG Land. As the DWD Report notes at paragraphs 9.20 to 9.24, that is the wrong methodology. The proper approach is to consider what the costs would be of developing the Aldridge Land in isolation, having regard to what a market-based developer would do; not to start with the DCO Scheme for a substantially larger</p>	
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	<p>development across a much bigger site and crudely strip out parts of it. The costs adopted in the Viability Appraisal are therefore significantly higher than the market would assume.</p> <p>(d) Land Value. The Viability Appraisal has assumed a fixed land value of £225,000 per acre in accordance with the terms of the SEGRO/Aldridge Promotion and Option Agreement; but its own appraisal of the Aldridge Land in isolation generates a profit of only 3.62%, which is well below the 15% hurdle rate that it identifies (see DWD Report, paragraph 9.30). As already noted, it follows that no party in the market would be prepared to offer £225,000 per acre for the Aldridge Land in the scenario Appraisal 2 is intended to assess, and the Market Value of that land in that scenario must be significantly below £225,000 per acre. Moreover, the use of £225,000 per acre in Appraisal 2 is simply inappropriate in the counterfactual that appraisal is intended to test: if the premise of Appraisal 2 is that the Aldridge Land would be developed independently of the DCO, then neither SEGRO nor any other developer would be bound by the Promotion and Option Agreement (the exercise of which is, as noted in the DWD Report, conditional upon the grant of the DCO). The land value input for Appraisal 2 should reflect what a developer would actually need to pay in the market for the Aldridge Land in a no-DCO scenario, rather than a price agreed in the entirely different context of the DCO and compulsory acquisition powers being available.</p> <p>The cumulative effect of these four issues is that the Viability Appraisal has overstated, dramatically, the costs of developing the Aldridge Land in isolation, and depressed, artificially, the calculated profit on cost. As demonstrated at paragraphs 9.35 to 9.37 of the DWD Report, even on a high-level recalibration of the figures in the Viability Appraisal – replacing the DCO cost with a planning application cost of £1,000,000, removing the assumed land value, and applying the gross development value of</p>	
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	<p>£303,339,387 used in the Viability Appraisal – the residual land value available for the Aldridge Land is approximately £17 million, equating to circa £116,000 per acre. That figure would increase further once the spine road costs are properly excluded and finance costs recalibrated to reflect the reduced cost exposure.</p> <p>Separately, the very existence of Appraisal 2 raises a further concern about the adequacy of the Applicant’s consideration of alternatives to compulsory acquisition. The approach taken in Appraisal 2 – in which the costs of independent development have been derived by crudely stripping elements out of the DCO Scheme rather than by a ground-up assessment of what independent development would cost – is consistent with the appraisal having been prepared after the decision to seek compulsory acquisition powers, rather than as part of a conscientious prior consideration of whether such powers were necessary. If SEGRO had seriously considered independent development of the Aldridge Land as a genuine alternative before deciding to seek compulsory acquisition, it would have been expected to generate reasonable assumptions about likely costs at that stage. Instead, the claim made in the Statement of Reasons at paragraph 5.57 – that the Southern Land cannot viably be developed independently – appears to have preceded rather than followed any rigorous testing of that proposition. That is a matter which goes directly to the adequacy of the Applicant’s compliance with its obligation to demonstrate that it has given conscientious consideration to alternatives to compulsory acquisition, as required by the CA Guidance.</p> <p>What that demonstrates, as the DWD Report explains at paragraphs 9.39 to 9.41, is three things:</p> <ul style="list-style-type: none"><li>(e) even at the conservative figure of £116,000 per acre, there is a clear uplift in value associated with the Aldridge Land that is predicated solely on the availability of access that can only be provided from the Prologis/MAG Land. The assertion that</li></ul>	
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	<p>there is no ransom position in the market is therefore not correct;</p> <p>(f) the development of the Southern Land is, on a market-based assessment, able to deliver the 15% hurdle rate of profit, such that a developer would in fact implement that development; and</p> <p>(g) the only reason that the Applicant cannot itself viably deliver the Southern Land is that it has agreed to pay Mr Aldridge a price (£225,000 per acre) which is significantly in excess of Market Value and reflects the assumption it will be able to use powers of compulsory acquisition. That is a problem of the Applicant's own making, arising from its own private contractual arrangements and development strategy; it is not a public interest justification that could legitimately be relied on by the Secretary of State to authorise the compulsory acquisition of Prologis' land.</p> <p><u>The viability of the Joint Application: the Prologis indicative appraisal</u></p> <p>Prologis has prepared an indicative appraisal of the Joint Application, which is appended to the DWD Report. As explained in the DWD Report at paragraphs 7.5 to 7.11, the appraisal has been prepared on the basis of the inputs and methodology adopted in the Viability Appraisal, save in respect of unit-specific rents and yields where (as is appropriate) the unit sizes that would be delivered under the Joint Application differ from those assessed in the Viability Appraisal. The exercise is illustrative only: its purpose is to show that, by adopting SEGRO's own assumptions to the greatest extent possible, the Joint Application remains viable on those inputs. Mr Roberts has also provided sensitivity analyses at paragraphs 7.14 to 7.17 of the DWD Report (which the Applicant has notably failed to provide for its own appraisal), confirming that the indicative outputs are robust across a realistic range of construction cost and rental value assumptions.</p>	
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	<p>The principal results of the Prologis indicative appraisal are as follows<sup>23</sup>:</p> <ul style="list-style-type: none"> <li>(a) at a 15% profit on cost, the Joint Application generates a residual land value of £31,250,000. That figure is well in line with values achieved in actual market transactions for opportunities of this scale and quality, and is therefore considered to be achievable;</li> <li>(b) by contrast, the Viability Appraisal assumes a land value of £22,902,329 for the Prologis/MAG Land in its appraisal of the DCO Scheme. The Joint Application generates a residual land value materially in excess of that assumption on a 15% return basis; and</li> <li>(c) if the £22,902,329 land value adopted in the Viability Appraisal is applied in the Prologis indicative appraisal, the profit secured by the Joint Application would, as Mr Roberts confirms at paragraph 7.17 of the DWD Report, on the balance of probabilities significantly exceed the 15% hurdle rate – and would do so by a margin that compares favourably with the 15.91% calculated in the Viability Appraisal for the DCO Scheme on the same land assumption. The sensitivity analysis at paragraphs 7.14 to 7.17 of the DWD Report confirms that, across the range of rents and construction costs tested, the Joint Application generates a profit on cost comfortably in excess of 15% on Mr Cottage’s land assumption.</li> </ul> <p>Three significant points arise from those results:</p> <ul style="list-style-type: none"> <li>(a) the Joint Application generates significantly more value than the DCO Scheme. It is comfortably more viable than the scheme that the Applicant is seeking to justify by reference to compulsory acquisition powers;</li> </ul>	
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<sup>23</sup> As set out in Section 7 of the DWD Report

	<p>(b) on the assumption of land value adopted in the Viability Appraisal, the profit secured by the Joint Application would, on the balance of probabilities, significantly exceed the 15% hurdle rate. It is therefore clear that, in the words of the DWD Report at paragraph 7.17, the Prologis scheme is "<i>not only more viable than the SEGRO scheme but substantially so</i>"; and</p> <p>(c) these results have been calculated without taking into account any controlling-access premium associated with the Prologis/MAG Land's position in enabling development of the Aldridge Land. Any assertion that development of the Prologis/MAG Land is dependent upon the receipt of a ransom is therefore without basis.</p> <p>The contrast between the two schemes' viability is stark. The DCO Scheme is, on the Applicant's own evidence and even before the criticisms in the DWD Report are factored in, marginal at 15.91% – a figure which, for the reasons set out in the DWD Report, is neither realistic nor robust. The Joint Application, on the same set of inputs, generates a profit on costs which renders the Prologis scheme substantially more viable than the DCO Scheme. That contrast must be borne in mind by the ExP and the Secretary of State when assessing the section 122(3) PA 2008 case.</p> <p>Implications for the section 122(3) PA 2008 case</p> <p>As noted at paragraphs 5.32 to 5.40 of the WR, the new viability evidence must be assessed by reference to the three elements of the case in which viability has a role to play:</p> <p>(a) The viability of the DCO Scheme as a whole. If the DCO Scheme is not viable, there can be no confidence that the scheme will in fact come forward or that the benefits the Applicant claims will flow from it will materialise. That is the primary concern: the ExP cannot recommend, and the Secretary of State cannot grant, compulsory</p>	
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	<p>acquisition powers to facilitate a scheme which the Applicant cannot demonstrate is likely to be delivered. Even if the DCO Scheme is of only marginal or uncertain viability (i.e. taking the outputs from the Viability Appraisal at face value), that significantly weakens the case for compulsory acquisition because there is a real risk that the scheme will not in fact come forward. That risk also has direct consequences for the Environmental Impact Assessment, which, as Prologis has consistently pointed out, has not assessed the realistic possibility that the DCO Scheme will not come forward but will nevertheless sterilise the development proposed in the Joint Application. A secondary but related concern is whether, if the Viability Appraisal has materially underestimated the cost of land assembly, the Applicant will be able to meet its compensation obligations – a matter which should have been addressed in the Funding Statement but was not – it therefore needs to be addressed through the examination process;</p> <p>(b) The viability of the Southern Land in isolation. The Applicant's case for compulsory acquisition rests in part on the assertion that the Southern Land cannot viably be developed without the addition of the Prologis/MAG Land. The Viability Appraisal does not substantiate that proposition; for the reasons set out above and in the DWD Report, it is simply not capable of doing so. The "Aldridge Land only" appraisal is fundamentally flawed and cannot bear the weight that the Applicant seeks to place upon it; and</p> <p>(c) The viability of the Joint Application. The Applicant's case also relies in part on the inherently improbable proposition that Prologis' scheme is unviable, such that the public interest harm associated with frustrating the Joint Application can be discounted in the planning balance. The Prologis indicative appraisal at the DWD Report demonstrates that the Joint Application is not only viable, but is materially more viable than the DCO Scheme on the Applicant's own assumptions.</p>	
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	<p>Each of those three elements goes directly to the section 122(3) PA 2008 case and to the public interest balance which the Secretary of State must strike. The new evidence on viability – properly understood – strengthens Prologis' case that there is no compelling case in the public interest for the compulsory acquisition of the Prologis/MAG Land.</p> <p>Viability is a central component of the case that Prologis wishes to present orally and which it has consistently advanced (see Oral Submissions Summary, in particular at the section addressing CAH1, and the ExQ1 Responses). Further submissions on this point are made in the Joint Letter to the ExP from Prologis and EMA also submitted at Deadline 3 in relation to the agenda for the compulsory acquisition hearing.</p> <p>Conclusion on viability</p> <p>For the reasons set out above and developed in detail in the DWD Report at Annex A, the new evidence on viability submitted by the Applicant at Deadline 1 fails to demonstrate the viability and deliverability of the DCO Scheme; on the contrary, properly understood it confirms and strengthens the principal concerns articulated by Prologis throughout this examination. The Viability Appraisal is incomplete and unrealistic; it adopts an artificially compressed land value that the market would not pay; it assumes that the landowner would be compelled to accept a price determined by SEGRO to suit the unattractive commercial position it has created for itself rather than the price that would be determined by the market; it does not include the sensitivity analysis required by RICS standards; it is not supported by the underlying cashflows necessary to enable proper scrutiny; and its "Aldridge Land only" appraisal is fundamentally flawed in that it makes the crude and unrealistic assumption that independent development of the Aldridge Land would be no different from what is proposed within the draft DCO scheme. By contrast, the Prologis indicative appraisal of the Joint Application appended to the DWD Report, prepared on the inputs adopted in the Viability Appraisal save where appropriate adjustment is</p>	
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	<p>required, demonstrates that the Joint Application is materially more viable than the DCO Scheme.</p> <p>The new evidence on viability does not assist the Applicant's case for compulsory acquisition. It confirms that there is no compelling case in the public interest, and that the public benefits relied upon by the Applicant are speculative at best, and in fact unlikely to be delivered, whilst the harm to Prologis would be certain and immediate.</p>	
<p>3.1 – 3.6</p>	<p>Traffic and Transport</p> <p>Necessity and scale of the proposed mitigation</p> <p>In its responses to ISH1 Action Points 7 and 16, the Applicant maintains that the scale of mitigation proposed at M1 Junction 24 is necessary, having been derived through iterative testing in which lesser-scale schemes were said only to provide additional stacking capacity without fully mitigating the impact of EMG2 traffic. The Applicant further relies on the existence of a developer consortium, the East Midlands Growth Point, which has identified a combination of highway upgrades (the "green package") said to provide a wider strategic solution to long-standing capacity issues at Junction 24, of which the works proposed in the DCO are said to form a constituent part. Prologis does not, on the present evidence, take issue with the broad consistency of the proposed mitigation with that wider emerging strategic programme. Consistency with that programme does not, however, equate to necessity arising from EMG2 impacts alone. The mitigation package which Prologis proposes in connection with the Joint Application – focused on improvements at the Finger Farm roundabout and provision for dualling on the A453 – is itself consistent with that wider strategic programme (and in particular with the so-called "Purple" package, Package 2) and represents an alternative, equally valid, contribution to the same package of long-term needs. The Applicant cannot demonstrate that its</p>	<p>Necessity and scale of the proposed mitigation</p> <p>In respect of the necessity and scale of the proposed mitigation, the Applicants refer to Annex K of this document.</p> <p>The Applicants note that Prologis refers to the mitigation package proposed in the Joint Application, which is focused on improvements at the Finger Farm roundabout and provision for dualling on the A453. However, it should be noted that the scope of that mitigation is far from being fixed. See Annex J of this document which confirms that the Joint Application remains subject to a holding objection from NH with a substantive list of issues remaining to be resolved.</p> <p>The Applicants have worked extensively with NH and LCC, together with other stakeholders, to develop and refine their proposals. Whilst the Highway Works proposed as part of the DCO Application may not be the only means to achieve the same outcome, they have been determined to be the preferred option over minor piecemeal mitigation which might otherwise come forward.</p>

	<p>scheme is the only means by which those wider needs can appropriately be progressed.</p> <p>That point is reinforced by the Applicant's own acknowledgement, in response to ISH1 Action Point 7, that the highway works it proposes – and in particular the new free-flow link from the M1 northbound to the A50 westbound – would be required to allow for growth within the area and to mitigate the impact of forthcoming developments "<i>whether that included EMG2 or not</i>". On the Applicant's own case, therefore, those works are not solely a function of mitigating EMG2 impacts and cannot properly be characterised as benefits attributable to, or only deliverable through, the DCO Scheme. They are, on the contrary, components of a wider strategic programme being progressed independently of EMG2 by a consortium of developers. It follows that the highway works relied upon by the Applicant to an extent fall to be assessed as benefits of a wider strategic regional programme, not wholly as benefits attributable to the DCO Scheme.</p> <p>Traffic effects of the MCO Application</p> <p>The Applicant's responses to ISH1 Action Point 11 and ExQ1.2.3 do not introduce any new evidence; rather, they refer back to the Environmental Statement. The brief 'manual assessment' undertaken at section 6.9 of ES Chapter 6 concludes that the MCO traffic in isolation would not trigger the need for detailed environmental assessment in accordance with the IEMA Guidelines. That said, the assessment of the MCO and DCO impacts as currently presented remains interlinked, and it is not clear from the Deadline 1 material how the discrete traffic and transport effects of the MCO Application have been assessed independently of the cumulative analysis. Further explanation on that point is required from the Applicant. Until that explanation is provided, the ExP and the Secretary of State are not in a position properly to satisfy themselves as to the proportion of the cumulative transport impacts (and accordingly the proportion of the proposed mitigation package) that is genuinely attributable to the DCO Scheme. Nor whether it would be possible to</p>	<p>The Applicants do not accept therefore the assertion by Prologis that the highway works relied upon by the Applicants fall to be assessed as benefits of a wider strategic regional programme, not wholly as benefits attributable to the DCO Scheme. As set out in Annex K of this document, the modelling for EMG2 demonstrates that whilst EMG2 adds traffic to an already constrained network, the proposed mitigation more than offsets those impacts. It would not be possible to reduce the mitigation proposed to precisely balance the level of mitigation and impact; by way of illustration, for example, it is not possible to build half a slip road This level of improvement was required to adequately address the effects of the scheme; smaller scale improvements would have provided only additional stacking capacity at M1 Junction 24 without fully mitigating the impact of traffic from EMG2.</p> <p>Traffic effects of the MCO Application</p> <p>Section 6.9 of the Environmental Statement carries out an assessment of the MCO application by considering the percentage increase in traffic against 2028 'without development' flows from the PRTM 2019 model. The assessment concludes that the MCO traffic would have a less than 1% impact on all surrounding roads (except for Grimes Gate, Diseworth which would have a 1.1% impact). The scale of impact on all roads falls well below the 10% threshold for when further detailed assessment could be needed, as per the requirements of the IEMA Guidelines.</p>
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	<p>grant the MCO Application alone, or in terms that would allow it to be implemented in isolation.</p> <p>Cumulative construction-phase transport effects</p> <p>More substantively, the Deadline 1 evidence does not address what Prologis considers to be a clear gap in the assessment of cumulative construction-phase transport effects. National Highways, in its response to the original consultation, advised that a cap on construction traffic would be required, on the basis that overall construction traffic impacts would be significant<sup>24</sup>. The Transport Assessment does not, however, appear to have assessed the cumulative impacts of (i) construction traffic generated by the on-site development works under the DCO Scheme, together with (ii) construction traffic and temporary capacity reductions arising from the delivery of the off-site highway works at and around Junction 24 – notwithstanding that, on the construction programme provided in response to ISH1 Action Point 13, the on-site works and the off-site highway works are assumed to be progressed concurrently.</p> <p>This raises a serious question as to whether the cumulative construction-phase transport effects have been fully and explicitly assessed, notwithstanding National Highways’ specific request for a cap on construction traffic in respect of the on-site works.</p> <p>Conclusion on traffic and transport issues</p> <p>Each of these matters represents either a benefit which falls properly to be characterised as additive rather than attributable, or a material deficiency in the evidence base supporting the DCO Application; and in each case the consequence is the same – the new transport evidence in places materially weakens, the public interest case said by the Applicant to justify the compulsory acquisition of the Prologis/MAG Land.</p>	<p>For this reason, it was concluded that the MCO application in isolation of the DCO application would not trigger the need for a detailed environmental assessment in accordance with the IEMA Guidelines.</p> <p>Cumulative construction-phase transport effects</p> <p>The construction traffic calculations presented in the ‘Construction Traffic Calculations Technical Note’ included at Appendix 12 of the Transport Assessment REP1-033 take into account construction works on-site, as well as the off-site highway works. The construction traffic calculations assume that all components start in year 1 (i.e. earthworks, building construction, road construction and landscaping etc), whereas in reality, components will be staggered. For example, earthworks will take place first and before road and building construction starts, with landscaping taking place at the end. The trip generation figures are therefore highly robust and should be viewed as worst-case.</p> <p>The construction traffic has been modelled in PRTM 2019 and the Forecasting Report included at Appendix 74 of the Transport Assessment REP1-049, concludes that there would be a negligible impact on the surrounding highway network. This position has been agreed with National Highways and Leicestershire County Council. The Applicant has committed to delivering the off-site highway works prior to occupation of any part of the site,</p>
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<sup>24</sup> Please see paragraph 1.4(e) and 4.1.9 of RR-022 National Highways' Relevant Representation

		<p>removing the need for any trigger point or interim modelling. This will ensure that the network capacity is improved prior to any operational traffic being generated from the development.</p> <p>Conclusion on traffic and transport issues</p> <p>For the reasons set out above, the Applicants refute the suggestion that the highway works represent either a benefit that should be characterised as 'additive' rather than 'attributable', or that there is a material deficiency in the evidence base supporting the DCO Application.</p>
<p>4.1 - 4.29 and Annex B</p>	<p>Socio-economic issues</p> <p>Introduction and overarching position</p> <p>2.4 Prologis' substantive submissions on socio-economic issues are supported by, and should be read alongside, the detailed Spawforths note appended at Annex B, which contains a full point-by-point response to Annex 5 of Appendix 6 to the Applicant's DCO 7.2 (Comparison of Benefits Note). In so far as the Spawforths note responds in detail to particular benefit claims advanced by the Applicant, those detailed responses are not rehearsed here but are incorporated by reference. These submissions should also be read alongside Prologis' submissions on socio-economic issues in the PRR (in particular section 8 and section 13), the WR (in particular paragraphs 5.24 to 5.30), the Oral Submissions Summary, the ExQ1 Responses, and section 5 of the Deadline 2 Submission.</p> <p>2.5 The overarching question on socio-economic issues – and the question by reference to which the new socio-economic evidence advanced by the Applicant at Deadline 1 must be assessed – is the question identified at paragraph 5.4 of the Deadline 2</p>	<p>The Applicants refer to the Applicants' Post Hearing Submissions (Document DCO 7.14 / MCO 7.14), the Annex 5 Comparison of Benefits [REP1-051D], the Applicants' Response to Relevant Representations [REP1-051D], and the Applicants' Viability Appraisal [REP1-027D].</p> <p>The "Additive/Attributable" Distinction: a false framework</p> <p>Prologis's submission is that the ExP should apply an "additive/attributable" distinction under section 122(3) PA 2008 is misconceived and misleading. That distinction is not found in section 122(3) PA 2008, in the Compulsory Acquisition Guidance, or in any decided case known to the Applicants. It is an artificial construct of Prologis' own devising, designed to diminish the significance of the very substantial public interest benefits that the DCO Scheme will deliver. The key consideration in this context is that of identifying the benefits that will be</p>

	<p>Submission. It is not whether the DCO Scheme delivers (or claims to deliver) greater socio-economic benefits than the Joint Application. It is whether those benefits that have been demonstrated only to be achievable through the exercise of compulsory acquisition powers are so compelling as to justify the draconian interference with Prologis' property rights that is proposed.</p> <p>2.6 That question requires consideration of the distinction, identified at paragraph 5.3 of the Deadline 2 Submission, between:</p> <p>(a) attributable benefits – those benefits which would not arise but for compulsory acquisition; and</p> <p>(b) additive benefits – those benefits which result simply from more land being developed, regardless of whether that development is only able to be secured through compulsory acquisition or could also be secured through conventional planning and commercial mechanisms.</p> <p>2.7 As Prologis has consistently submitted, the additive/attributable distinction is fundamental to the proper application of the section 122(3) PA 2008 test. It is not enough for the Applicant to point to a list of socio-economic benefits and to assert that the DCO Scheme will deliver more of them than the Joint Application; the Applicant must demonstrate that the additional benefits can be delivered only through the exercise of compulsory acquisition. Nowhere in the Annex 5 Comparison does the Applicant engage with that distinction. The new evidence at Deadline 1 does not cure that defect.</p> <p>The Annex 5 Comparison of Benefits: the central deficiency</p> <p>2.8 The principal new socio-economic evidence in the Applicant's Deadline 1 material is contained in Annex 5 of Appendix 6 to DCO 7.2 (the "Annex 5 Comparison"). The Annex 5 Comparison</p>	<p>delivered were the DCO Scheme to come forward as promoted, as distinct from/compared to the benefits which will come forward if the DCO Scheme does not. All other exercises/approaches suggested by Prologis are intended to muddy the pool and distract the ExP from where its focus should properly lie. Section 122(3) PA 2008 requires the Secretary of State to be satisfied that "there is a compelling case in the public interest" for the compulsory acquisition. The Compulsory Acquisition Guidance requires "compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired." The test is whether the public benefits of the scheme as a whole — including the compulsory acquisition sought — outweigh the private loss. It is not a dissection exercise in which individual benefits must be traced to the exercise of compulsory acquisition powers as distinct from the act of development itself.</p> <p>If Prologis' approach were correct, no compulsory acquisition for any development could ever be justified, since it could always be said that the benefits flow from the development rather than the legal mechanism by which the land was assembled. That is not the correct interpretation of the statute, and it has no basis in law.</p> <p>In any event, even on Prologis' own framing, the DCO Scheme delivers benefits which are attributable to the comprehensive, single-developer approach that can only be achieved through the exercise of compulsory acquisition powers. These</p>
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	<p>is a side-by-side comparison of certain features of the Joint Application and the DCO Scheme, structured under three headings: economic, social, and environmental benefits, together with a list of "Additional Benefits" said to flow from the DCO Scheme.</p> <p>2.9 The Annex 5 Comparison suffers from a single, central deficiency that runs through every line of the table: it proceeds as if the relevant question were simply whether the DCO Scheme delivers greater benefits than the Joint Application. It does not engage with – and accordingly does not even attempt to demonstrate – that the additional benefits claimed for the DCO Scheme can only be delivered through the exercise of compulsory acquisition powers.</p> <p>2.10 That central deficiency cannot be remedied by adding further numerical detail or further descriptive material. It is a structural deficiency in the way the Applicant has approached the question and has sought to make its case for compulsory acquisition. As long as the Applicant’s case proceeds on the assumption that simply showing greater scale or more floorspace is sufficient to satisfy section 122(3) PA 2008, it will not engage with the test that Parliament has prescribed.</p> <p>2.11 In the paragraphs that follow, Prologis addresses each of the categories of asserted benefit in turn, drawing on and incorporating by reference the detailed analysis at the Spawforths note appended at Annex B.</p> <p>Economic benefits</p> <p>2.12 The Annex 5 Comparison advances four points under the heading of economic benefits:</p> <p>(a) up to 300,000 sq.m of floorspace across 102 hectares (compared with up to 135,000 sqm in the Joint Application),</p>	<p>include, but are not limited to the delivery of the Highway NSIP at Junction 24 of the M1; the integrated approach to sustainable transport across EMG1 and EMG2; the comprehensive Community Park; the integrated power, drainage and site management infrastructure; and the ability to bring forward the entire EMG2 Main Site in a coordinated manner within the Freeport window. As the Applicants have explained in its Post Hearing Submissions [XX], "irrespective of comparisons, the benefits of the DCO scheme identified in the application documentation as supplemented during the Examination establish a compelling case in the public interest".</p> <p>The Annex 5 Comparison: no "central deficiency"</p> <p>Prologis asserts that the Annex 5 Comparison proceeds on a "wrong premise" and suffers from a "structural deficiency." The Applicants disagree. The purpose of the Annex 5 Comparison was to respond directly to Prologis' own assertions in its Relevant Representation (paragraph 8.4, RR-024D) that the Joint Application would deliver comparable or greater benefits. It was therefore entirely appropriate to compare the two schemes side by side in order to demonstrate, as the comparison does, that the DCO Scheme delivers materially greater benefits across all relevant categories.</p> <p>Economic Benefits</p> <p>Prologis' assertion that the correct comparator is a "two-developer, two-consent alternative scenario" is rejected. The prospect of the Southern Land coming</p>
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	<p>said to represent the loss (if the DCO Application does not proceed in its current form) of approximately £5.7 million per annum in retained business rates, £188 million over the lifetime of the Freeport, 3,800 on- and off-site operational jobs, and £91 million per annum in GVA;</p> <ul style="list-style-type: none"> <li>(b) addressing the critical shortage of industrial units in a high-growth region;</li> <li>(c) construction and operational job creation (up to 365 construction jobs and at least 3,160 operational jobs); and</li> <li>(d) attracting forward-thinking industries and supporting regional economic growth through the East Midlands Freeport designation.</li> </ul> <p>2.13 As to each of these points, Prologis makes the following observations.</p> <ul style="list-style-type: none"> <li>(a) First, as Prologis submitted at paragraphs 5.24 to 5.30 of the WR and at paragraphs 5.4 to 5.6 of the Deadline 2 Submission, the absolute floorspace, business rates, jobs and GVA figures relied upon by the Applicant are misleading because they assume a binary counterfactual in which, if the DCO is not granted, no development at all comes forward. That is not a realistic counterfactual. In a no-DCO world, the most likely (and at least a likely) scenario is that the Joint Application is delivered on the Prologis/MAG Land and a Town and Country Planning Act 1990 application is brought forward in respect of the Southern Land.</li> </ul> <p>The true comparator is therefore not the DCO Scheme versus an absence of beneficial economic development, but the DCO Scheme versus the realistic two-developer, two-consent alternative scenario. On that comparison, the incremental difference in floorspace, jobs, business</p>	<p>forward under a separate TCPA application is highly speculative and contingent upon many matters including the lack of viability and known unknowns, such as the highway mitigation which might be required. The Applicants' Viability Appraisal [REP1-027D] demonstrates that the piecemeal development of the Southern Land on a standalone basis would not be viable.</p> <p>As the Applicants explain in their Post Hearing Submissions [XX], any phase 2 on the Southern Land would require an entirely new planning application, revised highway mitigation modelling (the outcome of which is uncertain), changed site layout and landscaping, and could not viably deliver the Highway NSIP — the "green package" — which is a key element of the strategic solution to growth at M1 J23A/J24/J24A. As recently as 10 June 2026, NH issued a further holding objection to the determination of the Joint Application, setting out extensive outstanding work required before mitigation can even be identified. The full extent of any highway mitigation for the Joint Application remains unknown, let alone for a hypothetical phase 2 on the Southern Land.</p> <p>Prologis' "realistic counterfactual" is therefore nothing of the sort. It is a theoretical proposition that assumes: (a) the Joint Application is determined favourably (notwithstanding the unresolved National Highways holding objection); (b) the Joint Application is viable (notwithstanding the Applicant's evidence that such viability has not been demonstrated); and (c) a separate TCPA application for the Southern Land would be prepared,</p>
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	<p>rates and GVA is materially less than the figures relied upon by the Applicant.</p> <p>(b) Second, as the Spawforths note explains at Annex B, even within the Applicant's own framing of the comparison, the Annex 5 Comparison fails to provide the underlying methodology or assumptions necessary to enable independent verification of the economic benefit claims. In particular, further information is required from the Applicant in respect of:</p> <ul style="list-style-type: none"> <li>(a) the detailed assumptions and justification underpinning the additionality assessment, including the rationale for the approach taken to leakage, multiplier effects and displacement;</li> <li>(b) the source and baseline year for the statement that 82,000 residents of the Study Area are employed in the construction sector, including confirmation of the dataset used;</li> <li>(c) the supporting calculations for Table 5.21 (Additionality of Construction Employment), ideally as a detailed spreadsheet showing inputs, assumptions and step-by-step workings;</li> <li>(d) the rationale and evidence base for the projected increase in construction jobs referenced at paragraph 5.5.83 of the Planning Statement, including any trend data or comparators used;</li> <li>(e) the methodology for on-site operational employment (Table 5.22 of the Planning Statement), specifically: (i) why off-site multiplier effects have not been applied or considered; and (ii) the rationale for each on-site operational</li> </ul>	<p>submitted, determined, and delivered, all within a timeframe that preserves the Freeport benefits. None of these assumptions is established by the evidence before the Examination.</p> <p>Furthermore, Prologis' own environmental statement (ES) for the Joint Application does not treat the DCO Scheme as part of a "future baseline" and expressly states that "the SEGRO scheme is being presented as an alternative to the application proposals comprised in the proposed development. Therefore there is no cumulative or in combination scenario to assess". That inconsistency in Prologis' approach, demanding that the ES for the DCO Application assesses the displacement of the Joint Application whilst its own ES declines to assess the displacement of the DCO Scheme, betrays the weakness in the assertion that development which is in the alternative should be considered as part of a future baseline.</p> <p>As to methodology and transparency, the economic benefit figures are set out in the Planning Statement, the Transport Assessment and Chapter 5 - Socio-Economics – of the ES, all of which have been available to Prologis since the submission of the DCO Application / MCO Application in October 2025 and have been supplemented during the Examination. Requests for underlying assumptions and calculations can be directed to the Applicants through the Examination process, but the assertion that the figures "cannot properly be scrutinised" is</p>
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	<p>employment scenario and the assumptions informing them;</p> <p>(f) clarification on leakage assumptions, particularly why leakage has been treated as zero despite being described as 'low' due to the size of the Study Area; and</p> <p>(g) the phasing and delivery timeline for the stated provision of approximately 3,700 on-site operational jobs at PC, including when these jobs are expected to materialise.</p> <p>Without that information, the economic benefit case advanced in the Annex 5 Comparison cannot properly be scrutinised or tested by Prologis or by the ExP. As Prologis submitted at paragraph 5.25(a) of the WR, in the absence of transparency as to the inputs, multipliers and assumptions used, and in the absence of any independent verification, the ExP is invited to treat the Applicant's economic benefit figures with considerable caution.</p> <p>(c) Third – and most significantly – the economic benefit case fails to engage with the additive/attributable distinction. Even on the figures relied upon by the Applicant, the additional floorspace, jobs and GVA that the DCO Scheme would deliver over and above the Joint Application are properly characterised as additive, not attributable. They flow simply from the additional land being developed, not from the use of compulsory acquisition powers; that additional land could equally be brought forward through a Town and Country Planning Act 1990 application by the Applicant in respect of the Southern Land, with appropriate access and infrastructure co-ordination secured through standard planning mechanisms.</p>	<p>not accepted given the extensive documentation already before the ExP.</p> <p>Social Benefits</p> <p>As to the Skills, Employment and Supply Chain Task Force, the Applicants do not accept that the Prologis Training Hub represents a more "direct, tangible and deliverable benefit." The Task Force model proposed by the Applicants builds on the proven EMG1 model, which has already created partnerships with colleges, Jobcentre Plus, and local authorities, and has delivered measurable employment and skills outcomes. The integrated, site-wide approach — coordinating skills provision across both EMG1 and EMG2 and approximately 11,500 employees — is a benefit of the comprehensive, single-developer approach that the DCO Scheme delivers and that a fragmented, multi-developer approach cannot replicate.</p> <p>As to the Community Park, the DCO Scheme proposes 14.3 hectares of open space and landscaping compared with 9.76 hectares gross under the Joint Application. The Applicants do not accept Prologis' reliance on paragraph 11 of the Compulsory Acquisition Guidance to argue that no additional land should be acquired for the Community Park. The Community Park serves multiple functions — landscape mitigation, biodiversity, public access, drainage attenuation and amenity — and its scale is justified by the overall scale of the development and the need to provide appropriate mitigation and community benefit. The</p>
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	<p>(d) Fourth, the £188 million figure for retained business rates over the lifetime of the Freeport deserves particular scrutiny, for the reasons given at paragraph 5.25(d) of the WR. That figure assumes (a) that the entirety of the development proposed under the DCO would be delivered, and (b) that absent the DCO no development would subsequently come forward on the Southern Land despite the existence of need and demand for such development and the allowance made for access to the Southern Land in the Joint Application. Neither assumption is sound. In a realistic no-DCO scenario, the Prologis/MAG Land would be developed under the Joint Application, not left undeveloped, and it is highly likely given the significant commercial incentives and benign planning context that the Southern Land would be brought forward through a Town and Country Planning Act 1990 application. The substantive Freeport benefits would in large measure be delivered, but through different legal instruments.</p> <p>Social benefits</p> <p>2.14 The Annex 5 Comparison advances three points under the heading of social benefits, addressed in detail at the Spawforths note appended at Annex B.</p> <p>2.15 As to the proposed Skills, Employment and Supply Chain Task Force, the DCO Scheme and the Joint Application would each deliver social benefits in this regard. However, as Spawforths explain in detail at Annex B, the Prologis Training Hub offers a more direct, tangible and deliverable benefit than the Task Force approach advanced through the DCO Scheme. Rather than relying on a strategic, multi-party governance structure to design and coordinate skills initiatives over time, the Training Hub provides a dedicated, on-site, multi-functional facility delivering fully funded training opportunities for school leavers, unemployed individuals (including care leavers, ex-military and ex-offenders),</p>	<p>Community Park is a significant public benefit of the DCO Scheme, not an unjustified land-take.</p> <p>As to cycle and pedestrian connectivity, the DCO Scheme provides a comprehensive package of active travel improvements including the upgrading of Hyam's Lane, the Active Travel Link between EMG1 and the A453, and enhanced public rights of way around the site. These form part of an integrated, site-wide strategy that cannot be replicated through piecemeal development.</p> <p>Environmental Benefits</p> <p>The Applicants note Prologis' concession that "there is no material distinction between the general sustainability approaches of Prologis and the Applicant" and that "both parties are targeting BREEAM Outstanding." The Applicants maintain, however, that the comprehensive, single-developer approach to environmental delivery — including integrated power provision, coordinated drainage strategy, and the ability to deliver site-wide biodiversity net gain — represents a qualitative advantage over a fragmented piecemeal approach.</p> <p>As to the carbon neutral campus, the Applicants have addressed this matter fully above. The Applicant does not accept Prologis' characterisation of this benefit.</p> <p>Additional Benefits</p> <p>Prologis' treatment of the additional benefits understates their significance and misconstrues</p>
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	<p>alongside partnerships with schools (including SEND) and direct links to employers and job opportunities. Importantly, its multi-functional nature means it is not solely a training space, but a wider community asset supporting engagement, outreach and partnership working. Prologis has successfully delivered, and continues to evolve, its training hub model at DIRFT, which has proven highly effective in responding to occupier needs and supporting local employment outcomes. In any event, the Prologis Training Hub will itself be secured through the Joint Application and does not require compulsory acquisition for its delivery – anything provided by SEGRO would be an additive, not an attributable, benefit of the DCO Scheme.</p> <p>2.16 As to cycle and pedestrian connectivity, the Spawforths note at Annex B sets out in detail why the DCO Scheme's claimed advantages on active travel are overstated. Hyam's Lane sits on the periphery of the Joint Application and one of the design principles has been to maintain Hyam's Lane in its current form, in response to representations from local residents, the Parish Council and Officers at NWLDC during consultation meetings, who stressed the importance of maintaining this as a rural route. Ecology and lighting concerns were also raised. The site boundary with Hyam's Lane will have a minimum 15m width landscape buffer with a focus on reinforcement of the existing boundary hedge; Hyam's Lane will retain its status as an adopted highway and will therefore permit cycle use. In addition, the Joint Application will provide enhanced access from the A453 for those walking, cycling and wheeling via Grimes Gate from the south, and includes an additional crossing of the A453 (which is not included in the DCO Application) to tie in with facilities at East Midlands Airport including key public transport infrastructure and the Airport Circular trail.</p> <p>2.17 As to the Community Park, the Spawforths note demonstrates that the Joint Application Community Park (of 9.76 ha gross,</p>	<p>their relationship to the exercise of compulsory acquisition powers.</p> <p>The Highway NSIP at Junction 24 is not merely a "package of highways works" comparable to the improvements proposed under the Joint Application. It is a nationally significant infrastructure project in its own right, delivering major improvements to the strategic road network that will benefit not only EMG2 but also wider planned growth in the region. The Joint Application's proposed Finger Farm Roundabout improvements are not comparable in scale or strategic significance. Critically, these highway improvements can only be delivered through the DCO — a separate TCPA application for the Southern Land could not promote a DCO for the Highway NSIP since that development could not viably deliver the "green package". This is an attributable benefit of the DCO Scheme even applying Prologis' own logic.</p> <p>Integrated power provision, HGV parking, and coordinated drainage and sustainable transport across EMG1 and EMG2 are benefits that flow directly from the comprehensive, single-developer, single-consent approach enabled by the DCO. A fragmented, multi-developer scenario would inevitably involve less efficient infrastructure delivery and greater coordination challenges. These are not "minor and/or peripheral benefits" as Prologis</p>
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	<p>compared with the 14.3 ha proposed under the DCO Scheme) is fit for purpose and that, through the PARKlife initiative, it can create appropriate public access alongside its buffer and landscaping role. Prologis' Deadline 2 Submission (in particular at Annex A and Annex B) explained why the DCO Community Park does not provide a suitable or reliable mechanism for mitigating the loss of skylark breeding habitat, given the anticipated multifunctional nature of the Country Park, including public access, landscape planting and attenuation features. Crucially, in circumstances such as these, where an acceptable level of landscaping to mitigate the effects of development and ensure a successful relationship with surrounding land uses can be achieved on a smaller area of land, paragraph 11 of the CA Guidance makes clear that there can be no compelling case to acquire a greater area for that purpose. That submission is an important one for the section 122(3) PA 2008 test. The DCO Scheme cannot justify the compulsory acquisition of additional land for the Community Park if the relevant landscape and amenity functions can be performed satisfactorily on a smaller footprint. Prologis notes that, further to the submission made in its response to SEGRO's response to ExQ1.4.3<sup>25</sup>, an updated Community Park plan has been provided by the Applicant at Deadline 2. Prologis wishes to reserve its right to supplement the arguments made in this paragraph at Deadline 4 after it has had the proper chance to review the updated material.</p> <p>Environmental benefits</p> <p>2.18 The Annex 5 Comparison advances three points under the heading of environmental benefits, addressed in detail at the Spawforths note appended at Annex B.</p>	<p>asserts. They are integral to the quality and efficiency of the development.</p> <p>The Alleged "Public Interest Harm" of Frustrating the Joint Application</p> <p>Prologis' submission that the grant of compulsory acquisition powers would cause "public interest harm" through the loss of opportunity to deliver the Joint Application proceeds on a false premise. As the Applicants have consistently submitted, the substitution of one similar form of development with another on the same land is not "displacement" and the "fact that one developer rather than another would be developing the land is not an effect which is required to be assessed under the EIA regulations". See Appendix 1 of the Applicants' Post Hearing Submissions (Document DCO 7.14 / MCO 7.14).</p> <p>The DCO Scheme proposes materially greater floorspace, jobs, GVA and business rates than the Joint Application. It delivers the Highway NSIP. It provides a larger Community Park and more comprehensive active travel provision. If the DCO is granted and delivered, the public interest benefits of the Joint Application are not "lost" — they are superseded / exceeded by the DCO Scheme. In this context, the ExP should not lose sight of the fact that the Joint Application has not yet been granted planning permission (although Prologis seem to proceed on the assumption that it has), and there has been no credible demonstration that the</p>
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<sup>25</sup> As per Annex B of Prologis' Deadline 2 Submission

	<p>2.19 As to net zero carbon<sup>26</sup>, EPC ratings and renewable energy integration, there is no material distinction between the general sustainability approaches of Prologis and the Applicant. Both parties are targeting net zero carbon outcomes, high EPC ratings, and the integration of on-site renewable energy to support occupiers in reducing operational emissions. The suggestion of any substantive difference in approach is misplaced and cannot be substantiated on the evidence.</p> <p>2.20 As to BREEAM Outstanding for building design, both parties are targeting BREEAM Outstanding. There is no difference in approach.</p> <p>2.21 As to the Public Transport Hub, the Spawforths note explains in detail that the public transport strategy for the Joint Application has been developed based on regular engagement with Trent Barton, a major bus operator who provide both local and regional bus services across Nottinghamshire, Derbyshire, and Leicestershire and who have operated since 1913. Substantial weight should be attached to their views. Throughout discussions, Trent Barton have stressed their preference for key Skylink services not to divert away from the A453, thereby compromising journey times on their Express routes to the Airport. As a result, Prologis' public transport strategy provides connectivity with the existing stops on Beverley Road, as well as providing a new Public Transport Interchange within the site to accommodate other diverted services and lay-over facilities. Discussions with National Highways and key stakeholders about the existing routing and timing of the shuttle bus are ongoing.</p> <p>"Prologis (Para 8.4 RR-24D)"</p>	<p>scheme is viable (such that it would be delivered if permission were ever in fact to be granted).</p> <p>Thus difficulties in delivery of the Joint Application may arise from an inability to obtain planning permission or the development's lack of viability. As regards the former, at the date of this submission, NH maintains a holding objection to the Joint Application and there is no clear understanding of when or whether the Joint Application might be determined.</p> <p>Conclusion</p> <p>For the reasons set out above, the Applicants reject Prologis' submissions on socio-economic issues. The "additive/attribution" distinction is an artificial construct unsupported by statute, guidance or authority. The Annex 5 Comparison properly demonstrates the materially greater benefits of the DCO Scheme. The counterfactual advanced by Prologis — in which the Southern Land comes forward under a separate TCPA application — is not grounded in any realistic appreciation of the actual factual context, and should be given no material weight.</p> <p>Crucially, the benefits that the DCO Scheme will deliver if the DCO is granted as sought, are very substantially greater than the limited benefits that will (or more accurately, 'may') be realised in the event that the DCO Scheme is refused development consent, and Prologis is left to bring forward the</p>
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<sup>26</sup> Without prejudice to the separate submissions made in Section 2 of Prologis' Deadline 2 Submissions regarding the Section 35 Direction requirement for a carbon neutral campus/headquarters

	<p>2.22 For completeness, the Annex 5 Comparison also contains a section addressing points raised by SEGRO in relation to paragraph 8.4 of the PRR. Items (a) to (d) of paragraph 8.4 (the Joint Application's Transport Hub, Community Park/PARKlife initiative, Training Hub and sustainability commitments) are addressed in the economic, social and environmental sections above and are not rehearsed here. As to point (e), the Applicant's assertion that the greater floorspace proposed under the Joint Application is to the detriment of an acceptable buffer with Diseworth is unevicenced: the masterplan was specifically amended, following engagement with Diseworth representatives, the Parish Council and NWLDC, to pull built floorspace back from the land closest to the village, and the boundary treatment provides an appropriate buffer. There is accordingly no proper basis upon which the Applicant can rely on the asserted inadequacy of the Joint Application's Diseworth buffer to support the case for compulsory acquisition.</p> <p>"Additional Benefits"</p> <p>2.23 The "Additional Benefits" section of the Annex 5 Comparison advances four further points: highway mitigation at Junction 24; HGV parking; drainage; and integrated power provision across EMG1 and EMG2, together with claimed synergies in respect of sustainable transport and skills, and training. The Spawforths note addresses each of these in detail at Annex B and the principal points are summarised here.</p> <p>2.24 As to highway mitigation at Junction 24, the Joint Application Transport Assessment is itself evaluating the traffic impact of the Joint Application proposals and has proposed a package of highways works including improvements to the Finger Farm Roundabout to mitigate the traffic generated by the Joint Application development. That approach of mitigating traffic impact such that it does not result in an unacceptable impact on</p>	<p>Joint Application. Those benefits establish a compelling case in the public interest for the powers of compulsory acquisition sought.</p>
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	<p>highway safety, and that the residual cumulative impacts on the road network following mitigation would not be severe (in terms of paragraph 116 of the National Planning Policy Framework), is appropriate and enables the Joint Application to comply with relevant development plan and NPPF policies and thereby secure planning permission. Off-site highway improvements will be delivered through the Joint Application and as part of the East Midlands Freeport Strategic Infrastructure and Contributions Supplementary Planning Document (currently a draft) which is being brought forward by the Council and which sets out a framework for contributions towards off-site highways improvements and site-specific infrastructure delivery.</p> <p>2.25 As to HGV parking, the Joint Application HGV parking strategy utilises on-plot HGV parking which will include early arrival waiting areas and welfare facilities; the precise details of the HGV parking strategy will be determined at the reserved matters stage. The provision of HGV parking is not, in any event, a benefit unique to and is not solely capable of being provided by the DCO Scheme.</p> <p>2.26 As to drainage, the DCO Scheme and the Joint Application are using the same drainage design and mitigation criteria as required by LCC as Lead Local Flood Authority – namely Qbar (Green field run off). As such, both schemes will be limited to a surface water discharge rate that is equal to or less than the green field run off rate of their respective developments (as if no site development existed). In the context of the Joint Application and the northern part of the DCO Application, the allowable run off will be proportionally the same. There is no evidenced basis for treating the DCO Scheme's drainage approach as a benefit attributable to compulsory acquisition.</p> <p>2.27 As to integrated power provision and synergies with EMG1, further information is required from the Applicant in order properly</p>	
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	<p>to understand, assess and test the assertion that the benefits described in relation to power, sustainable transport, and skills and training can only be achieved through the exercise of compulsory acquisition powers. On the material so far submitted to the examination, the basis for these assertions is not clear. Without further explanation and elaboration of the basis for these claims, it is simply not possible properly to scrutinise and test the case being put forward by the Applicants. Furthermore, these are in any event at best fairly characterised as minor and/or peripheral benefits, and do not approach the level of significance that would properly lead to them being given significant weight as factors justifying compulsory acquisition.</p> <p>2.28 As Spawforths note at Annex B, the "net zero carbon" or "carbon neutral" campus and headquarters relied upon by the Applicant is not a general feature of its development model, but a scheme-specific concept that it has linked to a potential Maersk headquarters. As set out in the Section 35 Direction, this campus forms part of the description of the project that was advanced to justify national significance. The DCO Application itself does not make any specific provision for such a development, it does not attempt to define what is meant by "carbon neutral", "campus" or "headquarters" in this context, nor how such a development would be secured or delivered through the DCO. The carbon benefits associated with the inland port and existing rail infrastructure already exist and are not contingent on the delivery of this DCO Scheme; the potential co-location of a Maersk headquarters, or the use of electric HGVs, does not materially alter that position and could equally occur elsewhere. Critically, there is no mechanism within the DCO to secure the delivery of this campus, nor any binding commitment from Maersk. This matter is addressed in full at paragraphs 2.9 to 2.38 of the Deadline 2 Submission.</p>	
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	<p>The public interest harm of frustrating the Joint Application: socio-economic dimensions</p> <p>2.29 As Prologis submitted at paragraphs 5.6 and 5.7 of the Deadline 2 Submission, it is not only private loss that must be weighed on the negative side of the balance under section 122(3) PA 2008. The grant of compulsory acquisition powers would cause public interest harm: the loss of the opportunity to deliver the public interest benefits of the Joint Application. Those benefits – addressed in section 8 of the PRR – would be lost to the public irrespective of whether the DCO Scheme is ultimately delivered if compulsory acquisition powers are granted.</p> <p>2.30 As Prologis has consistently submitted, the Environmental Statement submitted with the DCO Application does not contain the necessary assessment to enable that public interest harm properly to be examined and factored in to the Secretary of State’s decision-making. The Applicant’s analysis proceeds as if the only consequence of granting compulsory acquisition powers is private loss to Prologis and MAG. That is a fundamental deficiency in the evidence before the ExP which the Applicant’s Deadline 1 evidence has not seen fit to rectify.</p> <p>2.31 The new socio-economic evidence at Deadline 1, properly understood, reinforces this point. The Applicant’s case is structured as a comparison of the asserted benefits of the DCO Scheme against a baseline of nothing being delivered at all. The realistic counterfactual – under which the Joint Application is delivered on the Prologis/MAG Land and a Town and Country Planning Act 1990 application is brought forward in respect of the Southern Land – has not been assessed, and accordingly the public interest harm of frustrating the Joint Application has not been quantified at all in the new socio-economic evidence advanced by the Applicant.</p>	
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	<p>Conclusion on socio-economic issues</p> <p>2.32 For the reasons set out above and developed in detail at the Spawforths note at Annex B, the new socio-economic evidence submitted by the Applicant at Deadline 1 fails to discharge the evidential burden on the Applicant in respect of the section 122(3) PA 2008 case. The Annex 5 Comparison proceeds on the wrong premise (that simply showing greater scale of benefit is sufficient); does not engage with the additive/attribution distinction that lies at the heart of the section 122(3) PA 2008 test; and does not address the public interest harm associated with the frustration of the Joint Application. The new socio-economic evidence accordingly does not, and cannot, justify the draconian interference with Prologis' constitutional property rights that the DCO Application seeks.</p>	
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## APPENDIX 7

### RESPONSE TO SUBMISSIONS MADE BY EAST MIDLANDS INTERNATIONAL AIRPORT LIMITED AND EAST MIDLANDS AIRPORT PROPERTY INVESTMENTS (INDUSTRIAL) LIMITED

Submissions received at Deadline 2 [REP2-049D]		
No.	Matter	Applicants' Response
2.	<p><b>Alignment with Prologis</b></p> <p>2.1 EMA and EMIAL support the case being made to the Examination by Prologis UK Limited and Prologis UK 121 Limited (together, "Prologis") in relation to land north of Hyams Lane which is the subject of the Joint Application.</p> <p>2.2 EMA and EMIAL:</p> <p>2.2.1 have had sight of the document to be submitted by Prologis at Deadline 2;</p> <p>2.2.2 agree with and endorse the contents of that document; and</p> <p>2.2.3 reserve the right to speak to and expand upon the matters raised in it in further written submissions or during hearings.</p> <p>2.3 Specifically, EMA and EMIAL endorse Prologis' submissions on:</p> <p>2.3.1 Fairness</p> <p>2.3.2 Vires and the Section 35 Direction</p> <p>2.3.3 Reasonable Alternatives</p>	<p>The Applicants note the response.</p> <p>The Applicants strongly rebut the allegation that they have sought to side step many of the issues raised by Prologis and EMA and EMIAL and are encouraging the ExP to do the same. The Applicants are endeavouring to respond to all matters raised as thoroughly as possible, including in respect of the legal issues and case for compulsory acquisition, and the ExP will no doubt be taking legal advice on those matters as required.</p> <p>Further, the suggestion by EMA and EMIAL that the Applicants are seeking to side-line the Joint Application by characterising it as uncertain and delayed, and that it has been made solely to protect the value of the land, is both inflammatory and untrue. The Joint Application has been delayed and, given the outstanding objections to it, there can be no certainty that it will be approved.</p>

<p>2.3.4 Compulsory Acquisition: The Compelling Case</p> <p>2.3.5 Public Benefits versus Private Loss</p> <p>2.3.6 Delivery Timetable</p> <p>2.4 In light of the fact that EMA and EMIAL’s position is on all fours with Prologis, EMA and EMIAL do not propose to repeat points made by Prologis at Deadline 2. Rather, as set out above, EMA and EMIAL endorses and adopts those submissions.</p> <p>2.5 However, it is important to stress that the submissions made by Prologis and EMA and EMIAL raise important material considerations on which the Secretary of State will require advice. To date, the Applicant has sought to side step many of the issues raised by Prologis and EMA and EMIAL and is, in effect, encouraging the ExP to do the same. It would be an error for the ExP to follow the Applicant’s invitation. First, as stated above, these are issues that the Secretary of State will want advice on. The ExP’s report will need to engage with the issues in substance and provide clear reasoned conclusions if it is to fulfil its role in providing the Secretary of State with full advice on the application. Secondly, there are a number of legal errors that could potentially be made which EMA and EMIAL and Prologis are drawing attention to now. A failure to deal with these issues lawfully will likely lead, unnecessarily, to later legal challenge.</p> <p>2.6 A clear example is the Applicant’s suggestion that the compelling case test is a simple balance which is both obviously wrong at law and results in the Applicant’s evidence addressing the wrong test. A failure to set that right by the ExP will undermine the efficacy of the examination process and lead to clear legal error.</p> <p>2.7 A further example, is the Applicant’s attempt to side line the Joint Application by saying it is uncertain and delayed and only has been made to protect the value of the land. First, the Secretary of State will require advice on the substance of the Application and the impact it has on the case for</p>	
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	<p>compulsory acquisition (the compulsory acquisition stopping a project which is in itself in the public interest). Simply stating that the Application has not been granted or is subject to some uncertainty is to avoid the issue on which the Secretary of State will require advice and overlooks the fact that the decision on the Joint Application will, in the ordinary course of events, be known by the time the Secretary of State is considering the Application. As to the suggestion that the Joint Application is merely a means of protecting land value, that is without merit, simply because the land value does not depend on the Joint Application, any compensation will be based on the open market value of the land which will have regard to the development potential of that land. Moreover, if there was no genuine intention to develop the land EMA and EMIAL would not have going to the lengths of finding a commercial partner to develop the land. This is another example of avoidance, rather than engagement with the issues.</p> <p>2.8 EMA and EMIAL hopes, therefore, that the ExP will examine in detail the issues raised by Prologis and EMA and EMAIL and decline the Applicant's invitation to effectively side step these important issues.</p>	
3.	<p><b>Deadline 1</b></p> <p>3.1 EMA and EMIAL wish to register their concern about the availability of other parties' Deadline 1 submissions.</p> <p>3.2 Although some of SEGRO's Deadline 1 documents were provided directly to EMA and EMIAL by SEGRO during the course of 8 April 2026 pursuant to an agreement between the parties for mutual direct exchange, the remaining Deadline 1 documents submitted to the Planning Inspectorate on 7 April 2026 (by SEGRO and other parties) were not made available on the Planning Inspectorate's website until 14 April 2026. This effectively allowed only five working days to consider and respond to all other Deadline 1 documents, in addition to those supplied by SEGRO. Given the volume of material submitted at Deadline 1 and this curtailed period for response, it has not been possible</p>	<p>The Applicants note the response.</p> <p>As regards the assertion that the Applicants continue to share traffic and transport information selectively with National Highways and Leicestershire County Council, with a view to reaching agreed positions without making the relevant information available to either the ExP or other Interested Parties, it is well-established practice in the Development Consent Order process or for planning applications generally for an applicant to engage directly with statutory consultees in order to narrow and resolve outstanding matters. There is no obligation, nor would it be proportionate, for the entirety of that ongoing engagement to be placed into the public domain during the Examination. Rather, once a matter has</p>

	<p>to review all documents in their entirety. Nothing in this submission should be taken as acceptance of any matter not expressly addressed herein</p> <p>3.3 The reduced period for response materially risks prejudicing all Interested Parties, a point made by EMA and EMIAL’s legal representatives twice to the Case Manager prior to eventual publication a week after Deadline 1. The fact that EMA and EMIAL is adopting the submissions of Prologis at this Deadline does not undermine the point, as EMA and EMIAL had to review the Deadline 1 materials in order to be able to endorse and adopt Prologis’s submissions.</p> <p>3.4 Furthermore, when the Deadline 1 submissions were finally published, they were done so in an unordered and fragmented manner. For example, where documents consisted of a main body and series of appendices, those were not published in sequence or even listed on the same page of the project pages on PINS website. Again, this poses obstacles to Interested Parties being given a fair chance to identify and review the Deadline 1 submissions, and to their effective participation in the Examination.</p> <p>3.5 We further note that the Applicant apparently continues to share information relating to traffic and transport selectively with National Highways and Leicestershire County Council, seeking to reach agreed positions with those parties without the relevant information being available to either the ExP or other Interested Parties. We will be expanding upon this concern at Deadline 3.</p>	<p>been agreed, the agreed position is published together with the appropriate supporting evidence, typically by way of a Statement of Common Ground or equivalent document. This approach is both usual and appropriate and serves to make the best use of the ExP’s time by presenting resolved positions rather than burdening interim discussions.</p> <p>Furthermore, it is the outcome of engagement with key stakeholders, not the process by which those outcomes were reached, that will ultimately inform the ExP’s recommendation and the Secretary of State’s determination of the DCO Application. As experienced landowners and developers, Prologis, EMA and EMIAL will understand this is standard practice and will no doubt be adopting precisely the same approach in respect of the Joint Application.</p>
4.	<p><b>Aerodrome Safeguarding – Community Park</b></p> <p>4.1 The serious potential for aerodrome safeguarding risks arising from the proposed community park have been raised with the Applicant by EMA. Discussions between the Applicant and EMA on these risks is ongoing.</p> <p>4.2 EMA wish to stress that it is imperative that the Proposed Development does not attract species of birds which are hazardous to aircraft. The Applicant needs to be in no doubt that the Proposed Development cannot simply be treated the same as EMG1 – because the two sites sandwich the airport and</p>	<p>The Applicants note the response and confirm that discussions regarding aerodrome safeguarding remain ongoing, including in respect of draft protective provisions. EMA proposed draft Protective Provisions at Deadline 1; however, these are not acceptable to the Applicants. In particular, they represent a significant departure from what was agreed at EMG1 and from the approach adopted by EMA, as aerodrome operator and statutory consultee, in respect of both the Joint Application and the</p>

<p>new features must not be developed which make it more likely for birds to cross from one site to the other across the airport. That cumulative impact means that there is no tolerance for new bird attractants at EMG2.</p> <p>4.3 At the current time, the Applicant has not provided sufficient information about the SuDs to enable EMA to understand and evaluate the full risks with regard to how attractive the attenuation feature will be to birds.</p> <p>4.4 The principal area of risk concerns the elements of the parkland within the Community Park that could contribute to increasing bird activity. These comprise, but are not limited to:</p> <p>4.4.1 landscaping;</p> <p>4.4.2 water bodies (either permanent and/or surface water management); and</p> <p>4.4.3 Littering arising from food consumption and feeding of birds by users and visitors to the Community Park. Littering near airports, especially food waste, creates a severe bird strike risk by attracting large flocks of scavenging birds (gulls, starlings, corvids) to foraging areas.</p> <p>These birds are often attracted to garbage, litter, or open refuse areas.</p> <p>4.5 EMA notes the Applicant's response to ExQ1 1.4.2 but, as the Safeguarding Authority, EMA still has serious reservations in respect of the proposed community park's impact on aerodrome safeguarding. Assumptions cannot be made on acceptability based on EMG1, as each site must be assessed on its own allowing for individual environmental factors to be taken into account.</p> <p>4.6 The backstop position for EMA is the draft Protective Provisions, in the form submitted by EMA at Deadline 1.</p> <p>4.7 However, given the nature of the proposed community park and the risk profile that such assets can create, it would be strongly preferable to EMA (and it would better inform the ExP) for the Applicant to improve the clarity of</p>	<p>planning application for the Isley Woodhouse Development (see Annex D). EMA has provided no justification as to why the DCO Scheme should be subject to more stringent and onerous requirements than those imposed in connection with either of those two developments.</p> <p>The Applicants do not accept that insufficient information has been provided regarding the SuDS to enable EMA to understand and evaluate risks with respect to attenuation features and birds. It is noted that EMA has not sought further information on this matter.</p> <p>EMA state that, given the nature of the proposed community park and the risk profile that such assets can create, it would be strongly preferable to EMA (and would better inform the ExP) for the Applicants to improve the clarity of design of the parkland. This position appears to be inconsistent with the approach adopted by EMA in their consultation response on the Joint Application, in which no request for further information was made.</p> <p>The Applicants remain willing to consider any detailed comments on the Bird Hazard Management Plan (BHMP) that has been submitted to the Examination. However, EMA have declined to provide such comments, stating that it is not for them to input into that document. It remains the Applicants' position that the BHMP is more than sufficient and, indeed, goes beyond what EMA is requiring in respect of the Joint Application. The Applicants cannot reasonably be expected to anticipate what EMA might require in</p>
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<p>design of the parkland and provide updated versions of the following documents:</p> <p>4.7.1 APP-058D DCO 2.16 Community Park Plan;</p> <p>4.7.2 APP-118 DCO 6.9K Environment Statement Appendix K Bird Strike Hazard Management Plan;</p> <p>4.7.3 APP-117 DCO 6.9J Environmental Statement Appendix J LEMP;</p> <p>4.7.4 APP-206D DCO 6.3A Appendix A CEMP (DCO); and</p> <p>4.7.5 APP-207D DCO 6.20C Appendix C Management Strategy for Safeguarding of East Midlands Airport (DCO).</p> <p>4.8 The Bird Hazard Management Plan (BHMP) that has been submitted to the Examination is based on that for EMG1, which does not render it automatically appropriate for EMG2: there are elements that will need to be tailored to account for the parkland. Given this, a thorough review of the document would be redundant. Whilst it is considered the Protective Provisions provide a backstop in the event the BHMP was not further progressed, given the nature of the potential severity of impact of the Community Park, it would be far more constructive and remove risk for both the Applicant and the regulatory body (EMA) that the BHMP is advanced from its current state., For clarity, it is not the role of any regulatory authority to design the provisions of a mitigation or management strategy, but to review the combined measures and ensure no additional risk is created, and in this specific case, operational impacts placed upon the Airport. A further comprehensive and detailed BHMP will be needed for this part of the Proposed Development for the construction period and in perpetuity and we await its submission.</p> <p>4.9 Further information and clarification is sought about the SuDS, specifically on how the corrugations at the base of the attenuation will prevent pooling. A more detailed description of how water will be prevented from pooling is</p>	<p>circumstances where EMA has chosen not to engage with the document.</p>
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	required including the maintenance regime to ensure the water continues to drain.	
<b>Submissions received at Deadline 3 [REP3-059]</b>		
<b>No.</b>	<b>Matter</b>	<b>Applicants' Response</b>
<b>Deadline 3 Submission [REP3-059]</b>		
2.	<p><b>Alignment with Prologis</b></p> <p>2.1 EMA and EMIAL support the case being made to the Examination by Prologis UK Limited and Prologis UK 121 Limited (together, "Prologis") in relation to land north of Hyams Lane which is the subject of the Joint Application.</p> <p>2.2 EMA and EMIAL:</p> <p>2.2.1 have had sight of the document to be submitted by Prologis at Deadline 3;</p> <p>2.2.2 agree with and endorse the contents of that document; and</p> <p>2.2.3 reserve the right to speak to and expand upon the matters raised in it in further written submissions or during hearings.</p> <p>2.3 Specifically, EMA and EMIAL endorse Prologis' submissions on:</p> <p>2.3.1 Compulsory acquisition and viability;</p> <p>2.3.2 Traffic and transport; and</p> <p>2.3.3 Socio-economics.</p> <p>2.4 In light of the fact that EMA and EMIAL's position is on all fours with Prologis, EMA and EMIAL do not propose to repeat points made by Prologis at Deadline 3. Rather, as set out above, EMA and EMIAL endorses and adopts those submissions.</p>	The Applicants note the response.

<p>4.1 – 4.4</p>	<p><b>The Importance of Surface Access to East Midlands Airport</b></p> <p>4.1 The Airport and the SRN</p> <p>4.2 EMA is located with direct access to the Strategic Road Network, particularly the M1, A453, A42 and A50. EMA has no rail link and is dependent on the road network for 100% of its access</p> <p>4.3 EMA is reliant on a small number of key road junctions for access for staff and customers, including:</p> <p>4.3.1 Junction 24 of the M1;</p> <p>4.3.2 A453 Finger Farm Roundabout;</p> <p>4.3.3 A453/EMA Roundabout (the airport's "front door"); and</p> <p>4.3.4 A453/Beverley Road Roundabout (access to EMA Cargo East and for buses);</p> <p>4.3.5 The junction of Green Lane with the A453.</p> <p>EMA needs to be able to understand the impacts of the Proposed Development on those junctions and be satisfied that those impacts will be appropriately mitigated. As matters stand, the Applicant has not made the relevant information available for EMA to do that.</p> <p>4.4 Combining the cargo operation with its regional airport passenger operation, the Airport requires 24-hour, 7-days a week, 365-days-a-year road access by road that is safe, efficient and reliable. The Airport is critical national infrastructure that is dependent on the SRN and local highways network and given the nature of EMA's cargo function, weighted towards evening and nighttime cargo operations, it makes the airport's access needs different from most other airports across the UK.</p>	<p>The transport modelling has tested the impacts of EMG2 on the Strategic Road Network (SRN) during the morning and evening peak hours when the network is at its busiest (PRTM is limited to considering these peak hours regardless).</p> <p>The modelling includes traffic from other surrounding developments, including the Airport, with future aspirations taken into consideration in the planning data assumption information provided by NWLDC as local planning authority. Further, the Applicants confirm that the growth of the Airport within the modelling is the same as that used by EMA and Prologis for the Joint Application; 938 additional jobs is included for within the Transport Assessment for both EMG2 (Appendix 8) [REP1-031] and the Joint Application (Appendix B). See a copy at Annex G.</p> <p>All five junctions listed in paragraphs 4.3.1 – 4.3.5 of EMA's response have been modelled in the Transport Assessment and mitigation has been proposed to resolve any unacceptable impacts including at; Junction 24 of the M1, A453 Finger Farm Roundabout, A453/EMA roundabout and A453/Beverley Road Roundabout. The mitigation has been modelled in PRTM and VISSIM, which demonstrates how there would be an overall betterment to the capacity of the SRN meaning there would be an improvement in journey times for staff and visitors travelling to the Airport.</p> <p>Mitigation has purposefully not been proposed at the A453/The Green junction so as not to encourage traffic to route via Diseworth. The Airport should be encouraging its staff and visitors to travel via the SRN</p>
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		<p>rather than through local villages so as to limit impacts on the more sensitive parts of the highway network.</p> <p>It is acknowledged that the Airport is operational 24 hours a day for 365 days a year, with peak cargo operations occurring during evening and night time hours. The transport modelling undertaken in the Transport Assessment has tested the capacity of the surrounding network during the worst-case peak hours and mitigation has been proposed to ensure there are no unacceptable impacts during these times. During all other hours, total traffic flows would be less (even if cargo movements from East Midlands Airport are higher) so the proposed mitigation will ensure that the network operates with sufficient capacity during all hours.</p>
<p>4.5 – 4.8</p>	<p><b>Cargo</b></p> <p>4.6 East Midlands Airport is the largest dedicated freight airport in the UK.</p> <p>4.7 EMA handles some 400,000 tonnes of cargo each year and is forecast to rise (where not all growth is directly dependent on additional facilities). DHL currently dominates EMA's cargo traffic, contributing over half of the airport's tonnage with major operations of UPS, Royal Mail and FedEx providing the remainder. EMA is one of DHL's largest air freight hubs within the global network with 16 dedicated aircraft parking stands and over 30 aircraft handled each night and it is considered that the airports 24-hour operation and proximity to the road network being the key enabler for the express industry.</p> <p>4.8 Cargo operations are mostly at night, with aircraft arriving and departing and HGVs accessing the airport from early evening to early morning. Cargo staff generally work overnight shifts, starting between 20:00 and 22:00. So, although this activity avoids peak traffic on the road network, it is more likely to</p>	<p>It is acknowledged that cargo operations peak during evening and night time hours. The Applicants also note that the same is true for the EMG1 SRFI and, as such, it is clearly in the Applicants' interest to ensure disruption during construction of the DCO Scheme is minimised.</p> <p>The construction of the proposed highway mitigation will be controlled to ensure that the general operation of the SRN is not unacceptably impacted. Full details are presented in the CEMP and Construction Traffic Management Plan (CTMP) (Document DCO 6.3A) [REP2-026D]. The Applicants have updated the CTMP at Deadline 4. Also, prior to construction starting, more detailed Phase Specific CTMPs will be</p>

	<p>be disrupted by overnight roadworks and operational traffic related to the Proposed Development.</p>	<p>produced setting out management measures to limit impacts on other road users.</p> <p>Whilst some of the construction works may be undertaken during night time hours, total traffic flows on the network will be lower, and so cargo traffic from the Airport and the EMG1 SRFI will be able to continue operating.</p>
<p>4.9 – 4.12</p>	<p><b>Passengers</b></p> <p>4.10 The Airport also plays a significant role in passenger flights, providing circa 4 million passengers with flights to more than 70 short-haul leisure destinations. Passenger activity at EMA peaks in the summer season and varies throughout the day.</p> <p>4.11 Most passenger aircraft flying from the airport are based at EMA and so depart between 06:00 and 09:00, requiring passengers and colleagues to arrive as early as 03:00. Although these times fall outside peak traffic hours, limited public transport options and low road traffic volumes at these times, make cars (private or taxi) the preferred travel mode.</p> <p>4.12 Similarly, passenger aircraft arrivals typically occur in the early afternoon or late evening, when the road network is typically less congested and makes travel by car a more attractive option. This is reflected by the current mode share for private car usage being 68%, with an additional 22% using a taxi.</p>	<p>The ‘Skylink Nottingham’ and ‘Skylink Derby’ bus services operate 24 hours per day and connect the Airport to key settlements including Nottingham, Long Eaton, Castle Donington, Leicester, Loughborough, Kegworth and Derby. This gives staff and visitors opportunities to travel by public transport during night time or early morning hours.</p> <p>Whilst staff and visitors may be more inclined to travel by car, the transport modelling has mitigated the impacts of EMG2 during the peak hours, when total traffic flows on the network are at their greatest. During all other hours, there would be less traffic and higher capacity levels available on the surrounding road network.</p>
<p>4.13 – 4.15</p>	<p><b>Collaborative working</b></p> <p>4.14 Over two decades, EMA has built strong partnerships with local authorities, transport boards and businesses to enhance its transport network. The Airport has ongoing focused dialogue with the Highway Authorities and stakeholder engagement with National Highways through RIS. EMA also regularly holds an annual Transport Forum which includes Midlands Connect, National Highways, and Network Rail and partners with regional developers,</p>	<p>The location of the Airport to the SRN has been fully accounted for in the Transport Assessment accompanying the DCO Application. The proposed mitigation ensures that cargo movements travelling to the SRN would have quicker journey times by way of reduced congestion than what would occur should EMG2 not come forward. Therefore, the reliability of</p>

	<p>contributing to public transport improvements and regional economic initiatives.</p> <p>4.15 From an airport perspective, it is essential that the effect of the growth of the airport and future developments in the surrounding area is fully considered in future road investment and improvement plans. The success of EMA's cargo and passenger operations rests on the reliability of road journeys and journey times to and from the airport. Working closely with stakeholders helps plan highway works and any road closures to minimise disruption and at times ensure they have the least effect on road access to EMA.</p>	<p>cargo and passenger journeys to the Airport would be improved as a result of EMG2.</p> <p>The construction of the proposed highway works will be carried out such that they do not have any unacceptable impacts on journey times outside of the peak hour periods. Full details will be presented in the pCTMP(s) which will be agreed with stakeholders prior to works commencing. As indicated in the previous response, the Applicants have updated the CTMP (Document DCO 6.3A) [REP2-026D] at Deadline 4.</p>
5.	<p><b>Availability of Information</b></p> <p>5.1 Taking account of the nature of the airport's operations, as described above, there are clear potential impacts in respect of both the construction and operational phases of EMG2.</p> <p>5.2 Both phases are as important to EMA and whereas it is often the operational phase impacts that the planning system might focus on, it is the construction impacts that may in fact have more damaging impacts on the operations at EMA, which as stated are sensitive over both 24hrs and 365 day timescales.</p> <p>5.3 It is therefore concerning to EMA that the information currently supplied by the Applicant seems to overlook the construction phase impacts on the airport and are not addressed in anywhere near enough detail for EMA to be satisfied at this stage.</p> <p>5.4 Given the potential impacts during the construction phase, it is not acceptable for the impacts to be managed by a Construction Transport Management Plan (CTMP) or similar: they need to be assessed now. This is in part due to the scale of the proposed works by the Applicant but also because there could be detailed arrangements concerning assets such as the</p>	<p>The Applicants do not agree that there is insufficient detail provided to EMA to enable them to fully review the DCO Scheme. The Applicants have nevertheless responded to each of the items of concern raised by EMA in Annex E of this document. It demonstrates that, whilst information was updated at Deadline 1, a significant amount of the information requested has been available since the submission of the DCO Application.</p> <p>The Applicants refer EMA to their response to Deadline 2 above in respect of information sharing. The remainder of the issues raised in paragraph 5 of EMA's response are addressed in the subsequent responses set out below.</p>

landing lights (explained below) that need to be carefully planned out and agreed. Perhaps most significantly, there is potential for severe disruption to time sensitive delivery of goods to the cargo operators throughout the day, but particularly at night when it might otherwise be expected to have major road closures in place.

5.5 Even after the Applicant's submissions at D1, the detail provided in the transport assessments and the ES is insufficient to provide necessary assurances that delivery of the highway works and the operational traffic from EMG2 will not disrupt airport operations.

5.6 A detailed list of information relating to traffic and transport that still needs to be provided by the Applicant is provided for the ExP's benefit at Appendix 3. In respect of each instance of outstanding information, a brief explanation is provided as to why that information is important to the proper examination of the application for a DCO for EMG2. It deserves a particular mention that SCP have serious concerns about the validity of the Applicant's road safety audit (Appendix 1, paras 8.40-8.49).

5.7 At Deadline 2, EMA noted that the Applicant apparently continues to share information relating to traffic and transport selectively with National Highways and Leicestershire County Council, seeking to reach agreed positions with those parties without the relevant information being available to either the ExP or other Interested Parties.

5.8 This continues to be the case and further instances are noted in SCP's report. This approach by the Applicant does not allow for proper examination of matters related to traffic and transport. It has a chilling effect on the ability of the ExP and Interested Parties to engage with the full range of relevant information. It has led to stakeholders agreeing positions with the Applicant without having had the benefit of seeing other parties' positions on the relevant issues through the Examination process. For example, the Applicant does not appear to have factored in planned future growth of the airport. Similarly, it cannot tell from the information provided whether the Applicant's assessments cover the airport's peak, or the air cargo peak in the autumn.

	<p>These are material factors for stakeholders such as National Highways and Leicestershire County Council to be aware of, which would have become apparent earlier in the Examination had the Applicant provided a full suite of traffic and transport information with its application.</p>	
<p>6.1 – 6.11</p>	<p><b>Aerodrome Safeguarding – Highways Matters</b></p> <p>6.1 Lighting</p> <p>6.2 Aircraft arriving at EMA rely on a system of landing lights on their approach. Those lights potentially impacted are arranged to the east of the airport in a pattern prescribed by international and UK civil aviation standards and regulations. They have to be spaced at prescribed, at regular intervals and operate on independent power circuits so they always remain active.</p> <p>6.3 The landing lights are critical to the airport’s ability to operate in low visibility conditions and at night. If the lights are off, or unable to comply with regulations and meet safety standards, the runway has to be closed.</p> <p>6.4 Accordingly, EMA need to understand any potential impacts to the current layout, operation and maintenance of the landing lights from the Proposed Development (both operation and construction phase). At present, EMA does not have sufficient information from the Applicant to wholly satisfy itself in that respect.</p> <p>6.5 For example, EMA requires clarification from the Applicant that:</p> <p>6.5.1 It is not proposed to move any of the landing lights or affect maintenance access;</p> <p>6.5.2 In relation to works proposed to the M1, any changes to gantries or signage to not change the lighting context for the landing lights – e.g. dark areas need to be maintained to keep the approach lights visible to aircraft.</p>	<p>The Applicants are well versed in the matters raised having previously delivered the EMG1 scheme which had significant works in proximity to the eastern end of the runway and near to the airfield security fence. The alignment of the active travel link (ATL) (Works No. 14 of Schedule 1 of the draft DCO [REP2-008D]) has been determined based on this knowledge.</p> <p>The Applicants have produced a larger scale plan showing the alignment of the ATL within the vicinity of the eastern end of the runway (this was shared with EMA in late April 2026) and is found at Annex F. This plan shows the following:</p> <ul style="list-style-type: none"> <li>• Route of the ATL (which follows the alignment of the former road)</li> <li>• Airfield security fence (and 3m offset from it)</li> <li>• A453 / EMA boundary hedge</li> <li>• Offsets of the ATL from the airfield security fence</li> <li>• Locations of landing lights (which confirms that none of which are affected by the ATL)</li> <li>• Various notes to explain the works for both the ATL and the M1 gantry within this area</li> </ul> <p>The Applicants understand that this plan has resolved</p>

<p>6.6 EMA notes that there is currently no proposal for the Active Travel Link comprised in Work No 14 to be lit. Should that position change during Examination, the impact of any such lighting on the landing lights or more widely any glint or glare issues, will need to be understood and addressed accordingly.</p> <p>6.7 The integrity of the system of landing lights is fundamental to the operation of the airport. Any impacts to them needs to be understood now, not deferred to be dealt with through the CTMP or protective provisions.</p> <p>6.8 Security</p> <p>6.9 The Active Travel Link proposed as Work No 14 would run close to the airport's security fence.</p> <p>6.10 The fence is 3m in height. National aviation security standards dictate that there can be nothing, including vegetation, within 3m either side of the fence.</p> <p>6.11 In view of that fact, and without prejudice to its position on the need for the Active Travel Link, EMA submits that the draft DCO needs to be amended to:</p> <p>6.11.1 Allow EMA, in consultation with the national aviation security regulator, to approve the precise position and level of Work No 14; and</p> <p>6.11.2 Reduce or remove vertical and horizontal limits of deviation for Work No 14.</p>	<p>the concerns raised by EMA.</p> <p>With respect to the horizontal limits of deviation, the Applicants have liaised with EMA to reduce the extent of Plot 2/6 (as shown on <u>APP-028D</u>) and, at the end of the runway, the Applicants confirm there is no need for any works on the sliver of land within Plot 2/6 that runs between the A453 highway boundary and the airfield security fence. This means that the horizontal alignment of the ATL can come no closer towards the airfield security fence than the A453 highway boundary, which is well beyond the 3m exclusion zone from the fence. A plan showing the areas of land that are no longer to be used is found at Annex F.</p> <p>A revised Land Plan, Book of Reference, Statement of Reasons and associated documents will be submitted at Deadline 5 to reflect this change.</p> <p>With respect to the vertical limits of deviation, given that the clear proposal is to follow the alignment of the former carriageway, these limits can be reduced and the Applicants propose to amend the limits for Works No. 14a to be <math>\pm 0.2\text{m}</math> consistent with Works No. 7 and this change will be made in the updated DCO [<u>REP2-008D</u>] to be submitted at Deadline 5.</p> <p>The Applicants consider that the drawing together with the above changes to limits of deviation provides the necessary reassurance to EMA on the design of the ATL. With this reassurance in place, the Applicants do not agree that EMA should have a role in agreeing the precise alignment of the ATL (beyond</p>
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		<p>any reasonable protective provisions).</p> <p>With respect to the existing gantry, the works at the end of the runway consist of changing the signage on the gantry (the signage is already lit). No changes to the M1 or A453 road lighting at the end of the runway are proposed.</p>
<p>7.1 – 7.6</p>	<p><b>Traffic &amp; Transport - Overarching Concerns</b></p> <p>7.1 Inconsistent case for highway works</p> <p>7.2 The Applicant’s case for the highway works is unclear and at times inconsistent.</p> <p>7.3 At several places in the application documents which attempt to justify the scale of intervention, there are varying views expressed as the purpose of the works. It is unclear whether each highway intervention is mitigation for the Proposed Development or is greater in scale than that to enable highway growth properly attributable to other developments, such as Isley Woodhouse and Ratcliffe on Soar Power Station. This is an important point so that the ExP and Secretary of State can:</p> <p>7.3.1 make a clear judgement on which policy compliance test(s) the works should be judged against, and</p> <p>7.3.2 factor the correct scale and quantum of works into the assessment of viability necessary to support a case for compulsory acquisition.</p> <p>At present both are unclear.</p> <p>7.4 The Applicant makes repeated reference to “piecemeal” interventions being deemed unsuitable (for example at DCO 7.4, Appendix 3) but at no point has provided any analysis or indicated any actual schemes, developed iteratively, to support this point. Accordingly, the DCO would authorise only</p>	<p>The Applicants disagree that the case for the highway works is unclear or inconsistent.</p> <p>The highway mitigation proposed in the Transport Assessment accompanying the DCO Application has been designed to accommodate EMG2 only.</p> <p>Reference is made to a wider Consortium of developers who are working together to design a larger scheme of mitigation at M1 Junction 24. However, this is a separate workstream that remains on-going to ensure all local planned developments can come forward. The mitigation proposed for EMG2 has been carefully designed to ensure that it complements and supports the work of the Consortium but is not reliant upon it.</p> <p>M1 Junction 24 is a known ‘bottleneck’ that is restricting growth around East Midlands Airport. This has been confirmed by the East Midlands Combined County Authority and National Highways who have identified it as a key junction that requires significant improvements, rather than more minor piecemeal mitigation, hence the approach adopted.</p> <p>The planning data assumptions included in the transport modelling have been agreed with</p>

	<p>highway works that are part of a more extensive scheme, which by the Applicant's admission is "potentially transformative in terms of unlocking housing and employment growth for East Midlands" (SoR 5.46).</p> <p>7.5 On what basis has the Applicant decided that there is an agreed quantum of growth that requires mitigation by it, is unclear. This is very apparent at SoR 5.50 where the Applicant claims: "In the absence of the DCO Scheme, therefore, major economic, housing and energy development across the region will continue to be constrained unless and until others in the private or public sectors step in to deliver a solution." This indicates that the works proposed to J24 are designed to do more than simply mitigate the Proposed Development.</p> <p>7.6 Further, regardless of whether the larger scale re-development of J24 itself is warranted as a project that delivers wider benefits, the basis of the growth the Applicant relies upon is critical. The NWL Local Plan is still at an early stage in its development and so there is no certainty that all growth would come forward in the way in which the Applicant contends. The risk remains that the improvements proposed to J24 are disproportionate to mitigate the impacts of the Proposed Development, and thus not necessary in their current form.</p>	<p>stakeholders. The 'Stage 1A and 2A' modelling (as referred to in the Transport Assessment), includes draft Local Plan allocations. This has been supplemented by a separate test 'Stage 1B and 2B' modelling (as referred to in the Transport Assessment) that excludes the draft Local Plan allocations. In both scenarios, the impacts of the EMG2 development have been assessed and show that the proposed mitigation is suitable and required to accommodate the EMG2 development.</p>
<p>7.7 – 7.9</p>	<p><b>Lack of mitigation</b></p> <p>7.8 EMA is concerned that there are likely to be substantial traffic and transport impacts on its business, or on the safety of the network, from the construction and operation of EMG2 for which no mitigation is proposed. It is not just EMA that would be affected, but also the c.90 companies who operate from the airport site including global logistics operators such as DHL, UPS and FedEx.</p> <p>7.9 For example:</p>	<p>Mitigation has not been proposed at the A453/The Green junction so as not to encourage traffic to route via the local villages. East Midlands Airport should not be encouraging its staff and visitors to travel via Diseworth and instead all traffic should be using the Strategic Road Network. The proposed mitigation demonstrates how there would be improved capacity on the Strategic Road Network even with the inclusion of traffic from EMG2, which would provide a betterment to all road users.</p> <p>With regard to the A453/East Midlands Airport roundabout, Paragraphs 11.12 and 11.13 of the</p>

	<p>7.9.1 No mitigation is currently proposed by the Applicant at the junction of Green Lane and the A453, despite substantial queues of traffic all the way back to Diseworth (Appendix 1, para 4.31);</p> <p>7.9.2 No mitigation is currently proposed by the Applicant at the A453/East Midlands Airport roundabout – the proposed access to Isley Woodhouse - leading to queuing and safety issues (Appendix 1, para 4.39);</p> <p>7.9.3 The Applicant has not provided any details on how the impacts of construction of the highway works are themselves to mitigated, during a construction period that SCP believe could last a number of years, although no detailed programming information has been provided by the Applicant. Any overnight closures to the M1 – for example to move gantries – are of particular concern to EMA (Appendix 1, para 5.21 bullet 4).</p>	<p>Transport Assessment <b>[REP1-031]</b> confirm that there would be sufficient capacity to accommodate the EMG2 development and mitigation is required as a result of impacts from other draft Local Plan allocations, particularly the Isley Woodhouse development.</p> <p>As responded to above, construction of the proposed highway mitigation will be controlled by a set of management measures within the Construction Traffic Management Plan, appended to the Construction Environmental Management Plan (DCO 6.3A) <b>[REP2-026D]</b>. Prior to works commencing, a pCTMP will be required, which will consider the specific management measures associated with the construction of the proposed highway works.</p>
<p>7.10 – 7.12</p>	<p><b>Effectiveness of mitigation measures</b></p> <p>7.11 Where the Applicant has proposed highway works to mitigate impacts on the network, EMA needs to be satisfied that those impacts will in fact be mitigated and that no new impacts will be generated.</p> <p>7.12 For example:</p> <p>7.12.1 The Applicant has not provided modelling output results for the A452/Beverley Road roundabout making it impossible for EMA to understand the traffic impacts of the Proposed Development on that critical junction (Appendix 1, para 4.27); and</p> <p>7.12.2 In certain scenarios the Applicant’s proposed works to the southbound off-slip of the M1 appear to generate significant additional queueing about which there must be significant safety concerns (Appendix 1, para 4.11).</p>	<p>The A453/Beverley Road roundabout is included in the VISSIM modelling. This shows that the junction would operate within capacity, which is critical given it forms the access into the EMG2 Main Site.</p> <p>The modelling does show an increase in queues on the M1 southbound off-slip to Junction 24. This is a result of the proposed mitigation, which allows more circulating traffic on Junction 24 travelling to the A453 Remembrance Way. Whilst this causes more traffic to queue on the M1 southbound off-slip, the queue is only predicted to extend back to the M1 mainline in the Stage 1A/2A scenarios, which includes traffic from the draft Local Plan allocations (but no associated mitigation). In the Stage 1B/2B scenarios, which excludes traffic from draft Local Plan allocations and therefore consider the impacts of the EMG2 in isolation, the VISSIM modelling confirms</p>

		that queues would not extend back to the M1 mainline. The conclusions of the VISSIM modelling have been agreed with National Highways.
7.13 – 7.17	<p><b>Necessity &amp; proportionality of highway works</b></p> <p>7.14 EMA needs to be satisfied that the highways works proposed by the Applicant are necessary and proportionate.</p> <p>7.15 Works that are unnecessary and/or disproportionate to the relevant impacts potentially lead to greater impacts on EMA through longer periods of construction.</p> <p>7.16 Unnecessary or disproportionate works also cost more, artificially generating a negative impact on the viability of the Proposed Development. If the same impacts could be mitigated with highway works that cost less, the viability of EMG2 would be improved. If the viability for EMG2 improved, it would weaken the Applicant's case for the compulsory acquisition of the MAG/Prologis land.</p> <p>7.17 No information has been provided to show how the highway works were arrived at through an iterative process and specifically whether any less intrusive measures were considered as alternatives. An example would be in relation to the works proposed to the M1 northbound link road to the A50 (Appendix 1, para 4.49).</p>	<p>The proposed mitigation is necessary and proportionate to the impacts of the EMG2 development, as agreed with National Highways.</p> <p>It has been determined that the most efficient way to accommodate traffic from EMG2 is by transferring traffic from the A453 to the M1, which is achieved by the introduction of the new free flow link between M1 northbound and A50 westbound. This allows traffic from EMG2 to enter/depart the site and route via the A453 to Junction 24.</p> <p>Further mitigation is required to accommodate other developments in the vicinity of EMG2, which demonstrates how they are proportionate to the impacts of EMG2.</p>
8	<p><b>PROTECTION – DDCO AND DMCO</b></p> <p>8.1 EMA set out its position in relation to protective provisions at Deadline 2.</p> <p>8.2 EMA's position in relation to Work No 14 is set out above.</p> <p>8.3 In addition, to address uncertainty around the volume of traffic associated with advanced manufacturing uses and mezzanine floors, EMA requests that the ExP seeks a requirement in the dDCO which would limit the number of</p>	<p>See the Applicants' responses to Deadline 2 comments above in relation to the draft protective provisions.</p> <p>The above response on the Active Travel Link sets out the position in relation to Works No. 14.</p> <p>The Applicants confirm that the need for requirements in respect of advanced manufacturing</p>

	trips at EMG2, by plot and for the Proposed Development as a whole (Appendix 1, para 5.4 to 5.20).	uses and mezzanine floor remains under discussion. It is anticipated that these points will be capable of being addressed in the draft DCO to be submitted at Deadline 5.
9	<p><b>ACTIVE TRAVEL LINK – MAPPING DISCREPANCY</b></p> <p>9.1 It will be recalled that in our response on CAH1 action point 3, EMA identified a mapping discrepancy in relation to the Active Travel Link.</p> <p>9.2 Without prejudice to EMA’s position that there is no need for the Active Travel Link justifying compulsory acquisition:</p> <p>9.2.1 EMA has spoken with the Applicant and agreed a new route for the ATL. As far as EMA is aware, that remains with NH and LCC for agreement; and</p> <p>9.2.2 Whilst EMA recognise that the Applicant’s intention was not to take any operational land from the existing car park to construct Work No 14, we would welcome further dialogue on revising the land plan(s) to reflect the appropriate boundary of Plot 2/6 to clarify the extent of land that the Applicant is looking to acquire for the purposes of the Active Travel Link.</p>	<p>The Applicant has liaised with EMA to understand this issue and has as a result implemented a minor realignment to the ATL into the scheme which moves the ATL away from the corner of the car park and within the vicinity of the access to the Severn Trent Water compound. The revised alignment of the ATL has been agreed with both NH and LCC and as a result the following updated plans are provided at Deadline 4:</p> <ul style="list-style-type: none"> <li>• Document DCO 2.3B Works plans sheet 2</li> <li>• Documents DCO 2.4A and 2.4B Access and rights of way plans sheets 1 and 2</li> <li>• Document DCO 2.8B Highway plans general arrangement sheet 2</li> <li>• Document DCO 2.9B Highway plans cross sections sheet 2</li> <li>• Document DCO 2.10C Highway plans long section sheet 3</li> </ul> <p>Revised technical drawings showing highway geometry and visibility drawings are found at Annex H.</p> <p>Further, the Applicant has reviewed the land needed for the ATL and has removed the area of Plot 2/6 at</p>

		<p>the corner of the car park, as well as the sliver of Plot 2/6 between the airfield security fence and the A453 highway boundary and land near the Severn Trent Water compound access..</p> <p>A plan showing the areas of land that are no longer to be used is found at Annex F.</p> <p>Revised Land Plans, book of reference, statement of reasons and associated documents will be submitted at Deadline 5.</p>
<b>SCP Technical Note 04 [Appendix 1 to <u>REP3-059</u>]</b>		
1	INTRODUCTION	
1.1	This technical note has been produced following a review of addition highways documentation submitted at Deadline 1 and in response to the Examining Panel's questions. The technical note has been set out in specific sections for ease of reference; a summary has been provided at the start of each section to highlight the key findings.	The Applicants note the response.
1.2	The assessment has not only assessed the operation of the development on the local road network but has assessed the scheme with respect to the operation of the airport. The airport is a key hub for freight movement and as such there are significant nighttime operations which will need to be considered. In addition, the airport serves over 4 million passengers with flights peak during the summer months.	The Applicants note the response.
1.3	The following is a series of questions and queries insofar as we are not satisfied there is enough information available to be sure of the highways impacts arising from the proposed development which may conflict with airport operations.	The Applicants note the response.

2	HIGH-LEVEL MODELLING AND ASSESSMENT REVIEW SUMMARY	
2.1	The following modelling scenarios were tested by the Applicant as part of the assessment of the development:	The Applicants note the response.
	<ul style="list-style-type: none"> <li>Stage 1A modelling (Proforma v14, Uncertainty Log v7) = 2028/2038 forecast years with and without EMG2, including, consented and committed sites as well as draft Local Plan allocation sites and Ratcliffe on Soar power station, which is authorised by a Local Development Order (LDO);</li> </ul>	
	<ul style="list-style-type: none"> <li>Stage 1B modelling (Proforma v14a, Uncertainty Log v7a) = 2028/2038 forecast years with and without EMG2, including consented and committed sites but excluding the draft Local Plan allocation sites and Ratcliffe on Soar power station (beyond the element of Ratcliffe power station development which is currently able to proceed under the LDO);</li> </ul>	
	<ul style="list-style-type: none"> <li>Stage 2A modelling = as per Stage 1A but with the inclusion of the proposed Highway Works, details of which are presented in Section 12; and</li> </ul>	
	<ul style="list-style-type: none"> <li>Stage 2B modelling = as per Stage 1B but with the inclusion of the proposed Highway Works, details of which are presented in Section 12.</li> </ul>	
2.2	Based on these modelling the following traffic demand sets were then modelled by the Applicant for each respective junction based on the different scenarios as outlined above.	The Applicants are in agreement with EMA's summary of the traffic modelling scenarios.
	<ul style="list-style-type: none"> <li>2028 forecast opening year 'without development'</li> </ul>	
	<ul style="list-style-type: none"> <li>2028 forecast opening year 'with development'</li> </ul>	
	<ul style="list-style-type: none"> <li>2038 forecast future year 'without development'</li> </ul>	

	<ul style="list-style-type: none"> <li>• 2038 forecast future year 'with development'</li> </ul>	
	<ul style="list-style-type: none"> <li>• 2028 forecast future year with development with mitigation.</li> </ul>	
	<ul style="list-style-type: none"> <li>• 2038 forecast future year with development with mitigation</li> </ul>	
2.3	In addition to the design review, a high-level review of the modelling and assessment for the DCO application was undertaken. This assessment looked at the modelling of the junctions in the vicinity of the site specifically looking at junctions where mitigation has been suggested and where models have identified that junctions will be going over capacity as a result of the development traffic.	The Applicants note the response.
2.4	It should be noted that the review of the transport assessment and other accompanying documents did not provide a traffic flow model for the base or the base plus development traffic this made it difficult to understand the level of traffic that was anticipated at each junction and on each arm of those junctions. It is suggested that this will need to be provided to provide clarity on what traffic is modelled at each junction.	Full modelling outputs were appended to the Transport Assessment which compared the 2028/38 without development scenario (Stage 1A) against the 2028/38 with development scenarios (Stage 1A) and 2028/38 with development, with mitigation scenarios (Stage 2A).
2.5	In addition, text contained in a letter from Gowling WLG dated 24th February 2026 indicated that the VISSIM modelling based on the PRTM 2019 model is complete and agreed. Having reviewed the documentation it's clear that National Highways are content with the modelling that has been undertaken however at this stage LCC still require clarifications with regard to the modelling.	National Highways have confirmed that the PRTM 2019 and VISSIM modelling are acceptable and that the proposed mitigation resolves all unacceptable impacts from the EMG2 development. LCC has focussed on the PRTM 2023 modelling for which there are two comments that remain under discussion (those being in Kegworth and Castle Donington).
3	PRTM SENSITIVITY NOTE	
3.1	This information is taken from DCO 7.8 PRTM 2023 Sensitivity Test Technical Note and Local Road Network Impact Assessment Note Deadline 1(120450063) which sets out the difference between the SRN and local Roads between the 2019 and 2023 model - generally speaking there is more traffic on	Agreed, there is typically less traffic on the local road network in PRTM 2023 compared to PRTM 2019.

the local road network in 2019 than 2023. Whilst on the SRN some links show that the 2019 is higher whilst on other links the 2023 is higher.

**Table 23: Change in Base Flows on the SRN**

Ref	Link Description	A Node	B Node	A-B	AM + PM		Diff
					2019 PRTM Base	2023 PRTM Base	
EB	A453 The Green - Airport Signals	50301	50485	50301-50485	924	814	-110
WB	A453 Airport Signals - The Green	50485	50301	50485-50301	757	674	-83
EB	A453 Airport Signals - Site Access Roundabout	74137	50386	74137-50386	1118	1396	278
WB	A453 Site Access Roundabout - Airport Signals	50386	74137	50386-74137	1012	1192	180
EB	A453 Site Access Roundabout - Finger Farm	88740	88733	88740-88733	1678	1762	84
WB	A453 Finger Farm - Site Access Roundabout	88733	88740	88733-88740	1705	1641	-64
NB	A453 Finger Farm - EMG1 Access	88729	76089	88729-76089	3579	2630	-949
SB	A453 EMG1 Access - Finger Farm	76089	88729	76089-88729	1298	1547	249
NB	A453 EMG1 Access - M1 J24	76091	76107	76091-76107	4074	3122	-952
SB	A453 M1 J24 - EMG1 Access	76107	76091	76107-76091	1015	1511	496
NB	A50 M1 J24 - M1 J24A	50478	7253	50478-7253	6019	5554	-465
WB	A50 M1 J24A - A50 J1	59983	50568	59983-50568	6825	6971	146
EB	A50 J1 - A50 M1 J24A	59981	50557	59981-50557	5975	6750	775

**Table 24: Change in Base Flows on the Local Road Network**

Link Description	AM + PM Base Flows		Difference
	2019 PRTM	2023 PRTM	
Kegworth via A453/A6 Kegworth Bypass	2746	1747	-999
Kegworth via M1 Junction 24	2332	2392	60
Disworth (Grimes Gate + The Green)	995	635	-360
Castle Donington via un-named Road	2274	1743	-531
Isley Walton (A453)	2496	1999	-497

Figure 1. Comparison of 2019 to 2023 Flows on selected SRN and Local Road links.

3.2	Overall, it is noted that the 2019 PRTM model provides a higher level of baseline traffic.	Agreed.
3.3	As part of the sensitivity note the 2019 VISSIM model has been retained to test the operation of the key junctions on the SRN using outputs from PRTM 2023 sensitivity test. These have been compared against the results of the EMFM 2019 core modelling to understand the differences and whether the proposed mitigation continues to mitigate the impacts of the EMG2 development.	The Applicants note the response.
3.4	When comparing the results of the 2019 modelling to 2023 modelling the following observations can be made (using the Stage 2A 2028 modelling as an	It is agreed that the below tables summarise the results of the VISSIM modelling using outputs from PRTM

example) – see the figure below.

Figure 2. EMFM 2019 vs PRTM 2023 - Stage 2A 2028 Modelling

Table 19: Stage 2A 2028 Mean Maximum Queue Comparison (Metres)

Mean Max Queues (m)		2028 AM				2028 PM				
Junction	Approach	Base	WoD	WD Mit	Miti - WoD	Base	WoD	WD Mit	Miti - WoD	
1	Finger Farm	A453 W	25	49	36	-13	22	22	21	-1
2	Finger Farm	A453 N	20	28	38	10	13	17	28	11
3	Finger Farm	M1/A42 S	40	67	52	-15	19	18	17	-1
11	M1 J24	M1/A50	169	262	432	170	91	121	297	176
12	M1 J24	Remembrance Way	90	61	53	-8	95	578	197	-381
13	M1 J24	Deby Road	41	69	70	1	33	46	55	9
15	M1 J24	A453 S	39	85	72	-13	68	88	102	14
16	M1 J24	Hilton Hotel Lane	23	603	385	-218	15	46	26	-20
17	M1 J24	M1 NB South of Slip	0	1446	0	-1446	0	216	0	-216
20	M1 J24	M1 NB Off Slip	79	1159	67	-1092	52	448	61	-387
24	EMG1 Gyrotory	Kegworth By-Pass	197	153	184	31	131	121	121	0
25	EMG1 Gyrotory	A453 S	129	238	98	-140	101	72	61	-11
26	EMG1 Gyrotory	Wilders Way L-Turn	7	4	4	0	7	9	12	3
27	EMG1 Gyrotory	Wilders Way Ahead	3	5	4	-1	6	8	9	1
28	EMG1 Gyrotory	A453 S Left turn	63	87	71	-16	37	42	46	4
29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	124	122	174	52	79	85	98	13
30	EMG1 Gyrotory	A453 N	113	63	60	-3	36	38	38	0
31	M1 J24	M1 SB Offlip (M1)	0	14	761	747	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	38	1178	1140	0	0	1	1

Table 11: Stage 2A 2028 Mean Max Queue Comparison (Metres)

Mean Max Queues (m)		2028 AM				2028 PM				
Junction	Approach	Base	WoD	WD Mit	Miti - WoD	Base	WoD	WD Mit	Miti - WoD	
1	Finger Farm	A453 W	25	389	27	-362	22	24	19	-5
2	Finger Farm	A453 N	20	26	36	10	13	14	23	9
3	Finger Farm	M1/A42 S	40	123	36	-87	19	25	17	-8
11	M1 J24	M1/A50	169	258	286	28	91	143	203	60
12	M1 J24	Remembrance Way	90	570	271	-299	95	2384	1320	-1044
13	M1 J24	Deby Road	41	43	52	9	33	31	37	6
15	M1 J24	A453 S	39	81	77	-4	68	79	102	23
16	M1 J24	Hilton Hotel Lane	23	59	85	26	15	19	17	-2
17	M1 J24	M1 NB South of Slip	0	868	0	-868	0	0	0	0
20	M1 J24	M1 NB Off Slip	79	1188	77	-1031	52	63	46	-7
24	EMG1 Gyrotory	Kegworth By-Pass	197	338	192	-146	131	130	94	-36
25	EMG1 Gyrotory	A453 S	129	801	118	-683	101	94	62	-32
26	EMG1 Gyrotory	Wilders Way L-Turn	7	1	2	1	7	5	5	0
27	EMG1 Gyrotory	Wilders Way Ahead	3	1	2	1	6	6	5	-1
28	EMG1 Gyrotory	A453 S Left turn	63	162	74	-108	37	36	38	2
29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	124	292	153	-139	79	91	73	-18
30	EMG1 Gyrotory	A453 N	113	64	56	-8	36	31	34	3
31	M1 J24	M1 SB Offlip (M1)	0	13	1	-12	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	10	0	-10	0	0	0	0

2019 and PRTM 2023. The former relates to Table 19 from the VISSIM Forecasting Report included at Appendix 50 of the Transport Assessment.

3.5 The results show the same scenario (Stage 2A) between the two different models. What is apparent is the difference in overall results on some of the approaches with the largest differences associated on the M1 off slip with significant queues in the 2019 modelling however with little to no queues from the 2023 model. This is indicative of the varying nature of the two models. An understanding of the inherent differences would be beneficial. Without that, it is not possible to be confident in the divergent results for the southbound off slip of J24 (rows 31 and 32 of the tables).

There is significantly less queueing on the M1 southbound off-slip to Junction 24 in PRTM 2023 compared to PRTM 2019, This is due to there being less baseline traffic on this route in PRTM 2023. However, this is a more recent version of the model

		<p>and has been validated and agreed with National Highways and Leicestershire County Council.</p> <p>Therefore, the transport modelling undertaken using PRTM 2019 should be viewed as worst-case in this regard and still shows how the unacceptable impacts from the EMG2 development can be mitigated.</p>
3.6	Confirmation is also required as to why the 2023 model is not being used, which has been validated by LCC and NH.	<p>The proposed mitigation has been considered using both PRTM 2019 <b>and</b> 2023 outputs. The PRTM 2019 modelling was presented in the Transport Assessment (REP1-031), whilst the PRTM 2023 modelling was presented in a Technical Note (DCO 7.8) <b>[REP1-058]</b>.</p> <p>Both models confirm that the mitigation is the correct solution to accommodate the EMG2 development, as agreed with National Highways.</p>
4	JUNCTION MODELLING ASSESSMENT	
4.1	This section provides an assessment of the issues identified in terms of the results of the modelling in the Applicant's Transport Assessment and has identified a number of key junctions where key findings have been identified.	The Applicants note the response.
4.2	The modelling has focussed on the results of the following junctions, with a key summary of the findings outlined below with further information still needed for each junction outlined in more detail also provided below:	The Applicants note the response.
	<ul style="list-style-type: none"> <li>Junction 6 - M1 Junction 24 – Mitigation has been provided on the approaches, the circulatory carriageway and on the approach to the junction, due to a lack of data it is not clear if the scale of improvements on the M1 northbound off slip are proportionate to the development. In addition the improvements on the M1 and A50 southbound off slips show significant queues in Scenario 2A.</li> </ul>	The most significant part of the mitigation is proposed at M1 Junction 24, which is the key junction that needs improving to enable the EMG2 development to come forward. The scale of mitigation is proportionate to the impacts of the EMG2 development, which is demonstrated by the fact that further mitigation is

		<p>needed to accommodate other planned developments in the area. See Annex K of this document.</p> <p>Whilst there is an overall betterment to capacity, this is in line with national policy requirements and is a result of the new free flow link between M1 northbound and A50 westbound. It is not possible to build a proportion of the link road, which has been designed with one lane only, following an iterative process on the design with National Highways. This piece of infrastructure is, however, critical in addressing existing queueing and collisions on the M1 northbound off-slip.</p> <p>The mitigation would result in approximately 1,600 additional vehicles being able to travel on the SRN near M1 Junction 24, which has significant benefits on the local road network, therefore focusing mitigation on the latter as requested by, and agreed with, the TWG.</p>
	<ul style="list-style-type: none"> <li>Junction 2 – A453/Beverley Road Roundabout - No modelling results are included for this junction so unable to ascertain the operation of the junction at this time.</li> </ul>	<p>This junction has been modelled in VISSIM, which shows that there would be sufficient capacity to accommodate the EMG2 development.</p> <p>Land has been safeguarded to the east of the roundabout to enable a scheme to dual the A453 in the future, if required. This is however not a requirement of the EMG2 development.</p>
	<ul style="list-style-type: none"> <li>Junction 3: Finger Farm Roundabout – Minor mitigation proposed due to traffic diverting to the M1 J24, no data is provided detailing the amount of traffic to be diverted.</li> </ul>	<p>The M1 northbound to A50 westbound would result in 610 vehicles in the morning peak hour and 210 vehicles in the evening peak hour being transferred from the A453 to the M1.</p>
	<ul style="list-style-type: none"> <li>Junction 8 - A453/The Green Priority Junction - The results show that there will be significant queueing back on the minor arm of the junction,</li> </ul>	<p>Mitigation has deliberately not been proposed at the A453/The Green junction so as to not encourage traffic</p>

	No mitigation is proposed at this junction which could lead to safety issues.	to travel through Diseworth. This should not impact operations at East Midlands Airport on the basis that traffic associated with the airport should also be encouraged to use the Strategic Road Network.
4.3	Junction 9: A453/East Midlands Airport Roundabout The results of the Arcady modelling show that as a result of the development traffic in the design year the queues generated extend to the signalised junction to the west. No mitigations is proposed at this junction, which may result in safety issues.	The transport modelling shows that the A453/East Midlands Airport roundabout would operate within capacity under the Stage 1B/2B scenarios and would therefore have capacity to accommodate traffic from the EMG2 development. Whilst the junction would exceed capacity in the Stage 1A/2A scenarios, this is due to additional traffic from the Isley Woodhouse development being included but without the mitigation for that development. It is therefore the responsibility of the Isley Woodhouse development to investigate the need to mitigate the A453/East Midlands Airport roundabout.
	Junction 6 - M1 Junction 24	
4.4	This junction has been included in the VISSIM model and the result for this model have been assessed by us. However, the input data and modelling methodology have not been provided by the Applicant and therefore have not been assessed by us at this time. Based on the results present the major impact is on the southbound off slip where a significant amount of traffic can be expected.	The methodology for assessing M1 Junction 24 has been agreed with National Highways. It was agreed that this junction be assessed using VISSIM software given the amount of traffic using the junction, existing congestion levels and overall sensitivity.  Full VISSIM outputs have been appended to the relevant documents submitted with the DCO. The results of the modelling show that M1 Junction 24 would operate with better levels of capacity which would provide operational and safety benefits in accordance with national policy requirements.

4.5	<p>The Stage 1A Mean Max Queue (MMQ) in the 2028 scenario indicates that with the inclusion of the development the queue on the M1 southbound (SB) off slip (A50) (See table 3 of DCO6.6A Transport Assessment Part 7 of 10) the queue within the AM peak will increase from 38m to 669m (an increase of 631m), this is indicative of the development adding traffic to the approaches. This is evidenced in the figure below.</p>	<p>There will be increases in queue lengths on the M1 southbound off-slip to Junction 24 as a result of the development proposals. Mitigation is proposed on this arm which ensures there would be no unacceptable impacts from the EMG2 development. Further improvements are likely to be needed by other planned developments, in particular Uniper and Ratcliffe on Soar Power Station re-development.</p>
4.6	<p>In regard to the Maximum modelled queue length in 2028 the M1 SB off slip (A50) (See table 4 of DCO6.6A Transport Assessment Part 7 of 10) shows an increase of the maximum queue length when comparing the Without Development scenario to the Development Scenario from 189m to 1053m in the AM peak period, again this is indicative of the development increasing the traffic on this approach. This is evidenced in the figure below.</p>	<p>As above.</p>

Figure 3. Stage 1a Modelling - 2028 Mean Maximum Queue and Maximum Queue

Table 3: Stage 1A 2028 Mean Maximum Queue Comparison (Metres)

Mean Max Queues (m)			2028 AM				2028 PM			
Junction	Approach	Base	WoD	WD	WD-WoD	Base	WoD	WD	WD-WoD	
1	Finger Farm	A453 W	25	46	100	51	22	22	43	21
2	Finger Farm	A453 N	20	28	43	15	13	17	31	14
3	Finger Farm	M1/A42 S	40	67	140	73	19	16	22	4
11	M1 J24	M1/A50	169	262	419	157	91	121	124	3
12	M1 J24	Remembrance Way	90	61	72	11	96	578	556	22
13	M1 J24	Deby Road	41	69	82	13	33	46	47	1
15	M1 J24	A453 S	39	85	91	6	68	88	138	50
16	M1 J24	Hilton Hotel Lane	23	603	782	179	15	46	47	1
17	M1 J24	M1 NB South of Slip	0	1446	1841	195	0	216	85	-131
20	M1 J24	M1 NB Off Slip	79	1159	898	-261	52	448	454	6
24	EMG1 Gyrotory	Kegworth By-Pass	197	153	253	100	131	121	174	53
25	EMG1 Gyrotory	A453 S	129	238	300	62	101	72	105	33
26	EMG1 Gyrotory	Wilders Way L Turn	7	4	10	6	7	9	11	2
27	EMG1 Gyrotory	Wilders Way Ahead	3	5	8	3	6	8	10	2
28	EMG1 Gyrotory	A453 S Left turn	63	87	104	17	37	42	45	3
29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	124	122	226	104	79	85	114	29
30	EMG1 Gyrotory	A453 N	113	63	75	12	36	38	44	6
31	M1 J24	M1 SB Offlip (M1)	0	14	137	123	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	38	669	631	0	0	0	0

Table 4: Stage 1A 2028 Maximum Queue Comparison (Metres)

Maximum Queues (m)			2028 AM				2028 PM			
Junction	Approach	Base	WoD	WD	WD-WoD	Base	WoD	WD	WD-WoD	
1	Finger Farm	A453 W	39	75	198	123	30	35	67	32
2	Finger Farm	A453 N	48	40	47	7	20	23	39	16
3	Finger Farm	M1/A42 S	49	84	200	116	27	26	29	3
11	M1 J24	M1/A50	279	400	431	31	114	145	150	5
12	M1 J24	Remembrance Way	126	69	76	7	145	812	785	-27
13	M1 J24	Deby Road	55	84	105	21	39	55	65	0
15	M1 J24	A453 S	53	109	135	26	98	126	177	51
16	M1 J24	Hilton Hotel Lane	34	900	1037	237	25	52	62	10
17	M1 J24	M1 NB South of Slip	0	2409	3010	601	0	482	274	-208
20	M1 J24	M1 NB Off Slip	109	1691	1090	-601	62	582	587	5
24	EMG1 Gyrotory	Kegworth By-Pass	423	212	359	147	182	242	272	30
25	EMG1 Gyrotory	A453 S	197	386	608	222	118	90	152	62
26	EMG1 Gyrotory	Wilders Way L Turn	16	10	16	6	16	17	16	-1
27	EMG1 Gyrotory	Wilders Way Ahead	6	8	12	4	10	11	12	1
28	EMG1 Gyrotory	A453 S Left turn	105	137	187	50	47	50	56	6
29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	285	171	321	150	146	162	181	19
30	EMG1 Gyrotory	A453 N	202	72	84	12	52	53	60	7
31	M1 J24	M1 SB Offlip (M1)	0	38	229	191	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	189	1053	864	0	0	0	0

4.7

The Stage 1B modelling also indicates that the development traffic will cause an increase in queue lengths when comparing the without development scenario to the with development scenario, see the figure below with particular reference to the M1 SB off slips and the M1 NB off slips.

The PRTM 2019 modelling shows long queues on the M1 southbound off-slip to Junction 24. However, it has been agreed with National Highways that there would be no unacceptable impacts from the EMG2 development and overall, the impacts are mitigated.

The PRTM 2023 modelling shows significantly less queueing on the M1 southbound off-slip, which is the latest version of the model, further highlighting that the

Figure 4. Stage 1b 2028 Modelling Results

Table 11: Stage 1B 2028 Mean Maximum Queue Comparison (Metres)

Mean Max Queues (m)			2028 AM				2028 PM			
Junction	Approach	Base	WoD	WD	WD-WoD	Base	WoD	WD	WD-WoD	
1	Finger Farm	A453 W	25	71	69	-2	22	29	119	90
2	Finger Farm	A453 N	20	34	44	10	13	17	30	13
3	Finger Farm	M1/A42 S	40	91	152	61	19	24	25	1
11	M1 J24	M1/A50	169	290	427	137	91	115	115	0
12	M1 J24	Remembrance Way	90	327	906	579	95	674	732	58
13	M1 J24	Deby Road	41	66	71	5	33	45	45	0
15	M1 J24	A453 S	39	78	90	12	68	81	107	26
16	M1 J24	Hilton Hotel Lane	23	80	93	13	15	36	38	2
17	M1 J24	M1 NB South of Slip	0	8	915	907	0	0	1	1
20	M1 J24	M1 NB Off Slip	79	166	824	658	52	73	108	35
24	EMG1 Gyratory	Kegworth By-Pass	197	130	235	105	131	106	130	24
25	EMG1 Gyratory	A453 S	129	402	231	-171	101	95	119	24
26	EMG1 Gyratory	Wilders Way L-Turn	7	100	30	-70	7	10	12	2
27	EMG1 Gyratory	Wilders Way Ahead	3	10	9	-1	6	9	11	2
28	EMG1 Gyratory	A453 S Left turn	63	72	83	11	37	42	44	2
29	EMG1 Gyratory	Kegworth By-Pass Left Turn	124	100	215	115	79	66	85	19
30	EMG1 Gyratory	A453 N	113	147	90	-57	36	42	47	5
31	M1 J24	M1 SB Offlip (M1)	0	31	466	435	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	17	753	736	0	0	0	0

Table 12: Stage 1B 2028 Maximum Queue Comparison (Metres)

Maximum Queues (m)			2028 AM				2028 PM			
Junction	Approach	Base	WoD	WD	WD-WoD	Base	WoD	WD	WD-WoD	
1	Finger Farm	A453 W	39	146	115	-31	30	40	175	135
2	Finger Farm	A453 N	48	56	53	-3	20	20	38	18
3	Finger Farm	M1/A42 S	49	146	207	61	27	29	33	4
11	M1 J24	M1/A50	279	430	432	2	114	124	136	12
12	M1 J24	Remembrance Way	126	444	1283	839	145	1002	1126	123
13	M1 J24	Deby Road	55	81	80	-1	39	53	50	-3
15	M1 J24	A453 S	53	170	103	-67	98	92	146	54
16	M1 J24	Hilton Hotel Lane	34	101	106	5	25	44	51	7
17	M1 J24	M1 NB South of Slip	0	54	1517	1463	0	2	6	4
20	M1 J24	M1 NB Off Slip	109	321	1134	819	62	300	231	131
24	EMG1 Gyratory	Kegworth By-Pass	423	224	261	-57	182	160	251	91
25	EMG1 Gyratory	A453 S	197	684	335	-349	118	111	138	27
26	EMG1 Gyratory	Wilders Way L-Turn	36	209	72	-137	16	14	16	4
27	EMG1 Gyratory	Wilders Way Ahead	8	15	11	-4	10	11	13	2
28	EMG1 Gyratory	A453 S Left turn	105	110	121	11	47	49	53	4
29	EMG1 Gyratory	Kegworth By-Pass Left Turn	255	368	277	109	149	96	126	40
30	EMG1 Gyratory	A453 N	202	214	123	-91	52	49	55	6
31	M1 J24	M1 SB Offlip (M1)	0	87	699	612	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	154	1154	1000	0	0	0	0

scale and location of mitigation being proposed is suitable.

4.8 Importantly to note on this slip road there are two diverge points, the first diverge occurs at 446m from the stop line at the roundabout which forms a point at which traffic from the M1 southbound and the A50 meet whilst the second diverge point occurs at 821m back from approach stop line and forms the diverge between traffic heading towards the J24 circulatory and for traffic using the M1 southbound on slip travelling from the A50.

The Applicants note the response.

4.9 As can be shown by the modelling results from both the mean queue assessment and the max queue assessment the with development scenario will extend traffic beyond both these points as such this will have an increase safety

The Stage 2B modelling confirms that the queues will be contained within the length of the slip road without extending back to the M1 mainline. Therefore, no

	risk due to the risk of collisions of vehicles approaching the junction.	further mitigation is needed on this arm as agreed with National Highways.
4.10	As part of the proposals the following mitigation measures have been suggested have been modelled and tested by the Applicant as part of their assessment. The mitigation measures can be summarised as follows:	Agreed.
	<ul style="list-style-type: none"> <li>• Construction of a new free-flow link road from the M1 northbound to provide a direct link to the A50 westbound, which will cross over the A453, and will include the A50 westbound merge alterations (DCO Works Nos. 9 and 10);</li> </ul>	
	<ul style="list-style-type: none"> <li>• Widening of the A50 eastbound link at J24 and other related works and traffic management measures in this location (DCO Works No. 11);</li> </ul>	
	<ul style="list-style-type: none"> <li>• Alteration of the west side of the J24 roundabout to provide three lanes from the M1 northbound to A453 northbound through the junction, two lanes from the A453 northbound to the M1 northbound through the junction and removal of the segregated left-turn lane from the A453 northbound to the A50 westbound post feedback from NH (DCO Works No. 12a);</li> </ul>	
	<ul style="list-style-type: none"> <li>• Signing and lining amendments on the east side of the J24 roundabout and the A453 southbound approach (DCO Works No. 12b);</li> </ul>	
	<ul style="list-style-type: none"> <li>• Provision of new M1 northbound exit to the A50 and associated improvements to gantries signage, signals and road markings on the M1 (DCO Works No. 8); and</li> </ul>	
	<ul style="list-style-type: none"> <li>• Changes to the signage on the M1 northbound before J23A to sign the A50 via the new M1 J24 link road rather than via J23A as at present (DCO Works No. 16)</li> </ul>	

4.11	As noted in the bullet points above this sets out the proposed M1 Junction 24 improvements however it is apparent from the description the lack of detail in regard to the Southbound off slip even though quite significant works are proposed.	The M1 southbound off-slip improvements are shown at DCO Works No. 11 and comprise widening of the A50 eastbound link to the J24 roundabout.																																																																																																																																																																																																																																				
4.12	<p>With the inclusion of the proposed mitigation (Stage 2A) modelling there are still significant increases in the Mean Maximum Queues within the AM peak when comparing the Without Development scenario to the With Development (+Mitigation) Scenario with an increase on the M1 SB off slip (M1) and M1 SB off slip (A50) of 747m and 1140m respectively up from 14m and 38m which is considered to be a significant increase in queues – see table 19 DCO6.6A Transport Assessment Part 7 of 10 (also shown below).</p> <p><i>Figure 5. Stage 2A 2028 Modelling - MMQ</i></p> <p><b>Table 19: Stage 2A 2028 Mean Maximum Queue Comparison (Metres)</b></p> <table border="1" data-bbox="315 639 1216 999"> <thead> <tr> <th colspan="3">Mean Max Queues (m)</th> <th colspan="3">2028 AM</th> <th colspan="3">2028 PM</th> </tr> <tr> <th>Junction</th> <th>Approach</th> <th>Base</th> <th>WoD</th> <th>WD Mit</th> <th>Mitri - WoD</th> <th>Base</th> <th>WoD</th> <th>WD Mit</th> <th>Mitri - WoD</th> </tr> </thead> <tbody> <tr><td>1</td><td>Finger Farm</td><td>A453 W</td><td>25</td><td>49</td><td>36</td><td>-13</td><td>22</td><td>22</td><td>21</td><td>-1</td></tr> <tr><td>2</td><td>Finger Farm</td><td>A453 N</td><td>20</td><td>28</td><td>38</td><td>10</td><td>13</td><td>17</td><td>28</td><td>11</td></tr> <tr><td>3</td><td>Finger Farm</td><td>M1/A42 S</td><td>40</td><td>67</td><td>52</td><td>-15</td><td>19</td><td>18</td><td>17</td><td>-1</td></tr> <tr><td>11</td><td>M1 J24</td><td>M1/A50</td><td>169</td><td>262</td><td>432</td><td>170</td><td>91</td><td>121</td><td>297</td><td>176</td></tr> <tr><td>12</td><td>M1 J24</td><td>Remembrance Way</td><td>90</td><td>61</td><td>53</td><td>-6</td><td>95</td><td>578</td><td>197</td><td>-381</td></tr> <tr><td>13</td><td>M1 J24</td><td>Deby Road</td><td>41</td><td>69</td><td>70</td><td>1</td><td>33</td><td>46</td><td>55</td><td>9</td></tr> <tr><td>15</td><td>M1 J24</td><td>A453 S</td><td>39</td><td>85</td><td>72</td><td>-13</td><td>68</td><td>88</td><td>102</td><td>14</td></tr> <tr><td>16</td><td>M1 J24</td><td>Hilton Hotel Lane</td><td>23</td><td>603</td><td>385</td><td>-218</td><td>15</td><td>46</td><td>26</td><td>-20</td></tr> <tr><td>17</td><td>M1 J24</td><td>M1 NB South of Slip</td><td>0</td><td>1446</td><td>0</td><td>-1446</td><td>0</td><td>216</td><td>0</td><td>-216</td></tr> <tr><td>20</td><td>M1 J24</td><td>M1 NB Off Slip</td><td>79</td><td>1159</td><td>67</td><td>-1092</td><td>52</td><td>448</td><td>61</td><td>-387</td></tr> <tr><td>24</td><td>EMG1 Gyrotory</td><td>Kegworth By-Pass</td><td>197</td><td>153</td><td>184</td><td>31</td><td>131</td><td>121</td><td>121</td><td>0</td></tr> <tr><td>25</td><td>EMG1 Gyrotory</td><td>A453 S</td><td>129</td><td>238</td><td>98</td><td>-140</td><td>101</td><td>72</td><td>61</td><td>-11</td></tr> <tr><td>26</td><td>EMG1 Gyrotory</td><td>Wilders Way L-Turn</td><td>7</td><td>4</td><td>4</td><td>0</td><td>7</td><td>9</td><td>12</td><td>3</td></tr> <tr><td>27</td><td>EMG1 Gyrotory</td><td>Wilders Way Ahead</td><td>3</td><td>5</td><td>4</td><td>-1</td><td>6</td><td>8</td><td>9</td><td>1</td></tr> <tr><td>28</td><td>EMG1 Gyrotory</td><td>A453 S Left turn</td><td>63</td><td>87</td><td>71</td><td>-16</td><td>37</td><td>42</td><td>46</td><td>4</td></tr> <tr><td>29</td><td>EMG1 Gyrotory</td><td>Kegworth By-Pass Left Turn</td><td>124</td><td>122</td><td>174</td><td>52</td><td>79</td><td>85</td><td>98</td><td>13</td></tr> <tr><td>30</td><td>EMG1 Gyrotory</td><td>A453 N</td><td>113</td><td>63</td><td>60</td><td>-3</td><td>36</td><td>38</td><td>38</td><td>0</td></tr> <tr><td>31</td><td>M1 J24</td><td>M1 SB Offlip (M1)</td><td>0</td><td>14</td><td>761</td><td>747</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>32</td><td>M1 J24</td><td>M1 SB Offlip (A50)</td><td>0</td><td>38</td><td>1178</td><td>1140</td><td>0</td><td>0</td><td>1</td><td>1</td></tr> </tbody> </table>	Mean Max Queues (m)			2028 AM			2028 PM			Junction	Approach	Base	WoD	WD Mit	Mitri - WoD	Base	WoD	WD Mit	Mitri - WoD	1	Finger Farm	A453 W	25	49	36	-13	22	22	21	-1	2	Finger Farm	A453 N	20	28	38	10	13	17	28	11	3	Finger Farm	M1/A42 S	40	67	52	-15	19	18	17	-1	11	M1 J24	M1/A50	169	262	432	170	91	121	297	176	12	M1 J24	Remembrance Way	90	61	53	-6	95	578	197	-381	13	M1 J24	Deby Road	41	69	70	1	33	46	55	9	15	M1 J24	A453 S	39	85	72	-13	68	88	102	14	16	M1 J24	Hilton Hotel Lane	23	603	385	-218	15	46	26	-20	17	M1 J24	M1 NB South of Slip	0	1446	0	-1446	0	216	0	-216	20	M1 J24	M1 NB Off Slip	79	1159	67	-1092	52	448	61	-387	24	EMG1 Gyrotory	Kegworth By-Pass	197	153	184	31	131	121	121	0	25	EMG1 Gyrotory	A453 S	129	238	98	-140	101	72	61	-11	26	EMG1 Gyrotory	Wilders Way L-Turn	7	4	4	0	7	9	12	3	27	EMG1 Gyrotory	Wilders Way Ahead	3	5	4	-1	6	8	9	1	28	EMG1 Gyrotory	A453 S Left turn	63	87	71	-16	37	42	46	4	29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	124	122	174	52	79	85	98	13	30	EMG1 Gyrotory	A453 N	113	63	60	-3	36	38	38	0	31	M1 J24	M1 SB Offlip (M1)	0	14	761	747	0	0	0	0	32	M1 J24	M1 SB Offlip (A50)	0	38	1178	1140	0	0	1	1	<p>It is agreed that queueing is predicted to occur on the M1 southbound off-slip to Junction 24. The values being referenced reflect the Stage 2A modelling, which includes traffic from all draft Local Plan allocations (but not any mitigation, which is currently unknown but required before they can come forward). The Stage 2B modelling results (excluding the draft Local Plan allocations) shows that queues will be accommodated within the length of the slip road in PRTM 2019. The scale of mitigation on the southbound off-slip is therefore considered suitable as agreed with National Highways.</p> <p>The queue length results from the PRTM 2023 modelling are significantly lower.</p>
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31	M1 J24	M1 SB Offlip (M1)	0	14	761	747	0	0	0	0																																																																																																																																																																																																																												
32	M1 J24	M1 SB Offlip (A50)	0	38	1178	1140	0	0	1	1																																																																																																																																																																																																																												
4.13	As noted above in section 4.5 the queue in 2028 with no mitigation in place is 669m whilst with the mitigation in place there is a queue of 1140m which is a significant increase given the fact that mitigation has been provided. This shows the mitigation actually increases the length of queue and thereby causing more of an impact than if the mitigation wasn't included. This does not seem logical but additional data is not provided to explain this issue.	The increase in queues is caused by greater capacity on the roundabout circulatory, due to more traffic travelling to the A453 Remembrance Way, which is prioritised in the VISSIM modelling. However, as agreed with National Highways there are no unacceptable impacts on the M1 southbound off-slip to Junction 24 from the EMG2 development.																																																																																																																																																																																																																																				
4.14	In relation to the maximum modelled queue length in the 2028 AM peak scenario (Table 20 DCO6.6A Transport Assessment Part 7 of 10) there is also significant increases in queue length from 38m to 1160m (an increase of 1122m) on the	This is correct based on the Stage 2A modelling in PRTM 2019. The Stage 2B modelling in PRTM 2019 shows less queueing which would not extend onto the																																																																																																																																																																																																																																				

M1 SB off slip (M1), moreover on the M1 SB off slip (A50) the queue will increase from 189m to 1722m (an increase of 1533m).

Figure 6. Stage 2A 2028 Modelling - Maximum Queue

Table 20: Stage 2A 2028 Maximum Queue Comparison (Metres)

Maximum Queues (m)			2028 AM				2028 PM			
	Junction	Approach	Base	WoD	WD Mit	Miti - WoD	Base	WoD	WD Mit	Miti - WoD
1	Finger Farm	A453 W	39	75	62	-13	30	35	31	-4
2	Finger Farm	A453 N	48	40	45	5	20	23	34	11
3	Finger Farm	M1/A42 S	49	84	74	-10	27	26	20	-6
11	M1 J24	M1/A50	279	400	435	35	114	145	352	207
12	M1 J24	Remembrance Way	126	89	58	-11	145	812	230	-582
13	M1 J24	Deby Road	55	84	82	-2	39	55	66	11
15	M1 J24	A453 S	53	109	84	-25	98	126	128	2
16	M1 J24	Hilton Hotel Lane	34	800	464	-336	25	52	32	-20
17	M1 J24	M1 NB South of Slip	0	2409	1	-2408	0	482	0	-482
20	M1 J24	M1 NB Off Slip	109	1691	72	-1619	62	582	65	-517
24	EMG1 Gyratory	Kegworth By-Pass	423	212	289	77	182	242	161	-81
25	EMG1 Gyratory	A453 S	197	386	110	-276	118	90	70	-20
26	EMG1 Gyratory	Widlers Way L-Turn	16	10	9	-1	16	17	18	1
27	EMG1 Gyratory	Widlers Way Ahead	6	8	8	0	10	11	12	1
28	EMG1 Gyratory	A453 S Left turn	105	137	99	-38	47	50	51	1
29	EMG1 Gyratory	Kegworth By-Pass Left Turn	255	171	289	118	146	162	125	-37
30	EMG1 Gyratory	A453 N	202	72	74	2	52	53	46	-7
31	M1 J24	M1 SB Offlip (M1)	0	38	1160	1122	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	189	1722	1533	0	0	4	4

M1 mainline and the PRTM 2023 modelling shows even less queueing.

The results of all modelling scenarios have been agreed with National Highways who have confirmed that the proposed mitigation is acceptable and mitigates all unacceptable impacts from the EMG2 development.

4.15 Importantly this increase indicates that the queue will reach the mainline of the M1 thereby causing potential significant safety concerns, moreover the queue on the A50 approach essentially queues all the back to the A50 off slip for the M1 Northbound. Which given that the mitigation has been provided indicates that the mitigation doesn't actually resolve the issues which are created by the development.

The queue lengths along the M1 southbound off-slip are expected to extend back to the M1 mainline in Stage 2A, which, as explained, includes traffic from draft Local Plan allocations but without any of their mitigation. Importantly, the Stage 2B modelling shows that traffic from the EMG2 development will not cause queues to extend back to the M1 mainline.

This is also the case with the PRTM 2023 modelling in all scenarios.

4.16 This issue is further exacerbated in 2038 with increases on the Mean Max Queue on the M1 Southbound off slip (M1) from 145m to 1121m (an increase of 976m) again reaching the mainline of the M1 which is a significant issue (see Table 21 DCO6.6A Transport Assessment Part 7 of 10).

As above.

4.17 Moreover, the queue on the A50 M1 SB off slip will also see an increase of 978m from 1321m to 2299m thereby reaching back to the A50 off slip onto M1 Northbound. This is also the case in regard to the maximum queue length in which will see the same issues in terms of queueing back onto the mainline and

As above.

back towards (and past) the off slip at junction 24a.

Figure 7. Stage 2A 2033 Modelling

Table 21: Stage 2A 2038 Mean Maximum Queue Comparison (Metres)

Mean Max Queues (m)			2038 AM				2038 PM			
Junction	Approach		Base	WoD	WD Mit	Mitl - WoD	Base	WoD	WD Mit	Mitl - WoD
1	Finger Farm	A453 W	25	562	40	-522	22	52	66	14
2	Finger Farm	A453 N	20	26	44	18	13	23	29	6
3	Finger Farm	M1/A42 S	40	216	47	-169	19	25	22	-3
11	M1 J24	M1/A50	169	428	434	6	91	146	281	135
12	M1 J24	Remembrance Way	90	971	784	-187	95	2209	1788	-421
13	M1 J24	Deby Road	41	71	84	13	33	51	68	17
15	M1 J24	A453 S	39	479	192	-287	68	96	111	15
16	M1 J24	Hilton Hotel Lane	23	1370	666	-684	15	226	40	-186
17	M1 J24	M1 NB South of Slip	0	1831	40	-1791	0	2	0	-2
20	M1 J24	M1 NB Off Slip	79	654	184	-470	52	163	59	-104
24	EMG1 Gyrotory	Kegworth By-Pass	197	357	289	-68	131	226	231	5
25	EMG1 Gyrotory	A453 S	129	1038	92	-946	101	104	93	-11
26	EMG1 Gyrotory	Wilders Way L-Turn	7	25	5	-20	7	14	15	1
27	EMG1 Gyrotory	Wilders Way Ahead	3	10	6	-4	6	10	11	1
28	EMG1 Gyrotory	A453 S Left turn	63	205	61	-144	37	42	43	1
29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	124	316	267	-49	79	170	195	25
30	EMG1 Gyrotory	A453 N	113	84	61	-23	36	41	43	2
31	M1 J24	M1 SB Offlip (M1)	0	145	1121	976	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	1321	2289	978	0	0	0	0

Table 22: Stage 2A 2038 Maximum Queue Comparison (Metres)

Maximum Queues (m)			2038 AM				2038 PM			
Junction	Approach		Base	WoD	WD Mit	Mitl - WoD	Base	WoD	WD Mit	Mitl - WoD
1	Finger Farm	A453 W	39	1011	55	-956	30	55	153	58
2	Finger Farm	A453 N	46	39	63	24	20	28	34	6
3	Finger Farm	M1/A42 S	49	301	60	-241	27	32	30	-2
11	M1 J24	M1/A50	279	432	435	3	114	160	293	133
12	M1 J24	Remembrance Way	126	1349	1065	-284	145	2778	2683	-95
13	M1 J24	Deby Road	55	83	104	21	39	55	83	28
15	M1 J24	A453 S	53	611	394	-427	96	109	128	20
16	M1 J24	Hilton Hotel Lane	34	1645	1113	-532	25	323	48	-275
17	M1 J24	M1 NB South of Slip	0	2577	116	-2461	0	9	0	-9
20	M1 J24	M1 NB Off Slip	109	828	255	-573	62	269	63	-206
24	EMG1 Gyrotory	Kegworth By-Pass	423	474	462	-12	182	294	390	96
25	EMG1 Gyrotory	A453 S	197	1237	110	-1127	118	120	121	1
26	EMG1 Gyrotory	Wilders Way L-Turn	16	40	13	-27	16	28	21	-7
27	EMG1 Gyrotory	Wilders Way Ahead	6	12	9	-3	10	13	14	1
28	EMG1 Gyrotory	A453 S Left turn	105	428	77	-351	47	46	51	5
29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	255	438	402	-36	145	245	324	79
30	EMG1 Gyrotory	A453 N	202	101	80	21	52	58	53	5
31	M1 J24	M1 SB Offlip (M1)	0	196	1268	1070	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	1706	2308	600	0	0	0	0

4.18 Overall, despite mitigation being proposed on this arm of the junction it is the conclusion that the mitigation is not effective in mitigating the queuing which is predicted to extend to the M1 mainline and back towards J24a, based on scenario 2A. We would not expect the development to queue back onto the mainline of any motorway.

The main strategy for mitigating the impacts of the EMG2 development at Finger Farm and at M1 Junction 24 is to transfer traffic from the A453 northbound to the M1 and along the new free flow link to the A50, to increase capacity on the A453 corridor.

The PRTM and VISSIM modelling confirms that the proposed mitigation would achieve this, alongside other smaller improvements to Finger Farm, the

		<p>A453/A6 Kegworth Bypass/EMG1 roundabout and M1 Junction 24.</p> <p>Whilst there would continue to be queueing on certain arms of M1 Junction 24, the EMG2 mitigation does not seek to resolve all issues but the modelling shows that traffic from the EMG2 development could be accommodated without having any unacceptable impacts (and actually resulting in an overall betterment across M1 Junction 24). Further mitigation is required at M1 Junction 24 from other planned developments and work remains on-going to resolve this, however this does not impact the EMG2 DCO.</p>
4.19	<p>Scenario 2B without the local plan traffic and the power station development but with the mitigation in place shows the junction would have improvements particularly on both the M1 off slip approaches with reduction in the 2028 MMQ queue lengths from 31m in the WoD scenario to 16m in the WD Mitigation on the M1 off slip, whilst on the A50 off slip this reduces from 17m to 11m.</p>	<p>Agreed, there is less queueing in Stage 2B which confirms why no further mitigation is required.</p>
4.20	<p>In regard to the maximum queue in 2028 this a similar situation in that the queue will also reduce from the WoD scenario to the WD mitigation scenario with a reduction in queue length on the M1 approach of 18m and 112m on the A50 approach. See the figure below which shows this information.</p>	<p>No response needed.</p>

Figure 8. Stage 2b 2028 Modelling Results

Table 27: Stage 2B 2028 Mean Maximum Queue Comparison (Metres)

Mean Max Queues (m)			2028 AM				2028 PM			
	Junction	Approach	Base	WoD	WD Mit	Mitri - WoD	Base	WoD	WD Mit	Mitri - WoD
1	Finger Farm	A453 W	25	71	24	-47	22	29	24	-5
2	Finger Farm	A453 N	20	34	46	12	13	17	27	10
3	Finger Farm	M1/A42 S	40	91	43	-48	19	24	16	-8
11	M1 J24	M1/A50	169	290	345	55	91	115	203	89
12	M1 J24	Remembrance Way	90	327	382	55	66	674	401	-273
13	M1 J24	Deby Road	41	66	69	3	33	45	54	9
15	M1 J24	A453 S	39	78	68	-10	68	81	87	6
16	M1 J24	Hilton Hotel Lane	23	80	61	-19	15	36	31	-5
17	M1 J24	M1 NB South of Slip	0	8	1	-7	0	0	0	0
20	M1 J24	M1 NB Off Slip	79	166	66	-100	52	73	50	-23
24	EMG1 Gyrotory	Kegworth By-Pass	197	130	183	53	131	106	98	-8
25	EMG1 Gyrotory	A453 S	129	402	89	-313	101	95	65	-30
26	EMG1 Gyrotory	Wilders Way L-Turn	7	100	4	-96	7	10	11	1
27	EMG1 Gyrotory	Wilders Way Ahead	3	10	5	5	6	9	0	0
28	EMG1 Gyrotory	A453 S Left turn	63	72	75	3	37	42	46	4
29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	124	100	164	64	79	66	75	9
30	EMG1 Gyrotory	A453 N	113	147	65	-82	36	42	40	-2
31	M1 J24	M1 SB Offlip (M1)	0	31	16	-15	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	17	11	-6	0	0	0	0

Table 28: Stage 2B 2028 Maximum Queue Comparison (Metres)

Maximum Queues (m)			2028 AM				2028 PM			
	Junction	Approach	Base	WoD	WD Mit	Mitri - WoD	Base	WoD	WD Mit	Mitri - WoD
1	Finger Farm	A453 W	39	146	35	-111	30	40	30	-10
2	Finger Farm	A453 N	48	56	54	-2	20	20	40	20
3	Finger Farm	M1/A42 S	49	146	54	-92	27	29	20	-9
11	M1 J24	M1/A50	279	430	418	-12	114	124	229	105
12	M1 J24	Remembrance Way	126	444	482	38	145	1002	515	-485
13	M1 J24	Deby Road	55	81	79	-2	39	53	68	15
15	M1 J24	A453 S	53	170	79	-91	98	92	96	4
16	M1 J24	Hilton Hotel Lane	34	101	79	-22	25	44	41	-3
17	M1 J24	M1 NB South of Slip	0	54	7	-47	0	2	0	-2
20	M1 J24	M1 NB Off Slip	109	321	73	-248	62	100	56	-44
24	EMG1 Gyrotory	Kegworth By-Pass	423	224	266	42	182	160	134	-26
25	EMG1 Gyrotory	A453 S	197	684	125	-559	118	111	71	-40
26	EMG1 Gyrotory	Wilders Way L-Turn	16	209	8	-201	16	14	18	4
27	EMG1 Gyrotory	Wilders Way Ahead	6	15	10	-5	10	11	13	2
28	EMG1 Gyrotory	A453 S Left turn	105	110	92	-18	47	49	51	2
29	EMG1 Gyrotory	Kegworth By-Pass Left Turn	255	168	265	97	146	86	93	7
30	EMG1 Gyrotory	A453 N	202	214	72	-142	52	49	48	-1
31	M1 J24	M1 SB Offlip (M1)	0	87	69	-18	0	0	0	0
32	M1 J24	M1 SB Offlip (A50)	0	154	42	-112	0	0	0	0

4.21 The 2038 results also indicate a similar reduction in mean and maximum queue lengths when comparing the WoD scenario to the with development and mitigation scenario.

No response needed.

4.22 The mitigation provided at J24 which seeks to address current issues on the northbound Off slip are large scale even though the impact of the development has less of an effect on this approach. Based on the proposed distribution as presented by BWB in the TA (Table 30) this equates to 14% of the car distribution and 31% of HGV distribution in the AM peak hour and 15% and 34% in the PM peak hour.

The proposed mitigation seeks to transfer traffic from the A453 northbound to the M1 northbound to provide

		<p>capacity for EMG2 traffic to join the Strategic Road Network.</p> <p>The proposed mitigation is considered the most appropriate solution to accommodate the EMG2 development as agreed with National Highways.</p>
4.23	This can be evidenced by the results of the modelling from the Stage 1a Modelling which models the effect of application without any mitigation in place.	No response needed.
4.24	Table 3 from DCO6.6A Transport Assessment Part 7 of 10 shows that in the AM peak period there is a pre-existing issue with queueing on the M1 NB Off Slip with the without development queue of 1159m in the 2028 AM, this indicates there is already an issue at the junction with no development traffic in place.	Correct, there are significant existing capacity problems on the M1 northbound off-slip to Junction 24.
4.25	Once the development traffic is added this actually results in a reduction in queuing of 261m due to modelling reassigning traffic due to differing demands. This therefore indicates that mitigation on the network will divert traffic to enable the development traffic to be accommodated on the approach. This is indicative of the proposed mitigation relieving a pre-existing problem and not an issue associated with the introduction of the development traffic.	<p>Whilst the PRTM modelling suggests there will be re-assignment of background traffic with the introduction of the EMG2 development, there remain significant congestion issues on the M1 northbound off-slip, which have caused highway safety problems due to rear end shunt type collisions.</p> <p>There is also a significant volume of traffic travelling on the A453 between Finger Farm and M1 Junction 24, due to this being the signposted route to the A50, meaning that there is limited capacity at Finger Farm to accommodate EMG2 traffic.</p> <p>Therefore, the proposed free flow link not only allows access to the EMG2 development by transferring traffic from the A453 to the M1 but critically also resolves the existing safety problem on the M1 northbound off-slip by significantly reducing queue lengths.</p>

4.26	<p>The assessment has indicated that this mitigation will actually relieve traffic at the Finger Farm Roundabout, but the data provided doesn't indicate the level of traffic diverted. As indicated above without knowing the level of diverted traffic it is difficult to understand the overall effect of the scheme. It should also be noted the any traffic traveling to the site from the south either using the M1 or the A42 would exit the M1 at Junction 23A as this provides direct access to the Finger Farm Roundabout and then to the site. It is highly unlikely that there will be significant traffic volumes from the south using Junction 24 to access the site directly. Ideally this would be confirmed via the traffic flow diagrams which are not available.</p>	<p>The proposed mitigation would transfer a total of 670 movements in the morning peak hour and 210 movements in the evening peak hour from the A453 northbound to the M1 northbound based on PRTM 2019 outputs.</p> <p>It is agreed that all EMG2 traffic travelling from the south would use M1 Junction 23A (Finger Farm). The new free flow link therefore creates additional capacity at Finger Farm that limits improvements to minor widening of the westbound exit along the A453 towards the EMG2 Main Site.</p>
	<p>Junction 2: A453/Beverley Road Roundabout</p>	
4.27	<p>No modelling results have been included in either the transport assessment or the VISSIM modelling forecast report for this junction. As this forms the access point to the site it is critical the capacity of this junction is known as it could affect the operation of the airport.</p>	<p>This junction has been modelled in VISSIM and would operate within capacity. This is critical given it is the single point of access to the EMG2 development.</p>
4.28	<p>It should also be noted that this roundabout forms one of the key entry points to the Airport and business park and as such the operation of this roundabout will be critical to all these parties.</p>	<p>As above, the junction would operate within capacity in all scenarios and so there would not be any unacceptable impacts on the operation of East Midlands Airport.</p>
	<p>Junction 3: Finger Farm Roundabout</p>	
4.29	<p>A significant proportion of traffic travelling to and from the site will pass through this junction, but no mitigation is proposed within the data available. The Prologis application identified the need for mitigation at this junction, based on a much smaller development. It is suggested further justification is needed as to why mitigation is not required at this junction. As indicated above the proposed M1 to A50 link road scheme is said to divert traffic away from this junction but from the data available it's not clear as to what level of traffic is diverted. This needs clarifying to understand the operation of this roundabout.</p>	<p>The reason for only limited mitigation being proposed at Finger Farm roundabout is because the new free flow link between the M1 northbound and A50 westbound significantly reduces traffic on the A453 northbound from Finger Farm.</p> <p>The publicly available information on the Prologis application does not currently provide for any</p>

		mitigation at M1 Junction 24 and is therefore not seeing the same benefits at Finger Farm, which is why more substantial improvements have been proposed. Prologis still need further significant mitigation at M1 Junction 24 in order to accommodate their development, which remains outstanding.
4.30	This is supported by the results of the Vissim modelling (Stage 2a modelling) indicating the junction will only operate with minor increases in queue length with the development traffic and mitigation in place albeit the mitigation being associated offsite from Finger Farm roundabout. Conversely the results of the with development modelling (without mitigation) indicate there will be significant increases in queueing on the approaches at the junction. As such this only operates effectively with the inclusion of the mitigation.	Agreed, the mitigation being proposed at M1 Junction 24, particularly the free flow link between the M1 northbound and A50 westbound also acts as mitigation at Finger Farm because it results in traffic being transferred from the A453 to the M1.
	Junction 8: A453/The Green Priority Junction	
4.31	This junction operates within capacity with no development traffic but with development traffic there are significant queues on the minor arm. As noted by BWB in section 1.11 “The junction is forecast to operate within capacity in East Midlands Freeport Model causing a larger volume of traffic to route via this junction. In reality, a greater proportion of traffic would route via the A42 and Finger Farm roundabout reducing impacts at this location”. It is not clear how much traffic would reroute to the A42 and if this routed traffic has been included in the modelling of other junctions affected.	The A453/The Green junction sits within a dip in the road which restricts visibility and therefore the capacity of the junction. This is not accurately reflected in PRTM 2019 which therefore assigns more traffic through the A453/The Green than would actually occur in reality.  Mitigation has not been proposed at The Green so as to not encourage traffic to travel via Diseworth. This was a request by local residents during the public consultation. Therefore, given the capacity improvements to Finger Farm, drivers would choose this route to the EMG2 Main Site rather than sitting on a queue on The Green. The modelling shows ample capacity at Finger Farm to accommodate the additional traffic that would be re-routed from The Green should it be modelled (which would be approximately 90 vehicles).

4.32	The results of the modelling indicate that there will be significant queueing on the minor arm approach to the A453. More specifically when comparing the results of Stage 1A modelling comparing the 2028 without development and with development scenarios there will be an increase in queue from 5.9 pcus (33m) to 122.9 pcus (706m) whilst in 2038 the without development queue on the minor arm is 6.1pcus (35m) then in the with development scenario this increases to 172 pcus (989m) which essentially queues all the back towards the village of Diseworth.	As above, this is based on PRTM 2019 outputs which do not accurately reflect the constraints at the junction. In reality, traffic would route via the A42 and Finger Farm and the VISSIM modelling shows that there is capacity to accommodate the additional vehicles, which would be approximately 90 movements in each peak hour.
4.33	The Stage 2A modelling (which models the same level of traffic but with the proposed mitigation in place) indicates that there will be significant increases in queuing on the minor arm with a queue of 5.9m (33m) in the 2028 without development scenario which increases to 40.2 pcus (231m) in the 2028 with development and mitigation scenario.	See response to 4.32 above.
4.34	Whilst in the 2038 without development scenario the modelled queue on the minor arm is 6.1pcus (35m) which increases to 72.9 pcus (419m) with a modelled queue delay of 505 seconds which equates to just over 13 minutes up from 56 seconds in the 2038 without development scenario. In terms of delay this is defined "as the maximum value of average delay per arriving vehicle".	See response to 4.32 above.
4.35	It is noted in the TA, there is no physical mitigation is proposed at this junction however the aim of the mitigation is to increase the attractiveness of the A453 and Finger Farm junction thereby discouraging traffic from using the junction.	Agreed and Finger Farm would have capacity to accommodate this slight increase in traffic. This avoids significant increases through Diseworth which have purposely been avoided.
4.36	As noted by BWB in section 13.27 of the Transport Assessment "In reality it is therefore envisaged that more strategic traffic looking to route via the A453/The Green junction in EMFM will instead take advantage of the increased capacity on the Strategic Road Network, and Finger Farm in particular, to access the site and Hunter Road to the north to and from the east rather than west. Some more local traffic may use Grimes Gate instead of The Green still"	Agreed and as responded to above.
4.37	As such based on this, then additional traffic should be modelled on the other junctions to take account of this in order to sufficiently model the impacts of the development.	The additional traffic has not been modelled in VISSIM but Finger Farm is predicted to operate with improved capacity and would be able to accommodate this additional traffic.

4.38	This is a highlight of the unusual process as any normal TA would need to demonstrate that there wouldn't be issue at this junction either by the rerouting of traffic or providing mitigations. The massive increase in queues and waiting times at the junction are likely to result in safety issues with traffic trying to exit the junction using unacceptable gaps. This is something normally requested by the local highway authority.	Additional VISSIM modelling can be provided if deemed required, but the results show that Finger Farm would operate with high levels of capacity in Stage 2A and therefore it is reasonable to conclude that it could accommodate this slight increase in traffic that is being assigned along The Green.
	Junction 9: A453/East Midlands Airport Roundabout	
4.39	In terms of the modelling conducted by BWB (see table 63 from the Transport Assessment) the 2028 without development scenario indicates that arm 3 (A453 West) will operate with an RFC above 0.85 with a queue length of 8 pcus (46m).	Agreed and under the Stage 1A scenario which includes traffic from draft Local Plan allocations but without any associated mitigation.
4.40	With the addition of the development in 2028 the RFC increases to 0.99 thereby indicating the junction is close to theoretical capacity with the queue increasing to 25.9 pcus (148m). In the 2038 without development scenario the RFC has been modelled as 1.11 (over theoretical capacity) with a modelled queue of 56.3 pcus (323m) which extends back towards the signalised junction downstream of the roundabout thereby potentially effecting the ability of the signalised junction to discharge traffic as such causing additional queuing back.	As above, the junction is forecast to exceed capacity in Stage 1A (with development). However, the modelling includes traffic from draft Local Plan allocations (including the major Isley Woodhouse development) but without any associated mitigation.  The Stage 1B results show that the EMG2 development could be accommodated and that the A453/East Midlands Airport roundabout would operate within capacity, which is why mitigation has not been proposed.  The Isley Woodhouse development is proposing mitigation at this junction which should take into account traffic from EMG2.
4.41	This issue is exacerbated with the addition of the development traffic in the 2038 scenario with a further increase in queueing to 74.3 pcus (427m) thereby extending along the A453 beyond the signalised junction.	As above.
4.42	Within the inclusion of the offsite mitigation (focussed on the SRN) there is a slight reduction in the queue on the western arm however this is still predicted	No mitigation is considered necessary as a result of the EMG2 proposals at A453/East Midlands Airport

	to surpass the storage capacity in the 2038 with mitigation scenario with a modelled queue of 69.9 pcus (401m).	roundabout based on the results of the Stage 1B modelling. This position is agreed with Leicestershire County Council.
4.43	Overall the results for this junction show that in the base years (within the AM) the junction operates within capacity, however, in the base plus development scenario the results indicate queueing back on the A453 Western arm. This queue extends beyond the current storage capacity towards the junction downstream (Junction 10- A453/Walton Hill Signal Junction).	It has been agreed with Leicestershire County Council that the EMG2 development has limited impacts on the junction and that the main impacts are caused by the Isley Woodhouse development who are required to propose mitigation.
4.44	As noted by BWB in section 13.33 of the transport assessment "this junction forms part of the site access strategy to the Isley Woodhouse settlement and is expected to undergo significant improvements to accommodate this development and other planned schemes. The issue with capacity is a result of the background traffic from Isley Woodhouse being included in EMFM modelling but none of the physical infrastructure (i.e. mitigation) which will inevitably be required to accommodate that development".	Agreed, no response needed.
4.45	As the Isley Woodhouse scheme has yet to be approved the assessment should ensure that the proposed SEGRO development can be accommodated on the junction without having a detrimental impact on adjacent junctions. Should the Isley Woodhouse scheme not be approved or the scheme is delayed the SEGRO development traffic would need to be accommodated on the road network safely and so some level of mitigation would need to be proposed if the SEGRO scheme was to be developed.	This has been demonstrated within the Stage 1B modelling, which shows that the A453/East Midlands Airport roundabout would operate within capacity with the inclusion of EMG2.
4.46	This is supported by the holding response by National Highways in relation to the Prologis development, which as noted in page 297 of DCO 7.2 – National Highways state that It should be noted that any measures associated with another planning application such as Isley Woodhouse cannot be relied upon as part of this application because the timescales and phasing are unknown and the Isley Woodhouse planning application is not consented.	This is the purpose of the Stage 1B modelling carried out in the EMG2 Transport Assessment.
4.47	As noted in BC0410001/TR0510002 which outlines the response by National Highways which indicates that NH is content that committed and emerging development, including Isley Woodhouse, has been taken into account in the Applicant's evidence.	No response needed.

4.48	Overall it should be noted that a number of the above junctions provide direct access to the Airport, the increased congestion identified and the lack of mitigation will have a detrimental impact on the operation of the Airport.	<p>There would be no significant or unacceptable impacts to any of the existing junctions that serve the East Midlands Airport as a result of the EMG2 proposals.</p> <p>The proposed mitigation would ensure that the capacity of the Strategic Road Network is improved to ensure there are no impacts on any of the airports cargo or passenger operations.</p>
4.49	It should be noted that no modelling has been undertaken on any other mitigation measures. As part of a DCO application it would normally be expected that other mitigation options would be identified and reasons presented for not progressing with the options. All the work in this application revolves around one set of mitigation measures without any text to explain how these were derived. With the responses provided there are number of referenced to meetings held with the TWG, which includes other developers in the area. As the schemes have been discussed as part of that group it would imply that the mitigations is to address all schemes coming forward not just EMG2.	See Annex E to this document for the response to this point.
4.50	It should also be noted that a phased approach to mitigation has not been considered, the reports all indicate that the mitigation is needed before the development is occupied, however, it is considered that some development could be developed without having a material impact on the adjacent road network, minor changes could be made to the Finger Farm roundabout to provide a small increase in capacity to allow some development to be provided. It is assessments of this type that appear to be missing from the documents issued.	The Applicants have committed to delivering the proposed highway works prior to occupation of any part of the EMG2 development. This will be secured as part of the DCO requirements and avoids the need for any additional modelling to test individual phases of development.
4.51	A key factor for the M1 to A50 link road at the M1 Junction 24 is that it would divert traffic from the Finger Farm Roundabout and provide additional capacity at the junction. However, there is no information indicating how much traffic this would divert and as such it is difficult to determine if the link road is an appropriate scale for the development and the traffic it is addressing.	The PRTM 2019 modelling shows that there would be 610 vehicles in the morning peak hour and 210 vehicles in the evening peak hour transferred from the A453 northbound to the M1 northbound as a result of

		<p>the new free flow link. The number is higher in the morning as there is a larger amount of traffic overall.</p> <p>There would be an increase of approximately 1,600 vehicles being able to use the SRN within the extent of the VISSIM modelling as a result of the proposed mitigation. This provides a significant improvement to the local road network.</p>
5	OTHER CONSIDERATIONS	
5.1	This section provides an overview of other key considerations, and these are summarised as follows	
	<ul style="list-style-type: none"> <li>With respect to local and national policies the lack of mitigation at a number of junctions on the network modelled would result in possible safety issues occurring, which is not in line with current policies.</li> </ul>	<p>It is not clear which junctions EMA are referring to. However, a comprehensive review of existing Personal Injury Collision records was carried out in the Transport Assessment and mitigation has been proposed where PIC clusters have been recorded. This includes:</p> <ul style="list-style-type: none"> <li>- M1 Junction 24 northbound off-slip</li> <li>- A453/A6 Kegworth Bypass/EMG1 roundabout</li> <li>- Finger Farm</li> </ul> <p>It has been agreed with National Highways that the proposed mitigation would resolve existing safety issues to ensure there is an overall betterment from a highway safety perspective.</p>

	<ul style="list-style-type: none"> <li>Advanced manufacturing trips rates can vary from one use to another, any approval for this type of development should ensure trips generated are within the limits set out within the TA.</li> </ul>	Of the total ground floorspace proposed at EMG2, 20% has been considered as B2 manufacturing use. This quantum of B2 development will be controlled and limited as specified on the Parameters Plan.
	<ul style="list-style-type: none"> <li>Additional mezzanine floor space has not been included in the models, this should be included to ensure a robust assessment. If this is not included a requirements should be provided to ensure the trips from each unit do not exceed those identified in the TA.</li> </ul>	The Transport Assessment has modelled 100,000sqm of mezzanine floorspace at 100% of the agreed trip rates relating to the ground floor space. This provides a robust assessment of the total development being proposed across EMG2, which has been further evidenced by recent surveys of EMG1 which confirm that actual surveyed trip rates are much lower.
	<ul style="list-style-type: none"> <li>The TA does not appear to have included future development traffic for the Airport.</li> </ul>	<p>The planning data assumptions for the transport modelling are logged in Uncertainty Log v7, which was included at Appendix 8 of the Transport Assessment.</p> <p>This includes an additional 938 jobs at East Midlands Airport to account for future growth and development, as set out by NWLDC as local planning authority. This is the same as included for in the Prologis TA for the Joint Application.</p>
	Policy Compliance	
5.2	This section provides an overview of the development proposals and gives consideration to its policy compliance in regard to the relevant transport policies with particular relevance to the National Planning Policy Framework (NPPF) December 2024 as stated in section 116 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.	No response needed.

5.3	It is the belief that the impact as stated above on the M1 Junction 24, and junctions highlighted above on the local road network, would cause an unacceptable impact on safety due to in particular queues extending back onto the mainline of the M1.	As responded to above, queues would not extend back to the M1 mainline from Junction 24 as a result of the EMG2 development.  All unacceptable impacts have been resolved by the proposed mitigation, which would provide an overall betterment to capacity and safety.
	Advanced Manufacturing Trip Rate	
5.4	As part of the application it is noted that at least 20% of the development could be allocated for Advanced Manufacturing (AM) land use. SCP have conducted a review of other AM sites across the UK and it's the conclusion that the inclusion of advanced manufacturing is likely to generate more trips than just a standard B8 land use.	Advanced manufacturing would fall under the B2 land use category and is therefore separate to standard B8 warehousing development.  Of the total ground floor space proposed, 20% has been tested as B2 use, with the remaining 80% as B8 use. This will be controlled by the Parameters Plan (DCO Doc 2.5).
5.5	The following sites were analysed as part of this assessment	
	<ul style="list-style-type: none"> <li>Rotherham Advanced Manufacturing Site</li> </ul>	No response needed.
	<ul style="list-style-type: none"> <li>International Advanced Manufacturing Park (IAMP) – Washington, Sunderland</li> </ul>	No response needed.
5.6	<ul style="list-style-type: none"> <li>It is noted that each application utilised a differing method for assessment of trip generation, including direct numbers of staff from the occupier, surveys of a nearby proxy site, also a first principles approach.</li> </ul>	No response needed.
5.7	The table below outlines the trip generation as agreed for these applications, noting that both these trip rates were agreed by National Highways within their respective jurisdiction.	No response needed.

	<p><i>Table 1. Trip Rates from Other Advanced Manufacturing Sites</i></p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">AM</th> <th colspan="2">PM</th> </tr> <tr> <th>Arrival</th> <th>Departures</th> <th>Arrival</th> <th>Departures</th> </tr> </thead> <tbody> <tr> <td>International Advanced Manufacturing Park – Washington, Sunderland</td> <td>0.507</td> <td>0.315</td> <td>0.225</td> <td>0.253</td> </tr> <tr> <td>Rotherham Advanced Manufacturing</td> <td>0.710</td> <td>0.081</td> <td>0.102</td> <td>0.457</td> </tr> </tbody> </table>		AM		PM		Arrival	Departures	Arrival	Departures	International Advanced Manufacturing Park – Washington, Sunderland	0.507	0.315	0.225	0.253	Rotherham Advanced Manufacturing	0.710	0.081	0.102	0.457																																					
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5.8	<p>These trip rates can then be compared to the proposed B8 and B2 trip rates as used in the DCO application, as shown in the figure below.</p> <p><b>Table 1. Proposed Trip Rates</b></p> <table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="3">AM Peak (08:00 – 09:00)</th> <th colspan="3">PM Peak (17:00 – 18:00)</th> </tr> <tr> <th>Arrivals</th> <th>Departures</th> <th>Two-way</th> <th>Arrivals</th> <th>Departures</th> <th>Two-way</th> </tr> </thead> <tbody> <tr> <td colspan="7" style="text-align:center">B8 Trip Rates (retained from EMG1 Transport Assessment)*</td> </tr> <tr> <td>Total</td> <td>0.140</td> <td>0.036</td> <td>0.176</td> <td>0.065</td> <td>0.155</td> <td>0.220</td> </tr> <tr> <td>HGVs</td> <td>0.019</td> <td>0.023</td> <td>0.041</td> <td>0.025</td> <td>0.015</td> <td>0.040</td> </tr> <tr> <td colspan="7" style="text-align:center">B2 Trip Rates (taken from TRICS)</td> </tr> <tr> <td>Total</td> <td>0.392</td> <td>0.071</td> <td>0.463</td> <td>0.049</td> <td>0.369</td> <td>0.417</td> </tr> <tr> <td>HGVs</td> <td>0.016</td> <td>0.014</td> <td>0.030</td> <td>0.003</td> <td>0.006</td> <td>0.009</td> </tr> </tbody> </table> <p><i>Figure 9. Trip Rates used as part of the B8 and B2 Land Uses</i></p>		AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)			Arrivals	Departures	Two-way	Arrivals	Departures	Two-way	B8 Trip Rates (retained from EMG1 Transport Assessment)*							Total	0.140	0.036	0.176	0.065	0.155	0.220	HGVs	0.019	0.023	0.041	0.025	0.015	0.040	B2 Trip Rates (taken from TRICS)							Total	0.392	0.071	0.463	0.049	0.369	0.417	HGVs	0.016	0.014	0.030	0.003	0.006	0.009	<p>The B2 trip rates were agreed with National Highways and Leicestershire County Council in early stages of the project. These were based on average trip rates from the TRICS database at the time.</p> <p>It is not reasonable to compare the trip rates against two individual sites located in different parts of the country, which are likely to have different accessibility criteria than the proposed development.</p> <p>The trip rates that have been assessed for the B2 development are suitable and ensure that a robust and accurate assessment.</p>
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5.9	<p>SCP have performed an analysis using the 20% value for advanced manufacturing at the EMG2 site using the IAMP trip rates (alongside the additional 100,000 sqm of mezzanine) and have established the potential increase in trips could be in the region of 788 in the AM and 454 in the PM.</p>	As above.																																																							
5.10	<p>A strategy regarding the provision of advanced manufacturing units needs to be agreed.</p>	The Parameters Plan limits B2 development to 20% of the total ground floor space.																																																							
	Mezzanine Floor - Trip Generation																																																								
5.11	<p>Within section 3.4 of the “Trip Generation: Core Assessment” (Page 50 of Transport Assessment Part 2 of 10) it is noted that discussions were also held with the TWG as to whether a reduced trip rate should be applied to the 100,000sqm mezzanine floorspace on the basis that mezzanines do not</p>	No response needed.																																																							

	typically generate the same volume of activity as ground floorspace.	
5.12	Whilst 100,000sqm of mezzanine floor space was included in the assessment but as per section 7.8 of the TA 100,000sqm was added to the quantum of development and agreed with NH, as such it is the view that this should have formed part of the B8 traffic assessment as it is currently not included in the assessment.	The purpose of Paragraph 7.8 of the Transport Assessment is to demonstrate that when applying the surveyed trip rates from EMG1 to the total B8 floorspace proposed at EMG2, the traffic generation would be considerably less than what has been assessed in the transport modelling. This demonstrates how the modelling is robust, even when accounting for 100,000sqm of mezzanine floorspace.
5.13	Ultimately as the proposed extra mezzanine floor space has not been assessed in the transport assessment and the scale would result in significant traffic volumes, based on the trip rate as presented above this will result in an additional 140 arrivals, 36 departures totalling an additional 176 two way trips in the AM peak.	<p>This is when considering the additional 100,000sqm of mezzanine simplistically and based on the agreed trip rates that reflect the ground floor space. The transport modelling undertaken in the Transport Assessment is considered robust for the following reasons:</p> <ul style="list-style-type: none"> <li>- The trip rates adopted to calculate the traffic generation are a lot higher than what have been surveyed at EMG1 which are likely to be more accurate and in line with future traffic levels at EMG2.</li> <li>- The modelling adopts the higher shoulder peak period of 4-5pm in the evening</li> <li>- The development traffic has been assigned to the network manually on top of 'without development' flows. This avoids any impacts of background re-</li> </ul>

		<p>assignment and ensures the full impacts of the development are mitigated.</p> <ul style="list-style-type: none"> <li>- The transport modelling makes no allowance for any reduction in traffic as a result of the Travel Plan targets.</li> </ul> <p>For the reasons set out above, the transport modelling has been undertaken in line with an agreed methodology and provides a robust assessment of the impacts of the EMG2 development.</p>
5.14	Whilst in the PM this would generate an additional 65 arrivals, 155 departures totalling 220 two way trips. This traffic should be included in the modelling to ensure the mitigation is robust.	As above.
5.15	It is also noted by National Highways (Appendix 36) that the additional 100,000 sqm floor space for storage/racking must be used for its intended purpose in perpetuity, ancillary to B8 ground floor space. There is no evidence as to how this would be managed or the level of trips monitored to ensure the trips don't exceed those agreed.	<p>Evidence has been provided showing the use of the mezzanine floorspace, which would be for vertical storage and racking. This means there would not be any significant increase in staff numbers, which would be much less than the equivalent ground floor space.</p> <p>Notwithstanding the above, Requirement 27 applies a restriction to the mezzanine floorspace to ensure that it is limited to storage and that the traffic generation across EMG2 development does not exceed what has been assessed.</p>
5.16	Based on previous experience involving this type of development National Highways and the relevant highway authority would always insist the full quantum of development is assessed however this hasn't occurred on this occasion.	For the reasons set out above, the transport modelling is considered highly robust.
5.17	Traffic counts undertaken at some of the B8 facilities on EMG1 have suggested that trips rates at that site are not as high as those in TRICS, however, this may be as a result of the end user not being a standard B8 company. These trip	The occupiers of EMG1 are standard B8 operators. The reason that the trip rates are lower than other sites in TRICS is because EMG1 is in a sustainable location

	<p>rates are shown in the figure below.</p> <p><i>Table 2. EMG1 Surveyed B8 Trip Rates (Page 86 of the DCO 6.6A Transport Assessment Part 1 of 10.</i></p> <p><b>Table 14. EMG1 Surveyed B8 Trip Rates (2024)</b></p> <table border="1" data-bbox="315 293 1220 443"> <thead> <tr> <th rowspan="2"></th> <th colspan="3">AM Peak (08:00 – 09:00)</th> <th colspan="3">PM Peak (17:00 – 18:00)</th> </tr> <tr> <th>Arrivals</th> <th>Departures</th> <th>Two-way</th> <th>Arrivals</th> <th>Departures</th> <th>Two-way</th> </tr> </thead> <tbody> <tr> <td>Total</td> <td>0.071</td> <td>0.022</td> <td>0.092</td> <td>0.026</td> <td>0.062</td> <td>0.089</td> </tr> <tr> <td>HGVs</td> <td>0.015</td> <td>0.012</td> <td>0.028</td> <td>0.015</td> <td>0.015</td> <td>0.029</td> </tr> </tbody> </table>		AM Peak (08:00 – 09:00)			PM Peak (17:00 – 18:00)			Arrivals	Departures	Two-way	Arrivals	Departures	Two-way	Total	0.071	0.022	0.092	0.026	0.062	0.089	HGVs	0.015	0.012	0.028	0.015	0.015	0.029	<p>with access to high frequency bus services and with a successful Travel Plan.</p> <p>The location of the EMG2 development would be identical in terms of access to bus services, managed by the same developer and with the same Travel Plan process. Hence, there is no reason why actual traffic generation would not be aligned to that being recorded at EMG1, which is considerably less than what has been assessed in the Transport Assessment.</p>
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5.18	Ideally TRICS data should be used as it offers a more robust assessment.	The purpose of the above table is to demonstrate that the trip rates adopted in the Transport Assessment are robust.																											
5.19	Based on this it is the conclusion that the additional 100,000m2 should be included as part of the trip rate assessment this is based on previous experience involving this type of development, National Highways and the relevant highway authority would always insist the full quantum of development is assessed.	<p>National Highways has agreed with the assessment methodology and the conclusions of the modelling and mitigation.</p> <p>A manual assessment of the additional 100,000sqm of mezzanine floorspace has been carried out in the PRTM 2023 Report (DCO Doc 7.8) for LCC's benefit. This confirms there would be no significant impacts on the local road network subject to resolving one final query relating to Derby Road in Kegworth.</p>																											
5.20	This is supported by LCC who note that, unconventionally, the Applicant has instead proposed wording as a DCO requirement (no.27) [PDA-005D] to seek to limit the highway impact of the additional mezzanine floorspace pursued. The Applicant has indicated agreement to this approach has been found with some TWG parties. However, agreement has not been reached with LCC and that the full quantum of floor space should be modelled to confirm the acceptability of the mitigation strategy or otherwise.	A manual assessment of the additional 100,000sqm of mezzanine has been undertaken on the local road network. Conversations continue with LCC to resolve a query relating to impacts on Derby Road, Kegworth.																											

	General Comments	
5.1	In terms of other comments the following can be provided:	
	<ul style="list-style-type: none"> <li>It should be noted that the TA does not make any reference to future growth of the airport operations. East Midlands Airport is experiencing strong growth, particularly in cargo, with a 12% year-on-year increase in freight volumes reported in early 2026, making it the UK's leading dedicated cargo hub. The airport is expanding its cargo capacity, with new partners like SF Express increasing long-haul flights, while also planning for future passenger growth, serving over 4 million passengers annually. The number of traffic movements associated with the Airport growth in the model needs to be confirmed.</li> </ul>	As above, the transport modelling (for the DCO Application and the Joint Application) assumes there will be an additional 938 jobs across East Midlands Airport, as set out by NWLDC as local planning authority.
	<ul style="list-style-type: none"> <li>In regard to state of commonality it is understood that the Statement of Common Ground (SoCG) reports are all under discussions except those for Nottinghamshire County Council and the Forestry Commission. Whilst it is understood that the SoCG with National Highways is well advanced there are still some items to agree.</li> </ul>	<p>The Statement of Common Ground with Nottinghamshire County Council has been agreed and there are no areas under discussion or in disagreement.</p> <p>The Statement of Common Ground with NH is well advanced.</p>
	<ul style="list-style-type: none"> <li>A CTMP has been produced in which it identifies the volume of construction traffic associated with the development of the site itself. The document sets out the mechanism by which traffic has been calculated and how this will be monitored. There should be a requirement set to ensure this monitoring process is implemented and reported to the appropriate authorities.</li> </ul>	The Applicants have agreed to cap construction traffic volumes in line with what has been assessed during the peak hours. This is set out in the CTMP which is appended to the CEMP (Document DCO 6.3A <b><u>REP2-026D</u></b> ).

	<ul style="list-style-type: none"> <li>There is very little information in the documentation with respect to the off-site construction works for the mitigation measures. Particularly those at the M1 J24 will need detailed planning not just for the works but around the airport operations and businesses in the vicinity of the junction. There should be an option of IP's to be able to comment on the program for these works as well as understand the level of construction traffic. This would also need to cover the work planned to the gantries on the M1 which are likely to require road closures for the works to be undertaken.</li> </ul>	<p>Whilst the proposed mitigation scheme has now been agreed with NH, negotiations remain on-going with LCC, also these continue to move positively.</p> <p>Once the mitigation has been agreed by all parties, details will be provided about the construction programme. However, the Applicant has committed to these being delivered prior to any part of the development being occupied hence they will come forward early in the programme.</p> <p>The CTMP considers such matters in greater detail.</p>
6	RESPONSE TO EXAMINING BODIES	
6.1	This section provides an overview of the responses by the relevant key stakeholders to ascertain their current understanding and position on key transport related aspects of the development proposals.	
	Applicant Response to Examining Panels Questions	
6.2	BC0410001-001023-DCO 7.5 Applicants Response to Exp's Questions Deadline 1 sets out the applicants response to the examining Panels First Written Questions. Of note is their response to the advanced manufacturing allocation (Q1.2.8) at the site in which they state "the Applicants confirm that the dDCO does not require the delivery of advanced manufacturing uses up to 20% or at all". This indicates that there is inconsistency between what has been modelled in the TA and statements being made.	
6.3	The remainder of the document includes clarifications from the applicant in which no further comment is provided.	
	National Highways Response	
6.4	BC0410001-000960-EMG2 Deadline 1 response has been submitted by National Highways which sets out their response to the Examining Authority's Written Questions 1 (ExQ1).	

6.5	NH response makes no reference to the M1 Southbound off slip and the queues anticipated to form on this approach from both the M1 and the A50. However, it is noted from the response that NH accept that the mitigation at M1 24 would assist all developments in the local plan.	
6.6	In terms of the construction traffic management plan NH are happy with the contents of the document.	
6.7	NH are reviewing 2 departures, although they aim to agree them, they are expecting a further 5 departures to be submitted as well as the Road Safety Audit being signed off by NH.	
6.8	In regard to the potential issue of severance, NH had no comment although this is something they are keen to address in other applications.	
6.9	In response to comments on highway works and the Applicant's mitigation, NH explained "that in recognition of the need for a series of significant interventions at Junction 24 to mitigate the impact of the growth in the area, and to avoid a suboptimal piecemeal approach, a consortium of developers (including the Applicant, the owner of the power station, the proposed developers of a new village and other landowners) has been working on a strategic solution to address the forecast congestion at the junction. A design (which incorporates the Applicant's proposed SRN mitigation) has been proposed to enable growth to come forwards, and work is under way to demonstrate that the proposed design is operationally effective through traffic modelling."	
6.10	NH has been involved in the discussions with the consortium and agrees that the mitigation proposed by the Applicant could in due course form part of a wider strategic solution for the junction. While mitigation / junction modelling for the whole strategic solution is not yet agreed, the Applicant's work at J24 could support it. NH noted that the Applicant's scheme helps eliminate forecasted congestion and there would be residual issues without the scheme.	
6.11	The above states that the mitigation scheme has been developed to allow for all local development to come forward and not just the DCO application. Whilst the scheme being submitted as part of the DCO application is not the whole scheme it does form a significant part of it. There has been no evidence presented to suggest that a smaller scheme could address the issues created by the development traffic.	

6.12	In summary, NH appear to have accepted a development and associated mitigation schemes but it is not clear if they have received additional information to be able to do this as the evidence provided to the examination does not provided enough information to allow the interested parties of this DCO process to be satisfied with the work undertaken.	
	Leicestershire County Council Response	
6.13	BC0410001-000872-EMG2 LCC Written Representations Deadline 1 has been reviewed which outlines the current position from LCC.	
6.14	On traffic and transport, LCC describes extensive engagement since 2022 through a Transport Working Group. LCC notes that the DCO application has evolved (to include an additional 100,000 sqm of mezzanine floorspace) and raises concern about the Applicant's approach to the assessment of this impact and an associated DCO requirement, which LCC does not agree is enforceable.	
6.15	LCC welcomes supplemental testing using post-covid transport modelling (PRTM 2023) but reserves its position pending submission and outcomes.	
6.16	LCC is generally content with elements of highway design on the Local Road Network, subject to final modelling and formal submission of drawings.	
6.17	LCC seeks safeguarding of land along the EMG2 main site frontage with the A453 for future dualling.	
6.18	LCC raises specific active travel and Public Right of Way concerns.	
6.19	LCC requests that the Applicant identifies funding mechanisms for travel plan and public transport measures (preferably via a s106 agreement).	
7	NORTH WEST LEICEISTSHIRE DISTRICT COUNCIL (NWLDC)	
7.1	The next comments are in relation to comments provided by North West Leicestershire District Council with the information contained in BC0410001-000904-Examining Panel - First Written Questions.	
7.2	As stated by NWLDC it has been requested that the applicant demonstrates the 20% advance manufacturing is acceptable based on current assessment.	

7.3	NWLDC want land on the A453 to be safe guarded for future dualling to allow developments like Isley Woodhouse. Plus modelling is being undertaken at present to assess what infrastructure would be required for these developments.	
7.4	NWLDC feel a free bus pass should be provided for 6 months and not 1 week, to encourage more sustainable travel	
8	DESIGN AND CONSTRUCTIBILITY REVIEW	
8.1	As part of the review the scheme has been reviewed from a design and constructability perspective, a summary of the findings is listed below, and the detailed analysis is provided in the following text.	See response below.
	<ul style="list-style-type: none"> <li>The RSA identified a lack of information regarding the bridge associated with the M1 A50 link road.</li> </ul>	<p>GG 119 Appendix B contains a checklist of information required at each Audit stage and specific bridge drawings are not required at Stage 1. At stage 1 it is important if "<i>sight lines be obstructed by permanent or temporary features e.g. bridge abutments and parked vehicles?</i>" and this information was presented at Stage 1 Audit on the highway drawings.</p> <p>A copy of GG 119 Appendix B can be found at Annex I of this document.</p>
	<ul style="list-style-type: none"> <li>WCHAR audit was referenced however, this is not available for review.</li> </ul>	See the response to 8.13 below.
	<ul style="list-style-type: none"> <li>The TA modelling was not provided to the audit team and as such the mitigation was not reviewed against the modelling outputs.</li> </ul>	The Audit Brief contained details of traffic flows and this data was extracted from the modelling.
	Transport Evidence Informing the Design	
8.2	The transport data underpinning the scheme has not been finalised or agreed. In the absence of agreed baseline traffic data and mitigation testing, no confidence can be placed in the operational performance or safety of the proposed highway arrangements.	Details of the PRTM 2019, VISSIM modelling and proposed mitigation were presented in the Transport

		<p>Assessment submitted with the DCO (APP REP1-031).</p> <p>Whilst further modelling using PRTM 2023 has been undertaken since the DCO was submitted, there have been no changes to the proposed mitigation on the SRN. The PRTM 2023 modelling has further supported the proposed mitigation.</p>
	Compliance with Design Manual for Roads and Bridges (DMRB)	
8.3	Key documents required to demonstrate compliance with the Design Manual for Roads and Bridges have not been provided to the Examination. The applicant has not demonstrated that the highway proposals comply with the required national standards.	Appendices 26 and 27 of the TA are provided to confirm that the Applicant has demonstrated compliance of the scheme design against relevant highway standards. The original documents provided with the DCO application [APP-082] were updated at Deadline 1 [REP1-035] and [REP1-037].
	Departures from Standard (GG101)	
8.4	The documentation lacks clarity and consistency regarding departures from standard. The number of departures identified varies across submitted documents, with additional departures shown on drawings but not included within the formal schedule. Of particular concern is a stopping sight distance departure based on an incorrect object height, significantly understating the safety risk.	See responses below.
	Road Safety Audit Stage 1 (GG119)	
8.5	The submitted Stage 1 Road Safety Audit is non-compliant with GG119. No approved audit brief has been provided and the audit confirms that not all design information was assessed. As such, the audit is invalid.	See responses below.
	Environment Agency – Bridge and Environmental Matters	

8.6	The Environment Agency has raised concerns relating to bridge foundations, flood risk, ground conditions, biodiversity and waste. Insufficient information has been provided to allow proper assessment of these matters.	In the latest discussions with the Environment Agency (EA) it was confirmed that their concerns on flood risk, waste, and bridge foundations on the DCO have been addressed.
8.7	In its current form, the submission does not provide sufficient certainty that the proposed development would be safe, compliant with national standards, or capable of implementation without unacceptable risk. Substantial further work is required before these matters can be resolved.	The Applicant does not agree with this statement.
8.8	Further detail to support the above comments are detailed below.	No response necessary.
8.9	To proceed with design, it is essential that the supporting transport infrastructure is defined against the transport data agreed (which is yet to happen) and therefore assessment of the design cannot be progressed. If the Transport data was complete, the proposed design should be compliant with relevant standards and supported by complete and accurate technical evidence. This would assist in defining that the scheme was operationally sound and safe. We have no evidence that this has been completed.	At the time the proposed mitigation was first designed, transport data from PRTM 2019 was available, as well as associated traffic surveys from 2024. This data was used to inform the design of the proposed mitigation seeking to ensure it met current design standards.  A number of departures from standard were identified, and these have been reviewed against the outputs from the more recent PRTM 2023 model, which confirms that the significance of the departures remains. All departures from standard have been approved by National Highways.
8.10	At this time the data provided does not provide confidence that this is the case and we have detailed below our key concerns.	
	Item 1 – Transport Approvals into Design	
8.11	The Traffic and Transport work is currently incomplete and as such the design proposed from it can therefore not be comprehensive and correct.	The Applicant does not agree with this statement for the reasons given at 8.9 above.
	Item 2 – Design Guidance Requirements	

8.12	Local and National Guidance on highway design process and principles are set out on the Design Manual for Roads and Bridges. This structures how works on Local Authority and Trunk Roads should be planned and designed. The information provided is currently incomplete and documents, which are central to this process have not yet been provided. It should be noted that it is the designers responsibility to confirm compliance to this guidance and with the current information provided, we cannot confirm that compliance has been achieved.	See the response to 8.3 above.
	Item 3 – Walking Horse Riding and Cycling Assessment (WHCHAR) GG142	
8.13	A WHCHAR is a mandatory requirement for all National Highway schemes. At this time a WHCHAR has not been provided in the DCO portal and therefore we a cannot assess if the procedure has been followed and the subsequent provision for vulnerable users has been assessed and provided.	<p>The Applicant assumes this is meant to refer to DMRB standard GG 142 “Walking, cycling and horse-riding assessment and review” which is commonly shortened to WCHAR.</p> <p>The WCHAR assessment is found at TA Appendix 3 <b>[APP-081]</b> which was unchanged at Deadline 1 <b>[REP1-031]</b>.</p> <p>The WCHAR review is found at TA Appendix 24 <b>[APP-081]</b> which was unchanged at Deadline 1 <b>[REP1-035]</b>.</p>
	Departures from Standard – GG101	
8.14	Departures from standard are the mechanism where noncompliance of design is assessed and agreed by both Local and National highway asset owners. It is noted that within the DCO the importance of clarity on the departures is key to the approval of this scheme, as neither party has the ability to amend or deny approval of these at a later date.	No response necessary.
8.15	The general process for a departure from standard is detailed below.	No response necessary.
	Summary of Departures from Standard in GG 101 – Introduction to the Design Manual for Roads and Bridges	No response necessary.

8.16	It is normal practice that Departures are approved in principle at planning to provide improved safety assessment of a scheme. Road Safety Audit Briefs should include all departures from standard.	No response necessary.
	Definition of Departures	
8.17	A departure is a variation or waiving of a requirement in accordance with Overseeing Organisation procedures. Bulk departures apply when the same non-standard method or material is used in multiple locations.	No response necessary.
	Statutory Requirements	
8.18	Departures cannot be applied to statutory or legislative requirements, which must always be followed.	No response necessary.
	When a Departure is Required	
8.19	A departure must be submitted where requirements are not met, and should be submitted where a requirement is inappropriate, would cause adverse consequences, proposes innovative methods, replaces existing requirements, or addresses aspects not covered.	No response necessary.
	Approval Requirements	
8.20	All departure applications must be approved before design finalisation and before inclusion in the works.	No response necessary.
	Bulk Departures	
8.21	Where multiple similar departures exist, bulk departures are preferred.	No response necessary.
	Aspects Not Covered by Requirements	
8.22	If no requirement exists, a specific departure application for the aspect must be submitted	No response necessary.
	Interactions with Local Roads	

8.23	8.23. Where works will be adopted by a local authority, departures must still follow the Overseeing Organisation's procedure.	No response necessary.
8.24	Non-compliance Identified Post-Construction	
8.25	non-compliant works must be rectified. In England, retrospective departures may be permitted once all alternatives are exhausted.	No response necessary.
8.26	Relaxations	
8.27	Relaxations are only permitted where explicitly stated. Variations beyond limits require a departure.	No response necessary.
	Deviation from Recommendations	
8.28	Departures do not apply to recommendations; however, deviations require written justification including cost/time/resource comparison and safety risk assessment.	No response necessary.
	Safety Risk Assessment	
8.29	All deviations from recommendations require a safety risk assessment.	No response necessary.
8.30	Our main concern on this process is we are unclear from the data provided that all departures have been captured by the design team and where possible mitigated first through redesign. Some of these items it is felt that with powers to CPO land that land could have been included in the scheme to remove these departures and therefore improved safety of operation for the proposal.	<p>See responses below regarding the number of departures.</p> <p>The Applicant has undertaken a comprehensive assessment (as set out in TA Appendices 26 and 27 [REP1-035] and [REP1-037])) of the scheme design against relevant highway standards. These documents include the options assessed and the updating of these documents identify where departures have been able to be designed out.</p> <p>The key constraint on the overall scheme on the SRN is the existing non-compliant weaving length between Junctions 23A and 24 and to resolve this would require</p>

		relocation of one or both of these junctions. The Applicant does not share the view that use of CPO to include additional land is a reasonable or proportionate in this case.
8.31	If these cannot be designed out of the scheme and the reasoning for the departures are sound, then these should submit at planning for consideration and approved in principle. We do not have evidence and in fact we have contradiction to the statements currently made that these are approved.	TA Appendices 26 and 27 <b>[REP1-035]</b> confirms the status of the departures as of 31/03/2026. This status is confirmed as being agreed by National Highways as recorded in the SoCG between the Applicant and NH <b>[REP1-037]</b> at item 4.15.  A supplemental note on departures is provided at Deadline 4 which now confirms that all departures from standard are approved. See Annex C of this document.
8.32	What we currently know from the data provide by the applicant is;	
8.33	The DCO submission has identified several issues regarding compliance with established design standards. Transport Assessment Document BC0410001-000530-DCO 6.6A contains the most applicable information related to compliance with design standards. This document identified a total of 18 Departures from Standards (DfS) including:	The Applicant notes that the numbers referred to by SCP in their proceeding bullet points do not add up to 18.
	<ul style="list-style-type: none"> <li>12 geometric departures relating to CD 116, CD 122, CD 127, and CD 195</li> </ul>	The total no. of 11 geometric departures on the SRN is correct as recorded in TA Appendix 27. <b>[REP1-035]</b> and <b>[REP1-037]</b> Paragraph 1.9 of this document states the changes made from the previous version.  The updated TA Appendix 26 provided at Deadline 1 <b>[REP1-035]</b> confirmed that no geometric departures are required for the LRN as they had been designed out.

	<ul style="list-style-type: none"> <li>8 signing-related departures associated with CD 146</li> </ul>	<p>TA Appendix 27 <b>[REP1-035]</b> states that 5 signage related departures are required and the Applicant assumes that the reference to 8 is meant to read 5.</p> <p>A supplemental note on departures is provided at Deadline 4 which now confirms that all departures from standard are approved. See Annex C of this document.</p>
8.34	<p>Additional departures referenced in the report (paragraphs 4.48 and 4.60) have not been clearly documented or submitted for review and approval.</p>	<p>The Applicant assumes that the paragraphs referred to are those in the original version of TA Appendix 27 <b>[APP-082]</b> (the revised version <b>[REP1-035]</b> &amp; <b>[REP1-037]</b> does not mention departures in these paragraphs).</p> <p>Para 4.48 (in the original version) referred to departures S4 and S5. Both of these are signage and signalling departures. Para 4.76 (in the original version) confirmed that departure S4 was designed out due to the decision to amend the J23A merge layout. Departure S5 is one of the recorded outstanding departures in the revised version and this has now been approved by NH.</p> <p>Para 4.60 (in the original version) referred to departure G5. As set out in this paragraph this was only needed for options A and D but was not needed for option C (which was the chosen option) and hence this departure was not needed (and for clarity reference to this was removed in the revised version).</p>

8.35	A further 12 departures are shown on drawings (pages 119–129) that are not included within the formal DfS schedule, raising concerns regarding completeness and transparency.	The Applicants do not agree with this assessment.
8.36	One of these DfS is related to Stopping Sight Distance (SSD) on drawing EMG2-BWB-HGN-M1NBS-DR-H-0110. This identifies an 8m shortfall against a 195m requirement under CD 109. However, the object height used (1.05m) is inconsistent with CD 109 (which specifies 0.26m), suggesting that the actual SSD deficiency may be significantly greater than stated.	The Applicants assume the reference to 195m is meant to read 295m. The Applicants note that the reference to a 1.05m object in isolation was shown on the version of this drawing included in the original version of TA Appendix 27 [APP-082] but this has been amended in revised version [REP1-037] which also shows the 0.26m object height. Both heights are important to assess as the 1.05m object represents a vehicle ahead and both object heights were assessed in the formal departure application which has been approved by NH.
8.37	We have assessed the basic data provided and additional undocumented departures have also been identified beyond those listed above.	See responses to 8.34 and 8.35 above.
8.38	Finally, we note that the RSA 1 references 6 departures which doesn't align with any of the numbers above and provides further confusion.	The text from the Stage 1 RSA (see 8.48 below) does not reference six departures. It contains six bullets and for example the first bullet references five geometric layout departures and all of the signage and signalling departures. See response on 8.48 below for further clarity on this point.
8.39	These issues collectively raise concerns regarding the robustness of the design and whether all departures have been properly identified, assessed, justified, and approved.	The Applicants do not agree with this position for the reasons set out above.
	Item 5 – Road Safety Audit Stage 1 – GG119	
8.40	The Road Safety Process is a key part of assessment of safety of operation of a proposed highway scheme.	No response necessary.
8.41	Road Safety Audit – Stage 1 Procedure – GG119 Purpose of a Stage 1 RSA A	No response necessary.

	Stage 1 Road Safety Audit is undertaken at the completion of preliminary design to identify safety issues early.	
8.42	It is assumed that to progress with an RSA 1 that National Highways or the Local Authority will need to agree the scheme is ready to proceed to Audit.	The process which includes the Audit Brief has been approved by (a) NH as recorded in the SoCG between the Applicant and NH <b>[REP2-037]</b> at item 4.16, and (b) LCC as recorded in the SoCG between the Applicant and NH <b>[REP2-046]</b> at item 4.15.
8.43	Once this is provided the following staged process should be followed.	No response necessary.
	<ul style="list-style-type: none"> <li>Confirm Need for RSA &amp; Prepare the Audit Brief The audit brief includes scheme description, preliminary design drawings, constraints. This audit brief must be signed and approved by National Highways to be valid.</li> </ul>	
	<ul style="list-style-type: none"> <li>Appoint an Independent RSA Team At least two trained auditors independent from the design team, these should be preapproved by National Highways prior to any audit being conducted.</li> </ul>	
	<ul style="list-style-type: none"> <li>Familiarisation &amp; Document Review, design drawings, context, and supporting info focusing on design principles.</li> </ul>	
	<ul style="list-style-type: none"> <li>Site Visit Understand constraints and road user behaviour, by undertaking a site visit.</li> </ul>	
	<ul style="list-style-type: none"> <li>Identify Potential Safety Problems List hazards, conflicts, visibility issues, and provide recommendations.</li> </ul>	
	<ul style="list-style-type: none"> <li>Prepare the Stage 1 RSA Report includes scheme details, problems, recommendations, and plan extracts.</li> </ul>	
	<ul style="list-style-type: none"> <li>Design Organisation Response Report Responses to each problem with acceptance or risk-assessed rejection.</li> </ul>	

	<ul style="list-style-type: none"> <li>Approval &amp; Implementation Overseeing Organisation approves actions, prioritising highest risk.</li> </ul>	
	<ul style="list-style-type: none"> <li>Record Keeping &amp; Progression to Stage 2 Archive documentation and proceed to detailed design stage.</li> </ul>	
8.44	Based on the above the following task are incomplete in the data provided, which makes the audit invalid.	See response to 8.49 below.
8.45	Task 1, no brief has been provided for the audit. In addition to this, the data provided for the audit does not appear to be complete and the Audit itself references this. On this basis the Audit cannot be approved, as it is missing information for consideration.	<p>The Applicants note that para 1.2 in the Stage 1 Road Safety Audit [REP1-056] includes a specific reference to the Audit Brief which states <i>“The Audit Brief prepared by the Design Team and the Audit Team were approved by Jeremy Bloom of National Highways and Adrian Whiteman of Leicestershire County Council.”</i></p> <p>The Audit Brief has been submitted at Deadline 4 (see the Applicant's response to the second written questions (Document DCO 7.16 / MCO 7.16)</p>
8.46	Below is the extract from the RSA 1, which details the Auditors comments on the completeness of the audit.	No response necessary.
8.47	Items 1.7 is the key points around the number of departures considered in the audit and contradicts the departures listed above.	See response to 8.38 above.
8.48	Item 1.8 goes further to say that some of the design information provided has not been considered at all, therefore without assessment of all of the data the audit cannot be completed.	Para 1.8 in the Audit [REP1-056] simply states that the bridge itself has not been audited. However, as stated in response to 8.1 above GG 119 Appendix B contains a checklist of information required at each Audit stage and specific bridge drawings are not required at Stage 1. A copy of GG 119 Appendix B is found at Annex I.

<p>1.7</p> <p>1.8</p>	<p>There are a number of departures from standard, which are listed in the Audit Brief which are set out below for ease of reference. These are yet to be submitted and agreed;</p> <ul style="list-style-type: none"> <li>• M1 Northbound – Departures from standard have been identified with respect to the northbound weaving length (from J23A), the number of lanes in the weaving section, spacing of successive diverges, layout of new A50 diverge, the visibility into the new A50 diverge and positions of signs and signals.</li> <li>• M1NB-A50WB Interchange link – Departures from standard have been identified with respect to the cross-section being a single lane, a reduction in crest K below desirable minimum, reducing the bridge clearance over the A453 by 2 feet (as it is an 18' high load route not a 20' route; note clearance will be in excess of the minimum for a standard route).</li> <li>• M1 J24-A50WB interchange link – Departures from standard have been identified with the A50 westbound merge with the visibility on the A50 exit from the J24 roundabout being below desirable minimum and the provision of a lane drop.</li> <li>• M1 Junction 24 - Departures from standard have been identified with the M1 J24 NB exit slip and entry path curvature onto the roundabout.</li> <li>• EMG1-EMG2 Active travel link - Set back from carriageway less than 1.5m in specific locations.</li> <li>• A453/EMG2 Site access junction – Lane width in excess of 4.5m on EMG2 exit due to swept path.</li> <li>• L57 Footpath – Gradients in excess of 7% for approximately 50m.</li> </ul> <p>It should be noted that no details have been provided to the Audit Team in terms of the structure of the bridge provided on the new A50 link over the A453. As a result, the bridge itself has not been considered as part of this Stage 1 Road Safety Audit.</p>	<p>For clarity with regards to the number of departures discussed in the bullet points listed at para 1.7 of the Audit <b>[REP1-056]</b>:</p> <ul style="list-style-type: none"> <li>• M1 northbound: the text refers to 5 geometric departures from standard and the signage and signalling departures</li> <li>• M1NB-A50WB interchange link: the text refers to 3 geometric departures from standard</li> <li>• M1 J24-A50WB interchange link: the text refers to 2 geometric departures from standard</li> <li>• M1 J24: the text refers to 1 geometric departure from standard</li> </ul> <p>The above totals 11 geometric departures from standard on the SRN and is consistent with the revised TA Appendix 27 submitted at Deadline 1 <b>[REP1-035]</b> and <b>[REP1-037]</b>.</p> <p>The two departures on the LRN have been designed out as set out in the revised TA Appendix 26 submitted at Deadline 1 <b>[REP1-035]</b>. In this same document the L57 footpath gradient is confirmed as being a relaxation.</p>
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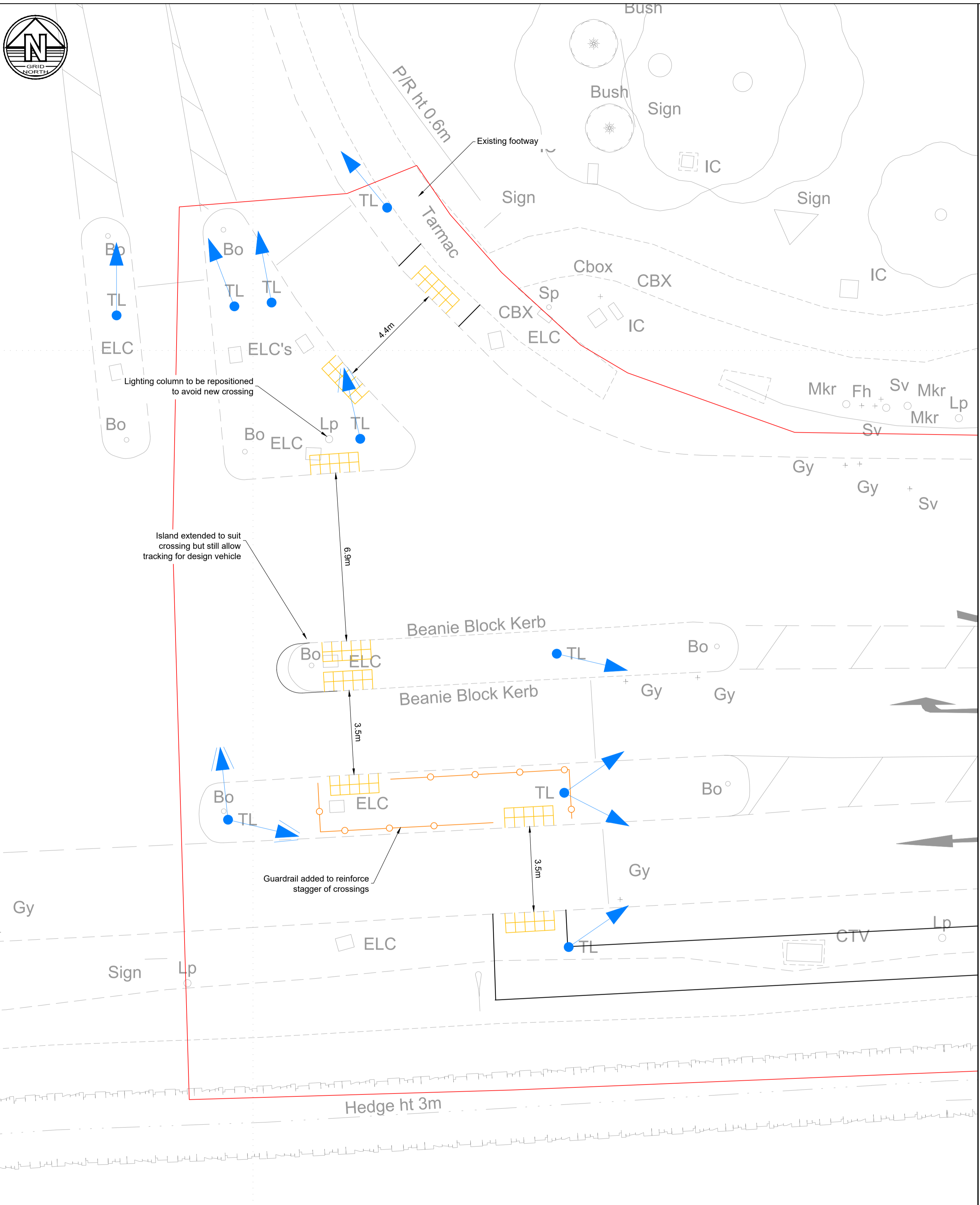
8.49	As Task 1 of the audit process has not been followed, then we believe the audit is invalid and incomplete. In addition, it is recognised that a designer's response has been produced in response to the road safety audit. As the road safety audit is not complete then the designer's response cannot be completed, therefore any design suggestions or comments made cannot be relied upon until the audit is completed.	<p>The Applicants do not agree that the audit is invalid and incomplete for the following reasons:</p> <ul style="list-style-type: none"> <li>• The correct process as set out in GG 119 has been followed and this has been confirmed by NH and LCC</li> <li>• An Audit Brief has been provided and approved by NH and LCC</li> <li>• The number of geometric departures referenced in the Audit is correct</li> </ul> <p>There is no requirement at Stage 1 RSA to provide detailed bridge drawings and relevant information is shown on the highway geometry drawings.</p>
	Item 6 – Environment Agency Bridge Comments	
8.50	Further concerns raised by the Environment Agency include requirement for piled foundations, Flood Risk Assessment, ground conditions, biodiversity, and waste.	
8.51	Assessment of the proposed bridge structure and could not be undertaken due to a lack of provided information.	The Applicants note that the A453 Bridge Plan was submitted with the DCO Application (Document DCO 2.11) <b>[APP-053D]</b> and has not been revised since.
9	CONCLUSION	
9.1	It can be seen from the modelling assessment there are some key questions being raised regarding the mitigation being proposed (or not as the case may be) and the extents of the modelling to ensure all scenarios have been addressed, i.e. modelling rerouted traffic or ensuring one junction doesn't have a detrimental impact on another junction. It is felt that there are significant gaps in the data to allow an informed decision to be made on whether the	For the reasons set out in response to Item 5.13 in particular, the transport modelling methodology is

	development is acceptable from a highway's perspective.	<p>highly robust and the proposed mitigation resolves all unacceptable impacts on capacity and mitigation.</p> <p>The modelling accounts for the re-routing of background traffic which has therefore been taken into account in the mitigation design and modelling. It is accepted that a minor assumption has been made with regard to likely re-routing of traffic away from the A453/The Green and to Finger Farm via the A42 but this is a small amount of traffic and the capacity improvements gained at Finger Farm would satisfactorily accommodate this small increase.</p> <p>The conclusions of the mitigation and modelling have been agreed with National Highways.</p>
9.2	It should also be noted that the no alternative mitigation seems to have been considered, ideally the reports should show an iterative process as to how they have dealt with the capacity issues identified as part of the modelling process.	See Annex E to this document for the response to this point.
9.3	The lack of key data with respect to the modelling work and the questions surrounding the mitigation, it can be concluded that the mitigation schemes cannot be agreed at this time. As such the road safety audits and departure from standards processes cannot be completed.	<p>Full PRTM outputs including forecasting reports as well as VISSIM outputs were appended to the Transport Assessment to allow a thorough review to be undertaken.</p> <p>The Transport Assessment provides a summary of the mitigation strategy and the associated modelling results highlighting the benefits of the scheme on capacity and safety of the SRN.</p> <p>The road safety auditors were in receipt of all information at the time the Stage 1 Road Safety Audit was undertaken and National Highways have approved all of the geometric departures from</p>

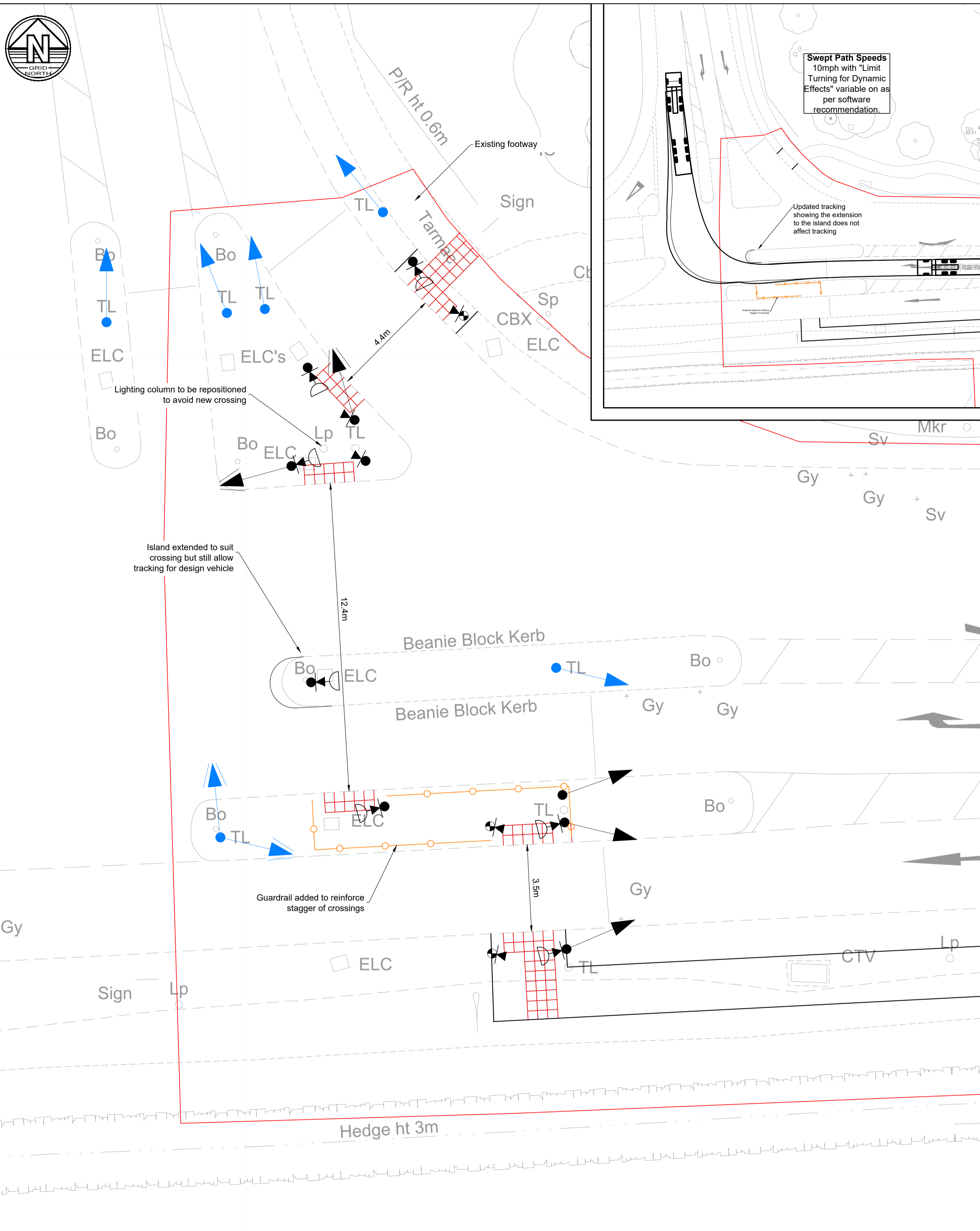
		standard, which would not have occurred should there be gaps in the information.
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## **ANNEX A**

**Drawing showing controlled crossing option for Works No. 15 alongside the uncontrolled crossing / Capacity analysis of A453 EMA junction including for a controlled crossing**



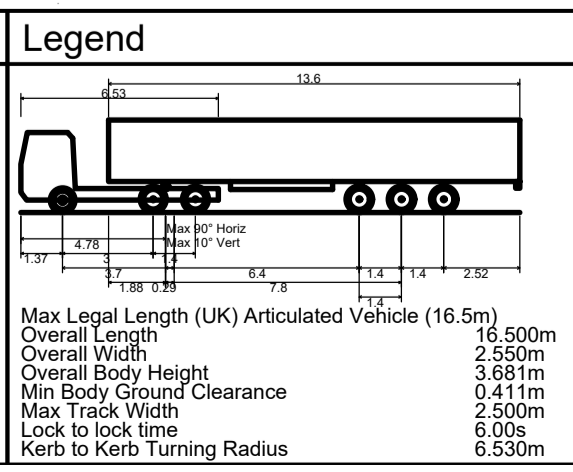
Uncontrolled Crossing Option



Controlled Crossing Option

**Notes**

- Do not scale this drawing. All dimensions must be checked/verified on site. If in doubt ask.
- This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications.
- All dimensions in millimetres unless noted otherwise. All levels in metres unless noted otherwise.
- Any discrepancies noted on site are to be reported to the engineer immediately.



**ISSUES & REVISIONS**

Rev	Date	Details of issue / revision	Drw	Rev
P01	18.05.26	Issued for information	DF	SRH

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**SEGRO**

Client

Drawn: D.Fraser    Reviewed: S.Hilditch  
 BWB Ref: 220500    Date: 18.05.26    Scale@A1: 1:100

Project Title

**EAST MIDLANDS GATEWAY 2 (EMG2)**

Drawing Status

**FOR INFORMATION**

Drawing Title

**A453-EMA ENTRANCE CROSSING**

Project - Originator - Zone - Level - Type - Role - Number    Status    Rev

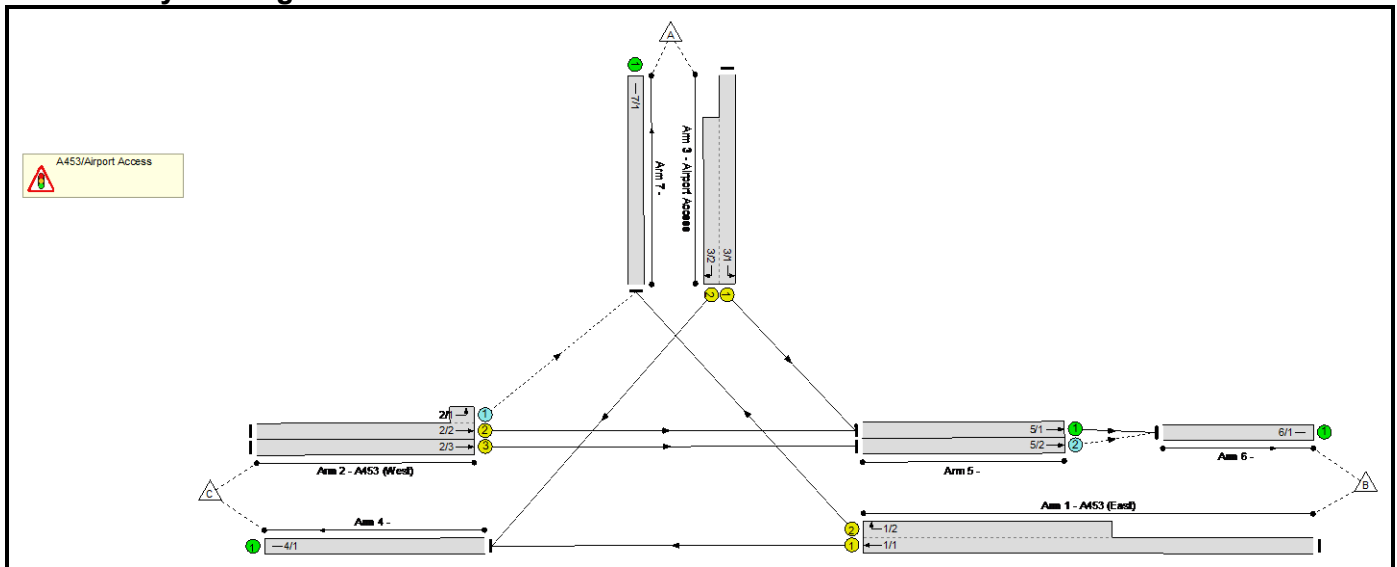
EMG2-BWB-GEN-XX-SK-CH-SK085    S2    P01

Full Input Data And Results  
**Full Input Data And Results**

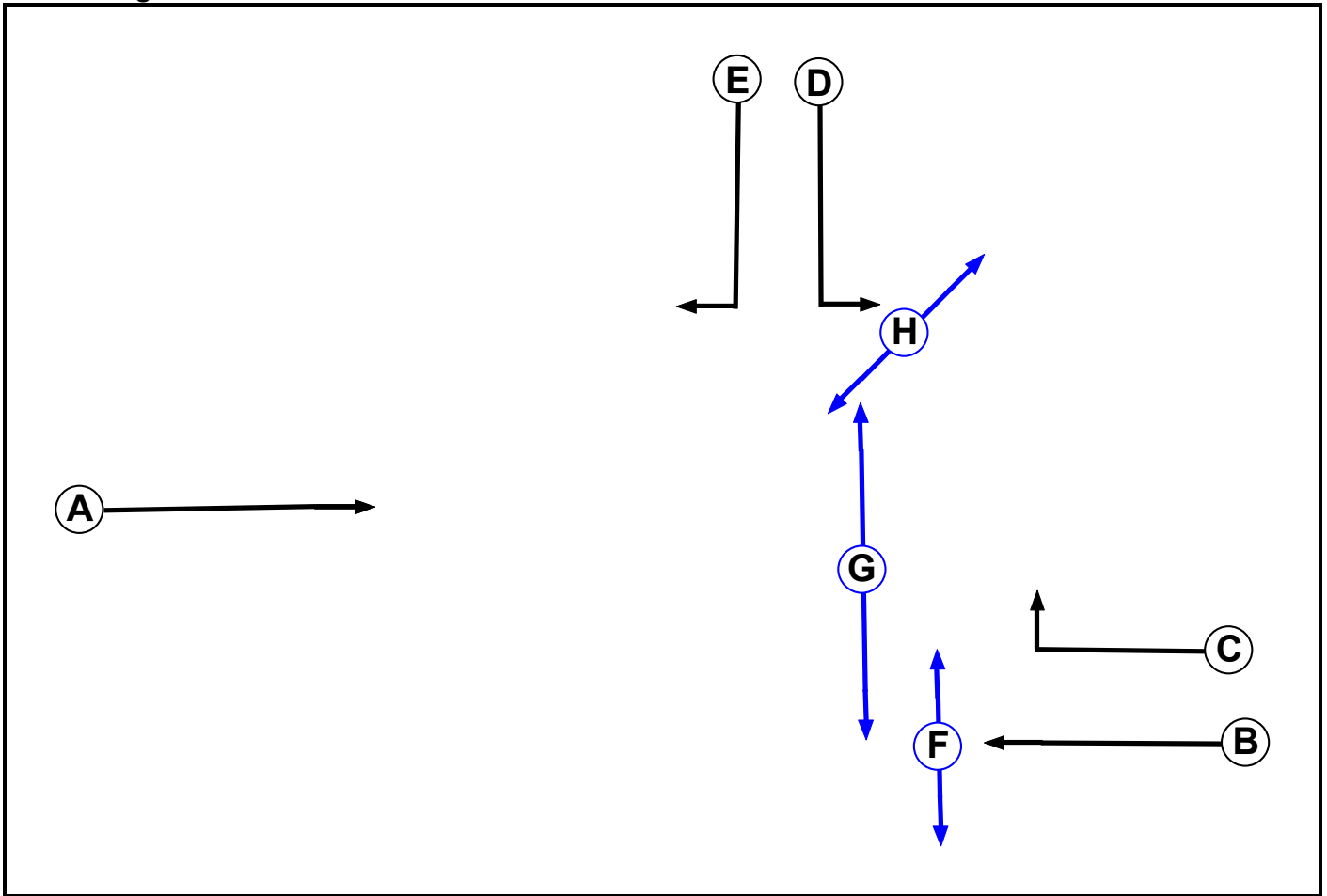
**User and Project Details**

<b>Project:</b>	<b>East Midlands Gateway Phase 2</b>
<b>Title:</b>	<b>A453/EMA Junction</b>
<b>Location:</b>	
<b>Client:</b>	SEGRO
<b>Site Ref(s):</b>	Junction 6
<b>Checked By:</b>	Vibeeshan Devaharan
<b>Checked By Date:</b>	27/03/24
<b>Additional detail:</b>	
<b>File name:</b>	260514_A453_Airport Access Signal Junction_Stage 1a+2a.lsg3x
<b>Author:</b>	Charlie Cresswell
<b>Company:</b>	BWB
<b>Address:</b>	

**Network Layout Diagram**



**Phase Diagram**



**Phase Input Data**

Phase Name	Phase Type	Assoc. Phase	Street Min	Cont Min
A	Traffic		7	7
B	Traffic		6	6
C	Traffic		7	7
D	Traffic		6	6
E	Traffic		7	7
F	Pedestrian		5	5
G	Pedestrian		5	5
H	Pedestrian		5	5

## Full Input Data And Results

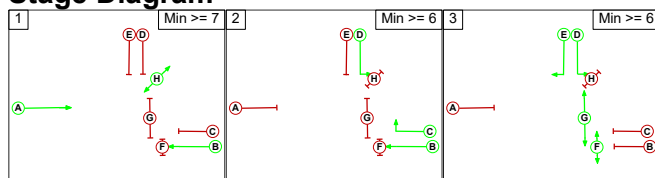
### Phase Intergrens Matrix

		Starting Phase							
		A	B	C	D	E	F	G	H
Terminating Phase	A	-	6	7	6	-	7	-	
	B	-	-	-	5	5	-	-	
	C	7	-	-	6	-	6	-	
	D	5	-	-	-	-	-	5	
	E	6	6	6	-	-	-	-	
	F	-	5	-	-	-	-	-	
	G	13	-	13	-	-	-	-	
	H	-	-	-	6	-	-	-	

### Phases in Stage

Stage No.	Phases in Stage
1	A B H
2	B C D
3	D E F G

### Stage Diagram



### Phase Delays

Term. Stage	Start Stage	Phase	Type	Value	Cont value
There are no Phase Delays defined					

### Prohibited Stage Change

		To Stage		
		1	2	3
From Stage	1	-	7	7
	2	7	-	6
	3	13	13	-

Full Input Data And Results

**Give-Way Lane Input Data**

Junction: A453/Airport Access											
Lane	Movement	Max Flow when Giving Way (PCU/Hr)	Min Flow when Giving Way (PCU/Hr)	Opposing Lane	Opp. Lane Coeff.	Opp. Mvmnts.	Right Turn Storage (PCU)	Non-Blocking Storage (PCU)	RTF	Right Turn Move up (s)	Max Turns in Intergreen (PCU)
2/1 (A453 (West))	7/1 (Left)	715	0	1/2	0.22	All	-	-	-	-	-
5/2	6/1 (Ahead)	715	0	5/1	0.22	All	-	-	-	-	-

Full Input Data And Results

**Lane Input Data**

Junction: A453/Airport Access												
Lane	Lane Type	Phases	Start Disp.	End Disp.	Physical Length (PCU)	Sat Flow Type	Def User Saturation Flow (PCU/Hr)	Lane Width (m)	Gradient	Nearside Lane	Turns	Turning Radius (m)
1/1 (A453 East))	U	B	2	3	60.0	Geom	-	3.50	0.00	Y	Arm 4 Ahead	Inf
1/2 (A453 East))	U	C	2	3	23.5	Geom	-	3.50	0.00	Y	Arm 7 Right	25.00
2/1 (A453 West))	O		2	3	2.3	User	1439	-	-	-	-	-
2/2 (A453 West))	U	A	2	3	60.0	Geom	-	3.50	0.00	Y	Arm 5 Ahead	Inf
2/3 (A453 West))	U	A	2	3	13.0	Geom	-	3.50	0.00	N	Arm 5 Ahead	Inf
3/1 (Airport Access)	U	D	2	3	60.0	Geom	-	3.25	0.00	Y	Arm 5 Left	20.00
3/2 (Airport Access)	U	E	2	3	15.7	Geom	-	3.25	0.00	Y	Arm 4 Right	25.00
4/1	U		2	3	60.0	Inf	-	-	-	-	-	-
5/1	U		2	3	9.6	Geom	-	3.50	0.00	Y	Arm 6 Ahead	Inf
5/2	O		2	3	9.6	Geom	-	3.50	0.00	N	Arm 6 Ahead	Inf
6/1	U		2	3	60.0	Inf	-	-	-	-	-	-
7/1	U		2	3	60.0	Inf	-	-	-	-	-	-

**Traffic Flow Groups**

Flow Group	Start Time	End Time	Duration	Formula
1: '2a 2028 Forecast Year With Development (AM)'	07:45	08:45	01:00	
2: '2a 2028 Forecast Year With Development (PM)'	17:00	18:00	01:00	
3: '2a 2038 Forecast Year With Development (AM)'	07:45	08:45	01:00	
4: '2a 2038 Forecast Year With Development (PM)'	17:00	18:00	01:00	
5: '100,000sqm Mezz Flows AM'	07:45	08:45	01:00	
6: '100,000sqm Mezz Flows PM'	17:00	18:00	01:00	
7: '2a 2028 Forecast + Deve + Mezz (AM)'	07:45	08:45	01:00	F1 + F5
8: '2a 2028 Forecast + Deve + Mezz (PM)'	17:00	18:00	01:00	F2 + F6
9: '2a 2038 Forecast + Deve + Mezz (AM)'	07:45	08:45	01:00	F3 + F5
10: '2a 2038 Forecast + Deve + Mezz (PM)'	17:00	18:00	01:00	F4 + F6

**Scenario 1: '2a 2028 Forecast Year With Development (AM)'** (FG1: '2a 2028 Forecast Year With Development (AM)', Plan 2: 'Network Control Plan 2')

**Traffic Flows, Desired**

**Desired Flow :**

		Destination			
		A	B	C	Tot.
Origin	A	0	178	68	246
	B	267	0	361	628
	C	291	691	0	982
	Tot.	558	869	429	1856

**Traffic Lane Flows**

Lane	Scenario 1: 2a 2028 Forecast Year With Development (AM)
<b>Junction: A453/Airport Access</b>	
1/1 (with short)	628(In) 361(Out)
1/2 (short)	267
2/1 (short)	291
2/2 (with short)	772(In) 481(Out)
2/3	210
3/1 (with short)	246(In) 178(Out)
3/2 (short)	68
4/1	429
5/1	659
5/2	210
6/1	869
7/1	558

Full Input Data And Results

**Lane Saturation Flows**

Junction: A453/Airport Access								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A453 (East))	3.50	0.00	Y	Arm 4 Ahead	Inf	100.0 %	1965	1965
1/2 (A453 (East))	3.50	0.00	Y	Arm 7 Right	25.00	100.0 %	1854	1854
2/1 (A453 (West) Lane 1)	This lane uses a directly entered Saturation Flow						1439	1439
2/2 (A453 (West))	3.50	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1965	1965
2/3 (A453 (West))	3.50	0.00	N	Arm 5 Ahead	Inf	100.0 %	2105	2105
3/1 (Airport Access)	3.25	0.00	Y	Arm 5 Left	20.00	100.0 %	1805	1805
3/2 (Airport Access)	3.25	0.00	Y	Arm 4 Right	25.00	100.0 %	1830	1830
4/1	Infinite Saturation Flow						Inf	Inf
5/1	3.50	0.00	Y	Arm 6 Ahead	Inf	100.0 %	1965	1965
5/2	3.50	0.00	N	Arm 6 Ahead	Inf	100.0 %	2105	2105
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf

**Scenario 2: '2a 2028 Forecast Year With Development (PM)'** (FG2: '2a 2028 Forecast Year With Development (PM)', Plan 2: 'Network Control Plan 2')

**Traffic Flows, Desired**

**Desired Flow :**

	Destination				
	A	B	C	Tot.	
Origin	A	0	287	224	511
	B	122	0	573	695
	C	82	413	0	495
	Tot.	204	700	797	1701

Full Input Data And Results

**Traffic Lane Flows**

Lane	Scenario 2: 2a 2028 Forecast Year With Development (PM)
<b>Junction: A453/Airport Access</b>	
1/1 (with short)	695(In) 573(Out)
1/2 (short)	122
2/1 (short)	82
2/2 (with short)	385(In) 303(Out)
2/3	110
3/1 (with short)	511(In) 287(Out)
3/2 (short)	224
4/1	797
5/1	590
5/2	110
6/1	700
7/1	204

**Lane Saturation Flows**

<b>Junction: A453/Airport Access</b>								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A453 (East))	3.50	0.00	Y	Arm 4 Ahead	Inf	100.0 %	1965	1965
1/2 (A453 (East))	3.50	0.00	Y	Arm 7 Right	25.00	100.0 %	1854	1854
2/1 (A453 (West) Lane 1)	This lane uses a directly entered Saturation Flow						1439	1439
2/2 (A453 (West))	3.50	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1965	1965
2/3 (A453 (West))	3.50	0.00	N	Arm 5 Ahead	Inf	100.0 %	2105	2105
3/1 (Airport Access)	3.25	0.00	Y	Arm 5 Left	20.00	100.0 %	1805	1805
3/2 (Airport Access)	3.25	0.00	Y	Arm 4 Right	25.00	100.0 %	1830	1830
4/1	Infinite Saturation Flow						Inf	Inf
5/1	3.50	0.00	Y	Arm 6 Ahead	Inf	100.0 %	1965	1965
5/2	3.50	0.00	N	Arm 6 Ahead	Inf	100.0 %	2105	2105
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf

Full Input Data And Results

**Scenario 3: '2a 2038 Forecast Year With Development (AM)'** (FG3: '2a 2038 Forecast Year With Development (AM)', Plan 2: 'Network Control Plan 2')

**Traffic Flows, Desired**

**Desired Flow :**

	Destination				
	A	B	C	Tot.	
Origin	A	0	209	121	330
	B	281	0	361	642
	C	374	734	0	1108
	Tot.	655	943	482	2080

**Traffic Lane Flows**

Lane	Scenario 3: 2a 2038 Forecast Year With Development (AM)
<b>Junction: A453/Airport Access</b>	
1/1 (with short)	642(In) 361(Out)
1/2 (short)	281
2/1 (short)	374
2/2 (with short)	846(In) 472(Out)
2/3	262
3/1 (with short)	330(In) 209(Out)
3/2 (short)	121
4/1	482
5/1	681
5/2	262
6/1	943
7/1	655

Full Input Data And Results

**Lane Saturation Flows**

Junction: A453/Airport Access								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A453 (East))	3.50	0.00	Y	Arm 4 Ahead	Inf	100.0 %	1965	1965
1/2 (A453 (East))	3.50	0.00	Y	Arm 7 Right	25.00	100.0 %	1854	1854
2/1 (A453 (West) Lane 1)	This lane uses a directly entered Saturation Flow						1439	1439
2/2 (A453 (West))	3.50	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1965	1965
2/3 (A453 (West))	3.50	0.00	N	Arm 5 Ahead	Inf	100.0 %	2105	2105
3/1 (Airport Access)	3.25	0.00	Y	Arm 5 Left	20.00	100.0 %	1805	1805
3/2 (Airport Access)	3.25	0.00	Y	Arm 4 Right	25.00	100.0 %	1830	1830
4/1	Infinite Saturation Flow						Inf	Inf
5/1	3.50	0.00	Y	Arm 6 Ahead	Inf	100.0 %	1965	1965
5/2	3.50	0.00	N	Arm 6 Ahead	Inf	100.0 %	2105	2105
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf

**Scenario 4: '2a 2038 Forecast Year With Development (PM)' (FG4: '2a 2038 Forecast Year With Development (PM)', Plan 2: 'Network Control Plan 2')**

**Traffic Flows, Desired**

**Desired Flow :**

	Destination				
	A	B	C	Tot.	
Origin	A	0	365	316	681
	B	157	0	680	837
	C	117	484	0	601
	Tot.	274	849	996	2119

Full Input Data And Results

**Traffic Lane Flows**

Lane	Scenario 4: 2a 2038 Forecast Year With Development (PM)
<b>Junction: A453/Airport Access</b>	
1/1 (with short)	837(In) 680(Out)
1/2 (short)	157
2/1 (short)	117
2/2 (with short)	457(In) 340(Out)
2/3	144
3/1 (with short)	681(In) 365(Out)
3/2 (short)	316
4/1	996
5/1	705
5/2	144
6/1	849
7/1	274

**Lane Saturation Flows**

<b>Junction: A453/Airport Access</b>								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A453 (East))	3.50	0.00	Y	Arm 4 Ahead	Inf	100.0 %	1965	1965
1/2 (A453 (East))	3.50	0.00	Y	Arm 7 Right	25.00	100.0 %	1854	1854
2/1 (A453 (West) Lane 1)	This lane uses a directly entered Saturation Flow						1439	1439
2/2 (A453 (West))	3.50	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1965	1965
2/3 (A453 (West))	3.50	0.00	N	Arm 5 Ahead	Inf	100.0 %	2105	2105
3/1 (Airport Access)	3.25	0.00	Y	Arm 5 Left	20.00	100.0 %	1805	1805
3/2 (Airport Access)	3.25	0.00	Y	Arm 4 Right	25.00	100.0 %	1830	1830
4/1	Infinite Saturation Flow						Inf	Inf
5/1	3.50	0.00	Y	Arm 6 Ahead	Inf	100.0 %	1965	1965
5/2	3.50	0.00	N	Arm 6 Ahead	Inf	100.0 %	2105	2105
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf

Full Input Data And Results

**Scenario 5: '2a 2028 Forecast + Dev + Mezz (AM)'** (FG7: '2a 2028 Forecast + Deve + Mezz (AM)', Plan 2: 'Network Control Plan 2')

**Traffic Flows, Desired**

**Desired Flow :**

	Destination				
	A	B	C	Tot.	
Origin	A	0	178	68	246
	B	267	0	364	631
	C	291	728	0	1019
	Tot.	558	906	432	1896

**Traffic Lane Flows**

Lane	Scenario 5: 2a 2028 Forecast + Dev + Mezz (AM)
<b>Junction: A453/Airport Access</b>	
1/1 (with short)	631(In) 364(Out)
1/2 (short)	267
2/1 (short)	291
2/2 (with short)	801(In) 510(Out)
2/3	218
3/1 (with short)	246(In) 178(Out)
3/2 (short)	68
4/1	432
5/1	688
5/2	218
6/1	906
7/1	558

Full Input Data And Results

**Lane Saturation Flows**

Junction: A453/Airport Access								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A453 (East))	3.50	0.00	Y	Arm 4 Ahead	Inf	100.0 %	1965	1965
1/2 (A453 (East))	3.50	0.00	Y	Arm 7 Right	25.00	100.0 %	1854	1854
2/1 (A453 (West) Lane 1)	This lane uses a directly entered Saturation Flow						1439	1439
2/2 (A453 (West))	3.50	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1965	1965
2/3 (A453 (West))	3.50	0.00	N	Arm 5 Ahead	Inf	100.0 %	2105	2105
3/1 (Airport Access)	3.25	0.00	Y	Arm 5 Left	20.00	100.0 %	1805	1805
3/2 (Airport Access)	3.25	0.00	Y	Arm 4 Right	25.00	100.0 %	1830	1830
4/1	Infinite Saturation Flow						Inf	Inf
5/1	3.50	0.00	Y	Arm 6 Ahead	Inf	100.0 %	1965	1965
5/2	3.50	0.00	N	Arm 6 Ahead	Inf	100.0 %	2105	2105
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf

**Scenario 6: '2a 2028 Forecast + Dev + Mezz (PM)' (FG8: '2a 2028 Forecast + Deve + Mezz (PM)', Plan 2: 'Network Control Plan 2')**

**Traffic Flows, Desired**

**Desired Flow :**

	Destination				
	A	B	C	Tot.	
Origin	A	0	287	224	511
	B	122	0	623	745
	C	82	420	0	502
	Tot.	204	707	847	1758

Full Input Data And Results

**Traffic Lane Flows**

Lane	Scenario 6: 2a 2028 Forecast + Dev + Mezz (PM)
<b>Junction: A453/Airport Access</b>	
1/1 (with short)	745(In) 623(Out)
1/2 (short)	122
2/1 (short)	82
2/2 (with short)	393(In) 311(Out)
2/3	109
3/1 (with short)	511(In) 287(Out)
3/2 (short)	224
4/1	847
5/1	598
5/2	109
6/1	707
7/1	204

**Lane Saturation Flows**

<b>Junction: A453/Airport Access</b>								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A453 (East))	3.50	0.00	Y	Arm 4 Ahead	Inf	100.0 %	1965	1965
1/2 (A453 (East))	3.50	0.00	Y	Arm 7 Right	25.00	100.0 %	1854	1854
2/1 (A453 (West) Lane 1)	This lane uses a directly entered Saturation Flow						1439	1439
2/2 (A453 (West))	3.50	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1965	1965
2/3 (A453 (West))	3.50	0.00	N	Arm 5 Ahead	Inf	100.0 %	2105	2105
3/1 (Airport Access)	3.25	0.00	Y	Arm 5 Left	20.00	100.0 %	1805	1805
3/2 (Airport Access)	3.25	0.00	Y	Arm 4 Right	25.00	100.0 %	1830	1830
4/1	Infinite Saturation Flow						Inf	Inf
5/1	3.50	0.00	Y	Arm 6 Ahead	Inf	100.0 %	1965	1965
5/2	3.50	0.00	N	Arm 6 Ahead	Inf	100.0 %	2105	2105
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf

Full Input Data And Results  
Control Plan 2')

**Traffic Flows, Desired**

**Desired Flow :**

	Destination				
		A	B	C	Tot.
Origin	A	0	209	121	330
	B	281	0	364	645
	C	374	771	0	1145
	Tot.	655	980	485	2120

**Traffic Lane Flows**

Lane	Scenario 7: 2a 2038 Forecast + Dev + Mezz (AM)
<b>Junction: A453/Airport Access</b>	
1/1 (with short)	645(In) 364(Out)
1/2 (short)	281
2/1 (short)	374
2/2 (with short)	874(In) 500(Out)
2/3	271
3/1 (with short)	330(In) 209(Out)
3/2 (short)	121
4/1	485
5/1	709
5/2	271
6/1	980
7/1	655

Full Input Data And Results

**Lane Saturation Flows**

Junction: A453/Airport Access								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A453 (East))	3.50	0.00	Y	Arm 4 Ahead	Inf	100.0 %	1965	1965
1/2 (A453 (East))	3.50	0.00	Y	Arm 7 Right	25.00	100.0 %	1854	1854
2/1 (A453 (West) Lane 1)	This lane uses a directly entered Saturation Flow						1439	1439
2/2 (A453 (West))	3.50	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1965	1965
2/3 (A453 (West))	3.50	0.00	N	Arm 5 Ahead	Inf	100.0 %	2105	2105
3/1 (Airport Access)	3.25	0.00	Y	Arm 5 Left	20.00	100.0 %	1805	1805
3/2 (Airport Access)	3.25	0.00	Y	Arm 4 Right	25.00	100.0 %	1830	1830
4/1	Infinite Saturation Flow						Inf	Inf
5/1	3.50	0.00	Y	Arm 6 Ahead	Inf	100.0 %	1965	1965
5/2	3.50	0.00	N	Arm 6 Ahead	Inf	100.0 %	2105	2105
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf

**Scenario 8: '2a 2038 Forecast + Dev + Mezz (PM)' (FG10: '2a 2038 Forecast + Deve + Mezz (PM)', Plan 2: 'Network Control Plan 2')**

**Traffic Flows, Desired**

**Desired Flow :**

	Destination				
	A	B	C	Tot.	
Origin	A	0	365	316	681
	B	157	0	730	887
	C	117	491	0	608
	Tot.	274	856	1046	2176

Full Input Data And Results

**Traffic Lane Flows**

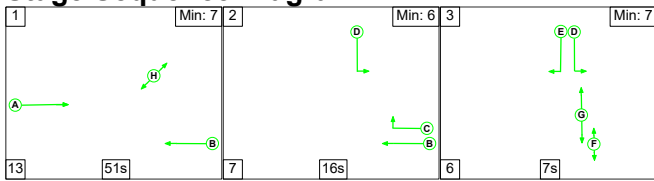
Lane	Scenario 8: 2a 2038 Forecast + Dev + Mezz (PM)
<b>Junction: A453/Airport Access</b>	
1/1 (with short)	887(In) 730(Out)
1/2 (short)	157
2/1 (short)	117
2/2 (with short)	461(In) 344(Out)
2/3	147
3/1 (with short)	681(In) 365(Out)
3/2 (short)	316
4/1	1046
5/1	709
5/2	147
6/1	856
7/1	274

**Lane Saturation Flows**

<b>Junction: A453/Airport Access</b>								
Lane	Lane Width (m)	Gradient	Nearside Lane	Allowed Turns	Turning Radius (m)	Turning Prop.	Sat Flow (PCU/Hr)	Flared Sat Flow (PCU/Hr)
1/1 (A453 (East))	3.50	0.00	Y	Arm 4 Ahead	Inf	100.0 %	1965	1965
1/2 (A453 (East))	3.50	0.00	Y	Arm 7 Right	25.00	100.0 %	1854	1854
2/1 (A453 (West) Lane 1)	This lane uses a directly entered Saturation Flow						1439	1439
2/2 (A453 (West))	3.50	0.00	Y	Arm 5 Ahead	Inf	100.0 %	1965	1965
2/3 (A453 (West))	3.50	0.00	N	Arm 5 Ahead	Inf	100.0 %	2105	2105
3/1 (Airport Access)	3.25	0.00	Y	Arm 5 Left	20.00	100.0 %	1805	1805
3/2 (Airport Access)	3.25	0.00	Y	Arm 4 Right	25.00	100.0 %	1830	1830
4/1	Infinite Saturation Flow						Inf	Inf
5/1	3.50	0.00	Y	Arm 6 Ahead	Inf	100.0 %	1965	1965
5/2	3.50	0.00	N	Arm 6 Ahead	Inf	100.0 %	2105	2105
6/1	Infinite Saturation Flow						Inf	Inf
7/1	Infinite Saturation Flow						Inf	Inf

Full Input Data And Results  
(AM)', Plan 2: 'Network Control Plan 2')

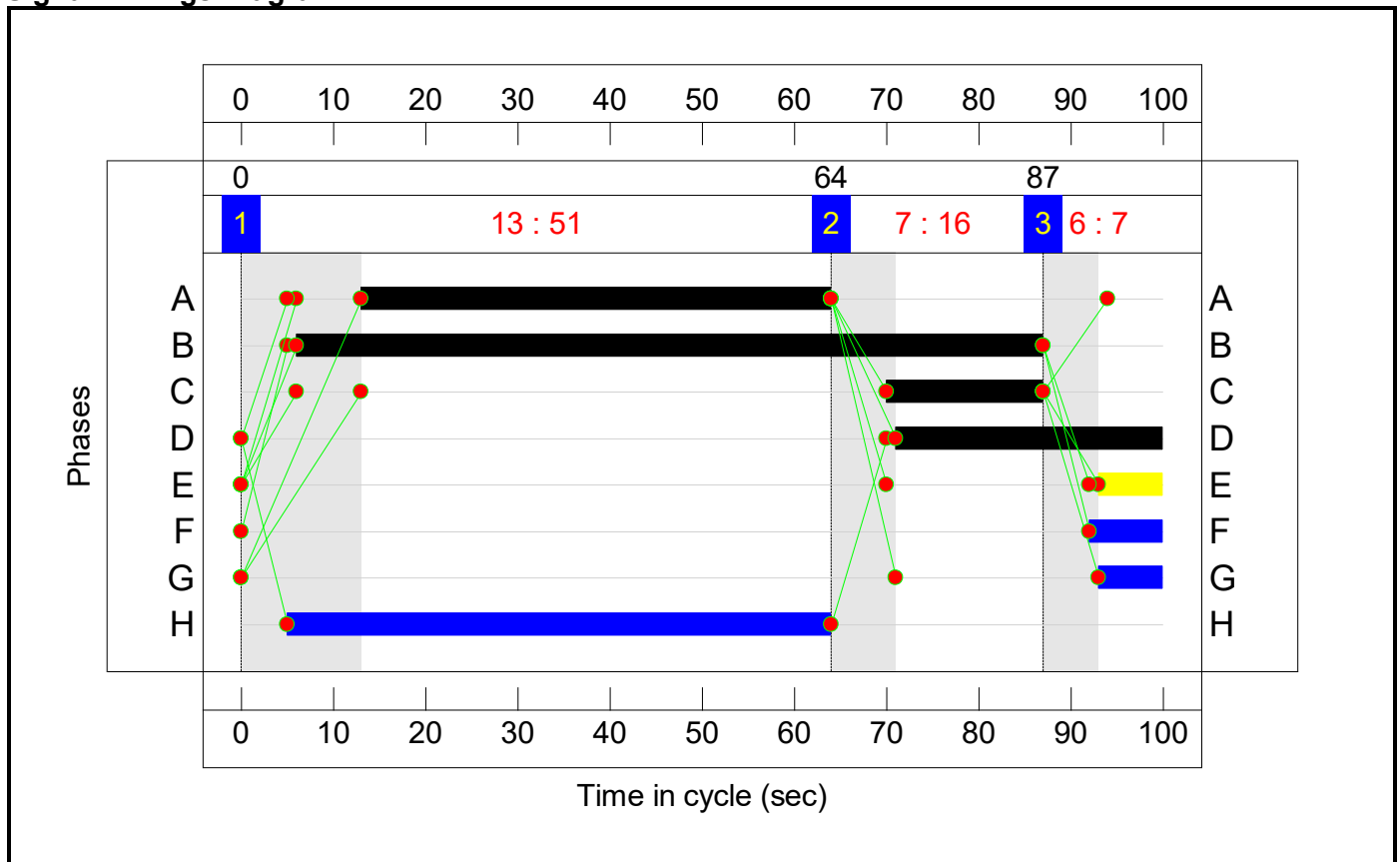
**Stage Sequence Diagram**



**Stage Timings**

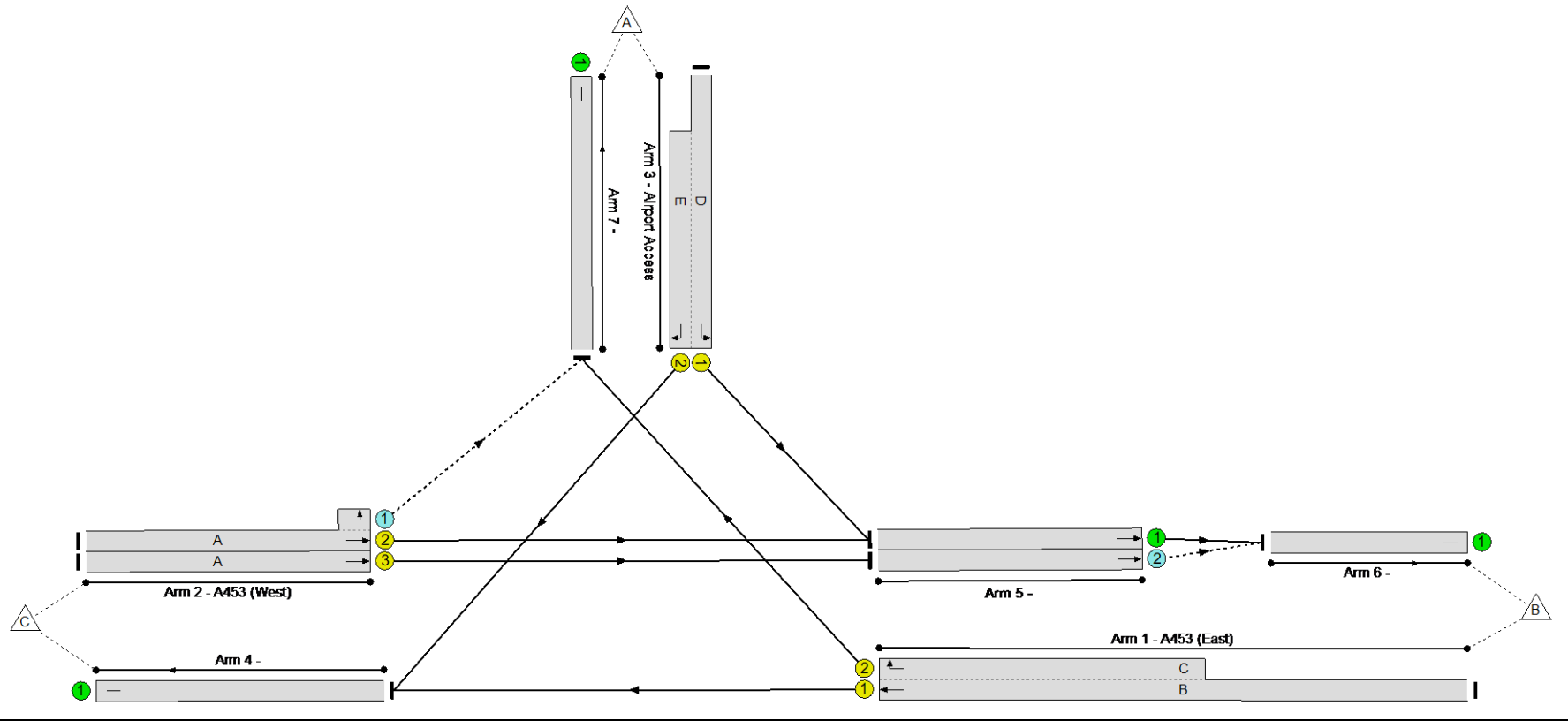
Stage	1	2	3
Duration	51	16	7
Change Point	0	64	87

**Signal Timings Diagram**



Full Input Data And Results  
**Network Layout Diagram**

A453/Airport Access  
 PRC: 11.8 %  
 Total Traffic Delay: 14.6 pcuHr



Full Input Data And Results

**Network Results**

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
<b>Network: A453/EMA Junction</b>	-	-	N/A	-	-		-	-	-	-	-	-	80.5%
<b>A453/Airport Access</b>	-	-	N/A	-	-		-	-	-	-	-	-	80.5%
1/1+1/2	A453 (East) Ahead Right	U	N/A	N/A	B C		1	81:17	-	628	1965:1854	451+334	80.0 : 80.0%
2/2+2/1	A453 (West) Ahead Left	U+O	N/A	N/A	A -		1	51	-	772	1965:1439	597+361	80.5 : 80.5%
2/3	A453 (West) Ahead	U	N/A	N/A	A		1	51	-	210	2105	1095	19.2%
3/1+3/2	Airport Access Right Left	U	N/A	N/A	D E		1	29:7	-	246	1805:1830	542+146	32.9 : 46.4%
4/1		U	N/A	N/A	-		-	-	-	429	Inf	Inf	0.0%
5/1	Ahead	U	N/A	N/A	-		-	-	-	659	1965	1965	33.5%
5/2	Ahead	O	N/A	N/A	-		-	-	-	210	2105	570	36.8%
6/1		U	N/A	N/A	-		-	-	-	869	Inf	Inf	0.0%
7/1		U	N/A	N/A	-		-	-	-	558	Inf	Inf	0.0%

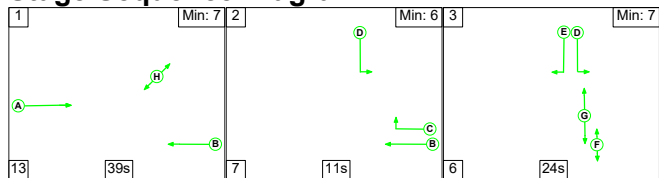
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
<b>Network: A453/EMA Junction</b>	-	-	240	261	0	9.7	4.9	0.0	14.6	-	-	-	-
<b>A453/Airport Access</b>	-	-	240	261	0	9.7	4.9	0.0	14.6	-	-	-	-
1/1+1/2	628	628	-	-	-	3.1	2.0	-	5.1 (1.3+3.7)	29.0 (13.2:50.5)	7.0	2.0	9.0
2/2+2/1	772	772	30	261	0	3.3	2.0	-	5.4 (3.7+1.7)	25.0 (27.6:20.5)	16.0	2.0	18.0
2/3	210	210	-	-	-	0.7	0.1	-	0.9	14.8	3.1	0.1	3.2
3/1+3/2	246	246	-	-	-	2.2	0.3	-	2.5 (1.5+0.9)	35.9 (31.3:48.1)	3.8	0.3	4.1
4/1	429	429	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	659	659	-	-	-	0.0	0.3	-	0.3	1.4	0.0	0.3	0.3
5/2	210	210	210	0	0	0.4	0.3	-	0.6	11.1	4.7	0.3	5.0
6/1	869	869	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	558	558	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
C1			PRC for Signalled Lanes (%):		11.8	Total Delay for Signalled Lanes (pcuHr):			13.74	Cycle Time (s): 100			
			PRC Over All Lanes (%):		11.8	Total Delay Over All Lanes (pcuHr):			14.63				

Full Input Data And Results

**Scenario 2: '2a 2028 Forecast Year With Development (PM)'** (FG2: '2a 2028 Forecast Year With Development (PM)', Plan 2: 'Network Control Plan 2')

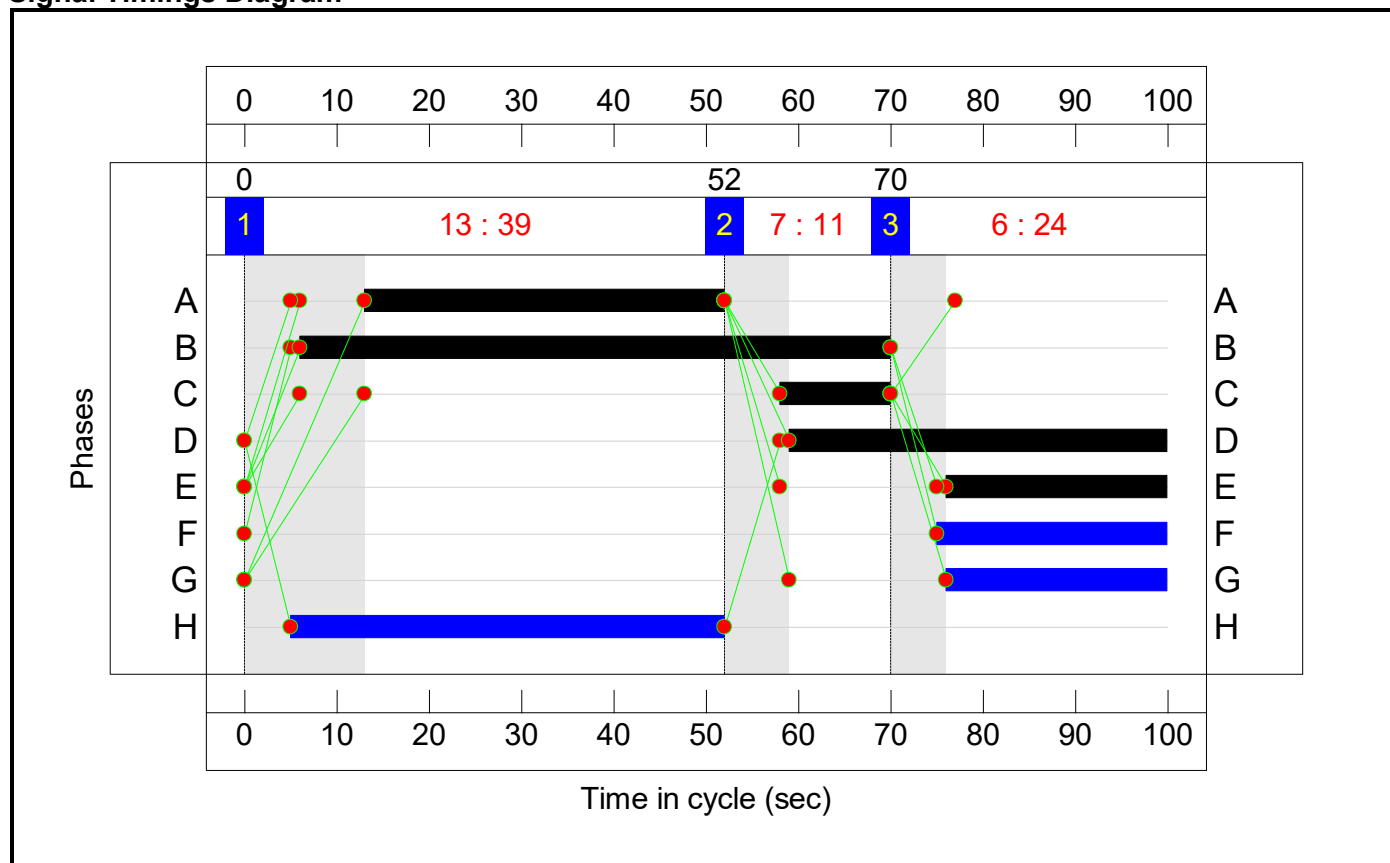
**Stage Sequence Diagram**



**Stage Timings**

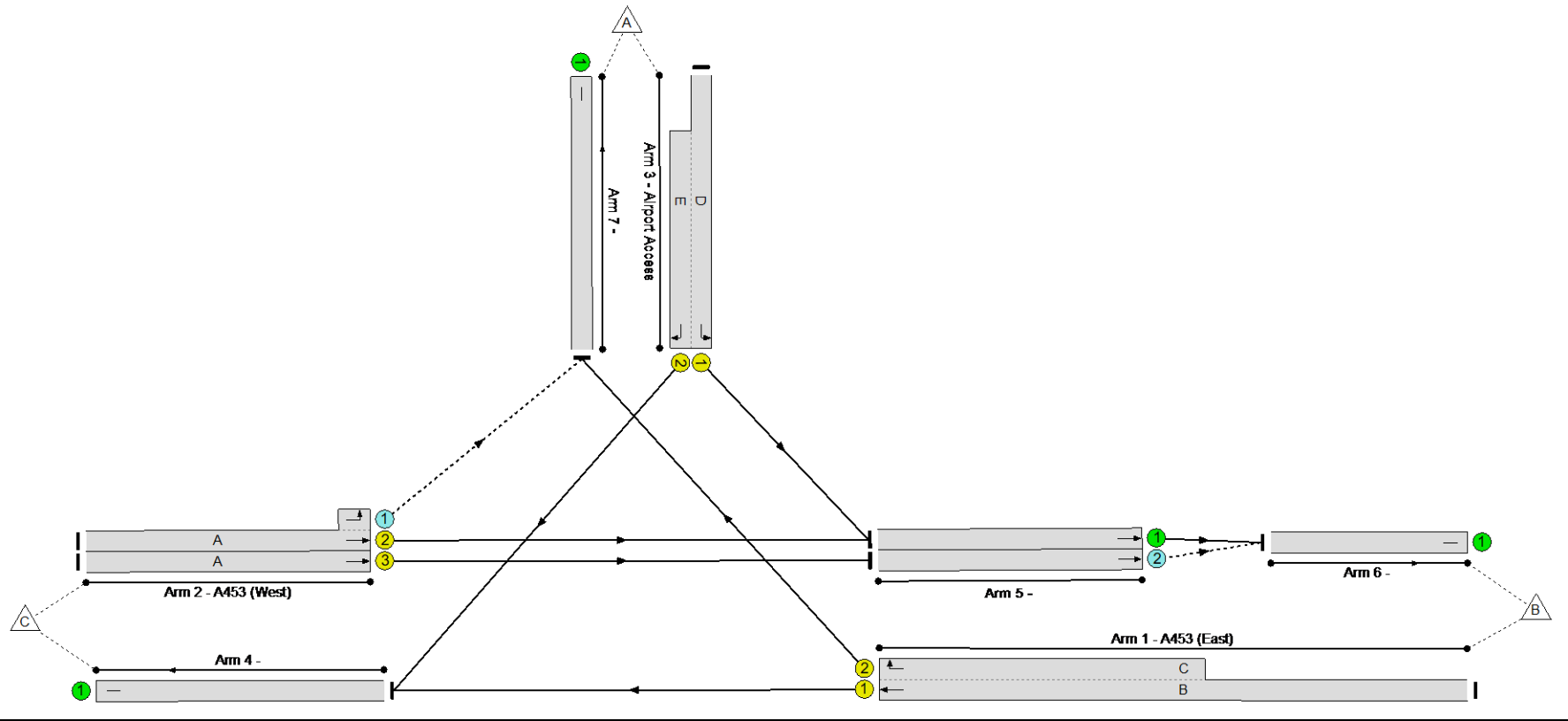
Stage	1	2	3
Duration	39	11	24
Change Point	0	52	70

**Signal Timings Diagram**



# Full Input Data And Results Network Layout Diagram

A453/Airport Access  
PRC: 77.0 %  
Total Traffic Delay: 10.9 pcuHr



Full Input Data And Results

**Network Results**

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
<b>Network: A453/EMA Junction</b>	-	-	N/A	-	-		-	-	-	-	-	-	50.8%
<b>A453/Airport Access</b>	-	-	N/A	-	-		-	-	-	-	-	-	50.8%
1/1+1/2	A453 (East) Ahead Right	U	N/A	N/A	B C		1	64:12	-	695	1965:1854	1208+241	47.5 : 50.6%
2/2+2/1	A453 (West) Ahead Left	U+O	N/A	N/A	A -		1	39	-	385	1965:1439	596+161	50.8 : 50.8%
2/3	A453 (West) Ahead	U	N/A	N/A	A		1	39	-	110	2105	842	13.1%
3/1+3/2	Airport Access Right Left	U	N/A	N/A	D E		1	41:24	-	511	1805:1830	586+457	49.0 : 49.0%
4/1		U	N/A	N/A	-		-	-	-	797	Inf	Inf	0.0%
5/1	Ahead	U	N/A	N/A	-		-	-	-	590	1965	1965	30.0%
5/2	Ahead	O	N/A	N/A	-		-	-	-	110	2105	585	18.8%
6/1		U	N/A	N/A	-		-	-	-	700	Inf	Inf	0.0%
7/1		U	N/A	N/A	-		-	-	-	204	Inf	Inf	0.0%

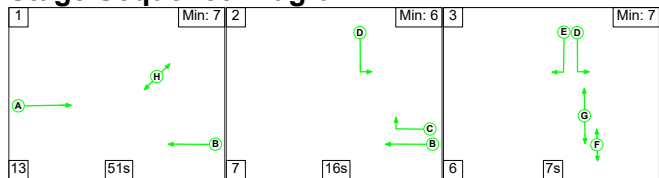
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
<b>Network: A453/EMA Junction</b>	-	-	121	71	0	9.1	1.9	0.0	10.9	-	-	-	-
<b>A453/Airport Access</b>	-	-	121	71	0	9.1	1.9	0.0	10.9	-	-	-	-
1/1+1/2	695	695	-	-	-	2.7	0.5	-	3.2 (1.8+1.5)	16.6 (11.0:42.9)	7.8	0.5	8.3
2/2+2/1	385	385	11	71	0	2.0	0.5	-	2.6 (2.2+0.3)	23.9 (26.7:13.5)	7.3	0.5	7.8
2/3	110	110	-	-	-	0.6	0.1	-	0.7	21.5	1.9	0.1	2.0
3/1+3/2	511	511	-	-	-	3.6	0.5	-	4.1 (1.9+2.2)	28.7 (23.4:35.4)	5.4	0.5	5.9
4/1	797	797	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	590	590	-	-	-	0.0	0.2	-	0.2	1.3	0.0	0.2	0.2
5/2	110	110	110	0	0	0.1	0.1	-	0.2	6.9	2.3	0.1	2.4
6/1	700	700	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	204	204	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
C1			PRC for Signalled Lanes (%):		77.0	Total Delay for Signalled Lanes (pcuHr):		10.49	Cycle Time (s): 100				
			PRC Over All Lanes (%):		77.0	Total Delay Over All Lanes (pcuHr):		10.91					

Full Input Data And Results

**Scenario 3: '2a 2038 Forecast Year With Development (AM)'** (FG3: '2a 2038 Forecast Year With Development (AM)', Plan 2: 'Network Control Plan 2')

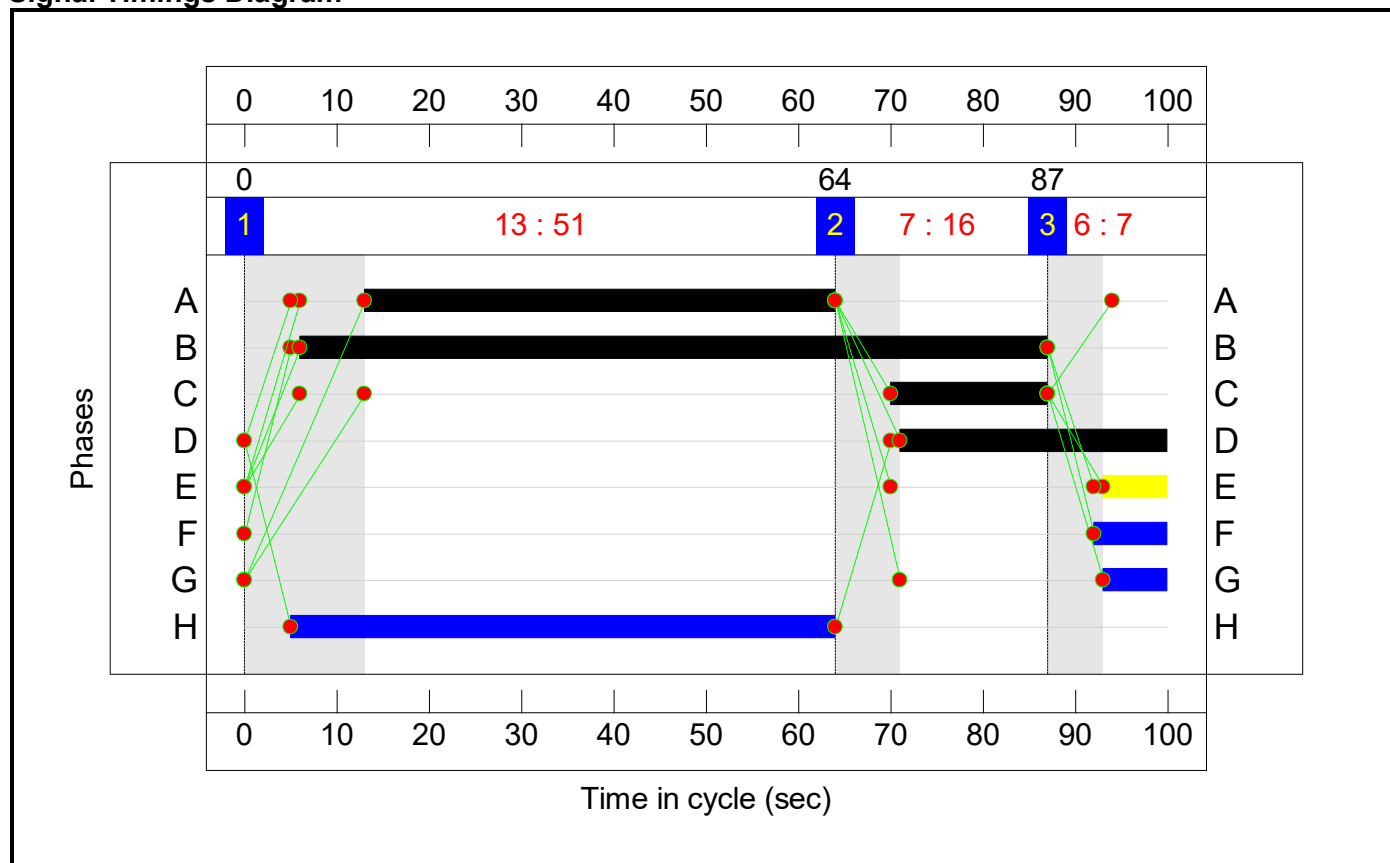
**Stage Sequence Diagram**



**Stage Timings**

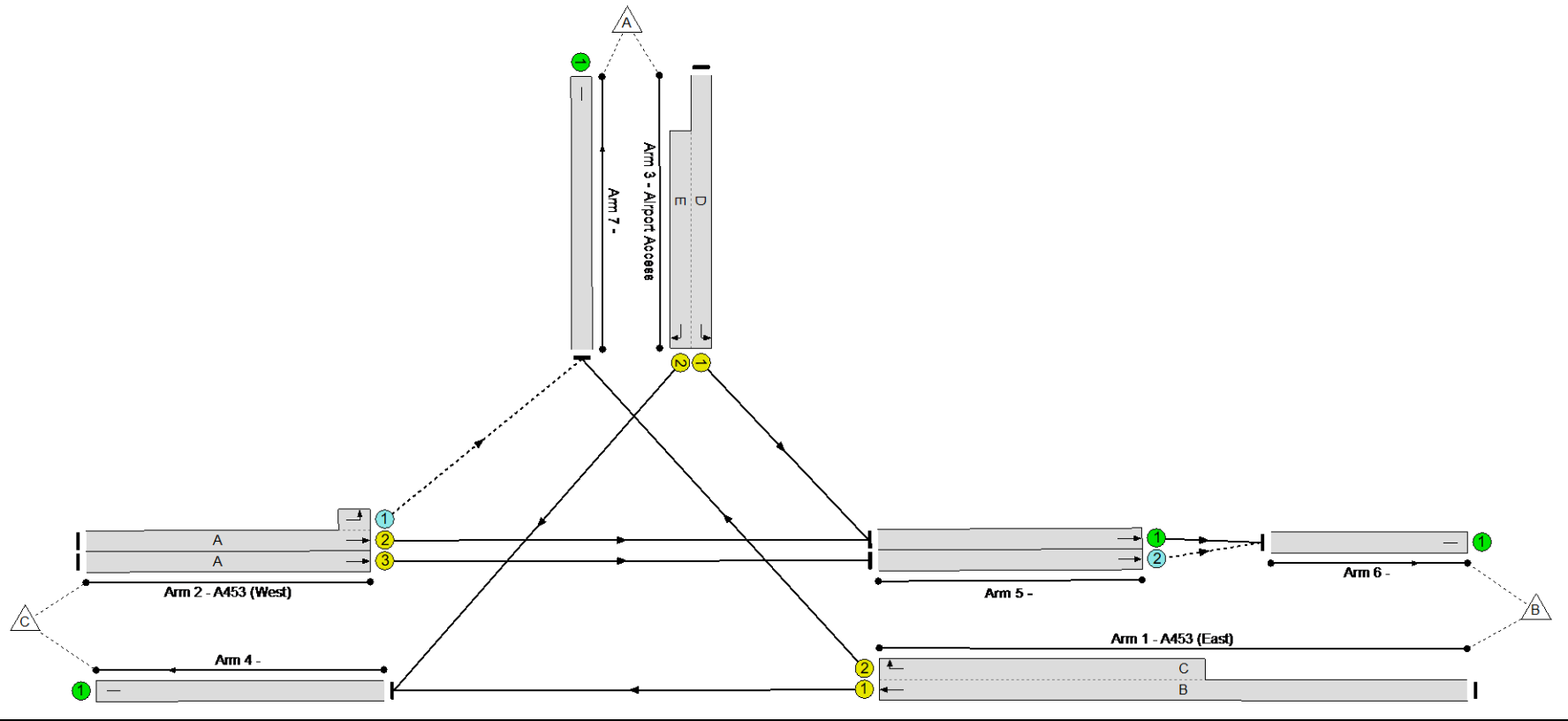
Stage	1	2	3
Duration	51	16	7
Change Point	0	64	87

**Signal Timings Diagram**



Full Input Data And Results  
**Network Layout Diagram**

A453/Airport Access  
PRC: 1.9 %  
Total Traffic Delay: 19.5 pcuHr



Full Input Data And Results

**Network Results**

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
<b>Network: A453/EMA Junction</b>	-	-	N/A	-	-		-	-	-	-	-	-	88.4%
<b>A453/Airport Access</b>	-	-	N/A	-	-		-	-	-	-	-	-	88.4%
1/1+1/2	A453 (East) Ahead Right	U	N/A	N/A	B C		1	81:17	-	642	1965:1854	429+334	84.2 : 84.2%
2/2+2/1	A453 (West) Ahead Left	U+O	N/A	N/A	A -		1	51	-	846	1965:1439	534+423	88.4 : 88.4%
2/3	A453 (West) Ahead	U	N/A	N/A	A		1	51	-	262	2105	1095	23.9%
3/1+3/2	Airport Access Right Left	U	N/A	N/A	D E		1	29:7	-	330	1805:1830	453+146	46.1 : 82.7%
4/1		U	N/A	N/A	-		-	-	-	482	Inf	Inf	0.0%
5/1	Ahead	U	N/A	N/A	-		-	-	-	681	1965	1965	34.7%
5/2	Ahead	O	N/A	N/A	-		-	-	-	262	2105	565	46.4%
6/1		U	N/A	N/A	-		-	-	-	943	Inf	Inf	0.0%
7/1		U	N/A	N/A	-		-	-	-	655	Inf	Inf	0.0%

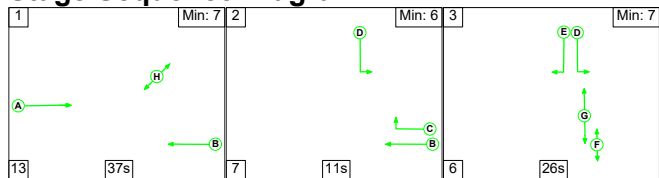
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)														
<b>Network: A453/EMA Junction</b>	-	-	301	335	0	11.9	7.6	0.0	19.5	-	-	-	-														
<b>A453/Airport Access</b>	-	-	301	335	0	11.9	7.6	0.0	19.5	-	-	-	-														
1/1+1/2	642	642	-	-	-	3.3	2.6	-	5.8 (1.6+4.2)	32.8 (16.3:54.0)	7.5	2.6	10.0														
2/2+2/1	846	846	39	335	0	3.8	3.6	-	7.4 (4.5+2.9)	31.5 (34.4:27.8)	18.5	3.6	22.1														
2/3	262	262	-	-	-	1.0	0.2	-	1.1	15.3	3.9	0.2	4.1														
3/1+3/2	330	330	-	-	-	3.1	0.6	-	3.7 (2.0+1.7)	40.8 (34.4:52.0)	4.6	0.6	5.2														
4/1	482	482	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0														
5/1	681	681	-	-	-	0.0	0.3	-	0.3	1.4	0.0	0.3	0.3														
5/2	262	262	262	0	0	0.7	0.4	-	1.1	15.0	6.8	0.4	7.2														
6/1	943	943	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0														
7/1	655	655	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0														
<table style="width:100%; border:none;"> <tr> <td style="width:25%;">C1</td> <td style="width:25%;">PRC for Signalled Lanes (%):</td> <td style="width:10%;">1.9</td> <td style="width:25%;">Total Delay for Signalled Lanes (pcuHr):</td> <td style="width:15%;">18.11</td> <td style="width:20%;">Cycle Time (s):</td> <td>100</td> </tr> <tr> <td></td> <td>PRC Over All Lanes (%):</td> <td>1.9</td> <td>Total Delay Over All Lanes (pcuHr):</td> <td>19.47</td> <td></td> <td></td> </tr> </table>														C1	PRC for Signalled Lanes (%):	1.9	Total Delay for Signalled Lanes (pcuHr):	18.11	Cycle Time (s):	100		PRC Over All Lanes (%):	1.9	Total Delay Over All Lanes (pcuHr):	19.47		
C1	PRC for Signalled Lanes (%):	1.9	Total Delay for Signalled Lanes (pcuHr):	18.11	Cycle Time (s):	100																					
	PRC Over All Lanes (%):	1.9	Total Delay Over All Lanes (pcuHr):	19.47																							

Full Input Data And Results

**Scenario 4: '2a 2038 Forecast Year With Development (PM)'** (FG4: '2a 2038 Forecast Year With Development (PM)', Plan 2: 'Network Control Plan 2')

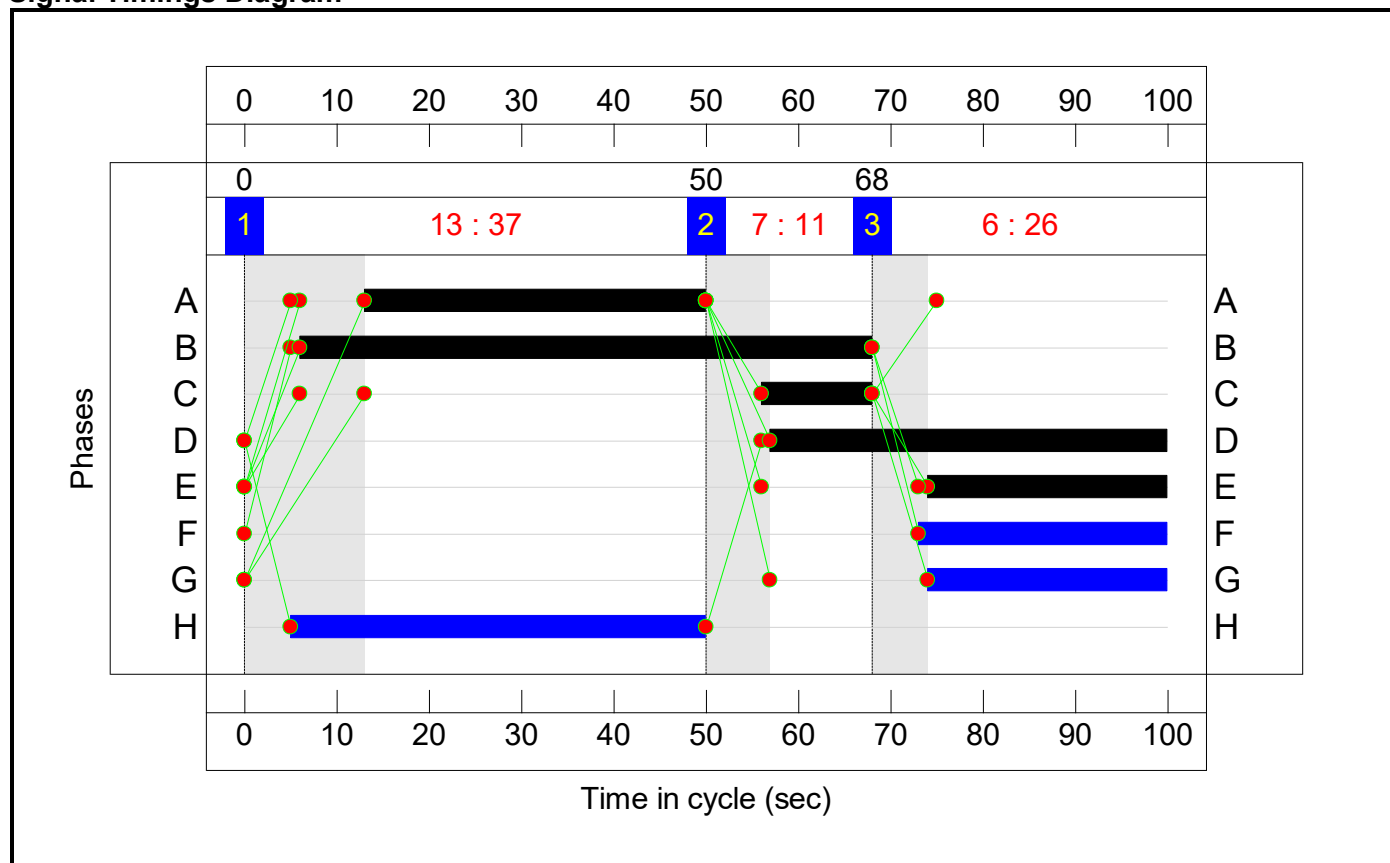
**Stage Sequence Diagram**



**Stage Timings**

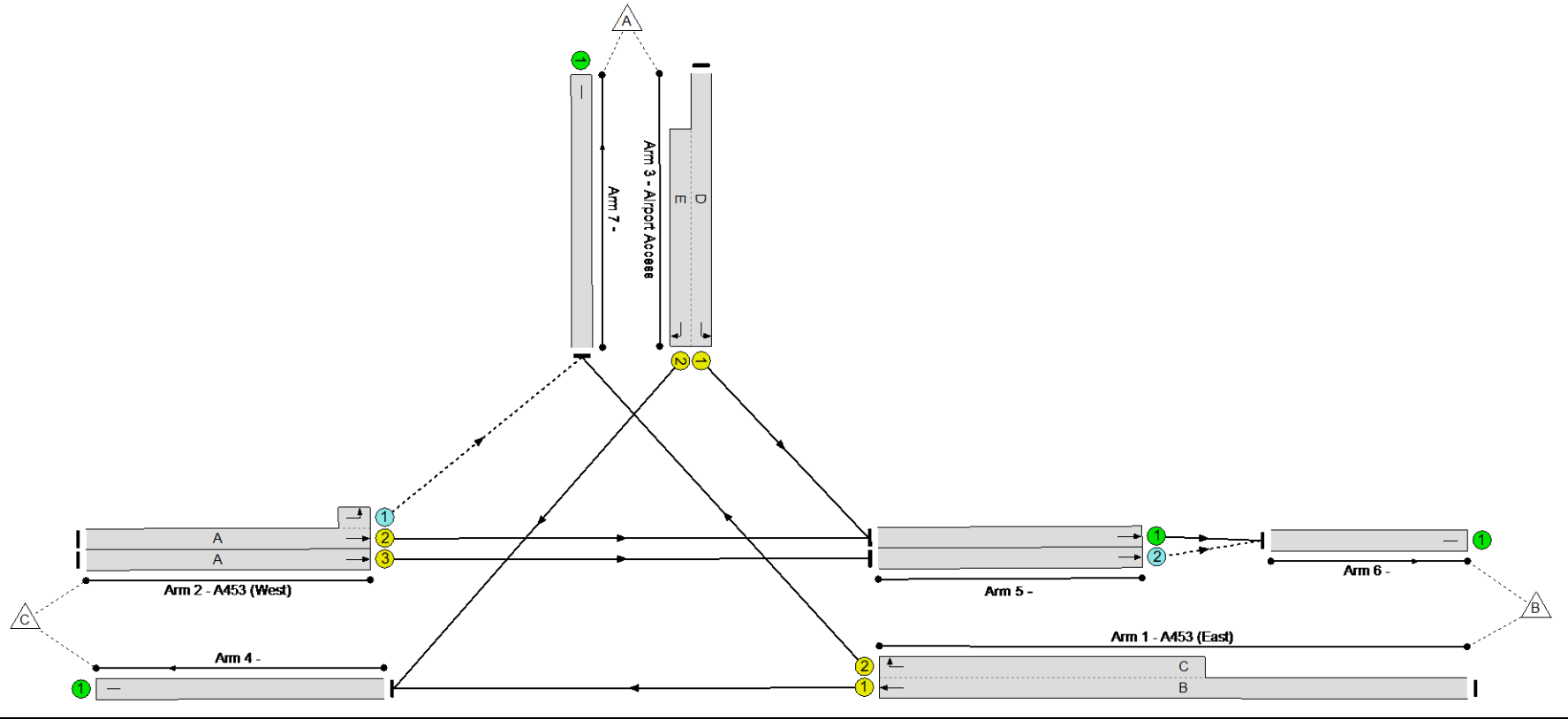
Stage	1	2	3
Duration	37	11	26
Change Point	0	50	68

**Signal Timings Diagram**



Full Input Data And Results  
**Network Layout Diagram**

A453/Airport Access  
PRC: 38.2 %  
Total Traffic Delay: 15.4 pcuHr



Full Input Data And Results

**Network Results**

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
<b>Network: A453/EMA Junction</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>65.1%</b>
<b>A453/Airport Access</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>65.1%</b>
1/1+1/2	A453 (East) Ahead Right	U	N/A	N/A	B C		1	62:12	-	837	1965:1854	1170+241	58.1 : 65.1%
2/2+2/1	A453 (West) Ahead Left	U+O	N/A	N/A	A -		1	37	-	457	1965:1439	534+184	63.6 : 63.6%
2/3	A453 (West) Ahead	U	N/A	N/A	A		1	37	-	144	2105	800	18.0%
3/1+3/2	Airport Access Right Left	U	N/A	N/A	D E		1	43:26	-	681	1805:1830	571+494	64.0 : 64.0%
4/1		U	N/A	N/A	-		-	-	-	996	Inf	Inf	0.0%
5/1	Ahead	U	N/A	N/A	-		-	-	-	705	1965	1965	35.9%
5/2	Ahead	O	N/A	N/A	-		-	-	-	144	2105	560	25.7%
6/1		U	N/A	N/A	-		-	-	-	849	Inf	Inf	0.0%
7/1		U	N/A	N/A	-		-	-	-	274	Inf	Inf	0.0%

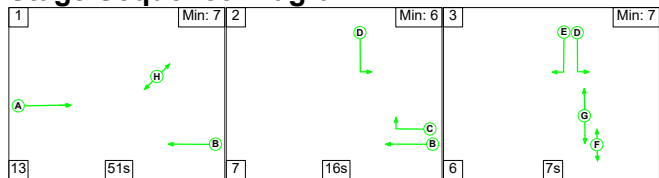
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
<b>Network: A453/EMA Junction</b>	-	-	159	102	0	12.3	3.0	0.0	15.4	-	-	-	-
<b>A453/Airport Access</b>	-	-	159	102	0	12.3	3.0	0.0	15.4	-	-	-	-
1/1+1/2	837	837	-	-	-	3.8	0.7	-	4.5 (2.6+1.9)	19.4 (13.6:44.5)	10.6	0.7	11.3
2/2+2/1	457	457	15	102	0	2.7	0.9	-	3.6 (3.0+0.6)	28.0 (31.3:18.6)	9.4	0.9	10.3
2/3	144	144	-	-	-	0.8	0.1	-	0.9	23.4	2.6	0.1	2.7
3/1+3/2	681	681	-	-	-	4.8	0.9	-	5.7 (2.5+3.2)	30.2 (24.3:36.9)	7.7	0.9	8.6
4/1	996	996	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	705	705	-	-	-	0.0	0.3	-	0.3	1.4	0.0	0.3	0.3
5/2	144	144	144	0	0	0.2	0.2	-	0.4	9.9	3.4	0.2	3.6
6/1	849	849	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	274	274	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
C1			PRC for Signalled Lanes (%):		38.2	Total Delay for Signalled Lanes (pcuHr):		14.70	Cycle Time (s): 100				
			PRC Over All Lanes (%):		38.2	Total Delay Over All Lanes(pcuHr):		15.38					

Full Input Data And Results

**Scenario 5: '2a 2028 Forecast + Dev + Mezz (AM)'** (FG7: '2a 2028 Forecast + Deve + Mezz (AM)', Plan 2: 'Network Control Plan 2')

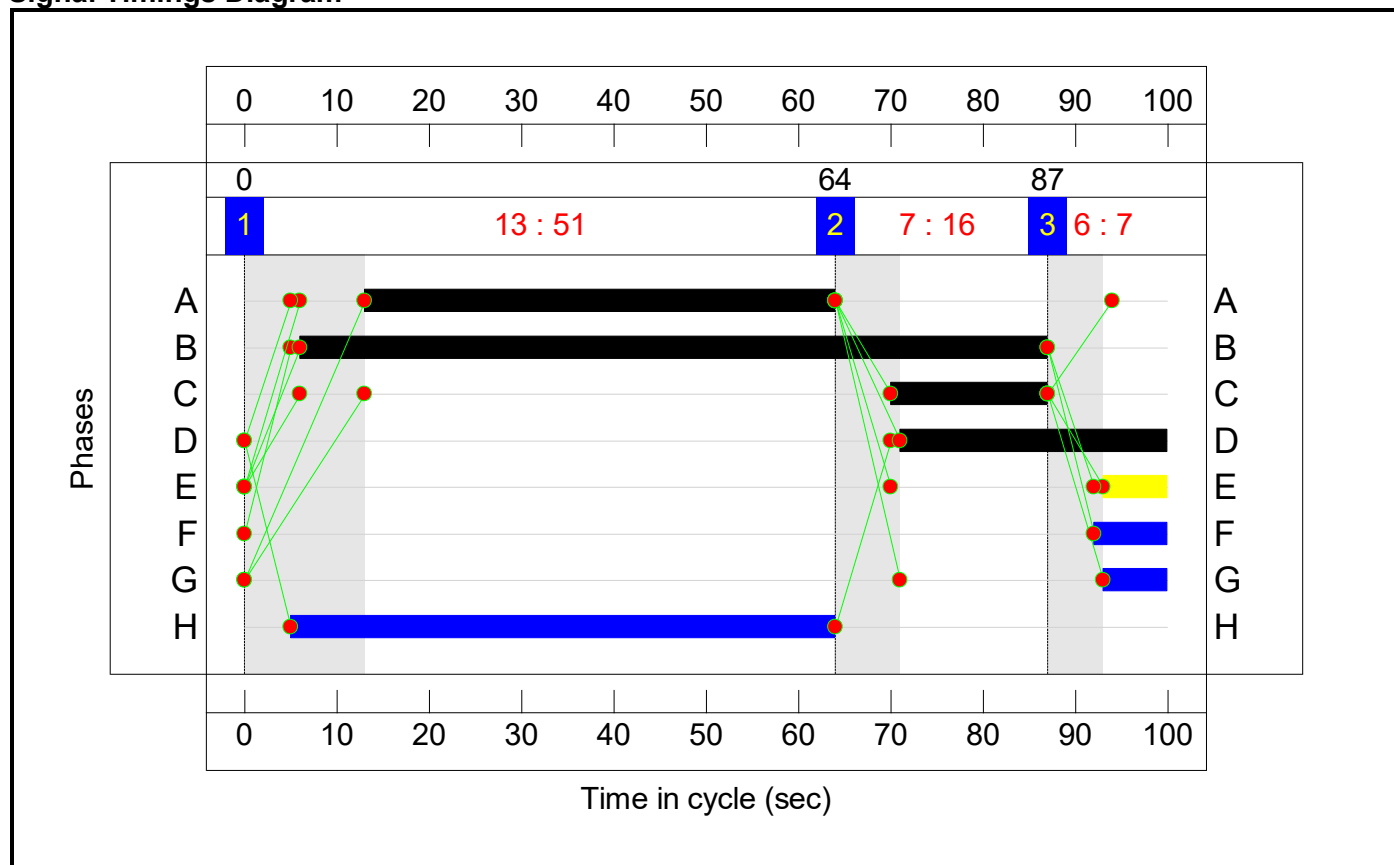
**Stage Sequence Diagram**



**Stage Timings**

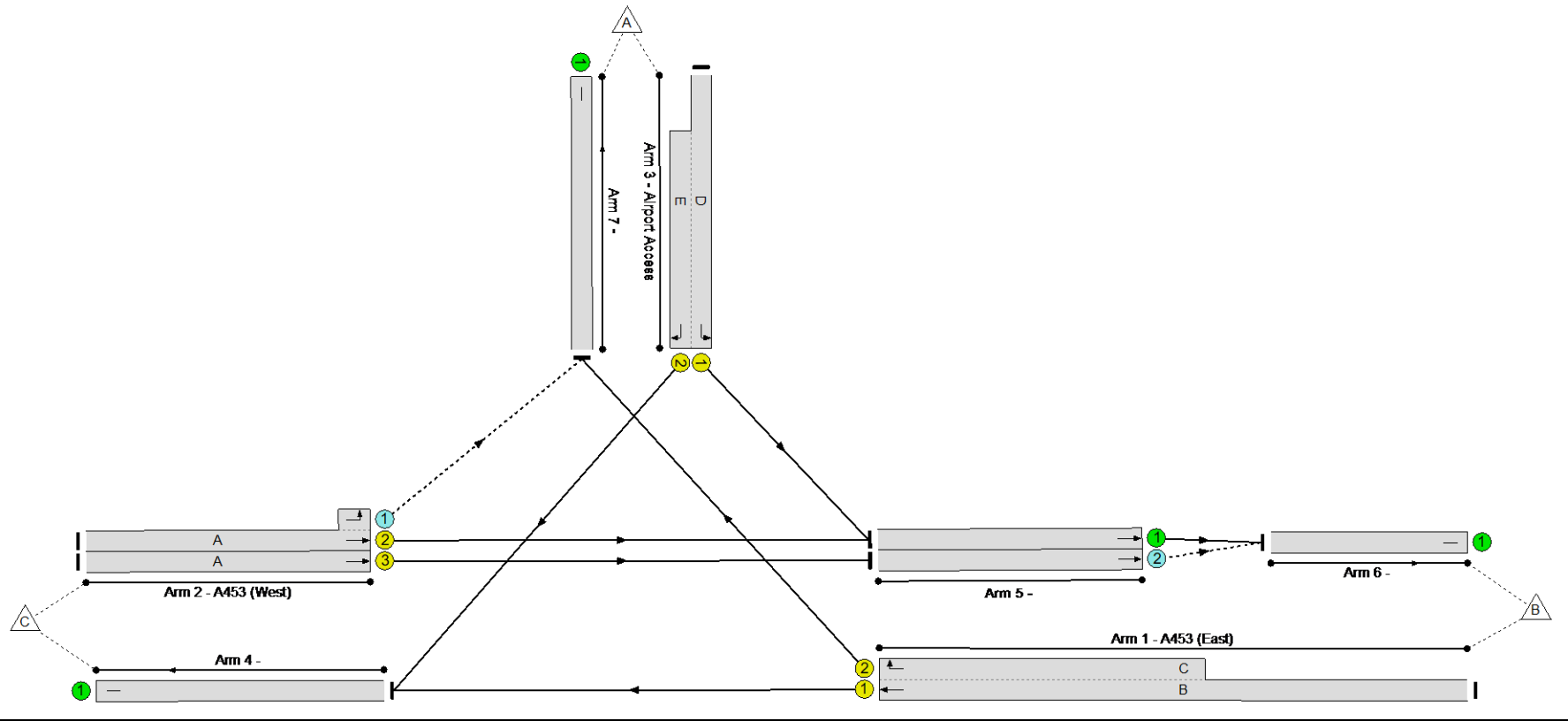
Stage	1	2	3
Duration	51	16	7
Change Point	0	64	87

**Signal Timings Diagram**



# Full Input Data And Results Network Layout Diagram

A453/Airport Access  
PRC: 7.8 %  
Total Traffic Delay: 15.5 pcuHr



Full Input Data And Results

**Network Results**

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
<b>Network: A453/EMA Junction</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>83.5%</b>
<b>A453/Airport Access</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>83.5%</b>
1/1+1/2	A453 (East) Ahead Right	U	N/A	N/A	B C		1	81:17	-	631	1965:1854	455+334	80.0 : 80.0%
2/2+2/1	A453 (West) Ahead Left	U+O	N/A	N/A	A -		1	51	-	801	1965:1439	611+349	83.5 : 83.5%
2/3	A453 (West) Ahead	U	N/A	N/A	A		1	51	-	218	2105	1095	19.9%
3/1+3/2	Airport Access Right Left	U	N/A	N/A	D E		1	29:7	-	246	1805:1830	542+146	32.9 : 46.4%
4/1		U	N/A	N/A	-		-	-	-	432	Inf	Inf	0.0%
5/1	Ahead	U	N/A	N/A	-		-	-	-	688	1965	1965	35.0%
5/2	Ahead	O	N/A	N/A	-		-	-	-	218	2105	564	38.7%
6/1		U	N/A	N/A	-		-	-	-	906	Inf	Inf	0.0%
7/1		U	N/A	N/A	-		-	-	-	558	Inf	Inf	0.0%

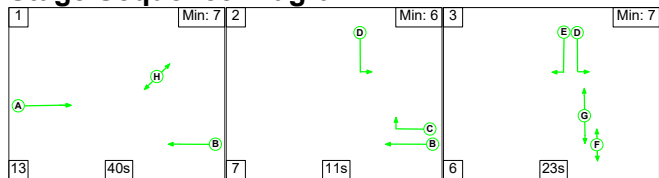
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
<b>Network: A453/EMA Junction</b>	-	-	245	264	0	10.1	5.4	0.0	15.5	-	-	-	-
<b>A453/Airport Access</b>	-	-	245	264	0	10.1	5.4	0.0	15.5	-	-	-	-
1/1+1/2	631	631	-	-	-	3.1	2.0	-	5.1 (1.3+3.7)	28.9 (13.1:50.4)	7.0	2.0	9.0
2/2+2/1	801	801	27	264	0	3.6	2.5	-	6.1 (4.2+1.9)	27.4 (29.9:23.0)	17.4	2.5	19.9
2/3	218	218	-	-	-	0.8	0.1	-	0.9	14.9	3.2	0.1	3.3
3/1+3/2	246	246	-	-	-	2.2	0.3	-	2.5 (1.5+0.9)	35.9 (31.3:48.1)	3.8	0.3	4.1
4/1	432	432	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	688	688	-	-	-	0.0	0.3	-	0.3	1.4	0.0	0.3	0.3
5/2	218	218	218	0	0	0.4	0.3	-	0.7	11.9	5.1	0.3	5.4
6/1	906	906	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	558	558	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
<p>C1                      PRC for Signalled Lanes (%): 7.8                      Total Delay for Signalled Lanes (pcuHr): 14.52                      Cycle Time (s): 100                      PRC Over All Lanes (%): 7.8                      Total Delay Over All Lanes (pcuHr): 15.51</p>													

Full Input Data And Results

**Scenario 6: '2a 2028 Forecast + Dev + Mezz (PM)'** (FG8: '2a 2028 Forecast + Deve + Mezz (PM)', Plan 2: 'Network Control Plan 2')

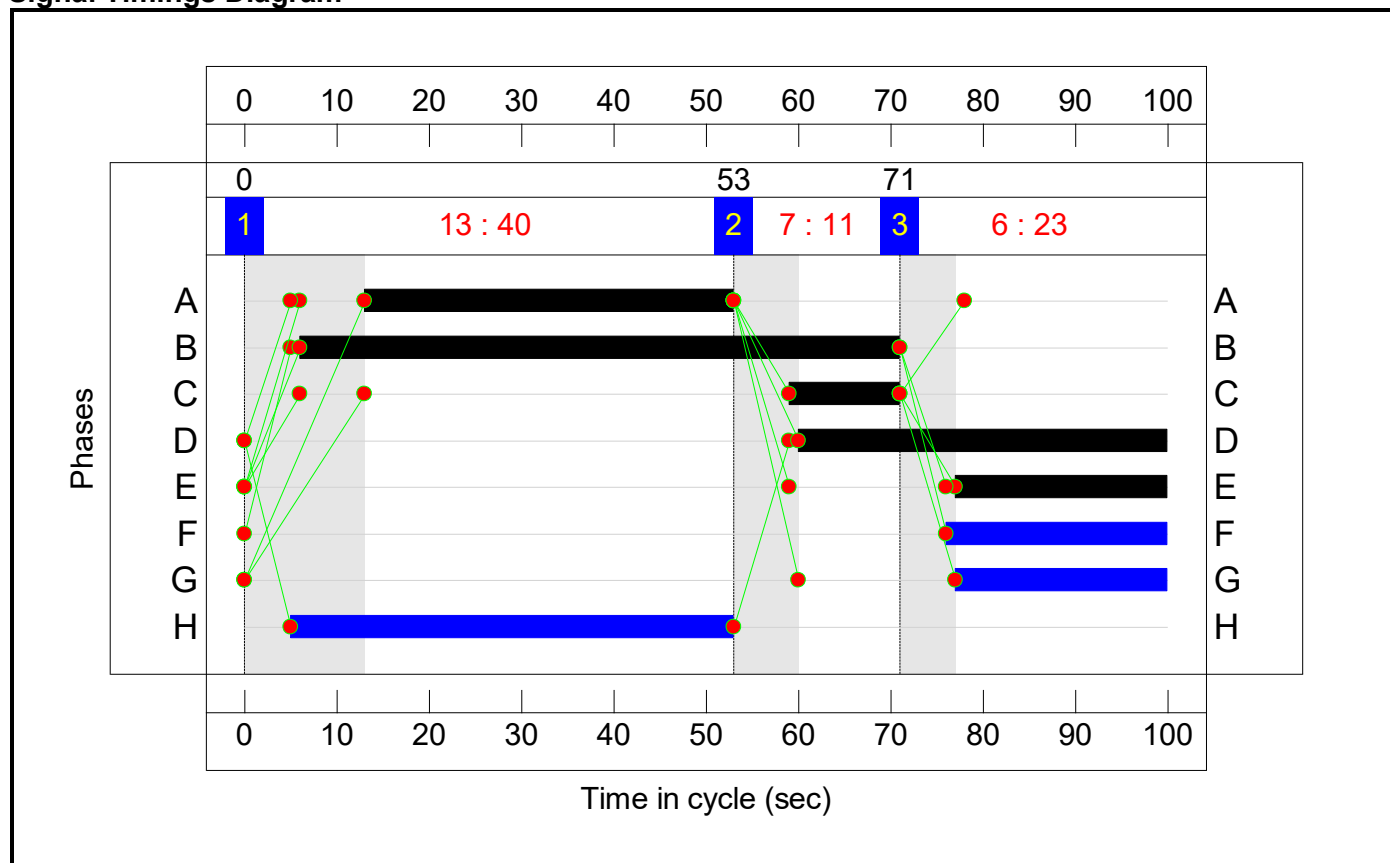
**Stage Sequence Diagram**



**Stage Timings**

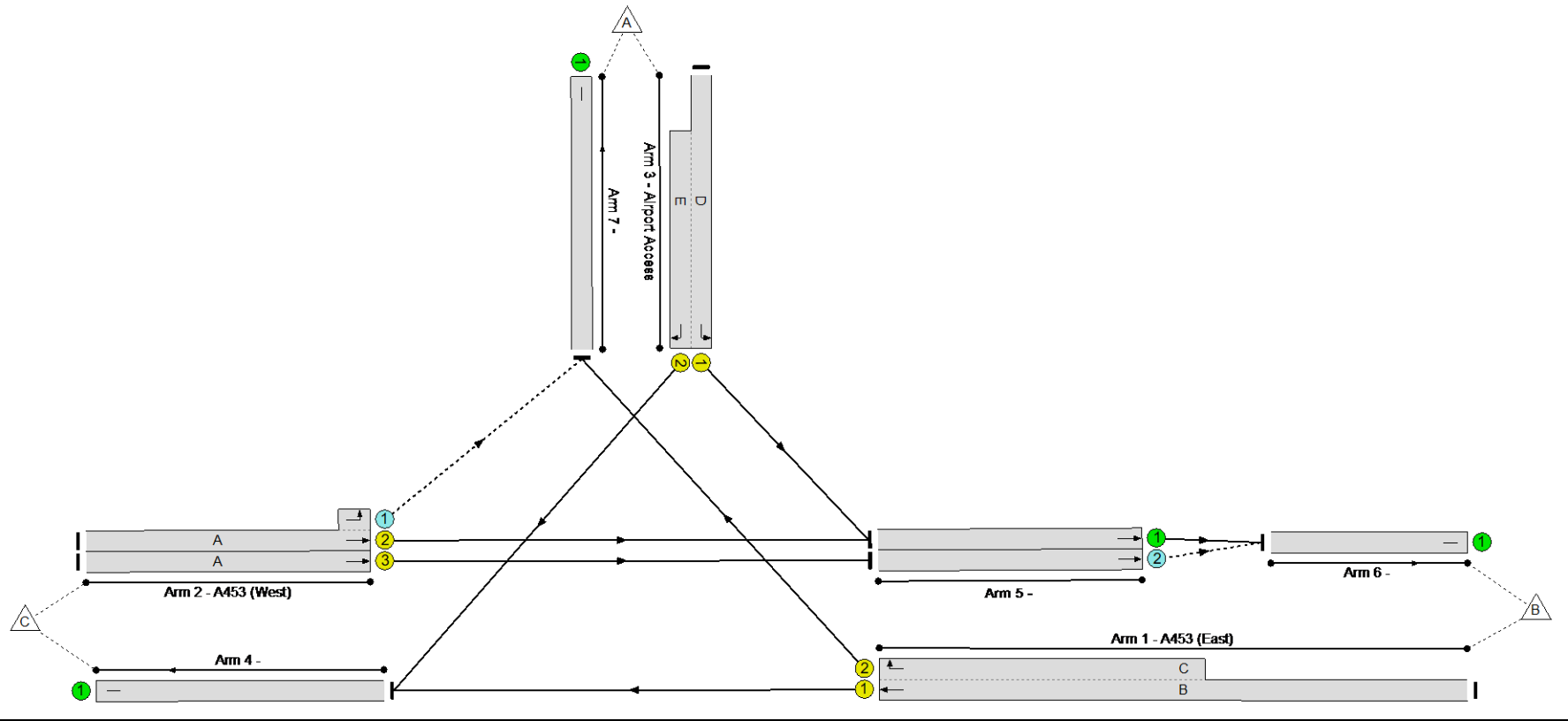
Stage	1	2	3
Duration	40	11	23
Change Point	0	53	71

**Signal Timings Diagram**



# Full Input Data And Results Network Layout Diagram

A453/Airport Access  
PRC: 76.5 %  
Total Traffic Delay: 11.2 pcuHr



Full Input Data And Results

**Network Results**

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
<b>Network: A453/EMA Junction</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>51.0%</b>
<b>A453/Airport Access</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>51.0%</b>
1/1+1/2	A453 (East) Ahead Right	U	N/A	N/A	B C		1	65:12	-	745	1965:1854	1229+241	50.7 : 50.7%
2/2+2/1	A453 (West) Ahead Left	U+O	N/A	N/A	A -		1	40	-	393	1965:1439	614+162	50.7 : 50.7%
2/3	A453 (West) Ahead	U	N/A	N/A	A		1	40	-	109	2105	863	12.6%
3/1+3/2	Airport Access Right Left	U	N/A	N/A	D E		1	40:23	-	511	1805:1830	563+439	51.0 : 51.0%
4/1		U	N/A	N/A	-		-	-	-	847	Inf	Inf	0.0%
5/1	Ahead	U	N/A	N/A	-		-	-	-	598	1965	1965	30.4%
5/2	Ahead	O	N/A	N/A	-		-	-	-	109	2105	583	18.7%
6/1		U	N/A	N/A	-		-	-	-	707	Inf	Inf	0.0%
7/1		U	N/A	N/A	-		-	-	-	204	Inf	Inf	0.0%

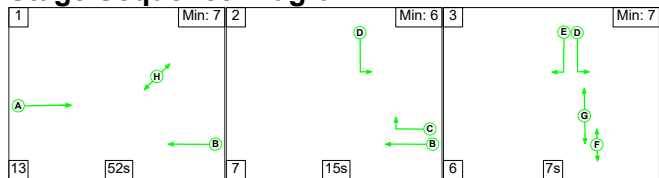
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
<b>Network: A453/EMA Junction</b>	-	-	120	71	0	9.2	2.0	0.0	11.2	-	-	-	-
<b>A453/Airport Access</b>	-	-	120	71	0	9.2	2.0	0.0	11.2	-	-	-	-
1/1+1/2	745	745	-	-	-	2.8	0.5	-	3.4 (1.9+1.5)	16.2 (10.9:43.0)	8.5	0.5	9.0
2/2+2/1	393	393	11	71	0	2.0	0.5	-	2.5 (2.2+0.3)	23.3 (26.0:13.2)	7.4	0.5	7.9
2/3	109	109	-	-	-	0.6	0.1	-	0.6	20.8	1.9	0.1	1.9
3/1+3/2	511	511	-	-	-	3.7	0.5	-	4.2 (1.9+2.3)	29.7 (24.4:36.6)	5.6	0.5	6.1
4/1	847	847	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	598	598	-	-	-	0.0	0.2	-	0.2	1.3	0.0	0.2	0.2
5/2	109	109	109	0	0	0.1	0.1	-	0.2	6.7	2.3	0.1	2.4
6/1	707	707	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	204	204	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
C1      PRC for Signalled Lanes (%): 76.5      Total Delay for Signalled Lanes (pcuHr): 10.74      Cycle Time (s): 100 PRC Over All Lanes (%): 76.5      Total Delay Over All Lanes(pcuHr): 11.16													

Full Input Data And Results

**Scenario 7: '2a 2038 Forecast + Dev + Mezz (AM)'** (FG9: '2a 2038 Forecast + Deve + Mezz (AM)', Plan 2: 'Network Control Plan 2')

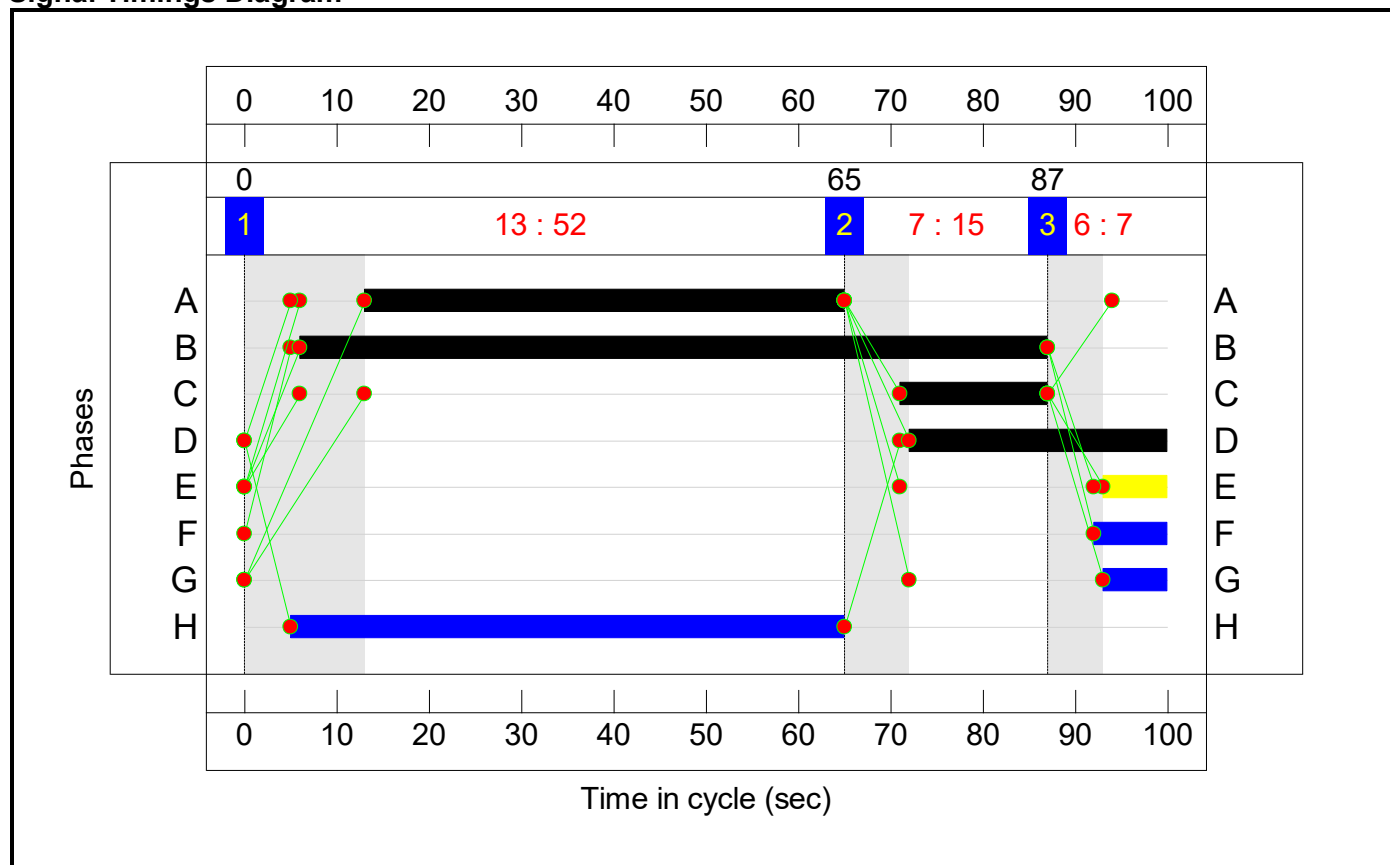
**Stage Sequence Diagram**



**Stage Timings**

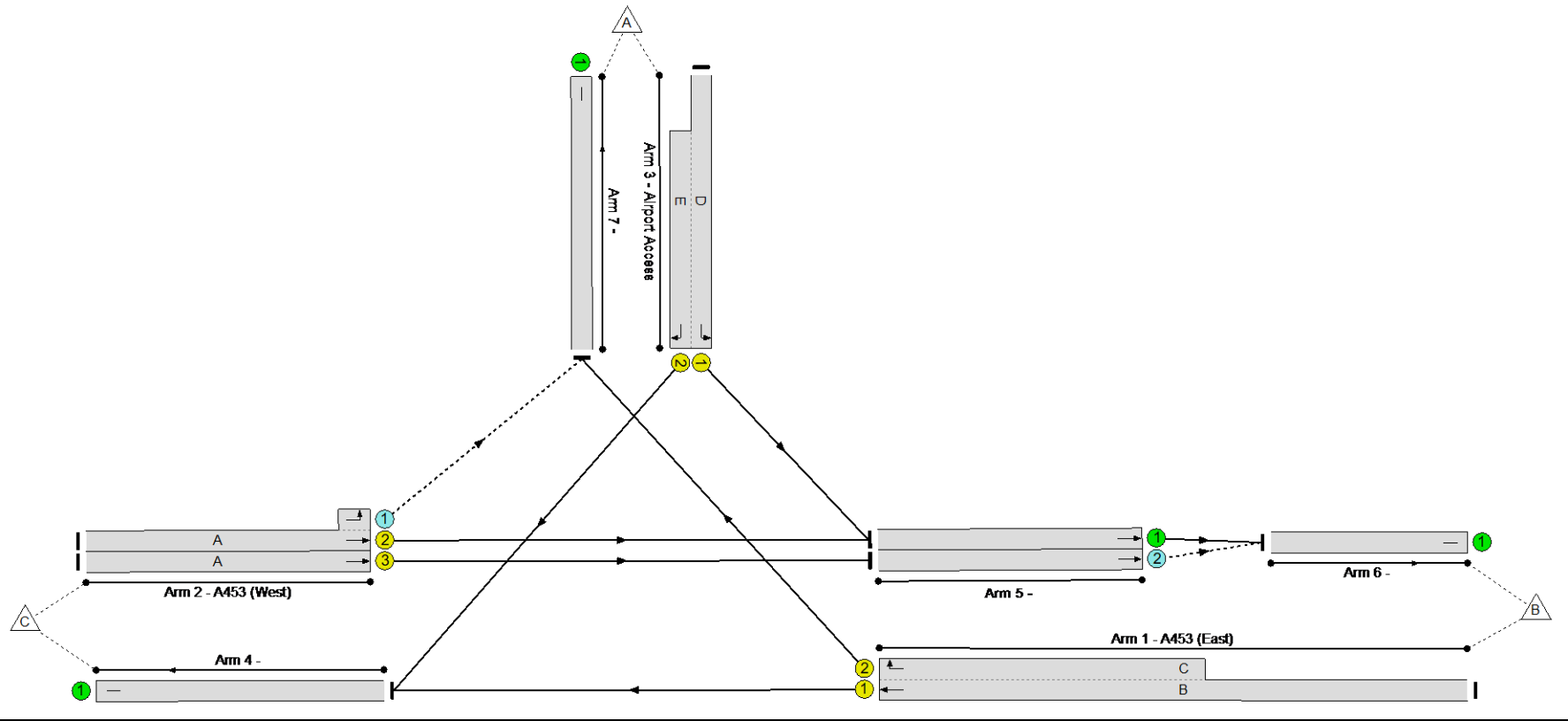
Stage	1	2	3
Duration	52	15	7
Change Point	0	65	87

**Signal Timings Diagram**



Full Input Data And Results  
**Network Layout Diagram**

A453/Airport Access  
PRC: 0.3 %  
Total Traffic Delay: 21.4 pcuHr



Full Input Data And Results

**Network Results**

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
<b>Network: A453/EMA Junction</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>89.7%</b>
<b>A453/Airport Access</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>89.7%</b>
1/1+1/2	A453 (East) Ahead Right	U	N/A	N/A	B C		1	81:16	-	645	1965:1854	408+315	89.2 : 89.2%
2/2+2/1	A453 (West) Ahead Left	U+O	N/A	N/A	A -		1	52	-	874	1965:1439	557+417	89.7 : 89.7%
2/3	A453 (West) Ahead	U	N/A	N/A	A		1	52	-	271	2105	1116	24.3%
3/1+3/2	Airport Access Right Left	U	N/A	N/A	D E		1	28:7	-	330	1805:1830	489+146	42.7 : 82.7%
4/1		U	N/A	N/A	-		-	-	-	485	Inf	Inf	0.0%
5/1	Ahead	U	N/A	N/A	-		-	-	-	709	1965	1965	36.1%
5/2	Ahead	O	N/A	N/A	-		-	-	-	271	2105	559	48.5%
6/1		U	N/A	N/A	-		-	-	-	980	Inf	Inf	0.0%
7/1		U	N/A	N/A	-		-	-	-	655	Inf	Inf	0.0%

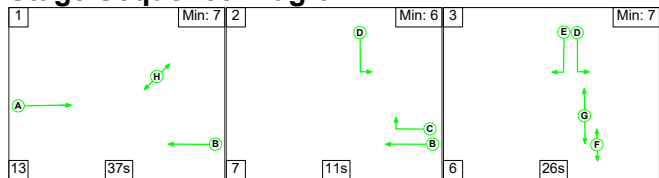
Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
<b>Network: A453/EMA Junction</b>	-	-	307	338	0	12.2	9.2	0.0	21.4	-	-	-	-
<b>A453/Airport Access</b>	-	-	307	338	0	12.2	9.2	0.0	21.4	-	-	-	-
1/1+1/2	645	645	-	-	-	3.4	3.8	-	7.1 (2.3+4.8)	39.8 (22.9:61.5)	7.6	3.8	11.3
2/2+2/1	874	874	36	338	0	4.0	4.0	-	8.0 (5.0+3.0)	32.9 (35.7:29.3)	19.5	4.0	23.6
2/3	271	271	-	-	-	1.0	0.2	-	1.1	14.8	4.0	0.2	4.2
3/1+3/2	330	330	-	-	-	3.2	0.5	-	3.7 (2.0+1.7)	40.5 (34.4:51.2)	4.6	0.5	5.2
4/1	485	485	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	709	709	-	-	-	0.0	0.3	-	0.3	1.4	0.0	0.3	0.3
5/2	271	271	271	0	0	0.7	0.5	-	1.2	15.9	7.2	0.5	7.6
6/1	980	980	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	655	655	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
C1			PRC for Signalled Lanes (%):		0.3	Total Delay for Signalled Lanes (pcuHr):			19.95	Cycle Time (s): 100			
			PRC Over All Lanes (%):		0.3	Total Delay Over All Lanes (pcuHr):			21.43				

Full Input Data And Results

**Scenario 8: '2a 2038 Forecast + Dev + Mezz (PM)'** (FG10: '2a 2038 Forecast + Deve + Mezz (PM)', Plan 2: 'Network Control Plan 2')

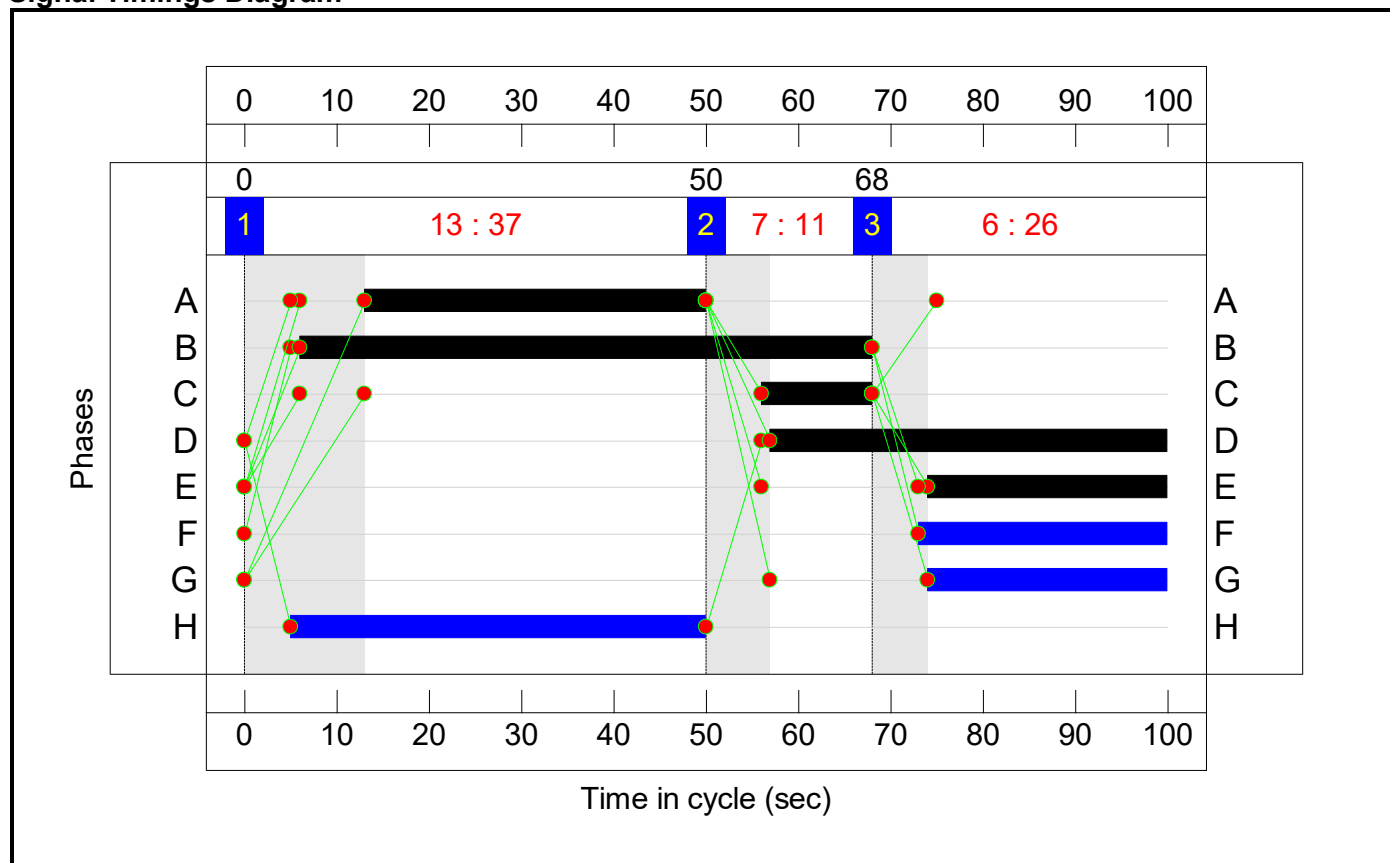
**Stage Sequence Diagram**



**Stage Timings**

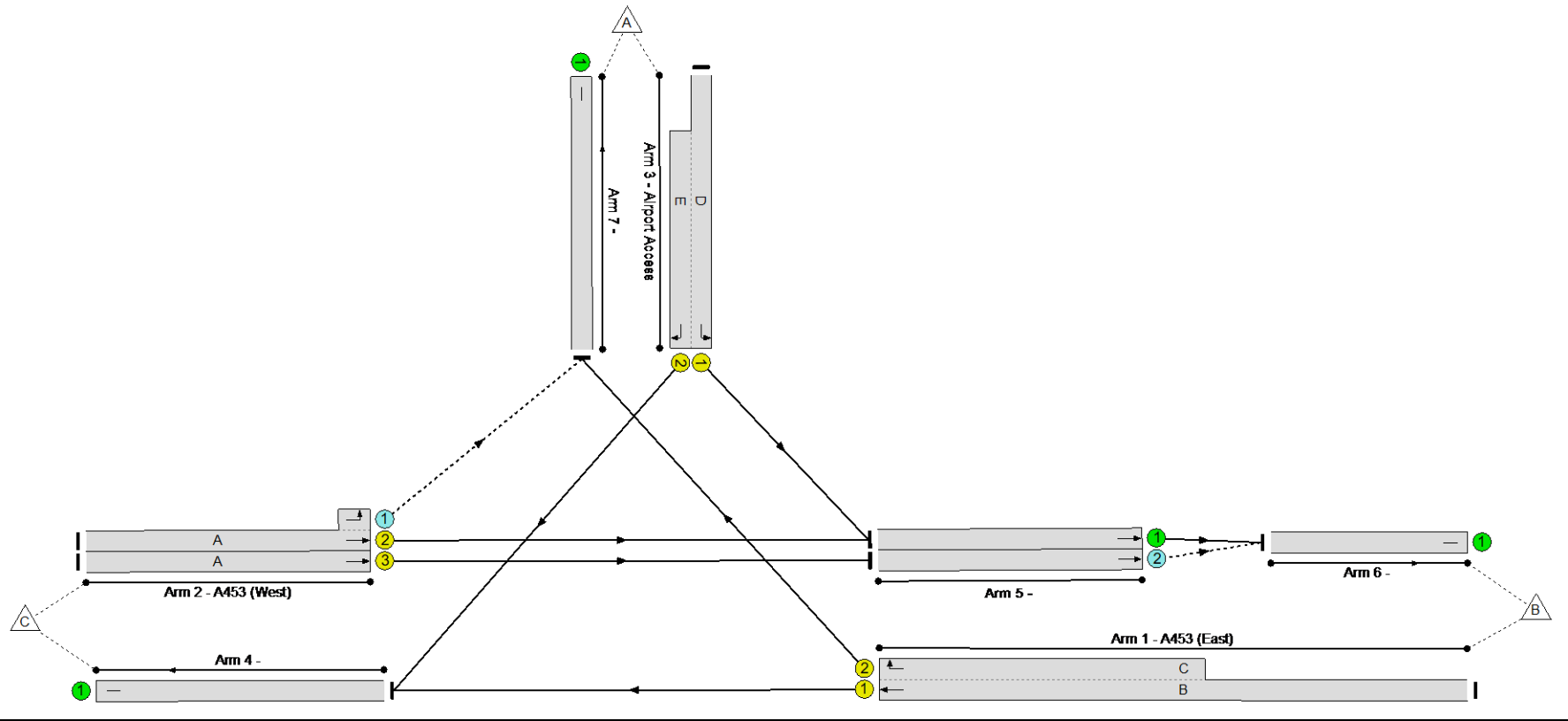
Stage	1	2	3
Duration	37	11	26
Change Point	0	50	68

**Signal Timings Diagram**



# Full Input Data And Results Network Layout Diagram

A453/Airport Access  
PRC: 38.2 %  
Total Traffic Delay: 15.8 pcuHr



Full Input Data And Results

**Network Results**

Item	Lane Description	Lane Type	Controller Stream	Position In Filtered Route	Full Phase	Arrow Phase	Num Greens	Total Green (s)	Arrow Green (s)	Demand Flow (pcu)	Sat Flow (pcu/Hr)	Capacity (pcu)	Deg Sat (%)
<b>Network: A453/EMA Junction</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>65.1%</b>
<b>A453/Airport Access</b>	-	-	N/A	-	-		-	-	-	-	-	-	<b>65.1%</b>
1/1+1/2	A453 (East) Ahead Right	U	N/A	N/A	B C		1	62:12	-	887	1965:1854	1175+241	62.1 : 65.1%
2/2+2/1	A453 (West) Ahead Left	U+O	N/A	N/A	A -		1	37	-	461	1965:1439	536+182	64.2 : 64.2%
2/3	A453 (West) Ahead	U	N/A	N/A	A		1	37	-	147	2105	800	18.4%
3/1+3/2	Airport Access Right Left	U	N/A	N/A	D E		1	43:26	-	681	1805:1830	571+494	64.0 : 64.0%
4/1		U	N/A	N/A	-		-	-	-	1046	Inf	Inf	0.0%
5/1	Ahead	U	N/A	N/A	-		-	-	-	709	1965	1965	36.1%
5/2	Ahead	O	N/A	N/A	-		-	-	-	147	2105	559	26.3%
6/1		U	N/A	N/A	-		-	-	-	856	Inf	Inf	0.0%
7/1		U	N/A	N/A	-		-	-	-	274	Inf	Inf	0.0%

Full Input Data And Results

Item	Arriving (pcu)	Leaving (pcu)	Turners In Gaps (pcu)	Turners When Unopposed (pcu)	Turners In Intergreen (pcu)	Uniform Delay (pcuHr)	Rand + Oversat Delay (pcuHr)	Storage Area Uniform Delay (pcuHr)	Total Delay (pcuHr)	Av. Delay Per PCU (s/pcu)	Max. Back of Uniform Queue (pcu)	Rand + Oversat Queue (pcu)	Mean Max Queue (pcu)
<b>Network: A453/EMA Junction</b>	-	-	162	102	0	12.6	3.2	0.0	15.8	-	-	-	-
<b>A453/Airport Access</b>	-	-	162	102	0	12.6	3.2	0.0	15.8	-	-	-	-
1/1+1/2	887	887	-	-	-	4.0	0.8	-	4.8 (2.9+2.0)	19.7 (14.3:44.7)	11.8	0.8	12.6
2/2+2/1	461	461	15	102	0	2.7	0.9	-	3.6 (3.0+0.6)	28.3 (31.4:18.9)	9.6	0.9	10.5
2/3	147	147	-	-	-	0.8	0.1	-	1.0	23.4	2.7	0.1	2.8
3/1+3/2	681	681	-	-	-	4.8	0.9	-	5.7 (2.5+3.2)	30.2 (24.3:36.9)	7.7	0.9	8.6
4/1	1046	1046	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
5/1	709	709	-	-	-	0.0	0.3	-	0.3	1.4	0.0	0.3	0.3
5/2	147	147	147	0	0	0.2	0.2	-	0.4	10.2	3.5	0.2	3.7
6/1	856	856	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
7/1	274	274	-	-	-	0.0	0.0	-	0.0	0.0	0.0	0.0	0.0
C1			PRC for Signalled Lanes (%):		38.2	Total Delay for Signalled Lanes (pcuHr):		15.13	Cycle Time (s): 100				
			PRC Over All Lanes (%):		38.2	Total Delay Over All Lanes(pcuHr):		15.82					

## **ANNEX B**

**Correspondence confirming the view of the Road Safety Audit Team on the revised proposal for Works No. 15**

## Simon Hilditch

---

**From:** AJ Oakes  
**Sent:** 09 June 2026 12:57  
**To:** Simon Hilditch  
**Cc:** Naomi Cook; Paul Wilson; Daniel Fraser  
**Subject:** RE: EMG2 Work 15: EMA access junction

Hi Simon,

Thanks for sending across the drawing of the signal controlled crossing.

As you stated, we did not raise any concerns with the uncontrolled crossing at the Stage 1 RSA and the controlled crossing option is considered a safer option as pedestrians will be given dedicated green time to cross the carriageway.

Subject to the detailed design which will obviously be reviewed at Stage 2 RSA, we can confirm that we have no concerns with the principle of a controlled crossing being provided as shown in the drawings at this stage.

We hope the above makes sense, but if you do have any queries, please do not hesitate to contact us.

Kind regards,

**AJ Oakes** MSoRSA MCIHT  
Associate Director  
5th Floor, Waterfront House, Station Street, Nottingham, NG2 3DQ  
**T:** 07760 508862 | **W:** [bwbconsulting.com](http://bwbconsulting.com)



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**From:** Simon Hilditch <[Simon.Hilditch@bwbconsulting.com](mailto:Simon.Hilditch@bwbconsulting.com)>  
**Sent:** 01 June 2026 09:00  
**To:** AJ Oakes <[Andrew.Oakes@bwbconsulting.com](mailto:Andrew.Oakes@bwbconsulting.com)>  
**Cc:** Naomi Cook <[naomi@merakialliance.co.uk](mailto:naomi@merakialliance.co.uk)>; Paul Wilson <[Paul.Wilson@bwbconsulting.com](mailto:Paul.Wilson@bwbconsulting.com)>; Daniel Fraser <[Daniel.Fraser@bwbconsulting.com](mailto:Daniel.Fraser@bwbconsulting.com)>  
**Subject:** RE: EMG2 Work 15: EMA access junction

Hi AJ

Segro have confirmed to LCC that they will provide a controlled crossing instead of the uncontrolled crossing. The attached drawing shows both options side by side. Whilst noting that you did not raise any concerns with the uncontrolled crossing, for completeness please can you review the attached drawing and advise if you have any concerns with the controlled crossing option. The question is posed in terms of matters for consideration at Stage 1, noting of course that detailed layout matters (e.g. exact locations of signals, tactiles etc.) would be assessed at Stage 2.

The junction capacity assessment is also attached which shows that the junction will operate within capacity in all forecast modelling scenarios. This is summarised below.

LinSig assessment

The agreed base model has been updated to incorporate the proposed crossings along the eastern side of the junction and the crossings have been called at every cycle to provide a robust assessment (in reality this level of pedestrian demand is considered highly unlikely). A summary of the PRC outputs are shown in the table below:

	<b>AM PRC</b>	<b>PM PRC</b>
2028 Base + Development	11.8%	77.0%
2038 Base + Development	1.9%	38.2%
2028 Base + Development + Mezzanine	7.8%	76.5%
2038 Base + Development + Mezzanine	0.3%	38.2%

I look forward to hearing from you

Best regards

Simon

**Simon Hilditch**

Director (Infrastructure Design) | BWB Consulting Limited  
5<sup>th</sup> Floor, Waterfront House, Station Street, Nottingham, NG2 3DQ  
**M** 07917 578775 **T** 0115 9241100 **W** [www.bwbconsulting.com](http://www.bwbconsulting.com)

## **ANNEX C**

### **Supplemental Note on Departures from Standard**

<b>Project</b>	East Midlands Gateway 2		
<b>Document Number</b>	EMG2-BWB-GEN-XX-RP-CH-0025	<b>BWB Ref</b>	220500
<b>Author</b>	Simon Hilditch	<b>Status</b>	S2
<b>Checked</b>	Daniel Fraser	<b>Revision</b>	P01
<b>Approved</b>	Simon Hilditch	<b>Date</b>	04.06.2026

## 1 INTRODUCTION

- 1.1 The geometric design of the EMG2 highway works on the strategic road network (SRN) has been reviewed in detail in BWB report EMG2-BWB-GEN-XX-RP-CH-0013, which is found at Transport Assessment Appendix 27 (Document DCO 6.6A).
- 1.2 The latest revision of that report (revision P6) submitted at Deadline 1 [REP-035] & [REP-037] assessed that there were five signage and signalling departures from standard needed and advised that at the time of writing these were in preparation to be submitted to National Highways for formal review.
- 1.3 The purpose of this supplemental note is to provide an update on the signage and signalling departures.

### Acronyms and Abbreviations

ALS	Above-lane signals
DMRB	Design Manual for Roads and Bridges
EMG2	East Midlands Gateway 2
NH	National Highways
SMP	Smart Motorway Project
SRN	Strategic Road Network
VMS	Variable message sign

### Summary of signage and signalling features

- 1.4 **Figure 1** below shows the key signage and signalling features



**Figure 1:** J24 Primary ALS/ADS/VMS gantry with features labelled (image courtesy of Google).

## **2 INITIAL REVIEW WITH NH**

2.1 Prior to submission of the signage and signalling departures discussions were held with technical and operations specialists within NH. This included a review of the compliance of the existing signage and signalling on the M1 Northbound from the M1 J23A merge (from A42) to the M1 J24 Diverge (to A50 and A453). During this review it became apparent that NH held no record of several existing departures as follows:

- Geometric layout of the J23A northbound merge (length of nose, taper and ghost island tail);
- Location of 'First' ALS gantry (GA-04) being 435m downstream of J23A entry datum point;
- No J24 Primary VMS provided 200-400m before the J24 Primary ADS and the VMS is co-located with the J24 Primary VMS and ALS (Gantry GA-04);
- No J24 Secondary VMS provided 200-400m before the J24 Secondary ADS and the VMS is co-located with the J24 Secondary VMS and ALS (Gantry GA-03); and
- J24 Confirmatory ALS (with VMS and exit ADS) is located 90m beyond the tip of the diverge nose (the permitted tolerance is 30m to 50m) (Gantry GA-01).

2.2 For information the co-location of ALS, Ahead ADS, Exit ADS and VMS on a single gantry is a departure from CD 146 clause 4.27.

2.3 The above existing departures are shown on schematic drawing EMG2-BWB-GEN-XX-SK-CH-SK073 found at **Appendix A**.

2.4 Whilst the positions of the gantries over this section was not changed during the M1 J23A-25 SMP, all of the signs and signals were amended by the SMP and the above existing departures should have been applied for and recorded as part of that scheme. This issue was discussed with NH and they subsequently advised as follows:

*"Whilst some of the missing departures pre date your scheme, it is considered that signals specifically operate as a system, and therefore decisions to retain existing layouts fundamentally involve considering reviewing each position of the whole layout. So for your scheme, whilst you may not specifically be changing the existing signal / signs decisions in some areas (that should've, but don't, have a departure against them) this does fall into the area of your scheme remit in terms of decisions. To phrase it another way, if we're impacting a Primary ADS, the Primary VMS can't be considered out of scope for a missing departure.*

*Additionally to this, any signals / signing scheme that has had a significant change to either the downstream junction layout, or exit datum point, fundamentally changes the risk of all related upstream signals and signs directly related to the approach to the junction. So again, departures are required to be considered."*

2.5 As a result of this feedback from NH the need for further departures from standard have been assessed.

## **3 ASSESSMENT OF THE EXISTING DEPARTURES**

3.1 The existing departures relating to the geometric layout of the J23A merge are to be resolved by making the layout **compliant** as part of the EMG2 Highway Works. This is set out in the geometry report found at TA Appendix 27 referred to above and is included within the scheme so that the weaving length between J23A and J24 is maximised.

3.2 The following table sets out how the signage and signalling departures have been assessed.

Existing signage and signalling departure (for which no record is available)	Assessment	Compliance with DMRB
M1 J23A-24 NB 'First' ALS	New 'First' ALS gantry (GA-04A) is to be provided 243m downstream of J23A entry datum point	<b>Compliant</b>
M1 J24 Primary VMS not 200-400m upstream of ALS and is co-located with ALS and ADS	With addition of new J24/24A Primary ALS / ADS gantry (GA-04A) the VMS would need to be 200-400m upstream. However, this is within the J23A merge and the existing VMS (gantry GA-05) is to be used as the primary VMS. This is 773m upstream and is therefore out of tolerance.	<b>Departure S6</b>
	The existing gantry (GA-04) is to be the J24A Secondary ALS/ADS. A secondary VMS should be 200-400m upstream but would be too close to the Primary ALS/ADS and is therefore co-located with the J24A Secondary ALS/ADS thus in effect retaining the current arrangement.	<b>Departure S7</b>
M1 J24 Secondary VMS not 200-400m upstream of ALS and is co-located with ALS and ADS	The existing gantry (GA-03) is to be retained, with the Secondary VMS co-located with the J24 Secondary ALS/ADS.	<b>Departure S8</b>
J24 Confirmatory ALS (with VMS and exit ADS) is located 90m beyond the tip of the diverge nose	The existing gantry (GA-01) is to be retained with the confirmatory exit ADS amended	<b>Departure S9</b>

- 3.3 The proposed scheme is shown on schematic drawing EMG2-BWB-GEN-XX-SK-CH-SK073 found at **Appendix A**.
- 3.4 Departure S6 was already identified as being required as a result of the provision of the new Primary ALS/ADS gantry (GA-04A). However, the above review has identified three further departures (S7, S8 and S9).

**4 SUMMARY OF STATUS OF DEPARTURES ON THE SRN**

- 4.1 The following table sets out the current status of all of the departures from standard on the SRN for the EMG2 Highway Works.

**DEPARTURES SUPPLEMENTAL NOTE**  
**EMG2 HIGHWAY WORKS**



DAS Reference	Designers Departure Reference	Departure Safety Risk Category	Design Standard	Departure Location	Departure Summary	Status (04/06/26)
106555	G1	A	CD 122 para 4.5	M1 northbound mainline J23A-24	Weaving length is reduced below existing; Minimum weaving length is less than 2km	Approved
106556	G2	A	CD 122 para 3.36	M1 northbound J24A & J24 exit spacing	Spacing of successive diverges is less than 3.75m measured between tips of noses	Approved
106558	G3	A	CD 122 para 4.7	M1 northbound mainline J23A-24	No. lanes is less than that calculated for weaving section	Approved
106557	G4	A	CD 122 para 3.34	M1 northbound J24A exit	SSD into the diverge is below desirable minimum	Approved
106560	G7	A	CD 122 para 1.3	M1 northbound to A50 westbound	Relaxation below desirable minimum SSD value for interchange link (value of minimum SSD varies per option), for bridge options 2B and 2D it includes a reduction below desirable minimum SSD on the immediate approach to the A50 merge	Approved
106559	G8	A	CD 127 para 4.1	M1 northbound to A50 westbound bridge at A453	Reduction in headroom from 6.45m to 5.84m over a high load route	Approved
106562	G9	A	CD 122	A50 westbound merge	Aspect not covered, layout G option 2 merge but without three lane (width) from reduction taper to downstream merge	Approved
106561	G10	A	CD 122 para 1.3	M1 northbound to A50 westbound	Reduction below desirable minimum SSD on an interchange link and on the immediate approach to the merge	Approved
106939	G12	A	CD 116 para 3.26	M1 northbound J24 exit: entry deflection	Entry deflection exceeds 100m	Approved
106888	G13	A	CD 122 para 3.26	M1 northbound J24A diverge layout	Diverge layout has less capacity than that required by CD 122	Approved
106889	G14	A	CD 122 para 5.17	M1 northbound to A50 westbound	Cross-section of interchange link is proposed to be IL1A where as IL2A is required based on predicted traffic	Approved
107063	S1	A	CD 146 para 3.4	M1 northbound J24A exit	Final direction sign more than 50m upstream of ExDP	Approved
107064	S2	A	CD 146 para 3.2	M1 northbound J24A exit	½ mile secondary direction sign follows ¾ mile, and is 907m upstream of ExDP, 22m out of tolerance	Approved

**DEPARTURES SUPPLEMENTAL NOTE**  
**EMG2 HIGHWAY WORKS**



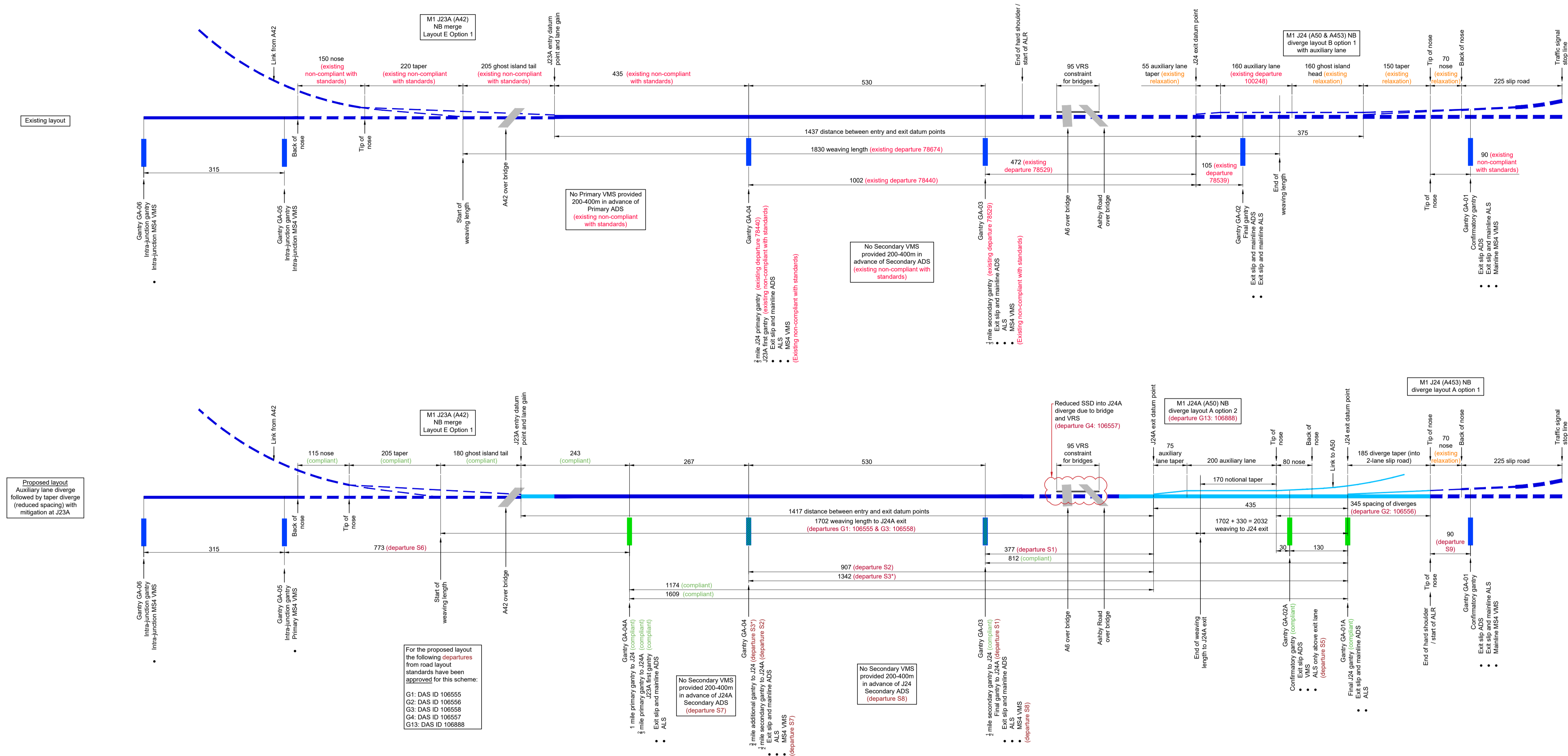
DAS Reference	Designers Departure Reference	Departure Safety Risk Category	Design Standard	Departure Location	Departure Summary	Status (04/06/26)
107066	S3	A	CD 146 para 3.2	M1 northbound J24 exit	¼ mile secondary direction sign is proposed at 14m out of tolerance upstream	Approved
107067	S5	A	CD 146 para 4.19	M1 northbound J24A exit	Omission of confirmatory ALS over M1 mainline	Approved
107068	S6	A	CD 146 para 4.25	M1 northbound J24A exit	Primary VMS is located 773m upstream of the primary direction sign	Approved
107084	S7	A	CD 146 para 4.26	M1 northbound J24A exit	Secondary VMS is not 200-400m upstream of Secondary ALS/ADS and is co-located with the Secondary ALS/ADS	Approved
107219	S8	A	CD 146 para 4.26	M1 northbound J24 exit	Secondary VMS is not 200-400m upstream of Secondary ALS/ADS and is co-located with the Secondary ALS/ADS	Approved
107220	S9	A	CD 146 para 4.19	M1 northbound J24 exit	Confirmatory ALS (with VMS and exit ADS) is 90m downstream of the tip of the diverge nose (30m – 50m is permitted tolerance)	Approved

**DEPARTURES SUPPLEMENTAL NOTE**  
EMG2 HIGHWAY WORKS



**APPENDIX A**

Drawing EMG2-BWB-GEN-XX-SK-CH-SK073



**Notes**

- Do not scale this drawing. All dimensions must be checked/ verified on site. If in doubt ask.
- This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications.
- All dimensions in metres unless noted otherwise. All levels in metres unless noted otherwise.
- Any discrepancies noted on site are to be reported to the engineer immediately.

**Legend & CD 146 notes**

No.	Motorway links			
	Existing with hard shoulder	Existing without hard shoulder	New / amended with hard shoulder	New / amended without hard shoulder
1				
2				
3				
4				
5				

Existing gantry  
 New gantry  
 Existing gantry with replacement ADS

**Notes from CD 146 on standard ADS locations:**

- Confirmatory ADS shall be 30-50m downstream of tip of diverge nose
- Final ADS shall be 0-50m upstream of the exit datum point
- 1 mile shall be at 536m + 10% - 20m
- 1 mile shall be at 805m + 10% - 20m
- 1 mile shall be at 1073m + 10% - 20m
- 1 mile shall be at 1609m + 10% - 20m

\* 1 mile is not permitted in CD 146 but is prescribed in the TSRGD. 1/2 mile tolerance would be 1207m + 10% - 20m.

**ISSUES & REVISIONS**

Rev	Date	Details of issue / revision	Drawn	Reviewed
P01	20.02.26	Issued for information	SRH	SRH
P02	21.04.26	Issued for information	DF	SRH
P03	27.04.26	Issued for information	DF	SRH

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**SEGRO**

Drawn: S. Hilditch  
 Reviewed: S. Hilditch  
 Date: 20.02.26  
 Scale@A1: 1:5,000

**Project Title**

**EAST MIDLANDS GATEWAY 2 (EMG2)**

**Drawing Status**

**FOR INFORMATION**

**Drawing Title**

**M1 NORTHBOUND J23A-24 LAYOUT SCHEMATIC**

Project - Originator - Zone - Level - Type - Role - Number  
**EMG2-BWB-GEN-XX-SK-CH-SK073 S2 P03**

## **ANNEX D**

**EMA Consultation Response to the Joint Application and the planning application for the Isley Woodhouse Development**

**From:** EMA Safeguarding

**Sent:** 03 December 2025 15:02

**To:** ADAM MELLOR

**Subject:** EXTERNAL: CONSULTATION RESPONSE: 24/00727/OUTM

**Proposal:** Outline planning permission (means of access from A453 fixed; all other matters reserved for future determination) for the construction of employment floorspace (use classes B2/B8) with ancillary (integral) offices (use class E(g)(i)); a training hub (use class F1); a transport hub (sui generis); and associated infrastructure including earthworks and creation of bunds, internal estate road, parking, pedestrian and cycle circulation; and landscaping (all)

**Location:** Land South Of A453 Ashby Road North Of Hyam's Lane Castle Donington  
APPLICATION REFERENCE 24/00727/OUTM

**Our Ref.:** 2025-248 (2024-139)

Dear Adam,

Thank you for consulting with the aerodrome safeguarding authority for East Midlands Airport on the revised proposals for this scheme.

With reference to our earlier response dated 01 July 2024, our requirements for conditions and informatives have not changed and remain as follows:

- **Condition:** Prior to construction, the submission of an Instrument Flight Procedure Assessment of the building and any associated tall equipment used during the construction of the building demonstrating no harmful impact. This is to be undertaken by MAG's CAA approved Procedure Design Organisation (APDO) NATS plc.  
**Reason – Flight Safety -** To ensure adequate separation between aircraft and ground-based structures. It is likely that a height restriction will need to be imposed at this location
- **Condition:** Prior to construction, the submission of a wind shear assessment of the development in its entirety, demonstrating no harmful impact.  
**Reason – Flight safety –** to ensure that the new development does not adversely increase the risk of a wind shear hazard to aircraft using East Midlands Airport.
- **Condition:** Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.  
**Reason:** In the interests of flight safety and to prevent distraction and confusion to pilots using East Midlands Airport.

- Informative: No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.  
Reason: Flight safety - to prevent distraction or confusion to pilots using East Midlands Airport.
- Condition: Prior to construction, the preparation and submission of a Technical Safeguarding Assessment demonstrating no harmful impact to East Midlands Airport's Communication, Navigation and Surveillance systems. This assessment is to be approved in writing by the Local Planning Authority in consultation with East Midlands Airport.  
Reason: Flight Safety - To ensure the development does not endanger the safe and efficient movement of aircraft or the operation of East Midlands Airport through interference with communication, navigational aids and surveillance equipment.
- Informative: The use of radio frequency (RF) emitting devices in this location has the potential to interfere with East Midlands Airport's Communication, navigation, and surveillance (CNS) equipment. RF devices are to be approved by East Midlands Airport prior to energisation.  
Reason: Flight safety – In the interests of maintaining the integrity of CNS equipment critical to aviation operations.
- Condition: Prior to construction, the submission of an Aviation Perspective Glint and Glare Assessment of the proposed buildings and any intended solar installations must be submitted to the LPA in consultation with the aerodrome safeguarding authority for East Midlands Airport (EMA); demonstrating no harmful impact to operations at EMA.  
Reason: To ensure no detrimental impact to aviation operations at EMA caused by glint or glare to critical aviation receptors.
- Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials including solar PV other than clear or obscure glass shall be added to the buildings without the express consent of the local planning authority in consultation with the aerodrome safeguarding authority for East Midlands Airport.  
Reason In the interests of flight safety, to prevent distraction, confusion and ocular damage to pilots using East Midlands Airport.
- Informative: The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: [https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle\[1\]notification/Crane-notification/](https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle[1]notification/Crane-notification/)
- Condition: Development shall not commence until a construction environment management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for East Midlands Airport. The CEMP should cover the application site

and any adjoining land which will be used during the construction period. The CEMP must include the following:

- Details of the area(s) subject to construction activity and the storage of materials and equipment
- Details of cranes and other tall construction equipment (including the details of obstacle lighting)
- Control of activities likely to produce dust and smoke etc
- Details of temporary lighting
- Height of storage areas for materials or equipment
- Control and disposal of putrescible waste to prevent attraction of birds (tied with BHMP)
- Site restoration.
- Control of any detritus that has the potential to become airborne Foreign Object Debris (FOD).
- Dust & Smoke management
- Frequency emitting equipment when within 3km of the aerodrome
- Drone usage
- Gas purging / venting

Reason: Flight safety - To ensure that construction work and construction equipment on the site and adjoining land does not breach the safeguarded surfaces surrounding East Midlands Airport and endanger aircraft movements and the safe operation of the aerodrome. To ensure the development does not endanger the safe movement of aircraft or the operation of East Midlands Airport through interference with communication, navigational aids and surveillance equipment. To ensure that site activity does not endanger the safe movement of aircraft or the operation of East Midlands Airport by creating: a dust or smoke hazard; a Birdstrike hazard; a security hazard; a glint/glare hazard.

We note that in the 'Amended Airport Safeguarding Statement', Section 5 'Bird Management Plan', the applicant suggests that the BHMP is left to the reserved matters stage and gives a list of non-specific suggestions that could be included, despite this an 'Updated ES Volume IV Appendices: Appendix 11.7 - Bird Hazard Management Plan' has been added to the documents and a Breeding Bird Survey appears to have been linked to this in error rather than a BHMP. Therefore, there is currently no adequate BHMP and it should be clarified that both construction phase and operational phase BHMPs are needed. As this is an outline application, we would be content for the operational phase BHMP to be left for reserved matters, however, the construction phase BHMP will be necessary to be in place before any preliminary ground works begin. During construction, exposed earth can be attractive to birds and therefore any exposed topsoil and any surface water ponding should be minimized and be appropriately managed. Waste and litter on site during construction can be attractive as a food source for hazardous birds so the plan should include details of the measures in place to remove waste, prevent overspill from bins and that lidded bins be used.

We wish to underline to the applicant that this development does need a very robust BHMP for roof nesting and roosting hazardous birds. The roofs must be designed to be safely accessible and walkable on to facilitate hazardous bird dispersal. Any solar PV on

the roof will give additional security for roof nesting and roosting birds such as gulls and pigeons. If the roof is trapezoidal even if panels are flat to the upper sections, they may leave spaces in the valley sections that pigeons could roost or nest under and therefore they should be skirted. The roof of the office section is intending to have areas of garden with seating to provide 'roof offices'. Without robust management this will quickly become a hazard because staff are likely to eat in this location leave food detritus deliberately or accidentally for birds.

Similarly, the new community park, with picnic benches and seating for the use of employees and the people of Diseworth with picnic benches planned close to the existing pond and the bus interchange gives the potential for people to eat at these locations and encourage hazardous waterbirds by feeding them, this should not be encouraged and the benches should be removed from the scheme and the area will need signs and management to deter feeding of birds. The amended 'Design and Access Statement' does say that the landscaping will focus on non-berry bearing species which is welcomed, but we will require confirmation of the specific proportions, and no more than 15% of e.g. hawthorn and blackthorn.

Dense stands of trees with robust crowns can be attractive nesting sites for colonial nesting hazardous birds such as Rooks, corvids and Starlings. The applicant refers to preventing this in the 'Amended Design and Access Statement' stating that trees in the broad-leaved woodland would be 2-3m apart. This distance would not be sufficient for preventing establishment of colonial nests and roosts. Stands of trees with robust crowns such as Oak, Scots Pine and Beech should be excluded from the planting altogether.

**It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of East Midlands Airport, or not attach conditions which East Midlands Airport has advised, it shall notify East Midlands Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.**

We are happy to discuss any of the above requirements with the applicant.

Sincerely,

**MAG Group Aerodrome Safeguarding Authority**

**[Stansted Airport](#) | [East Midlands Airport](#) | [Manchester Airport](#)**

MAG, 3rd Floor, Olympic House, Manchester Airport, M90 1QX

[Aerodrome Safeguarding | Manchester Airport](#)

[www.magairports.com](http://www.magairports.com)



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Our ref: EMA 2026-007 (EMA 2025-145)

28 January 2026

North West Leicestershire District Council  
Planning And Infrastructure  
Planning And Development  
James Knightley

**Proposal:** Outline application with all matters except part access reserved for a new settlement of up to 4,250 new houses, including employment space with ancillary offices, a local centre and two neighbourhood centres, a new secondary school and two new primary schools, residential institutions, hotels, demolition of existing structures, with associated infrastructure, including strategic highway improvements, drainage, ground modelling, landscaping, open space, sports facilities with changing and parking facilities, and access (including the realignment of the A453).

**Location:** Isley Woodhouse Land South Of Donington Park And East Midlands Airport

**Appn. No.:** 25/00865/OUTM

Dear James,

Thank you for consulting with the aerodrome safeguarding authority for East Midlands Airport on additional documents submitted for the above proposed development. We have reviewed the proposal and although we do not consider that our concerns have yet been addressed, we will withdraw our holding objection subject to the following conditions and informatives that must be included if this application is approved in order to protect the integrity of safe operations at East Midlands Airport.

- Condition: No development or ground clearance/ ground preparation shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for East Midlands airport. These details shall include:
  - Any earthworks
  - Grassed areas
  - The species, number and spacing of trees and shrubs
  - Details of any water features
  - Drainage details including SUDS
  - Any works to enhance the environment, biodiversity net gain etc.

Reason: Flight Safety - To avoid endangering the safe movement of aircraft and the operation of East Midlands Airport through the attraction of species of birds that are hazardous to aircraft and thereby increase the bird hazard risk.

- Condition: No development to take place until precise details of building heights are submitted for approval to the LPA in consultation with the aerodrome safeguarding authority for East Midlands Airport to enable a technical evaluation of whether the following assessments will need to be undertaken:
  - Obstacle Limitation Surfaces (OLS) – N.B. depending on when precise details are known, an OLS assessment in this location may trigger a full aeronautical study in accordance with CAA guidance.
  - Instrument Flight Procedure Surfaces (IFPs) - N.B. the only provider of an accurate IFP assessment is MAG's Approved Procedure Design Organisation, currently NATS Plc.
  - Communication, Navigation & Surveillance (CNS)

Continued...

- Condition: No development to take place until a construction phase Bird Hazard Management Plan (BHMP) is submitted for approval to the LPA in consultation with the aerodrome safeguarding authority for East Midlands Airport. The BHMP should detail that during construction, robust measures will be taken to prevent the site and neighbouring sites / highways etc. becoming an attractant for species of birds that are hazardous to aircraft. No areas of exposed earth in places that are beyond the site e.g. hedgerows, verges, no muddy highways or temporary access routes, no puddling of water, no new temporary areas of open water e.g. lagoons, should be established during the construction phase, and care should be taken to prevent any detritus that could act as a food source for birds or any broken ground that would act as a bird attractant. Any ground works should only be done on a just in time basis to reduce the time of any exposed earth.

Reason: Flight safety – Birdstrike risk avoidance; to prevent any increase in the number of hazardous birds in the vicinity of East Midlands Airport (EMA) that would increase the risk of a Birdstrike to aircraft using EMA.

- Condition - Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill. No lighting shall be energized on the site until details of lighting, both temporary and permanent, are submitted to the LPA for approval in consultation with the aerodrome safeguarding authority for East Midlands Airport.

Reason: In the interests of flight safety and to prevent distraction and confusion to pilots using East Midlands Airport.

- Condition: Development shall not commence until a construction environment management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following:

- Details of the area(s) subject to construction activity and the storage of materials and equipment
- Details of cranes and other tall construction equipment (including the details of obstacle lighting)
- Control of activities likely to produce dust and smoke etc.
- Details of temporary lighting
- Height of storage areas for materials or equipment
- Control and disposal of putrescible waste to prevent attraction of birds
- Site restoration.
- Drone usage
- Gas purging / venting

Reason: Flight safety - To ensure that construction work and construction equipment on the site and adjoining land does not breach the safeguarded surfaces surrounding East Midlands Airport and endanger aircraft movements and the safe operation of the aerodrome; and, to ensure the development does not endanger the safe movement of aircraft or the operation of East Midlands Airport through interference with communication, navigational aids and surveillance equipment, and to ensure that site activity does not endanger the safe movement of aircraft or the operation of East Midlands Airport by creating any hazards to air safety.

- Condition: No development shall take place until full details of any renewable energy development (e.g. solar roofs, biomass plants, wind turbines) have been submitted to and approved in writing by the Local Planning Authority in consultation with the aerodrome safeguarding authority for East Midlands Airport.

Reason: Flight safety -To ensure the development does not endanger the safe movement of aircraft or the operation of East Midlands Airport by creating a height obstacle, a bird attractant, or through interference with communication, navigational aids, and surveillance equipment.

Continued...

- Informative: Given the location of this property relative to the airport, the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order ("Order"). In particular in contravention of the following provisions under that Order:-
  - Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft
  - Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.
- Informative - No lighting directly beneath any roof lights that will emit light upwards – only downward facing ambient lighting to spill from the roof lights upwards – ideally, automatic blinds to be fitted that close at dusk.  
Reason: Flight safety - to prevent distraction or confusion to pilots using East Midlands Airport. See Air Navigation Order and the Regulations Part 28, Article 221 (i) which states that: "A person shall not exhibit in the United Kingdom any light which:
  - (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome.
  - (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft."
 The Order grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft.
- Informative: -The development lies within the flight restricted zone established for East Midlands Airport. The applicant's attention is drawn to the procedures for drone notifications, please see: <https://nats-uk.ead-it.com/cms-nats/opencms/en/uas-restriction-zones/>
- The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of East Midlands Airport or not attach conditions which East Midlands Airport has advised, it shall notify East Midlands Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Sincerely,

MAG Group Aerodrome Safeguarding Team  
[East Midlands Airport](#) | [Stansted Airport](#) | [Manchester Airport](#)  
[Aerodrome Safeguarding | Manchester Airport](#)  
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## ANNEX E

### APPLICANTS' RESPONSE TO APPENDIX 3 OF EAST MIDLANDS AIRPORT DEADLINE 3 SUBMISSION

Item	Concern	Response	Examination Library References
1.	<p>The review of the Transport Assessment and other accompanying documents did not provide a traffic flow model for the base or the base plus development traffic.</p> <p>This makes it difficult to understand the level of traffic that was anticipated at each junction and on each arm of those junctions.</p>	<p>The traffic flows from PRTM 2019 and PRTM 2023 cannot be taken directly and input into the detailed junction modelling. A furnishing methodology to derive accurate turning movements was therefore discussed in detail with NH and LCC and agreed in accordance with the details in Appendix 49 of the Transport Assessment.</p> <p>The traffic flows for the detailed VISSIM, LinSig and Junctions 11 models were issued to NH and LCC and agreed with them prior to the modelling taking place.</p> <p>Turning movements for all modelled scenarios can be found in the relevant modelling outputs included at Appendices 51 to 69 of the Transport Assessment.</p>	<p>TA Appendix 49 [APP-082] which was unchanged at Deadline 1 [REP1-041] and [REP1-043]</p> <p>TA Appendices 51 to 69 [APP-082] which were mostly unchanged at Deadline 1 except for Appendices 57 [REP1-043], 58 [REP1-045], 59 [REP1-045], 66 [REP1-047], 67 [REP1-047] and 68 [REP1-047]</p>

Item	Concern	Response	Examination Library References
2.	<p>There is no explanation of significant differences between the 2019 and 2023 modelling, particularly on the M1 SB and off slip and A50 approach.</p>	<p>Both PRTM 2019 and PRTM 2023 models have been scrutinised by National Highways, Leicestershire County Council (LCC) and the Applicant. LCC's Network Data Intelligence (NDI) team produced Base Model Validation Reports confirming that both the PRTM 2019 and PRTM 2023 base models validate to an acceptable level with key strategic road network link flows meeting TAG criteria.</p> <p>There is less traffic on the M1 SB and A50 approach to M1 Junction 24 in PRTM 2023 which is the reason there are differences in the modelling results for these arms. Whilst PRTM 2023 is the more recent version of the model, the mitigation is based on PRTM 2019 which has higher traffic flows overall and presents a worst-case assessment.</p>	<p>TA Appendices 6 and 7 <a href="#">[APP-082]</a> which were unchanged at Deadline 1 <a href="#">[REP1-031]</a></p>

Item	Concern	Response	Examination Library References
3.	<p>Junction 6 – M1 Junction 24</p> <p>Mitigation has been provided on the approaches, the circulatory carriageway and on the approach to the junction.</p> <p>Due to a lack of data it is not clear if the scale of improvements on the M1 northbound off slip are proportionate to the development.</p>	<p>The Transport Assessment provides comprehensive modelling outputs of M1 Junction 24 within the following sections:</p> <ul style="list-style-type: none"> <li>• Section 10 – Stage 1A modelling</li> <li>• Section 11 – Stage 1B modelling</li> <li>• Section 13 – Stage 2A modelling</li> <li>• Section 14 – Stage 2B modelling</li> </ul> <p>The Transport Assessment main report provides network performance results comparing the change in delays, vehicle speeds, vehicle arrivals and latent demand across the entire VISSIM network between the without development and with development scenarios, inclusive of the proposed mitigation.</p> <p>Appendix 50 of the Transport Assessment contains the VISSIM forecasting report, which provides more detailed modelling results comparing queue lengths and journeys times along individual arms. Overall, there has been sufficient information presented in the Transport Assessment and accompanying appendices to undertake a thorough review of the VISSIM modelling.</p>	<p>TA Appendix 50 [APP-082] which was updated at Deadline 1 [REP1-043]</p>

Item	Concern	Response	Examination Library References
4.	<p>Junction 3 - Finger Farm Roundabout</p> <p>Minor mitigation is proposed due to traffic diverting to the M1 J24. However, no data is provided detailing the amount of traffic to be diverted.</p>	<p>Appendix 70 of the Transport Assessment contains the PRTM 2019 Forecast Report, which presents the strategic modelling results of the proposed mitigation (Stage 2A). Figure A.1 and A.2 show the forecast flow change between the without development and with development with mitigation scenarios and show that there would be an increase on the new M1 northbound to A50 westbound free flow link and a reduction on the A453.</p> <p>The PRTM outputs were obtained and furnished to derive suitable traffic flows for the VISSIM modelling. This shows that 610 vehicles in the morning peak hour and 210 vehicles in the evening peak hour would be transferred from the A453 to the M1 as a result of the proposed mitigation.</p> <p>The full modelling results are provided in the PRTM Forecasting Report and VISSIM Forecasting Report included at Appendices 50 and 70 of the Transport Assessment.</p>	<p>TA Appendix 70 [APP-082] which was unchanged at Deadline 1 [REP1-049]</p> <p>TA Appendix 50 [APP-082] which was updated at Deadline 1 [REP1-043]</p>

Item	Concern	Response	Examination Library References
5.	<p>The information provided on construction mitigation is inadequate.</p> <p>A CTMP has been produced in which it identifies the volume of construction traffic associated with the development of the site itself. The document sets out the mechanism by which traffic has been calculated and how this will be monitored.</p> <p>There is very little information in the documentation with respect to the off-site construction works for the highway mitigation measures. In particular, there is no meaningful programme for construction of those works, and no proposals to mitigate the impacts of construction during that time.</p>	<p>The CTMP which was updated for Deadline 2 provides details on how the impacts of construction are to be managed. It is important to note that there are significant levels of traffic generated by EMG1 which is a 24/7 operation so the Applicant is very much aware of the general need to minimise the impact on traffic throughout the day and not just at peak times.</p> <p>The CTMP has been revised further at Deadline 4.</p>	<p>CEMP Appendix 03 Document DCO 6.3A [REP2-026D] which was updated at Deadline 2</p>
6.	<p>The WCHAR audit was referenced by the Applicant but has not been made available for review.</p>	<p>The WCHAR assessment and review reports are found at TA Appendices 3 and 24 respectively. These were submitted with the original application and have not changed in the information submitted at Deadline 1.</p>	<p>TA Appendix 3 [APP-081] which was unchanged at Deadline 1 [REP1-031]</p> <p>TA Appendix 24 [APP-081] which was unchanged at Deadline 1 [REP1-035]</p>
7.	<p>The TA modelling was not provided to the audit team and as such the mitigation cannot be reviewed against the modelling outputs.</p>	<p>The Audit Brief (which has been approved by both NH and LCC) contained the relevant and appropriate information on traffic data for use within the Audit.</p>	<p>Audit Brief approval confirmed at Deadline 1 [REP1-056]</p>

Item	Concern	Response	Examination Library References
8.	No information has been provided to show how the highway works were arrived at through an iterative process and specifically whether any less intrusive measures were considered as alternatives.	The approach is as set out in the Joint Position Statement with National Highways (Document DCO 8.1).	Joint Position Statement relating to SRN Mitigation [ <a href="#">REP1-060D</a> ]
9.	Eleven departures from standards have been agreed; with two further exceptions still to be agreed. However, only six were identified in the RSA. Confirmation is needed whether the RSA will be repeated with the correct number of departures considered.	<p>Para 1.7 of the Stage 1 Road Safety Audit contains a bullet point list related to departures from standard. However, each bullet refers to a location and, for example the first bullet refers to the five geometric departures on the M1 northbound from J23A to J24. When the geometric departures referred to in the first four bullets are added up (these being on the SRN) these total 11, the same 11 that are now approved by National Highways.</p> <p>At the time of the Audit two departures were considered to be needed on the LRN, these have since been designed out as confirmed in the updated TA Appendix 26.</p>	<p>Stage 1 RSA provided at Deadline 1 [<a href="#">REP1-056</a>]</p> <p>TA Appendix 26 updated at Deadline 1 [<a href="#">REP1-035</a>].</p> <p>TA Appendix 27 updated at Deadline 1 [<a href="#">REP1-035</a>] &amp; [<a href="#">REP1-037</a>].</p>

Item	Concern	Response	Examination Library References
10.	<p>The RSA identified a lack of information regarding the bridge associated with the M1 A50 link road. Confirmation is needed whether the RSA will be repeated with more complete information on bridge design.</p>	<p>The requirements of DMRB standard GG 119 are important when undertaking a Road Safety Audit, and Appendix B provides a checklist of matters to be considered at each Audit stage. An extract of GG 119 is found at Annex I.</p> <p>In relation to bridges, at Stage 1 the important consideration is the impact bridges may have on the highway design such as visibility. Such information is clearly shown on the highway drawings reviewed at the Stage 1 Audit. GG 119 appendix B then goes on to say that more detailed information on bridges such as parapets are a matter for the stage 2 audit which will be undertaken at the end of the detailed design stage.</p> <p>Therefore the Audit, which has been approved by National Highways, is complete and is not invalid.</p>	<p>Stage 1 RSA provided at Deadline 1 <a href="#">[REP1-056]</a></p> <p>Highway Plans GA Sheet 3 Document DCO 2.8C <a href="#">[AS-011D]</a></p> <p>Highway Plans Longsection Document DCO 2.10A <a href="#">[APP-049D]</a></p> <p>A453 Bridge Plan Document DCO 2.11 <a href="#">[APP-053D]</a></p>

Item	Concern	Response	Examination Library References
11.	<p>Junction 2 - A463/Beverley Road Roundabout</p> <p>No modelling results are included for this junction so EMA is unable to satisfy itself about the future operation of the junction.</p>	<p>We presume this should refer to the A453.</p> <p>The A453/Beverley Road junction has been modelled in VISSIM with full modelling results included within the VISSIM Forecasting Report at Appendix 46.</p> <p>The journey time results for Route 16 are relevant to the A453/Beverley Road junction and show a reduction in Stage 2A compared to Stage 1A, highlighting that there would be an overall betterment to the operation of the junction. The latent demand also improves, showing that more traffic is able to enter the VISSIM network in Stage 2A compared to Stage 1A.</p> <p>The VISSIM model has been issued to NH and LCC who have agreed that the A453/Beverley Road junction will continue to operate sufficiently in capacity and not negatively impacted by the EMG2 development.</p>	<p>TA Appendix 46 <a href="#">[APP-082]</a> which was updated at Deadline 1 <a href="#">[REP1-041]</a></p>
12.	<p>The TA does not appear to have included traffic associated with future growth of the Airport.</p>	<p>The planning data assumptions for the transport modelling are logged in Uncertainty Log v7, which was included at Appendix 8 of the Transport Assessment.</p> <p>This includes an additional 938 jobs at East Midlands Airport to account for future growth and development, as set out by NWLDC as local planning authority.</p>	<p>TA Appendix 8 <a href="#">[APP-082]</a> which was unchanged at Deadline 1 <a href="#">[REP1-031]</a></p>

13.	<p>EMA need to understand any potential impacts to the current layout and operation of the landing lights from the Proposed Development. At present, EMA does not have sufficient information from the Applicant to satisfy itself in that respect.</p>	<p>The Applicant is very aware of the importance of the issues raised regarding the landing lights and airfield security fence, and working in this area generally, having delivered the EMG1 scheme which required far more substantial works than that proposed for EMG2. As such when determining the route of the active travel link these matters were given full consideration, and the simplest and least disruptive solution was for the alignment of the active travel route to follow the route of a former road alignment which is still present on the ground.</p> <p>At the northern end of this redundant piece of road, as part of the EMG1 scheme the earthworks were formed to allow future provision of the active travel link. At the time of EMG1 it was known there were wider ambitions from stakeholders for this route to be provided. It was not constructed beyond earthworks as it would have led to nowhere. However, this again means the works to form the active travel link on this section will be relatively straightforward.</p> <p>Upon receiving the questions raised by EMA at Deadline 3 the Applicant has produced a detailed plan showing the precise alignment of the active travel link and how it interfaces with the landing lights and confirms sufficient set back from the airfield security fence. This has been shared with EMA and we understand EMA have now confirmed that the route does not affect their assets. This plan is found at Annex F.</p> <p>The horizontal deviation is limited by the works area and we have reduced the area of Works 14 (specifically 14a) by removing the sliver of EMA land plot 2/6 that is</p>	<p>Revised information provided at Deadline 4 as follows:</p> <ul style="list-style-type: none"> <li>• Works Plans Sheet 2 Document DCO 2.3B (supersedes <a href="#">[REP1-008D]</a>)</li> <li>• Access and Rights of Way Plans Sheet 2 Document DCO 2.4B (supersedes <a href="#">[REP1-012D]</a>)</li> <li>• Highway Plans General Arrangement Sheet 2 Document DCO 2.8B (supersedes <a href="#">[REP1-017D]</a>)</li> <li>• Highway Plans Long Sections Sheet 3 Document DCO 2.10C (supersedes <a href="#">[APP-051D]</a>)</li> </ul>
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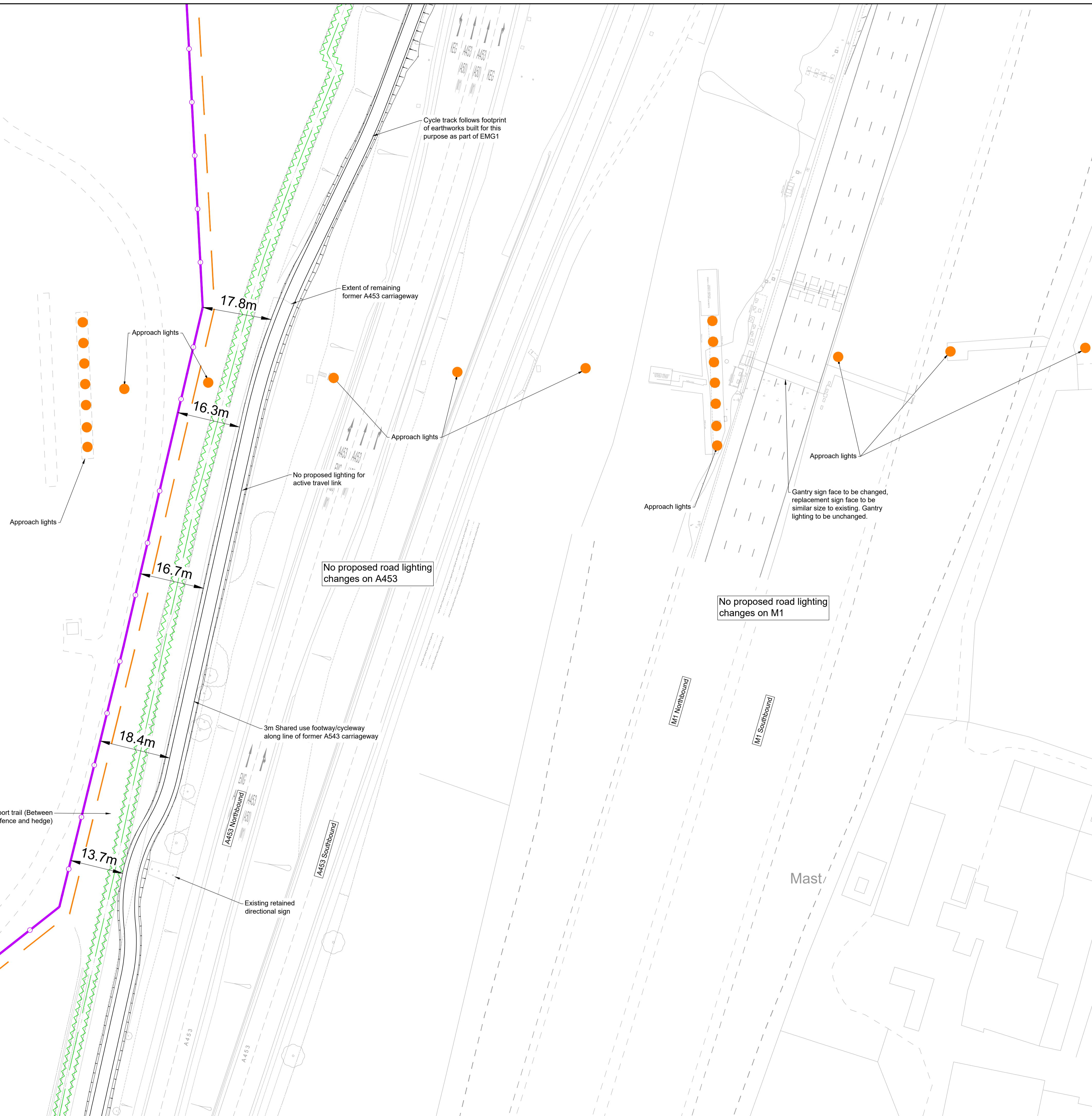
Item	Concern	Response	Examination Library References
		<p>between the airfield security fence and A453 boundary from the scheme. An updated version of the Works Plan (Document DCO 2.3B) is therefore provided. Note that this amendment also deals with the realignment of the active travel link to avoid the corner of the car park. Updated land plans and associated documents will be submitted at Deadline 5.</p> <p>In terms of the vertical limits of deviation the Applicant proposes to amend these for Works 14a to +/-0.2m, which would match those for Hyams Lane, in the revised DCO to be submitted at Deadline 5. The applicant is confident such a restriction on vertical limits of deviation can be complied with given the route is following a combination of the former carriageway and already constructed earthworks.</p>	

## **ANNEX F**

**DRAWING SHOWING ACTIVE TRAVEL LINK INTERFACE WITH EMA AT END OF  
RUNWAY / PLAN SHOWING REVISED ACTIVE TRAVEL LINK PLOT 2-6 CPO  
REQUIREMENTS**



# Runway Approach



**Notes**

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**Key Plan**

**Legend**

- EMA Airfield perimeter fence
- EMA Airfield perimeter fence - 3m Offset
- Boundary hedge
- Runway approach light

P01	30.04.26	Issue for information	DF	SRH	SRH
Rev	Date	Details of issue / revision	Drw	Rev	App

**Issues & Revisions**

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**SEGRO**

Project Title  
**EAST MIDLANDS GATEWAY 2 (EMG2)**

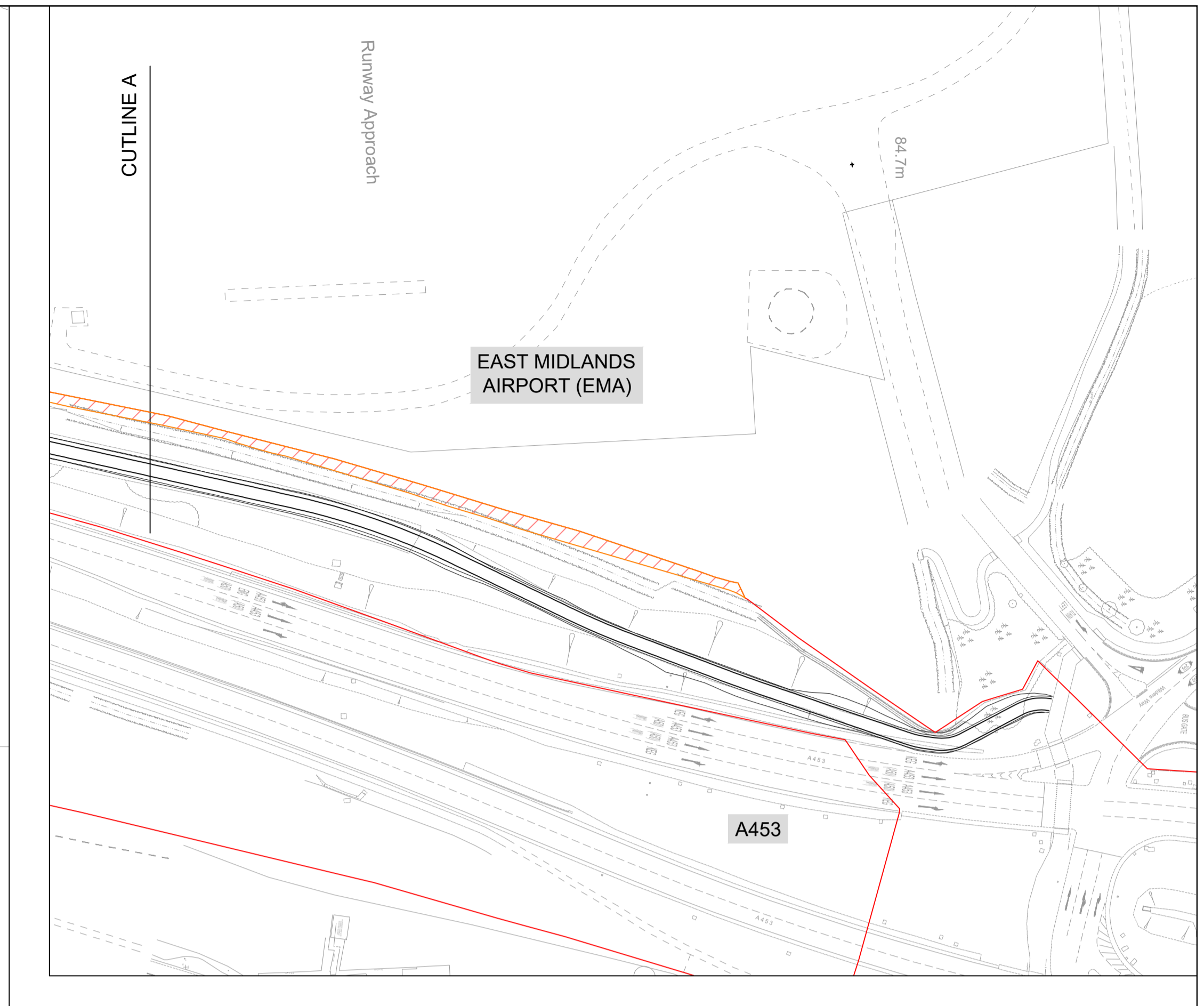
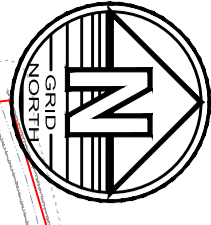
Drawing Title  
**ACTIVE TRAVEL LINK INTERFACE WITH EMA AT END OF RUNWAY**

Drawn:	D.Fraser	Reviewed:	S.Hilditch
BWB Ref:	220500	Date:	30.04.26 Scale@A1: 1:500

Drawing Status  
**FOR INFORMATION**

Project - Originator - Zone - Level - Type - Role - Number	Status	Rev
EMG2-BWB-GEN-XX-SK-CH-SK089	S2	P01

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I:\bwd\sketch\JOB FOLDERS\2022\220500-East Midlands Gateway Phase 2\Project\Delivery\01-WIP\Sketches\EMG2-BWB-GEN-XX-SK-CH-SK089\_Active Travel Link Interface with EMA at End of Runway.dwg



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**Legend**

- Draft DCO Order Limits
- Plot 2/6 Boundary
- Land to be permanently acquired
- Land not to be acquired or used

**ISSUES & REVISIONS**

Rev	Date	Details of issue / revision	Drw	Rev
P01	28.04.26	Issued for information	DF	SRH
P02	26.05.26	CPO requirements updated at STW access	DF	SRH
P03	08.06.26	Notes updated	DF	SRH

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<p>Project Title</p> <p><b>EAST MIDLANDS GATEWAY 2 (EMG2)</b></p> <p>Drawing Status</p> <p><b>FOR INFORMATION</b></p>	<p>Drawing Title</p> <p><b>ACTIVE TRAVEL LINK PLOT 2/6 CPO REQUIREMENTS</b></p> <p>Project - Originator - Zone - Level - Type - Role - Number    Status    Rev</p> <p>EMG2-BWB-GEN-XX-SK-CH-SK087    S2    P03</p>
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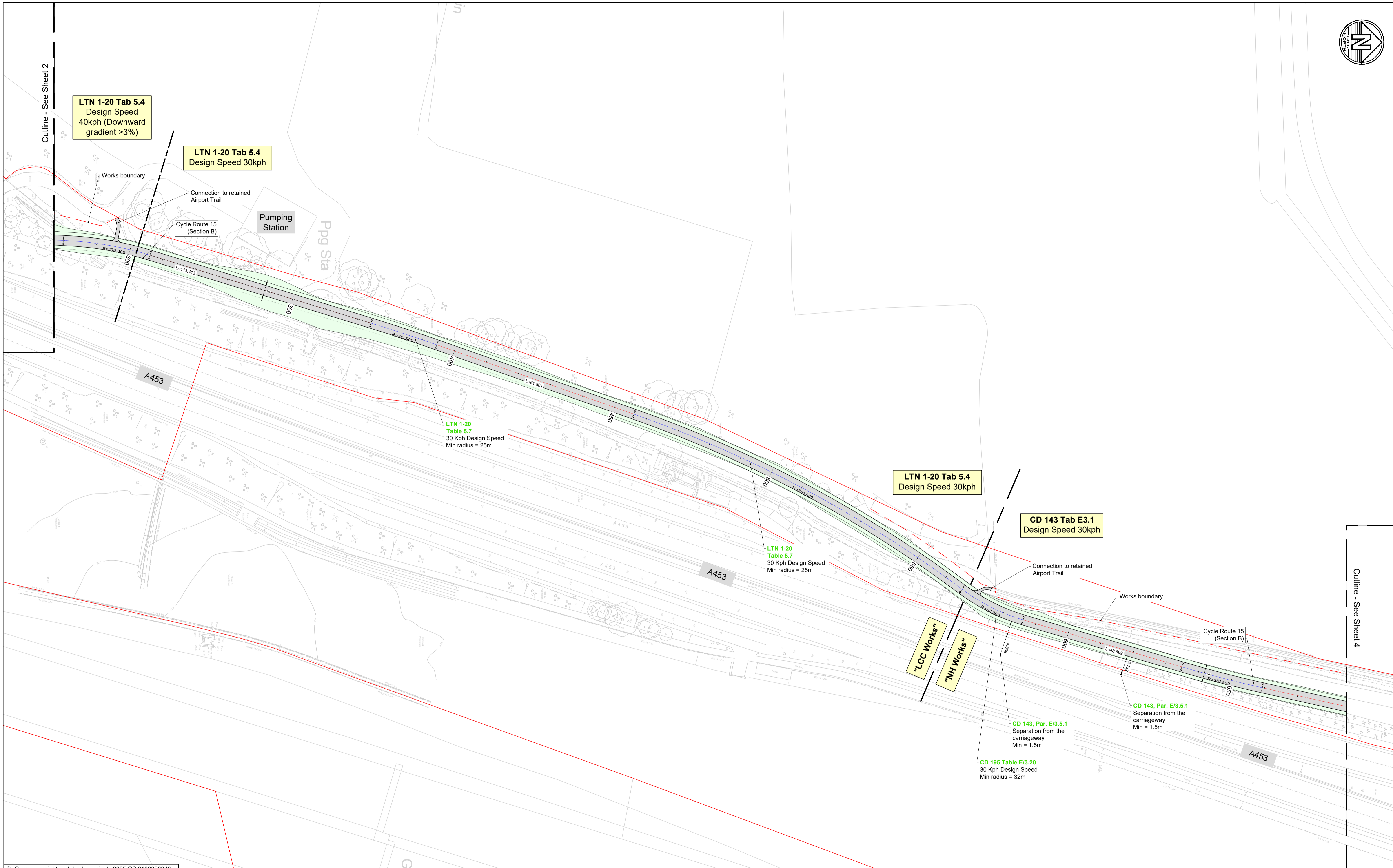
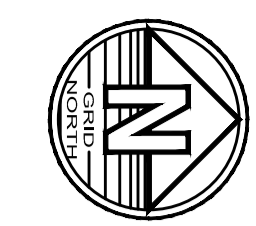
## **ANNEX G**

### **JOINT APPLICATION TRANSPORT ASSESSMENT (APPENDIX B)**



## **ANNEX H**

### **REVISED TECHNICAL PLANS SHOWING HIGHWAY GEOMETRY AND VISIBILITY FOR THE ATL**



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- Annotation shown coloured green achieves design standards
- Annotation shown coloured amber is a relaxation from design standards
- Annotation shown coloured red is a departure from design standards

**Legend**

- Draft Order Limits
- Alignment - Straights
- Alignment - Curves
- Alignment - Transitions
- Carriageway area
- Taper for cross section width change

**ISSUES & REVISIONS**

Rev	Date	Details of issue / revision	Drw	Rev
P01	04.03.25	Issue for information	MS	SRH
P02	15.05.25	Minor annotation changes	MS	SRH
P03	20.04.26	Active travel link updated to avoid EMA land	DF	SRH
P04	26.05.26	Shared use footway annotations and connection to STW land updated	DF	SRH
P05	11.06.26	STW pumping station visibility area added	DF	SRH

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 BIWB Ref: 220500    Date: 04.03.25    Scale@A1: 1:500

Project Title

**East Midlands Gateway 2**

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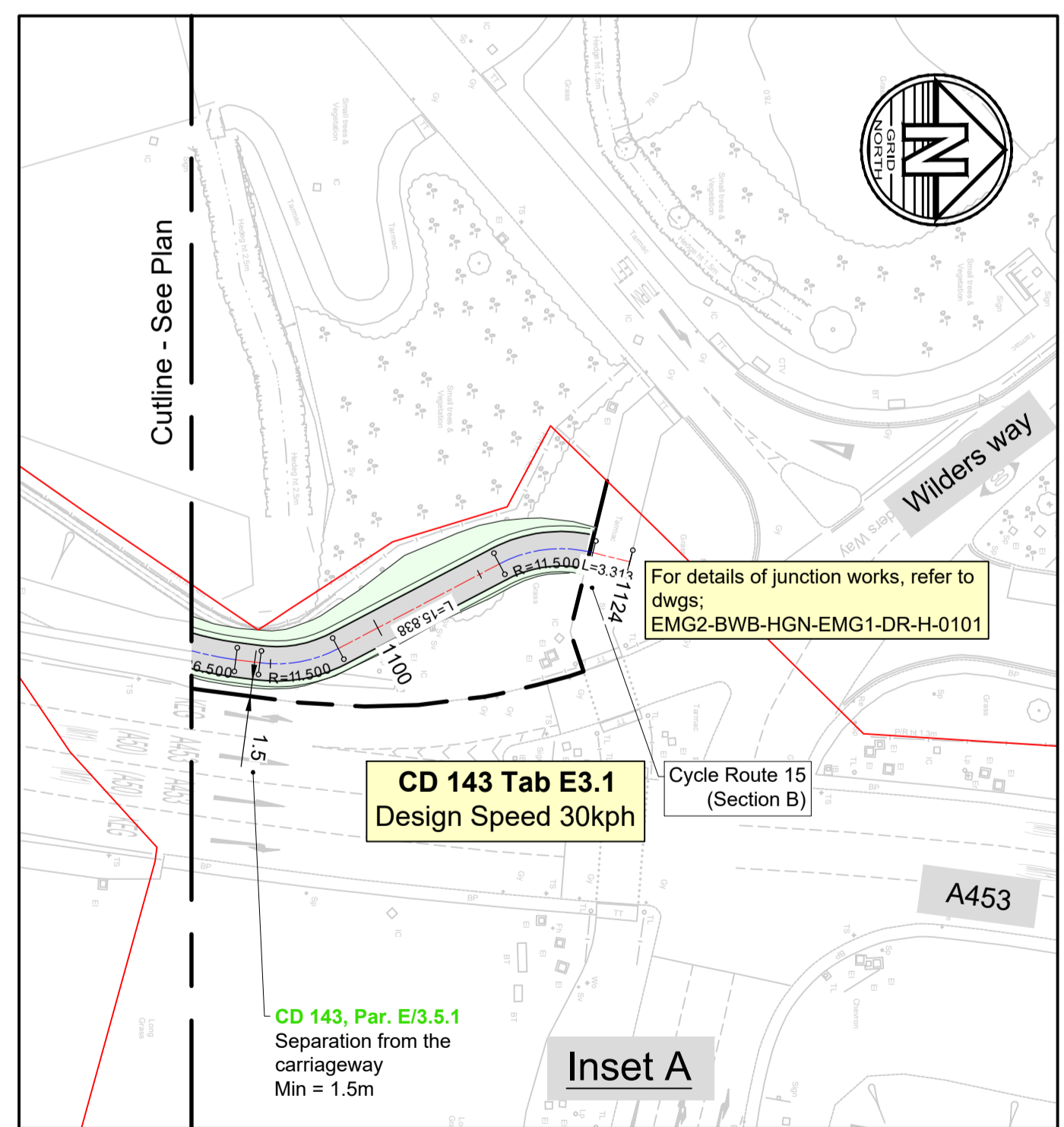
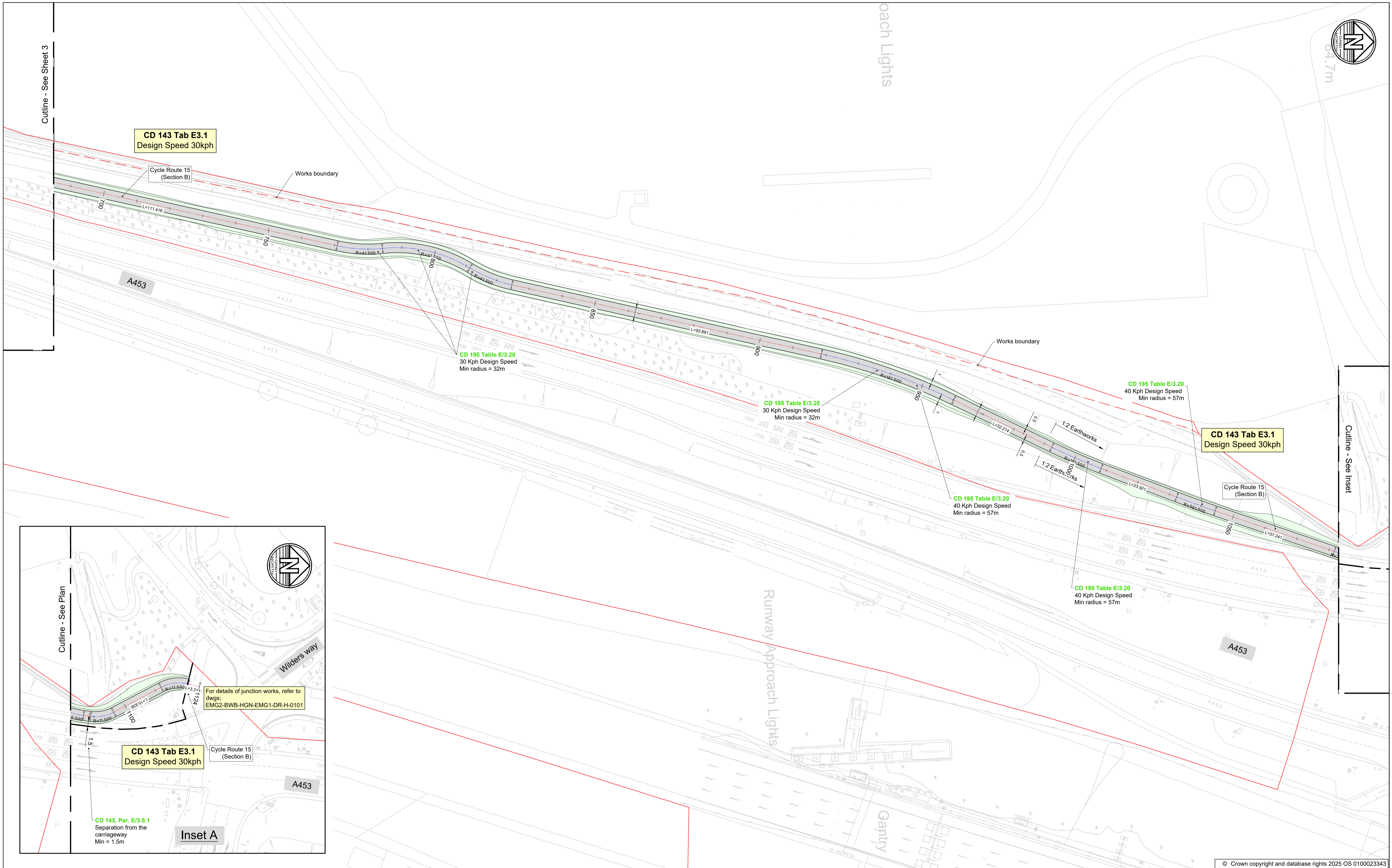
Drawing Title

**A453  
Geometry Plans  
Sheet 3 of 4**

Project - Originator - Zone - Level - Type - Role - Number    Status    Rev

EMG2-BWB-HGN-A453-DR-H-0103    S2    P05

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- Annotation shown coloured red is a departure from design standards

**Legend**

- Draft Order Limits
- Alignment - Straights
- Alignment - Curves
- Alignment - Transitions
- Carriageway area
- Taper for cross section width change

**ISSUES & REVISIONS**

Rev	Date	Details of issue / revision	Drw	Rev
P01	04.03.25	Issue for information	MS	SRH
P02	15.05.25	Minor annotation changes	MS	SRH
P03	11.06.26	Shared use footway annotations updated	DF	SRH

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Project Title

**East Midlands Gateway 2**

Drawing Status

**FOR INFORMATION**

Drawing Title

**A453  
Geometry Plans  
Sheet 4 of 4**

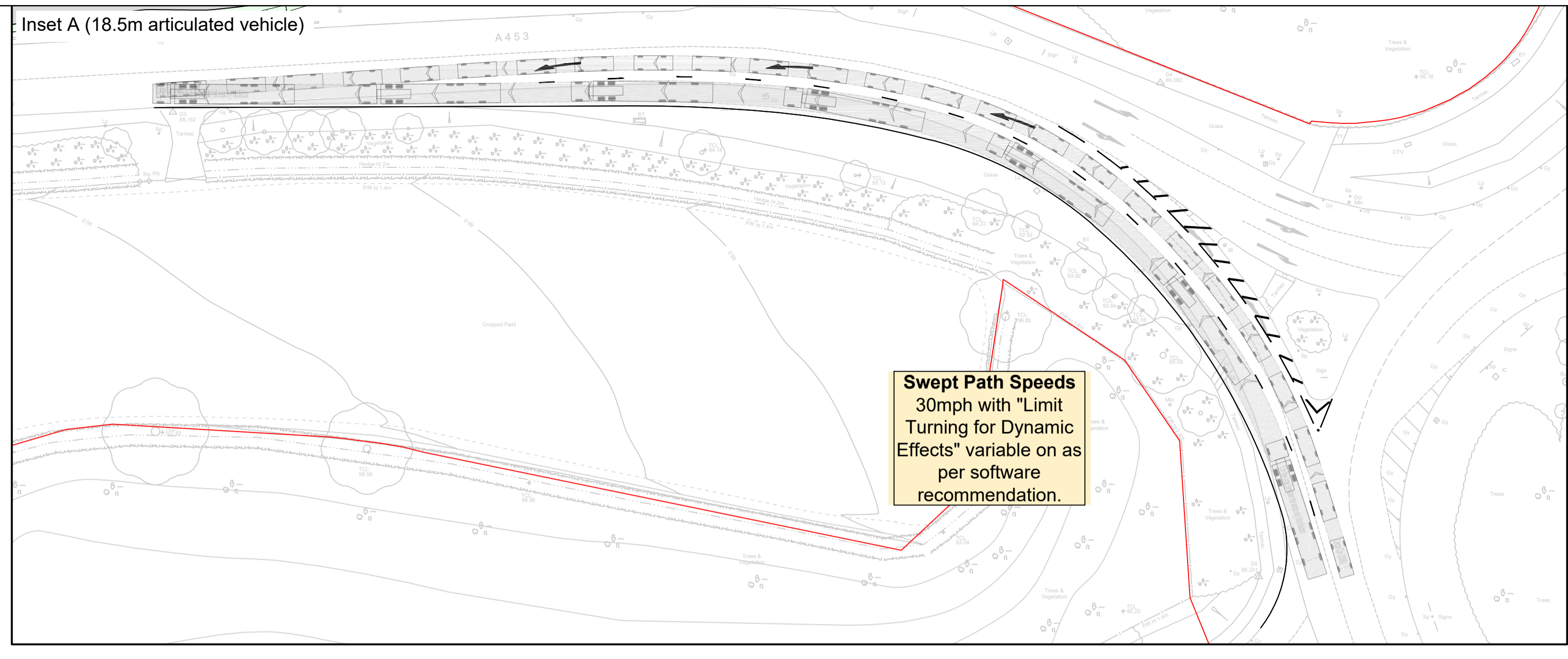
Project - Originator - Zone - Level - Type - Role - Number

**EMG2-BWB-HGN-A453-DR-H-0104**

Status **S2** | Rev **P03**



Inset A (18.5m articulated vehicle)



Swept Path Speeds  
30mph with "Limit Turning for Dynamic Effects" variable on as per software recommendation.

Cutline - See Sheet 3

LTN 1-20  
Design Speed 40kph

LTN 1-20  
Tab 5.5  
Visibility for direct access to STW pumping station  
SSD = 47m (40kph)

LTN 1-20  
Tab 5.5  
SSD = 47m (40kph)

Gas Gov

Hotel

ED & A

LTN 1-20  
Design Speed 30kph

LTN 1-20  
Design Speed 40kph

LTN 1-20  
Design Speed 30kph

A453

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DMRB Ref. CD109  
Table 2.5  
85 Kph Design Speed

DMRB Ref. CD109  
Tab 2.10  
SSD 85kph = 160m Desirable min.  
(Point at which required visibility is achieved.)

DMRB Ref. CD109  
Tab 2.10  
Existing SSD = 60m  
Actual SSD = 80m  
SSD 85kph = 160m Desirable min.  
(This is an existing departure)  
Vegetation to be trimmed back to maximise visibility at the exit

DMRB CD 116  
Roundabout design

DMRB CD 109  
Highway link design

DMRB CD 109  
Highway link design

DMRB CD 116  
Roundabout design

Swept Path Speeds  
30mph with "Limit Turning for Dynamic Effects" variable on as per software recommendation.

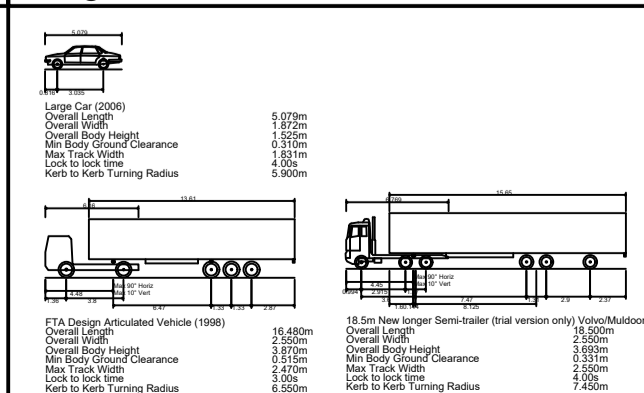
Finger Farm Rbt

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Legend



ISSUES & REVISIONS

Rev	Date	Details of issue / revision	Drw	Rev
P01	14.05.25	Issue for information	MS	SH
P02	11.07.25	Inserts A and B added for additional tracks	MS	SH
P03	10.02.26	Tracking updated following RSA 1	DF	SH
P04	05.03.26	18.5m Articulated tracking added	DF	SH
P05	27.05.26	Active travel link visibility updated	DF	SRH
P06	11.06.26	STW pumping station visibility added	DF	SRH



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Reviewed:

S.Hilditch

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220500

Date:

05.06.25

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Project Title

East Midlands Gateway 2

Drawing Status

FOR INFORMATION

Drawing Title

A453  
Vehicle Swept Paths &  
Visibility  
Sheet 2 of 4

Project - Originator - Zone - Level - Type - Role - Number

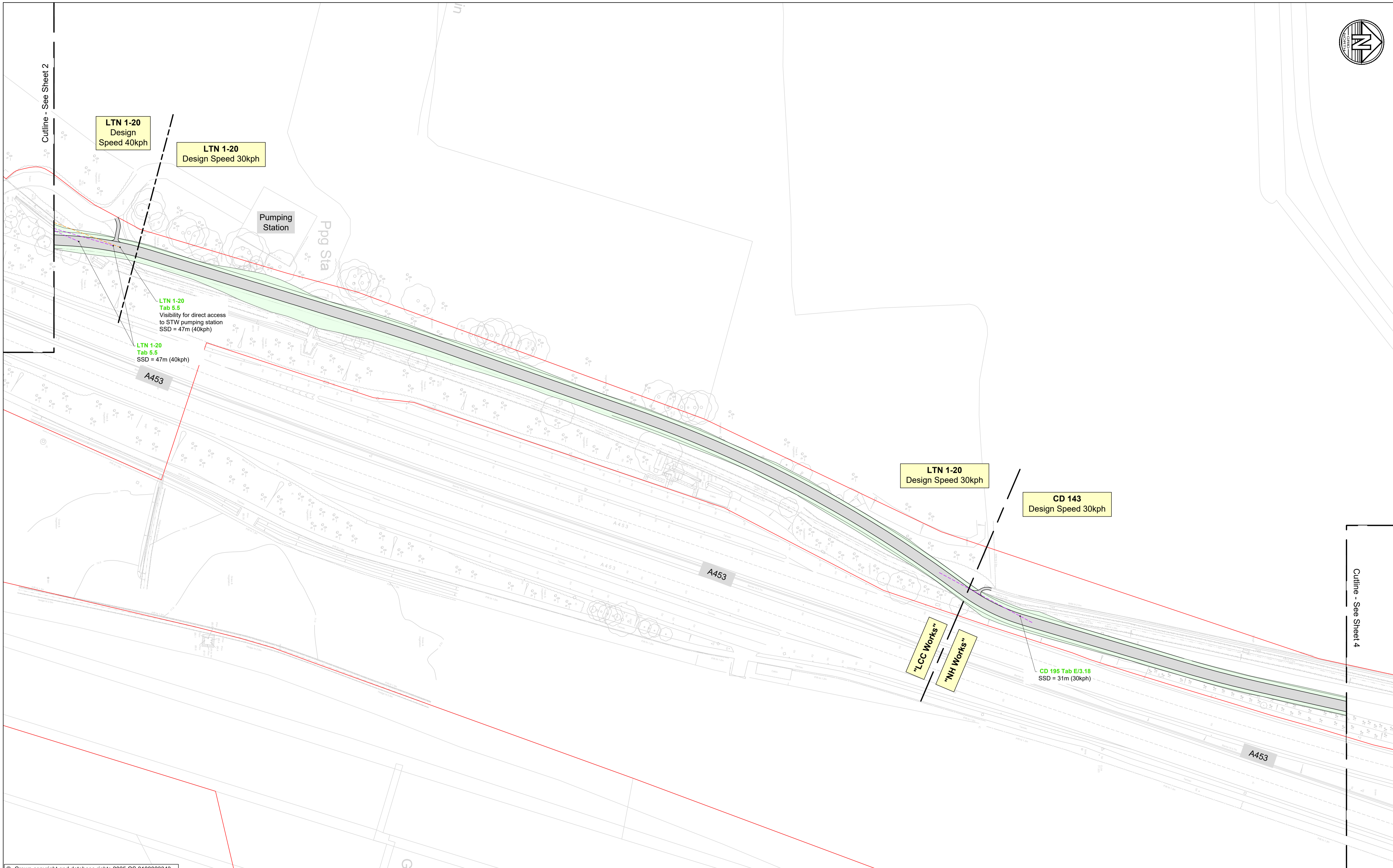
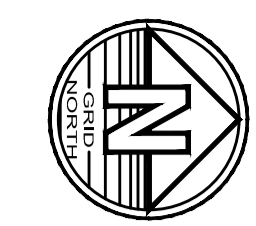
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Status

S2

Rev

P06



Outline - See Sheet 2

Outline - See Sheet 4

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**Legend**

[Symbol]	[Symbol]	[Symbol]
[Symbol]	[Symbol]	[Symbol]
[Symbol]	[Symbol]	[Symbol]

**ISSUES & REVISIONS**

Rev	Date	Details of issue / revision	Drw	Rev
P01	14.05.25	Issue for information	MS	SRH
P02	20.04.26	Active travel link updated to avoid EMA land	DF	SRH
P03	27.05.26	Active travel link visibility updated	DF	SRH
P04	11.06.26	STW pumping station visibility added	DF	SRH

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Project Title

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Drawing Status

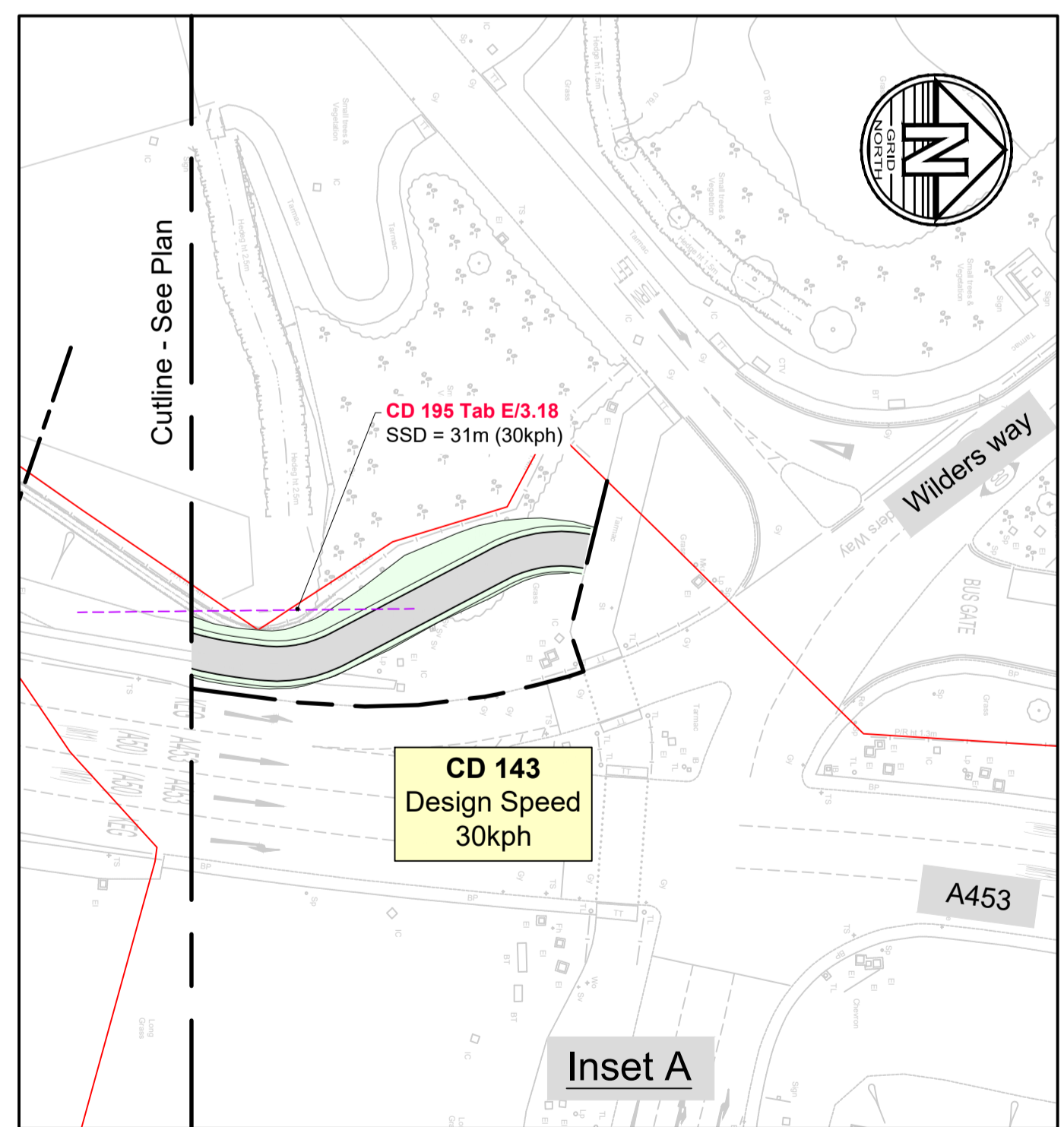
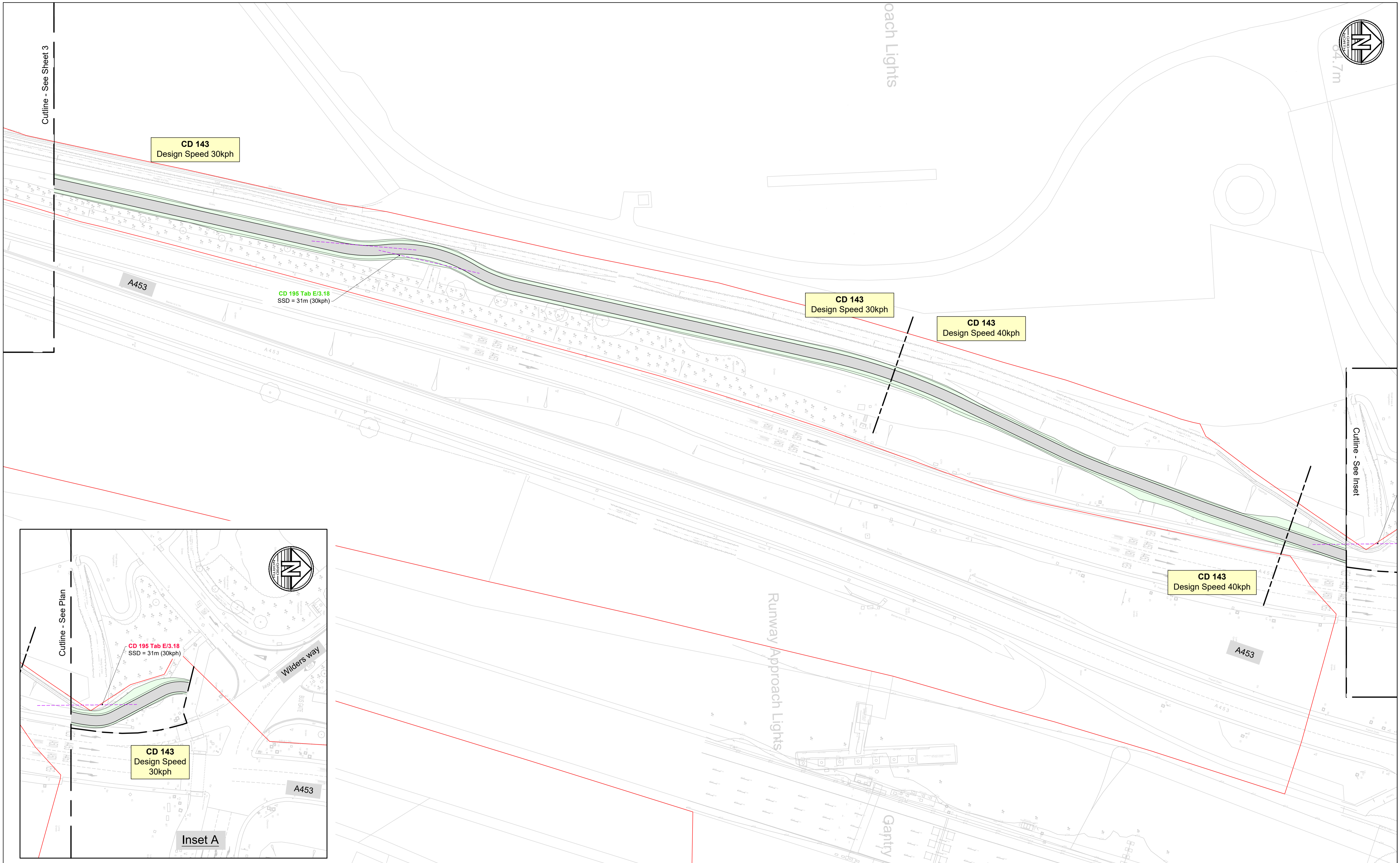
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Drawing Title

**A453  
Vehicle Swept Paths &  
Visibility  
Sheet 3 of 4**

Project - Originator - Zone - Level - Type - Role - Number    Status    Rev

**EMG2-BWB-HGN-A453-DR-H-0112    S2    P04**



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**ISSUES & REVISIONS**

Rev	Date	Details of issue / revision	Drw	Rev
P01	14.05.25	Issue for information	MS	SH
P02	11.06.26	Annotations updated	DF	SRH

**Client**

**SEGRO**

Drawn: M.S | Reviewed: S.H  
 Date: 05.06.25 | Scale@A1: 1:500

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**Project Title**  
East Midlands Gateway 2

**Drawing Status**  
FOR INFORMATION

**Drawing Title**  
A453  
Vehicle Swept Paths & Visibility  
Sheet 4 of 4

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Project - Originator - Zone - Level - Type - Role - Number	Status	Rev
EMG2-BWB-HGN-A453-DR-H-0113	S2	P02



Cutline - See Sheet 3

Works boundary

Cycle Route 15 (Section B)

LTN 1-20 Tab 5.4  
Design Speed 40kph  
(Downward gradient >3%)

LTN 1-20  
Table 5.7  
40 Kph Design Speed  
Min radius = 40m

LTN 1-20  
Table 5.7  
40 Kph Design Speed  
Min radius = 40m

LTN 1-20 Tab 5.4  
Design Speed 30kph

LTN 1-20 Tab 5.4  
Design Speed 40kph  
(Downward gradient >3%)

LTN 1-20 Tab 5.4  
Design Speed 30kph

DMRB Ref. CD43  
Para E/3.5  
Widths of  
unsegregated  
shared use routes  
Min = 2.0m

LTN 1/20, Tab 6-1  
Separation from the  
carriageway  
Desirable = 2.0m  
Min = 1.5m

Existing island &  
widening for ADS  
signage to remain.

LTN 1-20  
Table 5.7  
30 Kph Design Speed  
Min radius = 25m

LTN 1-20  
Table 5.7  
30 Kph Design Speed  
Min radius = 25m

Cycle Route 15  
(Section B)

Note: Existing pumping  
station access to be  
reviewed during detailed  
design

LTN 1-20  
Table 5.7  
30 Kph Design Speed  
Min radius = 25m

Cycle Route 15  
(Section A)

Cycle Route 15  
(Section A)

LTN 1/20, Tab 6-1  
Separation from the  
carriageway  
Desirable = 2.0m  
Min = 1.5m

DMRB Ref. CD116  
Para 3.28.3  
Exit width reduction  
taper 1.20 min

CD116 Para 3.29.3  
Exit kerb radius should  
be between 20m & 100m

DMRB Ref. CD109  
Table 2.5  
85 Kph Design Speed

DMRB CD 109  
Highway link design

DMRB CD 116  
Roundabout design

DMRB CD 116  
Roundabout design

DMRB CD 109  
Highway link design

Finger  
Farm Rbt

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**Notes**

- Do not scale this drawing. All dimensions must be checked/verified on site. If in doubt ask.
- This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications.
- All dimensions in metres unless noted otherwise. All levels in metres unless noted otherwise.
- Any discrepancies noted on site are to be reported to the engineer immediately.
- Annotation shown coloured green achieves design standards
- Annotation shown coloured amber is a relaxation from design standards
- Annotation shown coloured red is a departure from design standards

**Legend**

- Draft Order Limits
- Alignment - Straights
- Alignment - Curves
- Alignment - Transitions
- Carriageway area
- Taper for cross section width change

**ISSUES & REVISIONS**

Rev	Date	Details of issue / revision	Drw	Rev
P01	14.05.25	Issue for information	MS	SRH
P02	11.07.25	Updated following LCC comments	SRH	SRH
P03	10.02.26	Updated for departure submission	DF	SRH
P04	05.03.26	Footway departure removed	DF	SRH
P05	26.05.26	Shared use footway annotations and connection to STW land updated	DF	SRH
P06	11.06.26	STW pumping station visibility area added	DF	SRH

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Client

**SEGRO**

Drawn: M.Stockton  
 Reviewed: S.Hilditch  
 Date: 10.12.24  
 Scale@A1: 1:500

Project Title

**East Midlands Gateway 2**

Drawing Status

**FOR INFORMATION**

Drawing Title

**A453  
Geometry Plans  
Sheet 2 of 4**

Project - Originator - Zone - Level - Type - Role - Number

**EMG2-BWB-HGN-A453-DR-H-0102**

Status Rev

**S2 P06**

# **ANNEX I**

## **GG 119 “ROAD SAFETY AUDIT” APPENDIX B**

## **Appendix B. Road safety audit checklists**

Road safety audit checklists are outlined on the next page.

**Table B.1 LOCAL ALIGNMENT**

Stage 1	Stage 2	Stage 3
<b>Visibility</b>		
<p>Are horizontal and vertical alignments consistent with required visibility? Will sight lines be obstructed by permanent or temporary features e.g. bridge abutments and parked vehicles?</p>	<p>Are sight lines obstructed by:</p> <ol style="list-style-type: none"> <li>1. safety fences;</li> <li>2. boundary fences;</li> <li>3. street furniture;</li> <li>4. parking facilities;</li> <li>5. signs;</li> <li>6. landscaping;</li> <li>7. structures;</li> <li>8. environmental barriers;</li> <li>9. crests; or</li> <li>10. features such as buildings, plant or materials outside the highway boundary?</li> </ol> <p>Is the forward visibility of at-grade crossings sufficient to ensure they are conspicuous?</p>	<p>Are the sight lines clear of obstruction?</p>
<b>New/existing road interface</b>		
<p>Will the proposed scheme be consistent with the standard of provision on adjacent lengths of road and if not, is this made obvious to the road user? Does interface occur near any potential hazard, e.g. crest, bend after steep gradient?</p>	<p>Where a new road scheme joins an existing road, or where an on-line improvement is to be constructed, will the transition give rise to potential hazards? Where the road environment changes (e.g. urban to rural, restricted to unrestricted) is the transition made obvious by appropriate signing and carriageway markings?</p>	<p>Is there a need for additional signs and/or road markings?</p>
<b>Vertical alignment</b>		
<p>Are climbing lanes to be provided? Will the vertical alignment cause any "hidden dips"?</p>		

**Table B.2 GENERAL**

Stage 1	Stage 2	Stage 3
Departures from standards		
What are the road safety implications of any approved departures from standards or relaxations? (Are these strategic decisions within the scope of the RSA?)	Consider road safety aspects of any departures granted since the stage 1 RSA.	Are there any adverse road safety implications of any departures from standard granted since the stage 2 RSA?
Cross sections and cross-sectional variation		
<p>How safely do the cross-sections accommodate drainage, ducting, signing, fencing, lighting and pedestrian, cyclist and equestrian routes?</p> <p>Could the scheme result in the provision of adverse camber?</p> <p>What are the road safety implications if the standard of the proposed scheme differs from adjacent lengths of highway?</p>		
Landscaping		
Could areas of landscaping conflict with sight lines (including during windy conditions)?	<p>Could planting (new or when mature) encroach onto the carriageway or obscure signs or sight lines (including during windy conditions)?</p> <p>Could earth bunds obscure signs or visibility?</p> <p>Could trees (new or when mature) be a hazard to an errant vehicle?</p> <p>Could planting affect lighting or shed leaves onto the carriageway?</p>	<p>Could planting obscure signs or sight lines (including during periods of windy weather)?</p> <p>Do earth bunds obscure signs or visibility?</p> <p>Could trees (new or when mature) be a potential hazard to an errant vehicle?</p> <p>Could planting affect lighting or shed leaves onto the carriageway?</p>
Climatic conditions		

**Table B.2 GENERAL** (continued)

Stage 1	Stage 2	Stage 3
	Is there a need for specific provision to mitigate effects of fog, wind, sun glare, snow, and ice?	Are any extraordinary measures required?
<b>Drainage</b>		
<p>Will the new road drain adequately, or could areas of excess surface water result?</p> <p>Could excess surface water turn to ice during freezing conditions?</p> <p>Could excessive water drain across the highway from adjacent land?</p>	<p>Do drainage facilities (e.g. gully spacing, gully locations, flat spots, crossfall, ditches) appear to be adequate?</p> <p>Are features such as utility covers or gullies located within footpaths, cycle routes or equestrian routes?</p> <p>Are features such as utility covers or gullies located in the likely wheel tracks for motorcyclists or cyclists?</p> <p>Do they give concern for motorcyclist/cyclist stability?</p> <p>Is surface water likely to drain across a carriageway and increase the risk of aquaplaning under storm conditions?</p>	<p>Does drainage of roads, cycle routes and footpaths appear adequate?</p> <p>Are drainage features such as utility covers or gullies located within footpaths, cycle routes or equestrian routes?</p> <p>Are features such as utility covers or gullies located in the likely wheel tracks for motorcyclists or cyclists?</p> <p>Do they give concern for motorcyclist/cyclist stability?</p>
<b>Lay-bys</b>		

**Table B.2 GENERAL** (continued)

Stage 1	Stage 2	Stage 3
<p>Has adequate provision been made for vehicles to stop off the carriageway including picnic areas? How will parked vehicles affect sight lines? Could lay-bys be confused with junctions? Is the lay-by located in a safe location (e.g. away from vertical crests or tight horizontal alignments with limited visibility)?</p>	<p>Have lay-bys been positioned safely? Could parked vehicles obscure sight lines? Are lay-bys adequately signed? Are picnic areas properly segregated from vehicular traffic?</p>	
Public utilities/services apparatus		
<p>Could utility apparatus be struck by an errant vehicle? Could utility apparatus obscure sight lines?</p>	<p>Can maintenance vehicles stop clear of traffic lanes? If so, could they obscure signs or sight lines? Are boxes, pillars, posts and cabinets located in safe positions away from locations that may have a high potential of errant vehicle strikes? Do they interfere with visibility? Has sufficient clearance to overhead cables been provided? Have any special accesses/parking areas been provided and are they safe? Are there any utility inspection chambers in live traffic lanes and/or wheel tracks including those of motorcyclists or cyclists? Do they give concern for motorcyclist/ cyclist stability?</p>	<p>Can maintenance vehicles stop clear of traffic lanes? If so, could they obscure signs or sight lines? Are boxes, pillars, posts and cabinets located in safe positions away from locations that may have a high potential for errant vehicle strikes? Do they interfere with visibility? Are any special accesses/parking areas provided safe? Are there any utility inspection chambers in live traffic lanes and/or wheel tracks? Has any loose material around utility covers or gullies located in the verge been compacted down and made level with the surrounding ground?</p>
Access		

**Table B.2 GENERAL** (continued)

Stage 1	Stage 2	Stage 3
<p>Can all accesses be used safely? Can multiple accesses be linked into one service road? Are there any conflicts between turning and parked vehicles?</p>	<p>Is the visibility to/from accesses adequate? Are the accesses of adequate length to ensure all vehicles clear the main carriageway? Do all accesses appear safe for their intended use?</p>	<p>Is the visibility to/from accesses adequate? Are the accesses of adequate length to ensure all vehicles clear the main carriageway?</p>
<b>Skid resistance</b>		
	<p>Are there locations where high skid resistance surfacing (such as on approaches to junctions and crossings) would be beneficial? Do surface changes occur at locations where they could adversely affect motorcycle stability? Is the colour of any high friction surfacing appropriate?</p>	<p>Do any joints in the surfacing appear to have excessive bleeding or low skid resistance? Do surface changes occur at locations where they could adversely affect motorcycle stability?</p>
<b>Emergency vehicles</b>		
<p>Has provision been made for safe access and egress by emergency vehicles?</p>		
<b>Future widening</b>		
<p>Where a single carriageway scheme is to form part of a future dual carriageway, is it clear to road users that the road is for two-way traffic?</p>		
<b>Agriculture</b>		
	<p>Have the needs of agricultural vehicles and plant been taken into consideration (e.g. room to stop between carriageway and gate, facilities for turning on dual carriageways)? Are such facilities safe to use and are they adequately signed?</p>	

**Table B.2 GENERAL** (continued)

Stage 1	Stage 2	Stage 3
<b>Fences and road restraint systems</b>		
	<p>Is there a need for road restraint systems to protect road users from signs, gantries, parapets, abutments, steep embankments or water hazards? Do the road restraint systems provided give adequate protection? Are the road restraint systems long enough? Are specific restraint facilities required for motorcyclists? In the case of wooden post and rail boundary fences, are the rails placed on the non-traffic side of the posts? If there are roads on both sides of the fence is an interlocking-design necessary to prevent impalement on impact?</p>	<p>Is the restraint system adequate? In the case of wooden post and rail boundary fences, are the rails placed on the non-traffic side of the posts? Have specific restraint facilities been provided for motorcyclists?</p>
<b>Adjacent development</b>		
<p>Does adjacent development cause interference/ confusion? (e.g. lighting or traffic signals on adjacent roads may affect a road user's perception of the road ahead.) Is screening required to avoid headlamp glare between opposing carriageways, or any distraction to road users?</p>	<p>Has screening been provided to avoid headlamp glare between opposing carriageways, or any distraction to road users? Are there any safety issues relating to the provision of environmental barriers or screens?</p>	<p>Have environmental barriers been provided and do they create a potential hazard?</p>
<b>Basic design principles</b>		
<p>Are the overall design principles appropriate for the predicted level of use for all road users?</p>		
<b>Bridge parapets</b>		

**Table B.2 GENERAL** (continued)

Stage 1	Stage 2	Stage 3
	Are parapet heights appropriate for the adjacent road user groups?	Is the projection of any attachment to the parapet likely to be struck by road users?
Network management		
		Have appropriate signs and/or markings been installed in respect of Traffic Regulation Orders?
Specific road users		
Is specific provision required for vulnerable groups? (i.e. the young, older users, mobility and visually impaired, motorcyclists.)	<p>Are gradients appropriate for mobility scooters?            Are timings at controlled crossings sufficient for all users?            Do surface changes or excessive use of carriageway markings occur at locations where they could adversely affect motorcycle stability?            Are specific restraint facilities required for motorcyclists?            Are features such as traffic calming, utility covers or gullies located in the likely wheel tracks for motorcyclists or cyclists?            Do they give concern for motorcyclist/cyclist stability?</p>	<p>Are the following adequate for specific and vulnerable groups?</p> <ol style="list-style-type: none"> <li>1. visibility;</li> <li>2. signs;</li> <li>3. surfacing;</li> <li>4. other guardrails;</li> <li>5. drop kerbing/flush surfaces;</li> <li>6. tactile paving;</li> <li>7. gradients;</li> <li>8. lighting levels;</li> <li>9. restraint systems; and,</li> <li>10. positioning of utility covers/gullies.</li> </ol>

**Table B.3 JUNCTIONS**

Stage 1	Stage 2	Stage 3
Layout		
<p>Is provision for right turning vehicles required?            Are acceleration / deceleration lanes required?            Are splitter islands required on minor arms to assist pedestrians or formalise road users' movements to / from the junction?            Are there any unusual features that affect road safety?            Are widths and swept paths adequate for all road users?            Will large vehicles overrun pedestrian or cycle facilities?            Are there any conflicts between turning and parked vehicles?            Are any junctions sited on a crest?            Is the junction type appropriate for the traffic flows and likely vehicle speeds?</p>	<p>Are the junctions and accesses adequate for all vehicular movements?            Are there any unusual features, which may have an adverse effect on road safety?            Have guardrails / safety fences been provided where appropriate?            Do any roadside features (e.g. guard rails, safety fences, traffic bollards signs and traffic signals) intrude into drivers' line of sight?            Are splitter islands and bollards required on minor arms to assist pedestrians or formalise road users' movements to/from the junction?            Are parking or stopping zones for buses, taxis and public utilities vehicles situated within the junction area?            Are they located outside visibility splays?            Are any utility covers or gullies located in the likely wheel tracks of motorcyclists or cyclists?</p>	<p>Have guard rails / safety fences been provided where appropriate?            Do any roadside features (e.g. guard rails, safety fences, traffic bollards signs and traffic signals) intrude into drivers' line of sight?            Have bollards been provided to assist pedestrians or formalise road user movements?</p>
Visibility		
<p>Are sight lines adequate on and through junction approaches and from the minor arm?            Are visibility splays adequate and clear of obstructions such as street furniture and landscaping?            Will the use of deceleration or acceleration lanes obscure junction visibility?</p>	<p>Are the sight lines adequate at and through the junctions and from minor roads?            Are visibility splays clear of obstruction?</p>	<p>Are all visibility splays clear of obstructions?</p>
T, X, Y - junctions		

**Table B.3 JUNCTIONS** (continued)

Stage 1	Stage 2	Stage 3
	<p>Have ghost island right turn lanes and refuges been provided where required?</p> <p>Do junctions have adequate stacking space for turning movements?</p> <p>Can staggered crossroads accommodate all vehicle types and movements?</p>	<p>Are priorities clearly defined?</p> <p>Is signing adequate?</p>
All roundabouts		
	<p>Are the deflection angles of approach roads adequate for the likely approach speed?</p> <p>Are splitter islands necessary?</p> <p>Is visibility on approach adequate to ensure drivers can perceive the correct path through the junction?</p> <p>Where chevron signs are required, have they been correctly sited?</p> <p>Are dedicated approach lanes required? If provided, will the road markings and signs be clear to all users?</p> <p>Are any utility covers or gullies located in the likely wheel tracks of motorcyclists or cyclists?</p>	<p>Can the junction be seen from appropriate distances and is the signing adequate?</p> <p>Where chevron signs are required, have they been correctly sited?</p>
Mini roundabouts		

**Table B.3 JUNCTIONS** (continued)

Stage 1	Stage 2	Stage 3
	<p>Are the approach speeds for each arm likely to be appropriate for a mini roundabout? Is the centre island visible from all approaches?</p>	
Traffic signals		

**Table B.3 JUNCTIONS** (continued)

Stage 1	Stage 2	Stage 3
	<p>Will speed discrimination equipment be required? Is the advance signing adequate? Are signals clearly visible in relation to the likely approach speeds? Is "see through" likely to be a problem? Would lantern filters assist? Is the visibility of signals likely to be affected by sunrise/sunset? Would high intensity signals and/or backing boards improve visibility? Would high-level signal units be of value? Is the stopline in the correct location? Are any pedestrian crossings excessively long? Are the proposed tactile paving layouts correct? Are the markings for right turning vehicles adequate? Is there a need for box junction markings? Is the phasing appropriate? Will pedestrian / cyclist phases be needed? Does the number of exit lanes equal the number of approach lanes? If not is the taper length adequate? Is the required junction intervisibility provided?</p>	<p>Can the traffic signals be seen from appropriate distances? Can drivers see traffic signal heads for opposing traffic? For the operation of signals: Are the signal phases working correctly, and/or are unnecessary delays being created? Do pedestrian and cycle phases give adequate crossing time? Can pedestrians or cyclists mistakenly view the "green man" signal for other pedestrian or cycle phases?</p>

**Table B.4 WALKING, CYCLING AND HORSE RIDING**

Stage 1	Stage 2	Stage 3
Adjacent land		
Will the scheme have an adverse effect on safe use of adjacent land?	Are accesses to and from adjacent land/properties safe to use? Has adjacent land been suitably fenced?	Has suitable fencing been provided?
Pedestrians		

**Table B.4 WALKING, CYCLING AND HORSE RIDING** (continued)

Stage 1	Stage 2	Stage 3
<p>Have pedestrian routes been provided where required?</p> <p>Do shared facilities take account of the needs of all user groups?</p> <p>Can verge strips dividing footways / cycleways and carriageways be provided?</p> <p>Where footpaths have been diverted, will the new alignment permit the same users free access?</p> <p>Are footbridges / subways sited to attract maximum use?</p> <p>Is specific provision required for special and vulnerable groups? (e.g. the young, older users, mobility and visually impaired?)</p> <p>Are tactile paving, flush kerbs and guard railing proposed? Is it specified correctly and in the best location?</p> <p>Have all walking needs been considered, especially at junctions?</p> <p>Are these routes clear of obstructions such as signposts, lamp columns etc.?</p>	<p>Have the needs of pedestrians been considered especially at junctions and roundabouts?</p> <p>Are any proposed drop kerbs flush with the adjacent highway?</p> <p>Is tactile paving proposed?</p> <p>Is it specified correctly and in the best location?</p>	<p>Are the following adequate?:</p> <ol style="list-style-type: none"> <li>1. visibility;</li> <li>2. signs;</li> <li>3. surfacing;</li> <li>4. other guardrails;</li> <li>5. drop kerbing or flush surfaces; and</li> <li>6. tactile paving</li> </ol>
Cyclists		

**Table B.4 WALKING, CYCLING AND HORSE RIDING** (continued)

Stage 1	Stage 2	Stage 3
<p>Have cycle routes been provided where required?</p> <p>Do shared facilities take account of the needs of all user groups?</p> <p>Can verge strips dividing footways/cycleways and carriageways be provided?</p> <p>Is specific provision required for special and vulnerable groups? (e.g. the young, older users, mobility impaired?)</p> <p>Have all cycling needs been considered, especially at junctions?</p> <p>Are these routes clear of obstructions such as signposts, lamp columns etc.?</p>	<p>Have the needs of cyclists been considered especially at junctions and roundabouts?</p> <p>Are cycle lanes or segregated cycle tracks required?</p> <p>Does the signing make clear the intended use of such facilities?</p> <p>Are cycle crossings adequately signed?</p> <p>Has lighting been provided on cycle routes?</p> <p>Are any proposed drop kerbs flush with the adjacent highway?</p> <p>Are any parapet heights sufficient?</p> <p>Is tactile paving proposed?</p> <p>Is it specified correctly and in the best location?</p>	<p>Do the following provide sufficient levels of road safety for cyclists on, or crossing the road?</p> <ol style="list-style-type: none"> <li>1. visibility;</li> <li>2. signs;</li> <li>3. guardrails;</li> <li>4. drop kerbing or flush surfaces;</li> <li>5. surfacing; and/or</li> <li>6. tactile paving.</li> </ol>
Equestrians		
<p>Have equestrian needs been considered?</p> <p>Does the scheme involve the diversion of bridleways?</p>	<p>Should bridleways or shared facilities be provided?</p> <p>Does the signing make clear the intended use of such paths and is sufficient local signing provided to attract users?</p> <p>Have suitable parapets/rails been provided where necessary?</p>	<p>Do the following provide sufficient levels of road safety for equestrians?</p> <ol style="list-style-type: none"> <li>1) visibility;</li> <li>2) signs;</li> <li>3) guardrails.</li> </ol>

**Table B.5 TRAFFIC SIGNS, CARRIAGEWAY MARKINGS AND LIGHTING**

Stage 1	Stage 2	Stage 3
Signs		
<p>Is there likely to be sufficient highway land to provide the traffic signs required?            Are sign gantries needed?            Have traffic signs been located away from locations where there is a high strike risk?</p>	<p>Do destinations shown align with signing policy?            Are signs easy to understand?            Are the signs located behind safety fencing and out of the way of pedestrians and cyclists?            Is there a need for overhead signs?            Where overhead signs are necessary is there sufficient headroom to enable designated walking, cycling and horse riding usage?            Has sign clutter been considered?            Is junction signing adequate, consistent with adjacent signing and easily understood?            Have the appropriate warning signs been provided?            Are signs appropriately located and of the appropriate size for approach speeds?            Are sign posts and sign structures passively safe or protected by safety barriers where appropriate?            Are traffic signs illuminated where required and the correct reflectivity provided?            Are traffic signs located in positions that minimise potential strike risk?            Is the mounting height of sign faces appropriate?            Are traffic signs orientated correctly to ensure correct visibility and reflectivity?</p>	<p>Are the visibility, locations and legibility of all signs (during daylight and darkness) adequate?            Are signposts protected from vehicle impact or passively safe?            Will signposts impede the safe and convenient passage of pedestrians and cyclists?            Have additional warning signs been provided where necessary?</p>
Variable message signs (VMS)		

**Table B.5 TRAFFIC SIGNS, CARRIAGEWAY MARKINGS AND LIGHTING** (continued)

Stage 1	Stage 2	Stage 3
	<p>Are the legends relevant and easily understood? Are signs passively safe or located behind safety fencing?</p>	<p>Can VMS be read and easily understood at distances appropriate for vehicle speeds? Are they adequately protected from vehicle impact or passively safe?</p>
<b>Lighting</b>		
<p>Is the scheme to be street lit? Has lighting been considered at new junctions and where adjoining existing roads? Are lighting columns located in the best positions? (e.g. behind safety fences)</p>	<p>Has lighting been considered at new junctions and where adjoining existing roads? Is there a need for lighting, including lighting of signs and bollards? Are lighting columns passively safe? Are lighting columns located in the best positions e.g. behind safety fences and not obstructing walking, cycling and horse riding routes?</p>	<p>Does the street lighting provide adequate illumination of roadside features, road markings and non-vehicular users to drivers? Is the level of illumination adequate for the road safety of walkers, cyclists and horse riders? Is lighting obscured by vegetation or other street furniture?</p>
<b>Poles/columns</b>		
<p>Will poles/columns be appropriately located and protected?</p>	<p>Are poles and columns passively safe? Are poles and columns protected by safety fencing where appropriate?</p>	
<b>Carriageway markings</b>		

**Table B.5 TRAFFIC SIGNS, CARRIAGEWAY MARKINGS AND LIGHTING** (continued)

Stage 1	Stage 2	Stage 3
<p>Are any road markings proposed at this stage appropriate?</p>	<p>Do the carriageway markings clearly define routes/priorities?            Are the dimensions of the road markings appropriate for the speed limit/design speed of the road?            Have old road markings and road studs been adequately removed?            Are road markings appropriate to the location?            1. centre and edge lines;            2. hatching;            3. road studs;            4. text/destinations;            5. approved and/or conform to the Regulations.</p>	<p>Are all road markings / studs clear and appropriate for their location?            Have all superseded road markings and studs been removed adequately?            Do the carriageway markings clearly define routes and priorities?            Have all superseded road markings and studs been removed adequately?</p>

## **ANNEX J**

### **LETTER FROM NATIONAL HIGHWAYS ON JOINT APPLICATION**



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

From: Andy Jinks (Divisional Director)  
Operations Directorate  
Midlands Region  
National Highways  
[PlanningM@nationalhighways.co.uk](mailto:PlanningM@nationalhighways.co.uk)

To: North-West Leicestershire District Council - FAO Adam Mellor  
  
[Adam.Mellor@nwleicestershire.gov.uk](mailto:Adam.Mellor@nwleicestershire.gov.uk)  
[development.control@nwleicestershire.gov.uk](mailto:development.control@nwleicestershire.gov.uk)

CC: [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk)  
[spatialplanning@nationalhighways.co.uk](mailto:spatialplanning@nationalhighways.co.uk)

### Council's Reference: 24/00727/OUTM

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

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

### National Highways Ref: NH/24/06762

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

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

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

Highways Act 1980 Section 175B is not relevant to this application.<sup>1</sup>

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

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

The Local Planning Authority must also copy any consultation under the 2018 Direction to [PlanningM@nationalhighways.co.uk](mailto:PlanningM@nationalhighways.co.uk).

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

	<b>Date:</b> 10 June 2026
<b>Signature:</b>	
<b>Name:</b> Catherine Townend	<b>Position:</b> Spatial Planner
<b>National Highways</b> Three Snowhill   Snowhill Queensway   Birmingham   B4 6GA <a href="mailto:Catherine.townend@nationalhighways.co.uk">Catherine.townend@nationalhighways.co.uk</a>	

<sup>1</sup> Where relevant, further information will be provided within Annex A.

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

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

### **Reasons**

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

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

### **Development Proposal**

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

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

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

### **National Highways Considerations**

Since our response of 31 July 2024, which set out a number of comments in relation to the Transport Assessment (TA), we have been liaising directly and collaboratively with the Applicant and its transport consultants, and progress has been made with respect of scoping for modelling the traffic impacts of the development using Leicestershire County Council's strategic transport model (PRTM) and other modelling

packages, as well as on the Applicant's sustainable transport strategy. However, as traffic modelling has yet to be completed and agreed by National Highways, the traffic impacts of the development are still not fully understood. Until such time as the impacts on the SRN are properly understood and evidenced, National Highways has not formally reviewed the proposed mitigation scheme for the SRN or the Environmental Statement.

### *Transport Assessment*

#### PRTM Saturn Modelling

The Applicant has utilised PRTM 23 for the strategic modelling assessment. Section 1.1.3 of the TA, describes the two sets of planning assumptions which underpin the strategic modelling assessment; Scenarios A and B:-

#### Scenario A:-

*The PRTM 2023 model was re-run to incorporate coding updates to address comments identified by National Highways and Leicestershire County Council. The revisions were primarily focused on the M1 Junction 24 / Lockington area, including measures to reduce rat-running and re-routing, together with updates to signal timings at M1 Junction 24. No changes were made to development trip generation, distribution, or the proposed scheme design within PRTM 2023.*

*In addition, this model run incorporated minor updates to the Uncertainty Log, consisting of the removal of a number of local plan allocation sites and capping the Uniper development at Ratcliffe-on-Soar at the pre-mitigation levels defined within the Local Development Order. The rationale for these updates was to ensure that the Uncertainty Log appropriately reflects likely developments and any associated infrastructure, thereby representing a more realistic scenario.*

*Local junction models have been developed to assess Scenario A and are presented within this Transport Assessment, alongside the strategic assessment undertaken using VISSIM.*

#### Scenario B

*A secondary PRTM 2023 model run was undertaken without the Scenario A updates to the Uncertainty Log but with the coding changes applied in Scenario A. This was undertaken at the request of the Local Highway Authority and National Highways. Local junction models have been developed to assess Scenario B, also at the request of the Local Highway Authority and National Highways, and the results are presented within this Transport Assessment.*

Scenario A is referred in the updated PRTM 23 Forecasting Report as the “Supplementary” test. However as indicated at section 1.1.3 of the TA, the Applicant considers this represents a more realistic assessment. It goes on to advise that Scenario B has been undertaken at the request of Leicestershire County Council and National Highways.

Recognising the complex planning situation, we support the use of both sets of assumptions which should both be used to ensure the residual cumulative impacts of development on the SRN are fully established.

The updated TA now provides some details on the updated strategic modelling assessment following the most recent modelling exercise. However, supporting figures, 7.1 – 7.32 of the TA, whilst helpful, do not fully quantify the specific development impacts.

An earlier version of these Forecasting Reports has been supplied to us and we have provided comments to the Applicant requesting the necessary information to quantify the specific impacts of the development on the SRN.

On 28 May 2026, we received further updated Forecasting Reports. These supplement the analysis presented in the TA but have not been submitted formally to the Planning Authority and are not included within the TA at the time of writing. These are currently being reviewed by National Highways.

It is noted that paragraph 2.1.2 of the TA states:-

The forecast flow change comparing the Without Development and With Development and Mitigation scenarios generally show increases in flow in the vicinity of the proposed development and on the additional dedicated left-turn lane travelling northbound from Finger Farm Roundabout. An assessment of the change in delays between the ‘Without Development’ and ‘With Development and Mitigation’ scenarios shows that the most significant reductions in delay occur at Finger Farm Roundabout.

However, there are no details of the forecast flow changes presented in the TA although we appreciate this is set out in the updated Forecasting Reports. This will need to be presented and updated in line with the updated Forecasting Reports when they are submitted formally as part of the planning application.

## Detailed Junction Modelling Methodology and Assessment

Section 7.3 presents VISSIM modelling results. It is noted in paragraph 7.3.1:-

Baseline information is available in the LMVR in Appendix D. The VISSIM LMVR concluded that the 2023 base year VISSIM model has been calibrated and validated and shows a good level of correlation with observed traffic data and network operational phenomena. The model operational statistics align well with observed data, satisfying the requirements set out in DfT WebTAG guidelines.

Following recent meetings with the Applicant's transport consultant held on 16 May 2026, it has been confirmed that changes have been made to the VISSIM Base Model superseding the one reported in the updated TA.

We are now in receipt of an updated VISSIM Base Model and associated outputs, which will supersede those provided in Appendix D (LMVR) of the TA. This has been reviewed by National Highways and the base model is considered acceptable. The TA will need updating accordingly and the LMVR submitting to the Local Planning Authority.

The TA notes at section 7.3.1: -

An assessment using VISSIM has been undertaken using the Scenario A PRTM 2023 outputs, as this is considered to be the most likely scenario.

However, it is noted that Scenario B, which has been developed as part of the PRTM 2023 modelling, has not been assessed within the VISSIM modelling. While the Applicant considers Scenario A to be the most likely scenario, it is important that a range of scenarios is assessed, particularly given the complex planning dynamics within the local area. For the purposes of assessment, we consider that Scenario B is necessary through the VISSIM assessment as previously requested.

Section 6.3.5.2 of the TA States:-

For the 'Without Development' scenario, a furnishing methodology has been applied to the PRTM 2023 data. The VISSIM base matrix was used as the prior matrix with PRTM differences (forecast year minus base year) row and column totals applied to generate targets for furnishing. The resultant matrices were converted to differences and applied to the VISSIM base model inputs and routes to generate each forecast scenario.

The Applicant's transport consultant has recently engaged with us regarding the development of the forecast matrices. Currently, static routes derived from the base model are retained, with demand changes applied directly for each origin–destination (O–D) pair. This is broadly acceptable in principle. However, it has been confirmed by the Applicant's transport consultant that no changes to routing have been implemented within the model. This is of particular concern given the importance of route choice between strategic links such as the M1/ A453. Further work is required in this area, including a review of routing proportions informed by the PRTM outputs.

Capturing route choice behaviour accurately is critical for ensuring the robustness of the VISSIM model. The static routing assessment adopted in the Applicant's methodology requires additional steps to adequately represent this. The Applicant's transport consultant is currently engaging with us on this matter. This updated modelling will supersede the results currently presented in the TA. At present, no VISSIM Forecasting Report has been provided, which is understandable as work is still progressing; this will be required as the modelling work progresses.

As the demand inputs are currently under review by the Applicant's transport consultant, we have only reviewed the network of the Forecast VISSIM models at this stage. Comments have been provided to the Applicant on 27 May 2026 to work through as the assessment work is ongoing to address our technical comments.

Local junction modelling has also been provided in the TA. This has been undertaken for both the A and B variant; this is welcomed and we can confirm that no further assessment is required at this time for the standalone junction models.

However, it is requested that the microsimulation VISSIM modelling is progressed consistently across both scenarios, A and B, in line with this approach and National Highways' requirements.

We are currently awaiting from the Applicant: -

- VISSIM Base Model LMVR which supersedes that provided in the updated TA to be submitted to the Local Planning Authority and the TA updated.

- The revised PRTM Forecast Reports to be submitted to the Local Planning Authority and the TA updated accordingly. We are currently reviewing these (received on 28 May)

- Confirmation of the methodology used to derive future year matrices for the VISSIM model, accounting for route choice

- Reassessed VISSIM modelling following route choice updates for both the A and B data assumptions, including a VISSIM Forecasting Report

As the traffic impact assessment work is still ongoing, the impact of development on the SRN, and therefore the mitigation required, cannot yet be fully determined.

However, we understand that work is continuing to address our comments and remain engaged with the Applicant and their transport consultant.

### *Physical changes to the SRN (Mitigation scheme)*

It should be noted that where physical changes to our network are proposed, these must adhere to National Highways approval processes. The Applicant should be aware that, prior to planning consent, any proposed scheme on our network must be:

- Designed to a preliminary design standard in accordance with the Design Manual for Roads and Bridges (DMRB);
- Have completed a Walking, Cycling, Horse-Riding Assessment and Review (WCHAR) in accordance with GG142 of DMRB;
- Have undergone National Highways design checks;
- Have obtained Agreement in Principle (AiPs) for any Departures from Standard;
- Have completed a Stage 1 Road Safety Audit (RSA) in accordance with GG119 of DMRB;
- Have any identified safety risks managed through the completion of a Safety Risk Assessment in accordance with GG104 (applicable in certain circumstances only).

We recommend the Applicant refers to paragraphs 89 to 95 of [Planning for the future: A guide to working with National Highways on planning matters \(October 2023\)](#) for further information.

### *Construction Traffic*

It is estimated that the maximum number of weekly construction vehicle movements will be 4,308 two-way movements. Further details of how these movements have been calculated is required. The daily traffic profile that has currently been provided is for an average day. National Highways requires a worst-case assessment in terms of the peak of the construction programme, alongside an assessment of the peak hours as opposed to the total daily traffic will be required. National Highways also seeks to understand how the construction traffic arrivals and departures will be monitored and enforced. Until these details have been provided National Highways is unable to confirm that there will not be any material impact of construction traffic on the SRN.

### *Sustainable Transport Strategy (STS) and Framework Travel Plan*

Positive progress has been made on the STS and Framework Travel Plan, following engagement with National Highways, but further details are required to complete them. National Highways' primary concern is how the STS and Framework Travel Plan will be monitored and enforced to ensure its effectiveness. The STS indicates that there will be a Sustainable Transport Working Group (STWG) comprising strategic stakeholders. National Highways requests to understand the details of this group, how it will operate, which stakeholders the group will comprise and who the decision

makers will be. National Highways will need to understand what happens if there is repeated failure to meet targets, with no car parking restraint on the site. National Highways will also need to understand the mitigation/funding that will be available to ensure that the travel plan targets are achieved.

Further details should be provided on the following;

The commitment to the number of EV charging bays and how car parking will be restrained should be provided at this stage rather than at the reserved matters stage. If details are not provided at this stage, it is hard to understand how any mode share targets will be committed to and achieved. Whilst Leicestershire County Council has standards for the levels of parking, consideration should be given to what is appropriate to encourage modal shift to sustainable modes at this stage of the planning application.

Baseline mode shares have been derived from three datasets. Further details of the TRICs sites used, including their locations, should be provided to determine whether the sites are comparable with the proposed development. Furthermore, EMG1 Employee Travel Surveys from 2024 have been used. This should be updated with 2025 data. The data from the three surveys should be provided to understand the results fully and assess how each set of result differ, as this might affect the mode share targets.

Details of the cycle parking should be provided at this stage, to underpin the mode share targets and provide confidence that they are achievable.

Further details of the suitability to divert existing less frequent commercial My15 bus services to serve the Transport Hub at the application site are required. Noting that a low frequency bus service is unlikely to provide a realistic opportunity for regular commuting. Consideration of links to the local railway stations should also be included. The details of this should be provided now to support the mode share targets and provide confidence that they are achievable.

Confirmation and evidence that there is sufficient capacity on existing bus services for staff should be provided with evidence that they serve the routes where staff are likely to originate from.

Consideration needs to be given to what happens when the public transport incentives expire and if the mode share targets are not being achieved.

Routing/destinations and service frequencies for the shuttle bus service should be provided. The proposals to link this with existing bus services and the railway station/s, and details of how this will be made an attractive option for staff, including the furthest walking distance to the shuttle hub on site, should be provided.

Further details of the funding for remedial measures are required and how this will be applied if the targets are not achieved.

## *Lighting*

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

## *Air Quality and Noise Assessment*

As the operator of the SRN, with specific environmental obligations, National Highways previously raised concerns with the Applicant about the potential impact of the highway enhancement on noise and air quality. The Applicant has confirmed that the impacts on the nearest receptors are negligible, although this is based on earlier modelling outputs. This should be reviewed against any increases to forecast traffic flows arising from the agreed modelling or if the mitigation scheme changes following conclusion of the assessment.

## **Recommended Non-Approval**

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

## **Standing advice to the local planning authority**

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

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

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

## ANNEX K

### DEVELOPMENT OF M1 JUNCTION 24 IMPROVEMENTS

1. The Applicants have been working with National Highways through the TWG since 2022 to examine the impact of the development and potential mitigation. Approximately 93% of the area of highway works needed to mitigate the development traffic are on the SRN as shown at Appendix 21 of the TA **[REP1-033]**.
2. Initial discussions focused on the M1 J23A / A42 / A453 Finger Farm roundabout and the A453 corridor both along the EMG2 frontage and from J23A to J24. However, it became apparent that with that mitigation the EMG2 traffic which would utilise the M1 would exacerbate existing problems of delays and safety to an unacceptable degree.
3. The possibility of smaller scale works to J24 was examined (such as additional flares to increase stacking capacity) however none of the iterations looked at were sufficient to avoid the unacceptable impact of the EMG2 traffic on an already congested network, including notably the queuing on the M1 northbound to J24.
4. The focus then shifted to providing a more substantial mitigation package at J24 which would sufficiently increase capacity at J24 and relieve the A453 corridor. This was developed in tandem with the overall strategic solution for J24 being looked at by a consortium of private developers of which the Applicants are part – to ensure that whatever the Applicants sought to do to mitigate EMG2 traffic was consistent with further works which will be required to unlock further development.
5. The package of works, being an alteration to J24, comprises an NSIP in itself and therefore the National Networks NPS applies including paragraph 5.283 which states *“The applicant should provide evidence that the development improves the operation of the network and assists with capacity issues”* and paragraph 4.61 which states *“The Secretary of State should not grant development consent unless satisfied that all reasonable steps have been taken and will be taken to:*
  - *Minimise the risk of road casualties arising from the scheme*
  - *Contribute to improvements in the safety of the strategic road network”*.
6. The mitigation has been tested both using the strategic transport model (PRTM 2019 with 2023 sensitivity test) and VISSIM microsimulation model.
7. The modelling demonstrates that whilst the EMG2 development adds traffic to an already constrained network the proposed mitigation more than offsets those impacts, which is consistent with the requirement in paragraph 5.283. It would not be possible to reduce the mitigation proposed to precisely balance the level of mitigation and impact, for example it is not possible to build half a slip road This level of improvement was required to adequately address the effects of the scheme; smaller scale improvements would have provided only additional stacking capacity at M1 Junction 24 without fully mitigating the impact of traffic from EMG2.

## **ANNEX L**

### **COLIN COTTAGE RESPONSE TO EXPERT REPORT OF MR PETER ROBERTS FRICS CENV OF DWD**

# East Midlands Gateway 2 – Development Viability

## Deadline 4

### Response to Peter Robert's Deadline 3 Report

#### Introduction

- 1 This report is a response to the report submitted at Deadline 3 by Peter Roberts FRICS CENV on behalf of Prologis UK Limited and Prologis UK 121 Limited ("Prologis"). Mr Roberts' report was itself a response to viability appraisals I submitted on behalf of SEGRO Properties Limited ("the Applicant") as Document DCO 4.5.
- 2 Mr Roberts' report suggests he misunderstands the purpose of my viability appraisals, and also includes opinions that I consider to be misconceived, or just simply wrong. The purpose of this report is to identify the most significant errors in Mr Robert's report in order to ensure that the Examining Panel ("EXP") properly understands what is relevant, and what is not relevant, when considering the viability of the DCO Scheme and Prologis's proposed development ("the Prologis Scheme") on land to the north of Hyams Lane ("the Prologis/MAG Land"). Where I have not addressed a point raised in Mr Roberts' report, this should not be taken as an acceptance of that point.

#### Executive Summary

##### Commercial Viability v Planning Viability

- 3 The issue the EXP needs to consider is the DCO Scheme's *commercial* viability, not its *planning* viability for the purposes of the NPPF and PPG. What the EXP needs to know is whether the DCO Scheme is commercially viable in the "real-world" circumstances facing the Applicant, and so is likely to be delivered. In contrast, a planning-based Financial Viability Assessment ("FVA"), as per the NPPF and PPG, used to assess if a development is able to provide planning contributions and affordable housing, is a completely different exercise, based on government policy and existing use land values, rather than market metrics. Applying an FVA methodology to determine the commercial viability of the DCO Scheme would lead to incorrect conclusions being reached.

##### The Prologis Scheme

- 4 Contrary to Mr Roberts' assertions, I have not concluded that the Prologis Scheme is unviable. However, in my opinion, its viability cannot currently be substantiated as insufficient information is available to make a proper assessment. In particular:
  - Land acquisition costs and other agreement terms for the Prologis Land are unknown (they have not been provided to the EXP or the Applicant).

- The cost of acquiring necessary third-party land, rights and any overage payments that need to be made for MAG's land are unknown.
- The costs and scope of required off-site infrastructure works are unknown.

## The DCO Scheme

- 5 The DCO Scheme appraisal presented in Document DCO 4.5 was intentionally high-level and conservative, rather than definitive. Mr Roberts' conclusion of non-viability relies on selective sensitivity modelling around specific cost increases he has applied to my DCO Scheme appraisal without considering the broader risks and, more importantly, opportunities surrounding the DCO Scheme. The two cost risks identified by Mr Roberts (land acquisition and highways works costs) are not materially significant in the context of the overall scale of the DCO Scheme and can be offset through minor variations in income or cost assumptions. For example, the risk of increased land acquisition costs Mr Roberts highlights is offset by removing the notional disposal costs included in my appraisal (which the Applicant will not actually incur as it intends to hold the development as an investment rather than sell it).
- 6 Importantly, while Mr Roberts suggests that the cost of acquiring the Prologis/MAG Land might be even higher than the value he has adopted in his analysis, this would only be because rents and yields would be more favourable than those adopted in my conservative (Document DCO 4.5) appraisal. More favourable rents/yields would in fact *increase* the viability of the DCO Scheme rather than decrease it. While Mr Roberts also provides an "illustration" of how a further payment for the Prologis/MAG Land might be justified because it can provide access to the Aldridge Land, he doesn't suggest this is a justifiable valuation. Based on the information currently available to me, which indicates that the market would consider the independent development of the Aldridge Land to be highly uncertain and probably unviable, I can see no reason to believe that such a payment would be warranted.
- 7 Although Mr Roberts also suggests there is an increased cost risk around the DCO Scheme Highways Works, the risk is no greater than would normally be expected at this point in the life of a project of this type, when work methodologies and contractor pricing still has to be finalised. My understanding is that any risk surrounding the DCO Scheme Highways Works is less substantial than the risk that currently surrounds the Prologis Scheme off-site highway works.

## Sensitivity Analysis Confirms Viability

- 8 Even adopting Mr Roberts' higher land acquisition cost and increased infrastructure costs assumptions, the DCO Scheme remains viable when sensitivity analysis is properly applied.

Only modest improvements in rents or yields are sufficient to deliver profit levels at or above the 15% profit benchmark, and Mr Roberts and I are agreed that the achievement of rent and yield improvements is likely. The sensitivity analysis undertaken reflects normal development risk dynamics and confirms the DCO scheme's resilience.

## The Aldridge Land

- 9 Mr Roberts misunderstands the purpose of my appraisal for the DCO Scheme assuming compulsory purchase powers are not confirmed over the Prologis/MAG Land. The appraisal was produced to assist the EXP in understanding the implications of confirming the DCO without compulsory purchase powers over the Prologis/MAG Land, not to demonstrate whether or not the Aldridge Land is independently viable. Whether the Aldridge Land is independently viable for development is not an issue that is directly relevant to the viability of the DCO Scheme.
- 10 It is however clear that anyone looking to develop the Aldridge Land in isolation would consider the exercise to be very uncertain and subject to significant challenges, so that they could not be certain that such a development would be viable at all.
- i) The Aldridge Land currently has no planning permission,
  - ii) the cost of the highways improvements necessary to accommodate the combined logistics floorspace provided by the Prologis Scheme and the Aldridge Land is unknown<sup>1</sup> and would be for the Aldridge Land developer to deal with in their entirety (assuming the extent Prologis off-site highways works will be as Prologis maintains).
  - iii) The required off-site highways works, if in any way comparable to the DCO Scheme Highways Works, might require the acquisition of third-party land. However, the developer would have no powers of compulsory acquisition available to it so could not be sure the third party land could be acquired
  - iv) the cost of providing utilities services is significant and could not be offset by revenue from the comprehensive development of a larger site, as will be the case with the DCO Scheme
  - v) It is not known whether the owner of the Aldridge Land would be prepared to accept a price reflecting the Aldridge Land's independent development (in contrast to the

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<sup>1</sup> I understand that National Highways are likely to expect highways improvements similar, or possibly even more extensive, than the DCO "green package" Highways Works

price that can be justified for the DCO Scheme) and no powers of compulsory acquisition would be available to the developer

- 11 While Mr Roberts says that the Applicant has overpaid for the Aldridge Land, it is not unusual for DCO Promoters to acquire land in advance of a DCO being confirmed at a price in excess of that which might be paid in the event of compulsory acquisition. The agreed price is also not relevant in terms of the EXP's decision whether to confirm the DCO, as long as the DCO Scheme remains demonstrably viable at the agreed price. Which it does. I note that whilst asserting that the Applicant has overpaid for the Aldridge Land, Mr Roberts and Prologis have not disclosed what they have paid, and may still have to pay, in respect of their own land interests.

### Misinterpretation of Risk and Market Reality

- 12 Mr Roberts' approach incorrectly treats the assessment of viability as a theoretical exercise dependent on the manipulation of a single appraisal to provide results. This fails to represent real world circumstances and normal market practice. It should be noted that:
- Development viability analysis should be balanced and consider both risks and opportunities. It should not involve a selective and limited adjustment of certain inputs to achieve a predetermined conclusion
  - Evidence from real world events (including the Applicant's offers for the Prologis/MAG Land) contradict Mr Robert's claims that the DCO Scheme cannot support higher land values than those suggested in my Document DCO 4.5 appraisal.
  - Assertions that the scheme would not proceed if the Applicant had to pay more for the Prologis/MAG Land are inconsistent with a proper viability analysis and the Applicant's track record

### Conclusions

- 13 The DCO Scheme is viable and there is no substantive evidence to suggest otherwise. The Applicant is an experienced developer with an excellent track record (which includes the successful delivery of two other DCO schemes). The Applicant would not put itself in a position where, as Mr Roberts alleges, it has deliberately made the DCO Scheme unviable or has created circumstances where it can only make it viable by paying Prologis and MAG less than they would be entitled to in the event of compulsory acquisition. Mr Roberts has attempted to create confusion around the issue of viability by selectively manipulating some of the inputs into my appraisal without applying a full risk/sensitivity analysis and without producing his own independent assessment. He adopts inconsistent approaches when commenting on the

viability of the Prologis Land and DCO Scheme and places undue emphasis on matters of limited relevance, such as the independent viability of the Aldridge Land. He also ignores real world evidence, such as the offers the Applicant has made for the Prologis/MAG Land.

- 14 In contrast to Mr Roberts' unfocused and overly complicated approach to the question of the DCO Scheme's viability, the exercise the EXP has to undertake is, in fact, relatively straight forward. All it has to consider is whether the risk the Applicant may have to pay more for the Prologis/MAG Land or more for the DCO Scheme Highways Works renders the DCO Scheme unviable. Through undertaking its own analysis the EXP will see that these limited cost risks are more than offset by taking into account the fact that the notional unit disposal costs included in my Document DCO 4.5 appraisal will not actually be incurred, and that Mr Roberts and I are agreed that it is likely that achievable rents will be slightly higher and yields slightly lower than the cautious figures I adopted.

### **Commercial Viability v Planning Viability**

- 15 Mr Roberts and I are agreed that viability is an important issue for the EXP to take into account when considering whether to confirm consent for the DCO Scheme.<sup>2</sup> However, it is important for the EXP to understand that when we talk about viability, it is in the context of the DCO Scheme's commercial viability as a development project and not its viability "in planning terms" under the National Planning Policy Framework ("NPPF"). This is because what the EXP needs to know is whether the DCO Scheme is commercially viable, as if it is not commercially viable there may be a risk the Applicant will not undertake its development. If the DCO Scheme is commercially viable, the Applicant will be likely to deliver it.
- 16 Moreover, contrary to Mr Roberts' suggestion that viability should be considered from the perspective of the market generally,<sup>3</sup> as it is the *Applicant* that will be undertaking the DCO Scheme, what the EXP needs to know is whether viability in the context of the particular 'real world' circumstances facing the Applicant creates an impediment to the DCO Scheme's delivery. How another developer might consider viability in theoretical circumstances that do not reflect actual, real-world events is irrelevant. Similarly, to the extent that the viability of the Prologis Scheme is something the EXP wishes to understand, what it needs to know is whether the Prologis Scheme is a viable development for *Prologis*, given the real-world circumstances that face it. This is because it is Prologis that is saying it intends to develop the Prologis Scheme, not some other hypothetical developer in different circumstances to those that actually exist.

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<sup>2</sup> See paragraph 3.6 of Mr Roberts' report

<sup>3</sup> See paragraphs 3.40 and 5.19 of Mr Roberts' report

- 17 In contrast to the assessment of commercial viability the EXP needs to understand for the DCO Scheme, Financial Viability Assessments (“FVAs”) for planning purposes pursuant to Planning Practice Guidance (“PPG”) and the NPPF, are an assessment of whether development can viably provide planning contributions, including affordable housing.<sup>4</sup> FVAs can be undertaken at either the plan making stage,<sup>5</sup> or when individual planning applications are made in circumstances where developers are seeking to make non-policy compliant planning contributions or affordable housing provision.<sup>6</sup> An FVA does not need to be carried out in order to confirm whether consent should be granted for the DCO Scheme, as the EXP is neither formulating planning policy for the area nor is the Applicant seeking to justify non-policy compliant provision of planning obligations or levels of affordable housing.
- 18 Moreover, unlike the approach Mr Roberts and I are both taking to our assessments of the viability of the DCO Scheme, an FVA does not use the market value or purchase price of the land upon which the development will take place as an input to the viability appraisal. What is commonly referred to as a Benchmark Land Value (“BLV”) is used instead. A BLV is normally based on the existing use value of the land, plus a premium sufficient to influence a hypothetical reasonable landowner to sell, and is also referred to by practitioners as EUV+.<sup>7</sup> EUV+ is adopted for FVAs because it is necessary to determine how much value is created by the grant of planning permission and will hence be available to make planning contributions and build affordable housing. It is not a measure that has any relevance whatsoever to an assessment of commercial viability, which is what the EXP needs to consider in its evaluation of the DCO Scheme.
- 19 It is also the case that while PPG suggests that “for the purpose of plan making an assumption of 15-20% of gross development value (“GDV”) may be considered a suitable return to developers in order to establish the viability of plan policies” [my emphasis],<sup>8</sup> although this is relevant for an FVA, it is *not* the measure that should be applied for the purpose of a commercial viability assessment. Expected profit levels that might inform a “hurdle rate” for a development such as the DCO Scheme are instead reflective of market trends and the specific requirements of the developer who will be undertaking the development. Mr Roberts and I are agreed that a reasonable level of profit from the DCO Scheme would be 15% on cost.<sup>9</sup>

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<sup>4</sup> See PPG Paragraph 001 Reference ID 10-001-20251216

<sup>5</sup> See PPG Paragraph 002 Reference ID 10-002-20251216

<sup>6</sup> See PPG Paragraph 008 Reference ID 10-008-20190509

<sup>7</sup> See PPG Paragraph 014 Reference ID 10-014-20190509

<sup>8</sup> See PPG Paragraph 019 Reference ID 10-019-20190509

<sup>9</sup> See paragraph 8.12 of Mr Roberts' report

- 20 Because what needs to be considered by the EXP is the commercial viability of the DCO Scheme, rather than its viability in planning terms in the form of an FVA, Mr Roberts' insistence that our appraisals need to reflect the requirements of the Royal Institution of Chartered Surveyors Professional Standards "Assessing Viability in Planning under the National Planning Policy Framework" and "Financial Viability in Planning: Conduct and Reporting" is entirely misconceived.<sup>10</sup> As even a cursory reading of the Professional Standards quickly reveals, they apply to the undertaking of FVAs in accordance with the NPPF and PPG<sup>11</sup> and not commercial viability assessments. As Mr Roberts has not undertaken an FVA (for example he has not adopted a BLV for the purpose of his calculations and nor has he adopted a level of profit within the ranges suggested by PPG), he has also not followed either of the Professional Standards he accuses me of failing to satisfy. However, this is not an issue, as the planning viability Professional Standards do not apply to the viability exercise we are undertaking.
- 21 The RICS Professional Standard that relates to the undertaking of a commercial viability assessment is Professional Standard: Valuation of Development Property. This does not require the mandatory production of sensitivity analysis when undertaking either development valuations or when calculating the return/profit produced by a development. Undertaking risk analysis is recommended practice for development valuations, while the professional standard is silent on this issue in terms of assessing profit levels from a residual calculation.<sup>12</sup> Sensitivity analysis is a simple form of risk analysis, but will normally only be part of the process of deciding whether a development is viable.
- 22 Attached at Appendix 1 is an email from the Knowledge and Information Services Manager at the RICS that confirms:
- i) The RICS Professional Standard: Valuation of Development Property, relates to valuations (and viability assessments) based on "market metrics." This is the exercise that needs to be undertaken to determine the commercial viability of the DCO Scheme.
  - ii) The RICS Professional Standard: Assessing viability in planning under the national Planning Policy Framework, applies to the assessment of viability for planning purposes in accordance with government planning policy and the government's definition of viability for planning purposes. This is not an exercise that will help the

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<sup>10</sup> See paragraphs 2.13, 5.2 – 5.10, 6.4, 8.6, 10.1.6 etc. of Mr Roberts' report

<sup>11</sup> See paragraphs 1.1.1 – 1.16 of RICS Professional Standard: Assessing viability in planning under the National Planning Policy Framework and paragraph 1.4 of RICS Professional Standard: Financial viability in planning: conduct and reporting

<sup>12</sup> See section 7 of the RICS Professional Standard: Valuation of Development Property

EXP understand whether the DCO Scheme is commercially viable, and it is not an exercise the EXP needs to undertake.

## The Prologis Scheme

- 23 Mr Roberts variously asserts that I “state”, “conclude”, “suggest”, “assume”, cast “considerable doubt” or make an “implied suggestion” that the Prologis Scheme is unviable.<sup>13</sup> However, this is not correct. My report simply noted that a viability appraisal has not yet been provided for the Prologis Scheme and its viability therefore remain unsubstantiated.<sup>14</sup>
- 24 Without appearing conscious of the contradiction, Mr Roberts also criticises me for failing to assess the viability of the Prologis Scheme.<sup>15</sup> However, he fails to acknowledge that without knowing the full terms of the agreement Prologis reached for the land it now owns, or the terms of any agreement it might have with MAG (including any price, or profit share Prologis will have to pay MAG), it is simply not possible for me, or indeed anyone else, to reach an opinion on whether the Prologis Scheme is viable or not. This is because the price that will be paid for the land on which the Prologis Scheme will be developed is an important input into any viability appraisal.
- 25 When undertaking what he suggests is an exercise that demonstrates the viability of the Prologis Scheme (at section 7 of his report), Mr Roberts adopts a “theoretical residual value” for the Prologis Land, based on my appraisals, as an input to his calculations – i.e. the sum of £31.25 million.<sup>16</sup> However, under the assumption that the Prologis Scheme will be brought forward independently by Prologis, rather than as part of the DCO Scheme, Mr Robert’s theoretical residual value (which reflects what the Applicant might have to pay for the Prologis/MAG Land if it used compulsory purchase powers) is entirely irrelevant. The viability of the Prologis Scheme will instead depend on **the price Prologis will have to pay for the Prologis/MAG Land**, as they will be undertaking the development.
- 26 Moreover, the price Prologis will have to pay would include not only the full cost of acquiring the land Prologis has already purchased (including any likely future payments tied to an overage, for example) and any past and future payments it needs to make to MAG, but also the price it might need to pay to acquire land or rights over other third party land to provide access and services. I understand Prologis will also need to acquire mineral rights and that the MAG Land is subject to an overage agreement, benefiting a previous landowner, which

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<sup>13</sup> See for example paragraphs 2.2, 2.12, 3.10 2), 3.18, 4.6 and 6.13 of Mr Roberts’ report

<sup>14</sup> See paragraph 66 of Document DCO 4.5

<sup>15</sup> See paragraphs 3.10 2) and 7.4 of Mr Roberts’ report

<sup>16</sup> See, for example, paragraphs 3.10 2) and 7.12 of Mr Roberts’ report

will need to be settled. In addition to the cost of acquiring the third-party land and rights Prologis needs for the Prologis Scheme, the need to acquire land, rights and settle overage payments also risks delaying delivery of the development, particularly if one of the third parties Prologis has to deal with considers they have a ransom position.

- 27 If one were to adopt the same inflexible approach to viability Mr Roberts applies in his critique of my appraisal of the DCO Scheme (which, for the reasons set out below, I do not agree with), his assessment of the Prologis Scheme's value implies that (adopting my value inputs) any land assembly cost above £31.25 million would render the scheme unviable. As an underbidder for the Prologis Land (so that it knows Prologis paid a sum greater than the Applicant's own bid to acquire that land), the Applicant believes Prologis has paid/will pay substantially more than £31.25 million to acquire the land and rights it needs for the Prologis Scheme.
- 28 Mr Robert's theoretical residual valuation of the Prologis/MAG Land also assumes the grant of a planning permission<sup>17</sup> and includes estimated on-site and off-site infrastructure works cost that have been provided by Prologis.<sup>18</sup> However, while I consider it reasonable to assume that planning permission would be granted for the Joint Application, or a development similar to it, for the purposes of determining viability (although it would not be appropriate for the EXP to assume grant of such planning permission in other contexts), the extent to which that permission might be conditional on the undertaking of off-site highways improvements or meeting other s.106 obligations is uncertain. I understand that, currently, Prologis's proposed highways works have not been approved by National Highways. This may have cost implications that would bear on the viability of the Prologis Scheme.
- 29 While Mr Roberts' raises issue with what he says is the cost risk surrounding the DCO Scheme Highways Works,<sup>19</sup> despite the relatively early stage of the project, there is already a reasonable degree of certainty around the cost of the works, which have been agreed with National Highways. This contrasts with the unagreed Prologis Scheme off-site infrastructure works cost, which can only realistically be a broad estimate at the current time.
- 30 Mr Roberts says that the Prologis Scheme generates a higher land value than the DCO Scheme and is more viable than the DCO Scheme, which he asserts is only marginally viable.<sup>20</sup> However, even if this were to be correct, and as I explain above insufficient

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<sup>17</sup> See paragraph 7.2 of Mr Roberts' report

<sup>18</sup> See paragraph 7.10 of Mr Roberts' report

<sup>19</sup> See paragraphs 2.3 (1<sup>st</sup> bullet), 3.10, 8.9 - 8.10 and 10.2 2) of Mr Roberts' report

<sup>20</sup> See paragraphs 2.3 (3<sup>rd</sup> bullet) and 8.2 of Mr Roberts' report

information has been provided by Prologis to demonstrate this is the case, it is not a relevant issue. The Prologis Scheme is not a 'better' development than the DCO Scheme simply because it might possibly generate a higher land value or more profit for Prologis, and it is not a requirement for justifying DCO consent that the DCO Scheme should be the 'most viable scheme possible' or that it produces the 'highest land value'. Indeed, a development that provides more public benefits is likely to involve greater cost and so generate less value (and hence be less profitable) than a development that provides fewer public benefits where profit is instead maximised for the benefit of the developer.

- 31 In summary, despite Mr Roberts' assertions to the contrary, the viability of the Prologis Scheme remains unsubstantiated and can only be substantiated if:
- i) Prologis confirms the terms upon which it is acquiring the Prologis/MAG Land, any other land or rights it requires (including mineral rights), and the level of any overage payment necessary for the MAG Land.
  - ii) Greater clarity is provided in terms of the likely extent (and cost) of off-site infrastructure works required to deliver the development.

## **The DCO Scheme**

- 32 Mr Roberts asserts that, based on the residual appraisal I submitted as Document DCO 4.5, the DCO Scheme is not viable, and the Applicant will therefore not develop it out if the DCO is confirmed. Mr Roberts' conclusion is that confirmation of the DCO would make it less likely, rather than more likely, that development would come forward in the Freeport area.<sup>21</sup> However, this surprising and misconceived assessment both misunderstands the purpose of Document DCO 4.5 and incorrectly attempts to portray the assessment of viability as an exercise that is based on the selective manipulation of a single residual appraisal, without any proper account being taken of the full range of risks and opportunities that surround the development – i.e. a risk analysis.
- 33 Document DCO 4.5 was not intended to be contentious and the appraisal of the DCO Scheme it contains is just one, high-level and conservative, illustration of how the DCO Scheme can be shown to be viable. However, as with all development appraisals, it is possible (and indeed likely) that there might need to be variations to the various income and cost inputs that are adopted. Indeed, given the nature of development appraisals, relatively small adjustments to inputs can sometimes have a relatively large impact on value or viability.<sup>22</sup> Therefore, the

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<sup>21</sup> See for example paragraphs 2.3 (1<sup>st</sup> bullet), 2.10, 3.3, 3.21, 4.6, 4.20, 4.21, 8.18, 9.11, 9.43, 10.1 3), 4), 7) and 8) of Mr Roberts' report

<sup>22</sup> Mr Roberts and I agree on this – see paragraphs 3.37 – 3.39 of Mr Roberts' report

viability of a development should be considered having regard to the potential for a number of the inputs to a residual appraisal to vary, both upwards and downwards, rather than to focus on the possibility of an increase in one or two cost inputs assuming all other elements of the appraisal will remain rigidly locked, as Mr Roberts does.

- 34 It is also important to place potential income and cost variations in context. With a large development, such as the DCO Scheme, where the GDV is over £500 million and development costs are estimated at in excess of £400 million, a cost variation of, say £10 - £20 million, while on the face of it a large sum, may not be materially significant in terms of scheme viability, amounting to only 2.5 – 5% of overall costs. Particularly where there is clear potential to either improve income or reduce other costs.
- 35 Mr Roberts criticises me for not standing back and considering whether the outputs from my residual appraisal are realistic.<sup>23</sup> However, in my view, it is his opinion that a relatively modest increase in land acquisition costs would render the DCO Scheme unviable that represents a failure to stand back and consider the issue of viability in a broader context. His entire assessment is based on the single example appraisal I have produced, and the “spinning” of that appraisal to reach a conclusion that cannot be justified if any proper assessment of viability (employing risk analysis) is undertaken.
- 36 The two increased cost risks which Mr Roberts argues makes the DCO Scheme unviable are the cost of acquiring the Prologis/MAG Land<sup>24</sup> and the cost associated with undertaking the DCO Scheme Highways Works.<sup>25</sup> He does not, currently, refer to any other possible cost risks that might make the DCO Scheme unviable.

37 The Cost of the Prologis/MAG Land

In relation to the price that might have to be paid for the Prologis/MAG Land, Mr Roberts undertakes a residual valuation<sup>26</sup> to produce what he calls a “theoretical residual value” of £31.25 million. This is £8,347,641 more than the £22,902,329 allowed for in my indicative residual appraisal – i.e. a circa 2% increase on the estimated overall cost of the DCO Project. As I have explained above, this is not a material cost risk in terms of the DCO Scheme development as a whole and falls well within the range of a normal sensitivity analysis exercise. To put the risk in context, I noted in Document DCO 4.5 that my residual appraisal assumed a “notional” sale of the DCO Scheme within 12 months of practical completion, but

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<sup>23</sup> See paragraph 3.46 of Mr Roberts’ report

<sup>24</sup> See, for example, paragraphs 2.9, 2.10, 3.10, 3.17, 3.19, 3.27, 5.11, 6.11, 7.21, 7.22, 8.3 of Mr Roberts’ report

<sup>25</sup> See paragraphs 2.3, 3.10, 8.9 and 10.1 2) of Mr Roberts’ report

<sup>26</sup> See Section 7 and Appendix 1 of Mr Roberts’ report

in reality, as a REIT, the Applicant will hold the development rather than sell it. This means the Applicant will not actually incur the circa £7 million of notional disposal fees included in my appraisal.<sup>27</sup>

- 38 As the further indicative residual appraisal at Appendix 2 illustrates, adjusting my Document DCO 4.5 appraisal to remove disposal fees (together with the connected benefit of not having to finance the cost through borrowing) on its own effectively counters Mr Roberts allegation that the DCO Scheme would be unviable if the Applicant had to pay £31.25 million for the Prologis/MAG Land. The revised Argus appraisal produces a profit on cost of 14.98%
- 39 I am conscious that Mr Roberts also says he believes his theoretical valuation understates the true value of the Prologis/MAG Land; although he doesn't provide any alternative valuation and nor does he produce any of the comparable evidence he suggests supports his view.<sup>28</sup> Moreover, what Mr Roberts fails to point out is that were he to be correct (and I do not accept that he is), and the Prologis/MAG Land had a value in excess of £31.25 million, this could only be because warehouse development of the sort proposed under both the Prologis Scheme and DCO Scheme has a higher value than I adopted in my indicative Document DCO 4.5 appraisals. If this was the case, while the Applicant might have to pay more for the Prologis/MAG Land, this additional cost would be significantly outweighed by the additional revenue/value that the more valuable warehousing at the DCO Scheme would produce.
- 40 The awkward truth facing Mr Roberts (and why perhaps he does not provide any calculated justification for his alleged higher value for the Prologis/MAG Land, or undertake his own analysis of the DCO Scheme's viability using values he believes to be appropriate), is that the higher the value he seeks to claim for the Prologis/MAG Land, the weaker his argument that the DCO Scheme is unviable becomes. He cannot reasonably argue (as he seems to be currently attempting to) that a valuation/viability assessment for the Prologis Scheme should reflect an increased GDV, but the same exercises undertaken for the DCO Scheme should not.
- 41 Mr Robert's "illustration" suggesting that an additional circa £15.7 million might be justified as compensation for the Prologis/MAG Land because it provides access to the Aldridge Land (I note that Mr Roberts is careful to say it only an illustration and doesn't suggest it is a credible valuation)<sup>29</sup> is misleading and unhelpful. The £225,000 per acre the Applicant has agreed to

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<sup>27</sup> See paragraphs 27 and 37 of Document DCO 4.5. It should be noted that at paragraph 23 of Document DCO 4.5 I refer in error to a sale 24 months after practical completion. However, the assumption adopted for the appraisal is 12 months

<sup>28</sup> See paragraph 7.21 of Mr Roberts report

<sup>29</sup> See paragraph 4.14 of Mr Roberts' report

purchase the Aldridge Land for, and which Mr Robert's uses as the basis for his illustration, reflects the assumption of planning permission for the DCO Scheme. However, in the event the Prologis/MAG Land were acquired compulsorily pursuant to the DCO, there would be no statutory basis for assuming the Aldridge Land has an independent planning permission, or that all the risks that surround development of the land, including the high cost of providing utility services and the currently unknown cost of having to undertake highway works to accommodate additional development would not be present, as they are in reality.

- 42 The Prologis Scheme and development on the Aldridge Land<sup>30</sup> in combination, would provide more logistics space than the DCO Scheme and require a highways solution for that larger combined development which, I am advised, has never been modelled. As the Prologis Scheme would be a first phase of development and does not address the increased highways capacity that would be required for the Freeport Land as a whole, all of the cost and risk of the necessary highway's works, including the acquisition of any necessary third party land, would fall on a developer of the Aldridge Land. I therefore consider that independent development of the Aldridge Land would be considered too high risk, and/or unviable, by the market. For this reason, either no ransom value would attach to the Prologis/MAG Land, or any ransom value that might potentially be justified would be relatively nominal.
- 43 Mr Roberts is correct that, unless the parties reach an agreement of some form, if the DCO is confirmed, the Prologis/MAG Land will be acquired through compulsory acquisition and the price paid for it will equate to the sum of compulsory purchase compensation the land justifies.<sup>31</sup> However, that sum will be determined at a future acquisition date, reflecting the factual circumstances that will exist at that date.
- 44 Those factual circumstances, such as whether planning permission will exist for the Prologis Scheme and, if there is a planning permission, the conditions that will be applied to that permission are currently unknown. It is therefore both premature to enter a detailed debate into the amount of compensation that might be paid for the Prologis/MAG Land and it is also not an issue which needs to concern the EXP or, as I have illustrated above, is of any great significance to the question of whether or not the DCO Scheme is viable. The only reason a value of £225,000 per acre was adopted in my indicative residual appraisal was because this represented a "neutral" equalisation of value over the DCO Scheme site and under any reasonable analysis it is clear that if some higher price might have to be paid, this would fall comfortably within the envelope of a normal risk/sensitivity analysis.

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<sup>30</sup> Assuming the same quantum of development provided by the DCO Scheme on the Aldridge Land

<sup>31</sup> See paragraph 2.5 of Mr Roberts' report

## Highways Works Costs

45 In relation to the cost of the DCO Scheme “Green Package” Highways Works, Mr Roberts raises concerns that Gardiner & Theobald has given them a red RAG rating in its construction cost summary, attached as Appendix G to Document DCO 4.5.<sup>32</sup> However, through the DCO process and because discussions with National Highways are well advanced, I understand there is, in reality, already a high degree of certainty over the scope of the Highway Works as the final form of the works has been agreed and signed off by National Highways. I am also advised that the estimated cost could go down as much as it could go up, and if there is an increase it will be marginal in the context of the DCO Scheme’s development costs as a whole. This position can be contrasted with the circumstances that exist for the Prologis Scheme, where there is currently no agreed highways solution, so that the infrastructure cost estimates included in Mr Roberts’ valuation of the Prologis/MG Land logically carries a materially higher risk.

## Sensitivity Analysis

46 As the purpose of Document DCO 4.5 was to set out, in simple terms, a high-level demonstration of why the DCO Scheme is viable and why the DCO Scheme without compulsory purchase powers over the Prologis Land is not, providing a detailed risk analysis was not considered necessary. However, now that Mr Roberts is challenging what should be a fairly straight forward and seemingly uncontroversial conclusion, I have attached at Appendix 3 to this report a revised residual appraisal with an accompanying sensitivity analysis that demonstrates how, with only very modest adjustments to rents and yields, even if Mr Roberts’ theoretical residual value of £31.25 million for the Prologis/MAG Land is adopted and an increased cost risk of, say, £1.8 million (10% of the cost) is allowed for the Highways Works, the DCO Scheme is clearly still viable. A sensitivity analysis of this type (as a form of risk analysis) would be a normal part of the process of determining whether a development is viable.

47 While (without undertaking any sensitivity analysis) adopting Mr Roberts’ purchase price of £31.25 million for the Prologis/MAG Land, and reflecting a £1.8 million additional cost risk for the Highways Works, my appraisal produces a profit on cost of 14.34%, the sensitivity analysis shows that very modest improvements in rents and yields would increase the profit to well above 15%. If yields remained unchanged, just an extra £ 0.05 per sq.ft in rent would increase the profit to 14.936% and an improvement in rent of £ 0.10 per sq.ft would increase profit to

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<sup>32</sup> See paragraphs 2.3 (bullet 1), 3.10, 8.9, 10.1 2) of Mr Roberts’ report

15.528%. A £ 0.25 per sq.ft improvement in average rents, which is entirely conceivable, would produce a profit of 17.309%, even if Mr Roberts is correct about an increased purchase price for the Prologis/MAG Land and increased costs for the Highways Works. Similarly, if rents remained unchanged, a reduction in average yields of just 0.025% would produce a profit of 14.947%, while a 0.05% reduction in yields would produce a profit of 15.56%. A 0.1% yield reduction would result in a profit of 16.793%. If a rent increase of £0.1 per sq.ft could be achieved in conjunction with a 0.1% reduction in yields, profit would rise to just over 18%.

- 48 As I explained in Document DCO 4.5, my initial appraisal was cautious in terms of the rents and yields I adopted<sup>33</sup> and in its Market Report at Appendix C of Document DCO 4.5 CBRE says *“EMG II would outperform regional competitors with superior site quality, brand recognition and access efficiencies.”*<sup>34</sup> I note that Mr Roberts does not suggest otherwise in his report and implies that higher rents and yields than those adopted in my appraisal could be justified for the Prologis Scheme, which logically means they could also be justified for the DCO Scheme.<sup>35</sup> Therefore, undertaking a risk analysis in context, while there is undoubtedly a risk that the Applicant will need to pay more for the Prologis/MAG Land than the £225,000 per acre adopted for my Document DCO 4.5 appraisal, and there is also a more limited risk that the Highways Works will cost more than currently envisaged, these risks are more than offset by the very realistic prospect that a higher GDV will be produced from the DCO Scheme than my Document DCO 4.5 appraisal assumed.

#### Offers for the Prologis/MAG Land

- 49 The fact that Mr Roberts' position on the DCO Scheme's viability is misconceived is not only evidenced by a proper application of sensitivity analysis. His assertion that the Applicant cannot afford to offer more than £225,000 per acre (circa £22.9 million) for the Prologis/MAG Land, is entirely based on a slanted manipulation of my DCO Scheme residual appraisal and ignores real world events. As underbidders on both land parcels making up the Prologis/MAG Land, the Applicant has already offered more than Mr Roberts' theoretical residual value of £31.25 million for the Prologis/MAG Land in total (prior to Prologis' involvement/acquisition), and so is clearly not limited to paying a price of circa £22.9 million. Mr Roberts' suggestion that the Applicant (the UK's largest listed real estate investment trust by market capitalisation, an experienced developer that delivered over 230,000 sq. m of logistics space in 2025, the owner or manager of an approximately 10.8 million sq.m portfolio across the UK and Continental Europe and with a proven track record of delivering nationally significant

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<sup>33</sup> See paragraph 41 of Document DCO 4.5

<sup>34</sup> See page 22 of the CBRE Market Report

<sup>35</sup> See paragraph 8.5 of Mr Roberts' report

infrastructure projects, including the DCOs granted for East Midlands Gateway and Northampton Gateway) has a “misunderstanding of the market”<sup>36</sup> that means it cannot afford to pay Prologis/MAG the market value of its land, is extraordinary and only serves to demonstrate the lack of objectivity in (and thus reliability of) Mr Roberts’ analysis. The Applicant will clearly not have offered a value for the Prologis/MAG Scheme, or for that fact the Aldridge Land, that it knew rendered the DCO Scheme unviable.

## **The Aldridge Land**

- 50 Mr Roberts appears to have completely misunderstood the purpose of my second residual appraisal of the DCO Scheme excluding the Prologis/MAG Land, and argues that I should instead have assessed the extent to which the Aldridge Land is independently viable.<sup>37</sup> However, as is clearly explained in Document DCO 4.5,<sup>38</sup> the appraisal was produced to assist the EXP in understanding the implications of confirming the DCO without compulsory purchase powers over the Prologis/MAG Land, not to demonstrate whether or not the Aldridge Land is viable in its own right. An independent development of the Aldridge Land (separate from the other elements of the DCO, including the Highways Works) is not something the Applicant is proposing and it is also not directly relevant to the EXP’s consideration of whether the DCO Scheme is viable.

### The Viability of the Aldridge Land as an Independent Development Site

- 51 Moreover, a residual viability assessment of the Aldridge Land’s independent viability is an exercise that can only be undertaken by making a wide ranging of assumptions on matters that are currently uncertain. Assuming, as Mr Roberts does, the existence of a planning permission when there is none, that the land owner will sell at the price Mr Roberts suggests he would (when no powers of compulsory acquisition are available), that the cost of the highways improvements necessary to accommodate the combined logistics floorspace provided by the Prologis Scheme and the Aldridge Land is known, when it is not, all fail to recognise the normal risk assessment that a developer would undertake to determine whether independent development of the Aldridge Land was a realistic and viable proposition.
- 52 As I have noted above, the Prologis Scheme and development on the Aldridge Land in combination will provide more logistics space than the DCO Scheme, and the highways solution for that larger development has never been modelled. If the infrastructure costs for the Prologis Scheme are as Mr Roberts says they are, all of the cost and risk of delivering that

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<sup>36</sup> See paragraph 6.15 of Mr Roberts’ report

<sup>37</sup> See paragraphs 9.2 – 9.4 of Mr Roberts’ report

<sup>38</sup> See paragraph 11 ii)

solution would fall on a developer of the Aldridge Land, including the prospect that third party land would be required to deliver an acceptable highways solution. With a Town & Country Planning Act independent development of the Aldridge Land, no compulsory purchase powers would be available to ensure third party land could be secured within a reasonable timescale and without the developer potentially being held to ransom. The developer would not have compulsory purchase powers and there is no evidence to suggest that the Local Authority would enter into development and indemnity agreements that might allow its powers to be used.

- 53 It is also the case that while the existing electricity grid has sufficient capacity to accommodate the Prologis Scheme, so that development can be undertaken without extensive works to provide additional power, that isn't the case for any additional development on the Aldridge Land. An independent development of the Aldridge Land would require the developer to bear the full cost of providing electricity utilities to the development, at an estimated cost of well in excess of £30 million.
- 54 While much of the uncertainty and additional cost of developing the Aldridge Land can be mitigated through delivery of the comprehensive DCO Scheme, and the DCO process, it would all remain as unresolved risk under the two phase, non-DCO, development model Mr Roberts envisages. His apparent assumption that the market would assess the viability of development on the Aldridge Land as if these risks simply didn't exist is unrealistic.<sup>39</sup>

#### My Appraisal of the DCO Scheme Excluding the Prologis/MAG Land

- 55 Because my appraisal illustrated the impact excluding the Prologis/MAG land would have on the viability of the DCO Scheme, it was correct for me to reflect the terms the Applicant has agreed for the Aldridge Land. To adopt some other value, as Mr Roberts suggests, would not illustrate the Applicant's true position and would be misleading in terms of illustrating whether the Applicant is likely to bring the DCO Scheme forward.
- 56 While Mr Roberts says that the Applicant has overpaid for the Aldridge Land,<sup>40</sup> the agreed price is irrelevant in terms of the EXP's decision whether to confirm the DCO, as long as the DCO Scheme remains demonstrably viable. Which, as I have explained above, it does. Guidance on the use of compulsory purchase powers is clear in saying that compulsory purchase should be a last resort and promoters should make efforts to reach negotiated agreements. Promoters of DCO's therefore commonly pay landowners more than they might

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<sup>39</sup> See, for example, paragraph 2.3 (2<sup>nd</sup> bullet) and 9.13 of Mr Roberts' report

<sup>40</sup> See paragraphs 4.15 and 9.32 of Mr Roberts report

have to if the statutory compensation rules (reflecting market value) were applied, in order to “de-risk” the consenting process. The terms the Applicant has agreed with Mr Aldridge are not unusual and Mr Roberts’ suggestion that the Applicant entered into its agreement for the Aldridge Land knowing it could not then afford to pay market value for the Prologis/MAG Land is extraordinary.<sup>41</sup>

57 Because my appraisal assumed confirmation of the DCO, just without compulsory acquisition powers over the Prologis/MAG Land, contrary to Mr Roberts’ contention,<sup>42</sup> it was also correct for me to include the cost of promoting the DCO in my appraisal. This is a cost that would still clearly be incurred on the assumption that underlies the appraisal. Moreover, even if Mr Roberts’ approach were to be adopted and it were to be assumed that the Aldridge land could be developed in isolation as a totally separate scheme, it is an entirely realistic prospect that significant improvements to the highways network would be required to deliver the development (including the acquisition of third-party land), and if in any way comparable to the DCO Scheme Highways Works, these works might be an NSIP in their own right, so that a DCO would still be necessary.

## Conclusions

58 The DCO Scheme is commercially viable and there is no evidence of any substance that would suggest otherwise. The Applicant is an experienced developer with an excellent track record which includes the successful delivery of two other DCO schemes. The likelihood that the Applicant deliberately made the DCO Scheme unviable or that it put itself in a position where it can only make it viable by paying Prologis and MAG less than they would be entitled to in the event of compulsory acquisition, as Mr Roberts suggests, should be considered bearing this track record in mind. Mr Roberts’ assertions in this regard only serve to demonstrate his partisan approach and the lack of objectivity in his analysis.

59 Mr Roberts attempts to create confusion around the issue of the DCO Scheme’s viability by variously:

- i) incorrectly conflating commercial viability with FVAs,
- ii) limiting his analysis to a selective manipulation of my Document DCO 4.5 appraisal rather than providing his own independent appraisal,
- iii) adopting inconsistent and often contradictory approaches to his assessment of the DCO Scheme’s and Prologis Scheme’s viability,

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<sup>41</sup> See paragraphs 9.27 – 9.28 of Mr Roberts’ report

<sup>42</sup> See paragraphs 9.4.2, 9.6 – 9.7 and 9.16 of Mr Roberts’ report

- iv) conflating my appraisal of the DCO Scheme assuming no compulsory purchase powers are confirmed over the Prologis/MAG Land with an assessment of the independent viability of the Aldridge Land, and
- v) Ignoring real world evidence such as the offers the Applicant has made for the Prologis/MAG Land

59 However, the exercise the EXP has to undertake to reach its *own* conclusion on the viability of the DCO Scheme is, in reality, relatively straight forward. Currently, Mr Roberts is only challenging two inputs to my Document DCO 4.5 appraisal – the land cost for the Prologis/MAG Land and the possible cost of providing the DCO Scheme Highways Works. Therefore, all that it needs to consider (at least at this point in time) is the impact these two inputs might have on viability.

60 In line with its request at the Compulsory Purchase Hearing on 12 May 2026 the EXP will be provided with an Excel spreadsheet that attempts to replicate my Document DCO 4.5 Argus viability appraisal as far as is technically possible. It should however be born in mind that Argus is a highly sophisticated residual valuation model that allows revenues and costs to be applied across a detailed cashflow, and the Excel spreadsheet will not have the same functionality or produce exactly the same results.

61 Using the spreadsheet, in line with Mr Roberts' representations, the EXP will nonetheless be able to assume an increased cost for the Prologis/MAG Land and an increased cost risk for the DCO Scheme Highways Works. However, so that it can properly consider those cost risks in context, I would encourage the EXP, as I have indicated in this report, to also see what impact on viability the following two minor alterations have:

- i) The removal of the notional disposal costs (by reducing the Sales Agent and Sales Legal Costs in the "Individual Inputs" tab to nil) reflecting the fact that the Applicant will hold the DCO Scheme as an investment and so not actually incur those costs.
- ii) Make minor increases to rents and yields in the "Individual Inputs" tab (say an additional £0.25 per sq.ft for rents and a reduction of (0.15 – 0.25%) in yields. Mr Roberts and I are agreed that rents and yields for units developed at the Freeport may well be slightly better than those adopted in my Document DCO 4.5 appraisal.

62 This exercise, which represents a reasonable and balanced approach to risk/sensitivity analysis will place the cost risks Mr Roberts raises as a concern in their proper context and demonstrate the DCO Scheme's robust viability.

## Statement of Truth & Declarations

### Statement of Truth

63 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

### Declarations

- 64 I confirm that this report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 65 I understand that my overriding duty is to assist the Court in matters within my expertise and that this duty overrides any obligation to those instructing me. I confirm that I have complied with that duty and will continue to do so.
- 66 I can confirm that I am aware of and have complied with the requirements, rules and directions of the Court. I am also aware and have complied with the requirements set out in Part 35 of the Civil Procedure Rules and the accompanying Practice Direction, the Guidance for the Instructions for Experts to give Evidence in Civil Claims and the Practice Direction for Pre-action conduct.
- 67 I confirm that I have no conflict of interest of any kind.
- 68 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 69 I confirm that my report complies with the requirements of the RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement *Surveyors acting as expert witnesses*.



**Colin Cottage BSc (Hons.) MRICS**  
**Head of Complex Cases**  
**Ardent**

**16 June 2026**

## Appendix 1

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**From:** Knowledge <knowledge@rics.org>  
**Sent:** Wednesday 20 May 2026 10:41  
**To:** Cottage, Colin  
**Subject:** RE: 0087892 query RICS:017530002451

You don't often get email from knowledge@rics.org. [Learn why this is important](#)

**External e-mail** - Please think before clicking any links or opening attachments.

Dear Colin, your query has been sent to me as I work alongside those who develop the standards. As you might appreciate we cannot get drawn into a dispute, nor would we undermine your professional judgment, however I can direct you to where you can find the information to make a professional assessment.

There are two relevant professional standards to address the difference being referred to:

1. RICS 'Valuation of development property' PS 2019  
[Valuation of development property ready for approvals.pdf](#)
2. RICS 'Assessing viability in planning under the NPPF 2019 for England' 2021 PS  
[Assessing viability in planning under the National Planning Policy Framework 2019.pdf](#)

The first of these is professional advice on valuing development property based on market metrics in accordance with the Red Book.

The second is an assessment of viability for planning purposes in accordance with government planning policy. It is based on a government definition of viability for planning purposes. Government, Planning Practice Guidance on Viability sets out how such an assessment is to be undertaken.

Best regards

Fiona

Fiona Fogden, PGLibDip, MA  
KNOWLEDGE AND INFORMATION SERVICES MANAGER, RICS  
e [knowledge@rics.org](mailto:knowledge@rics.org) w [rics.org](http://rics.org)  
find out about [Knowledge services including ebooks](#) included in your membership

----- Original Message -----

**From:** The RICS Hub <contactrics@rics.org>;  
**Received:** Tue May 19 2026 14:46:36 GMT+0100 (British Summer Time)  
**To:** Knowledge <knowledge@rics.org>;  
**Subject:** 0087892 query RICS:017530002451

Hi Knowledge team,

**Please find the query below from 0087892:**

'I am currently involved with a DCO examination where some confusion has arisen over the difference between commercial viability and viability in planning terms (an FVA) under the NPPF and PPG. Is the RICS able to confirm that commercial viability from the perspective of a developer/the market and viability in planning terms are not the same thing and, moreover, that different RICS professional Standards apply to the different appraisal exercises? I fear there is a danger that the DCO examining panel may be led astray on this issue and confirmation of the RICS's position is likely to be helpful.'

For further queries, please do not hesitate to contact us on [contactrics@rics.org](mailto:contactrics@rics.org)

Kind regards,

Pamela Sohi

**RICS HUB - Membership Support UK&I, Europe & Americas**

e [contactrics@rics.org](mailto:contactrics@rics.org) w [rics.org](http://rics.org)



This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. It is strictly prohibited to disseminate, distribute or copy this communication if you are not the intended recipient, or an employee or agent responsible for delivering the message. If you have received this communication in error, please accept our apology and delete all copies. Please telephone the sender on the above number, +44 (0)247 686 8555, or email them by return. Royal Institution of Chartered Surveyors (RICS) Registered office: RICS, Parliament Square, London SW1P 3AD Registered Company no. 000487 VAT No. GB 584940013 This email message has been scanned for malware by Exchange Online Protection

## Appendix 2

EMG2  
EMG2 DCO Scheme Residual Appraisal

Development Pro Forma  
Prepared by Ardent  
ARGUS Software  
May 27, 2026

**EMG2  
EMG2 DCO Scheme Residual Appraisal**

Project Pro Forma for Merged Phases 1 2 3 4 5 6 7 8 9 10

Currency in £

**REVENUE**

**Rental Area Summary**

	<b>Units</b>	<b>ft<sup>2</sup></b>	<b>Rent Rate ft<sup>2</sup></b>	<b>Initial MRV/Unit</b>	<b>Net Rent at Sale</b>	<b>Initial MRV</b>
Unit 5A	1	371,300	10.00	3,713,000	3,713,000	3,713,000
Unit 5B	1	330,100	10.25	3,383,525	3,383,525	3,383,525
Unit 6	1	333,900	10.25	3,422,475	3,422,475	3,422,475
Unit 1	1	802,000	10.50	8,421,000	8,421,000	8,421,000
Unit 2	1	205,800	10.25	2,109,450	2,109,450	2,109,450
Unit 4	1	310,700	10.25	3,184,675	3,184,675	3,184,675
Unit 3A	1	390,800	10.00	3,908,000	3,908,000	3,908,000
Unit 3B	<u>1</u>	<u>192,600</u>	10.25	1,974,150	<u>1,974,150</u>	<u>1,974,150</u>
<b>Totals</b>	<b>8</b>	<b>2,937,200</b>			<b>30,116,275</b>	<b>30,116,275</b>

**Investment Valuation**

**Unit 5A**

Market Rent	3,713,000	YP @	5.5000%	18.1818	
(1yr 6mths Rent Free)		PV 1yr 6mths @	5.5000%	0.9228	62,299,358

**Unit 5B**

Market Rent	3,383,525	YP @	5.5000%	18.1818	
(1yr 3mths Rent Free)		PV 1yr 3mths @	5.5000%	0.9353	57,536,193

**Unit 6**

Market Rent	3,422,475	YP @	5.5000%	18.1818	
(1yr 3mths Rent Free)		PV 1yr 3mths @	5.5000%	0.9353	58,198,531

**EMG2**

**EMG2 DCO Scheme Residual Appraisal**

<b>Unit 1</b>					
Market Rent	8,421,000	YP @	5.7500%	17.3913	
(2yrs Rent Free)		PV 2yrs @	5.7500%	0.8942	130,958,916
<b>Unit 2</b>					
Market Rent	2,109,450	YP @	5.2500%	19.0476	
(1yr Rent Free)		PV 1yr @	5.2500%	0.9501	38,175,772
<b>Unit 4</b>					
Market Rent	3,184,675	YP @	5.5000%	18.1818	
(1yr 3mths Rent Free)		PV 1yr 3mths @	5.5000%	0.9353	54,154,787
<b>Unit 3A</b>					
Market Rent	3,908,000	YP @	5.5000%	18.1818	
(1yr 6mths Rent Free)		PV 1yr 6mths @	5.5000%	0.9228	65,571,207
<b>Unit 3B</b>					
Market Rent	1,974,150	YP @	5.2500%	19.0476	
(1yr Rent Free)		PV 1yr @	5.2500%	0.9501	35,727,180
<b>Total Investment Valuation</b>					<b>502,621,944</b>
<b>GROSS DEVELOPMENT VALUE</b>					<b>502,621,944</b>
Purchaser's Costs				(34,178,292)	
Effective Purchaser's Costs Rate		6.80%			(34,178,292)
<b>NET DEVELOPMENT VALUE</b>					<b>468,443,652</b>
<b>TOTAL PROJECT REVENUE</b>					<b>468,443,652</b>

**EMG2  
EMG2 DCO Scheme Residual Appraisal**

**DEVELOPMENT COSTS**

**ACQUISITION COSTS**

Prologis - North - 102 acres	31,250,000		
SEGRO - South - 147.64 acres	33,150,000		
SEGRO - Other - 12.91 acres	193,650		
Total Acquisition (261.05 Acres @ 247,437.85 /Acre)		64,593,650	
			64,593,650
Stamp Duty (Freeport Exemption)			1
Effective Land Transfer Tax Rate	0.00%		
Agent Fee	1.00%	645,937	
Legal Fee	0.50%	322,968	
1.1. DCO Application		10,532,951	
Discharge of Requirements (Units)		1,700,000	
			13,201,857

**CONSTRUCTION COSTS**

<b>Construction</b>	<b>ft<sup>2</sup></b>	<b>Build Rate ft<sup>2</sup></b>	<b>Cost</b>
Unit 5A	371,300	59.32	22,026,895
Unit 5B	330,100	62.36	20,584,177
Unit 6	333,900	58.83	19,643,173
Unit 1	802,000	57.62	46,207,420
Unit 2	205,800	68.27	14,050,207
Unit 4	310,700	61.28	19,040,748
Unit 3A	390,800	60.32	23,572,553
Unit 3B	<u>192,600</u>	67.82	<u>13,062,729</u>
<b>Totals</b>	<b>2,937,200 ft<sup>2</sup></b>		<b>178,187,902</b>
Infrastructure Contingency		5.00%	5,307,874
Contingency		2.00%	3,563,758
1.2. Discharge of Conditions			1,445,000
1.3. s.106 Contributions			2,500,000

**EMG2**

**EMG2 DCO Scheme Residual Appraisal**

1.4. s.278 / Bonds / Commuted Sums		5,232,000	
2.1. Earthworks & Utilities		52,800,000	
2.2. New Utilities		28,491,249	
2.3. Utility Diversions		4,985,000	
2.4. Other Infra - Enabling Works		5,260,000	
2.5. Construction Phase Consultants		4,661,000	
3.1. Other Land Costs		783,235	
			293,217,018

**PROFESSIONAL FEES**

Project Manager	1.00%	1,781,879	
			1,781,879

**MARKETING & LEASING**

Marketing		1,000,000	
Leasing Agent Fee	15.00%	4,517,441	
Leasing Legal Fee	5.00%	1,505,814	
			7,023,255

**TOTAL COSTS BEFORE FINANCE**

**379,817,659**

**FINANCE**

Debit Rate 6.000%, Credit Rate 0.000% (Nominal)			
Total Finance Cost			27,591,353

**TOTAL COSTS**

**407,409,012**

**PROFIT**

**61,034,640**

**Performance Measures**

Profit on Cost%	14.98%
Profit on GDV%	12.14%

**EMG2****EMG2 DCO Scheme Residual Appraisal**

Profit on NDV%	13.03%
Development Yield% (on Rent)	7.39%
IRR% (without Interest)	15.56%

## Appendix 3

EMG2  
EMG2 DCO Scheme Residual Appraisal

Development Pro Forma  
Prepared by Ardent  
ARGUS Software  
May 27, 2026

**EMG2  
EMG2 DCO Scheme Residual Appraisal**

Project Pro Forma for Merged Phases 1 2 3 4 5 6 7 8 9 10

Currency in £

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SEGRO - Other - 12.91 acres	193,650		
Total Acquisition (261.05 Acres @ 247,437.85 /Acre)		64,593,650	
			64,593,650
Stamp Duty (Freeport Exemption)			1
Effective Land Transfer Tax Rate	0.00%		
Agent Fee	1.00%	645,937	
Legal Fee	0.50%	322,968	
1.1. DCO Application		10,532,951	
Discharge of Requirements (Units)		1,700,000	
			13,201,857

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<b>Construction</b>	<b>ft<sup>2</sup></b>	<b>Build Rate ft<sup>2</sup></b>	<b>Cost</b>
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Unit 3A	390,800	60.32	23,572,553
Unit 3B	<u>192,600</u>	<u>67.82</u>	<u>13,062,729</u>
<b>Totals</b>	<b>2,937,200 ft<sup>2</sup></b>		<b>178,187,902</b>
Infrastructure Contingency		5.00%	5,307,874
Contingency		2.00%	3,563,758
1.2. Discharge of Conditions			1,445,000
1.3. s.106 Contributions			2,500,000

**EMG2****EMG2 DCO Scheme Residual Appraisal**

1.4. s.278 / Bonds / Commuted Sums		5,232,000	
2.1. Earthworks & Utilities		52,800,000	
2.2. New Utilities		28,491,249	
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2.4. Other Infra - Enabling Works		5,260,000	
2.5. Construction Phase Consultants		4,661,000	
3.1. Other Land Costs		783,235	
Road/Site Works (Additional Conting		1,800,000	
			295,017,018

**PROFESSIONAL FEES**

Project Manager	1.00%	1,781,879	
			1,781,879

**MARKETING & LEASING**

Marketing		1,000,000	
Leasing Agent Fee	15.00%	4,517,441	
Leasing Legal Fee	5.00%	1,505,814	
			7,023,255

**TOTAL COSTS BEFORE FINANCE****381,617,659****FINANCE**

Debit Rate 6.000%, Credit Rate 0.000% (Nominal)			
Total Finance Cost			28,064,275

**TOTAL COSTS****409,681,934****PROFIT****58,761,718****Performance Measures**

Profit on Cost%	14.34%
-----------------	--------

**EMG2****EMG2 DCO Scheme Residual Appraisal**

Profit on GDV%	11.69%
Profit on NDV%	12.54%
Development Yield% (on Rent)	7.35%
IRR% (without Interest)	15.11%

EMG2  
EMG2 DCO Scheme Residual Appraisal

Development Pro Forma  
Prepared by Ardent  
ARGUS Software  
May 27, 2026

# SENSITIVITY ANALYSIS REPORT

ARGUS SOFTWARE

## EMG2

### EMG2 DCO Scheme Residual Appraisal

#### Table of Profit on Cost% and Land Cost

Rent: Cap Rate%	Rent: Rate /ft <sup>2</sup>						
	0.00 /ft <sup>2</sup>	+0.05 /ft <sup>2</sup>	+0.10 /ft <sup>2</sup>	+0.15 /ft <sup>2</sup>	+0.20 /ft <sup>2</sup>	+0.25 /ft <sup>2</sup>	+0.30 /ft <sup>2</sup>
-0.1500%	18.055%	18.668%	19.281%	19.895%	20.509%	21.124%	21.738%
	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)
-0.1250%	17.421%	18.030%	18.640%	19.250%	19.861%	20.472%	21.084%
	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)
-0.1000%	16.793%	17.399%	18.005%	18.612%	19.219%	19.827%	20.435%
	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)
-0.0750%	16.171%	16.774%	17.377%	17.980%	18.584%	19.188%	19.792%
	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)
-0.0500%	15.556%	16.155%	16.755%	17.354%	17.955%	18.555%	19.156%
	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)
-0.0250%	14.947%	15.542%	16.138%	16.735%	17.332%	17.929%	18.527%
	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)
0.0000%	14.343%	14.936%	15.528%	16.122%	16.715%	17.309%	17.903%
	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)	(£64,593,650)

#### Sensitivity Analysis : Assumptions for Calculation

##### Rent: Rate /ft<sup>2</sup>

Original Values are varied in Fixed Steps of £0.05

Heading	Phase	Rate	No. of Steps
Unit 5B	4	£10.25	7 Up only
Unit 1	6	£10.50	7 Up only
Unit 2	7	£10.25	7 Up only
Unit 4	8	£10.25	7 Up only
Unit 3A	9	£10.00	7 Up only
Unit 3B	10	£10.25	7 Up only

Project: \\Client\C\$\Users\ColinC\Downloads\Residuals\EMG2\EMG2 DCO Scheme Residual Appraisal excl sales costs + Hihways Contingency.wcfx

ARGUS Developer Version: 8.30.006

Report Date: 5/27/2026

# SENSITIVITY ANALYSIS REPORT

ARGUS SOFTWARE

## EMG2

### EMG2 DCO Scheme Residual Appraisal

Unit 6	5	£10.25	7 Up only
Unit 5A	3	£10.00	7 Up only

### Rent: Cap Rate%

Original Values are varied in Fixed Steps of 0.03%

Heading	Phase	Cap. Rate	No. of Steps
Unit 5B	4	5.5000%	7 Down only
Unit 1	6	5.7500%	7 Down only
Unit 2	7	5.2500%	7 Down only
Unit 4	8	5.5000%	7 Down only
Unit 3A	9	5.5000%	7 Down only
Unit 3B	10	5.2500%	7 Down only
Unit 6	5	5.5000%	7 Down only
Unit 5A	3	5.5000%	7 Down only

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