

THE PLANNING ACT 2008  
THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010  
**APPLICATIONS BY SEGRO PROPERTIES LIMITED AND SEGRO (EMG)  
LIMITED  
FOR A DEVELOPMENT CONSENT ORDER AND A MATERIAL CHANGE  
CONSENT ORDER**

**– EAST MIDLANDS GATEWAY PHASE 2 (EMG2) –**

*Planning Inspectorate References:  
BC0410001-001217 (EMA/EMIAL)  
BC0410001 /TR0510002 (The Applicant DCO 805)  
BC0410001-001206 (Andrew Priestley)  
BC0410001-001204 (Kegworth Parish Council)*

*In support of the EMA/EMIAL submission at Deadline 4 for adequate Traffic and Transport scrutiny  
and with reference to the Applicant's Statement of Common Ground with National Highways and the  
wider planning context*

**WRITTEN REPRESENTATION – DEADLINE 5**

Submitted by **Ray Sutton**

Interested Party Reference: XXXXXXXXXX

# **In support of the submissions of East Midlands Airport and East Midlands International Airport Ltd on procedural fairness, transport evidence and strategic infrastructure planning**

## **1. Introduction**

I make this submission as an Interested Party, local resident, elected member of North West Leicestershire District Council and Kegworth Parish Council. The views expressed are my own and I do not speak on behalf of either Council.

I attended Issue Specific Hearing 3 and spoke on highways and transport matters. I therefore experienced directly the limitations of the examination process described in the Deadline 4 submissions made by East Midlands Airport ("EMA") and East Midlands International Airport Ltd ("EMIAL"). There was insufficient time under 'Traffic and Transport' to allow both myself and my advisor colleague to deliver what we had prepared.

This submission should be read as supporting, rather than duplicating, the technical evidence already submitted by EMA/EMIAL and their transport consultants SCP.

My broad concern is fragmented strategic transport planning and the need for greater transparency.

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## **2. Procedural fairness**

I support the concerns expressed by EMA regarding procedural fairness.

EMA identifies a persistent failure by the Applicant to provide information necessary for Interested Parties to understand and scrutinise the transport impacts of the proposal before and during the Examination. EMA also records that important transport issues received limited hearing time despite time remaining within the hearing programme, and that requests for additional scrutiny were not pursued.

Having attended ISH3, I can confirm that this reflects my own experience.

Discussion of transport matters was noticeably compressed.

Interested Parties were encouraged to be brief.

Several issues remained only partially explored.

In my opinion this matters because highways and transport form the principal justification for substantial nationally significant highway works which themselves form part of the proposed Development Consent Order.

### **3. Lack of transparency**

I also support EMA's observations concerning the opacity of the emerging Statements of Common Ground.

EMA correctly records that the Examining Authority itself commented that some Statements of Common Ground were "lacking in detail" and left parties "flying in the dark".

The Draft Statement of Common Ground between the Applicant and National Highways illustrates that concern.

It contains numerous statements that matters have been "agreed" while providing relatively little explanation of:

- why differing technical positions have been resolved;
- what evidence persuaded National Highways;
- how competing assumptions were tested; or
- why alternative interpretations advanced by other Interested Parties have been rejected.

For example, National Highways now agrees that:

- both PRTM 2019 and PRTM 2023 support the mitigation;
- the proposed Junction 24 works resolve unacceptable impacts;
- all eleven departures from geometric standards have been accepted;
- signage and signalling departures have also been accepted.

While those conclusions are clearly stated, the underlying reasoning remains largely unavailable to third parties.

Deadline 4 submissions from Andrew Priestley and Kegworth Parish Council reinforce the view that at this late stage in the DCO process, more openness and transparency is required. Local people need to see sensitivity testing of the modelling parameters and assumptions, set against the lived experience of Junction 24, Junction 23A and the complex and interconnected strategic and local road network.

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### **4. Strategic uncertainty**

The most significant concern, in my submission, is that the Examination increasingly appears to be considering one component of a much larger strategic transport programme.

The Joint Position Statement between the Applicant and National Highways expressly acknowledges that:

- Junction 24 is already operating over capacity;
- substantial further regional growth depends upon improvements;
- a consortium of developers is working on a wider strategic solution;
- modelling of that wider solution is continuing;
- further interventions on the eastern side of Junction 24 will be required before wider growth can be accommodated.

The Examination is therefore being asked to determine one major component of infrastructure while the wider strategic solution remains under development.

That inevitably makes it difficult for Interested Parties to distinguish between:

- mitigation genuinely required because of EMG2;
- infrastructure intended to unlock wider regional growth;
- infrastructure which may depend upon future funding, future consents or future development.

This distinction is important because compulsory acquisition powers are being sought now. Fragmentation increases the risk that future integration becomes more difficult, especially when wider infrastructure planning for the three counties and associated sources of funding are uncertain.

It is notable that the justification for the Junction 24 works has evolved during the Examination from mitigation for EMG2 towards a component of a wider regional growth strategy. That evolution makes transparency and rigorous scrutiny even more important because Interested Parties are effectively being asked to comment upon infrastructure whose full strategic context remains under development.

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## 5. Relationship with wider planning work

From my perspective as a resident of Kegworth and district councillor, I believe this uncertainty extends beyond the DCO.

During June 2026:

- North West Leicestershire District Council approved publication of the Regulation 19 Local Plan before councillors had been provided with the revised Infrastructure Delivery Plan or the updated Leicestershire County Council transport modelling that officers indicated was still in preparation.
- The East Midlands Freeport Supplementary Planning Document was similarly progressed by all three planning authorities, NWLDC, Rushcliffe and South Derbyshire, but without a detailed Infrastructure Delivery Plan identifying how strategic transport interventions will be delivered, funded and phased.

I do **not** suggest that these separate planning processes are legally dependent upon one another.

However, they rely upon many of the same strategic highway interventions around Junctions 23A and 24.

Taken together they indicate that strategic infrastructure planning across the area remains incomplete. There is also a risk that evidence becomes circular, with one evolving planning process relying upon assumptions made in another before the underlying infrastructure strategy has itself been demonstrated to be deliverable. Cumulative effects may be missed as the focus narrows.

That wider context reinforces, rather than diminishes, the importance of full scrutiny during this Examination.

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## **6. The role of National Highways and Leicestershire County Council**

It is not my intention to criticise either authority.

However, I remain concerned that both authorities have increasingly focused upon whether the Strategic Road Network can continue to function, rather than whether wider local impacts have been adequately understood.

National Highways itself explains that its primary concern is operational performance and safety of the Strategic Road Network and "not to eliminate all delay." That distinction is important because many of the concerns raised by residents, the Airport and local authorities relate not simply to the operation of the Strategic Road Network but to its interaction with the surrounding local network and airport access.

That is an entirely understandable statutory position.

However, it inevitably leaves wider issues for others to examine, including:

- airport access;
- cumulative development;
- local roads;
- pedestrians;
- cyclists;
- future strategic growth assumptions.

Those issues deserve fuller examination than has yet been possible.

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## **7. Conclusion**

I respectfully support the Examining Authority in requiring further explanation where material uncertainty remains.

In particular I support requests for:

- greater transparency regarding transport modelling;
- fuller explanation of how agreements with National Highways and Leicestershire County Council have been reached;
- clarification of the relationship between EMG2 mitigation and the wider strategic Junction 23A/Junction 24 programme;
- sufficient information to enable Interested Parties properly to understand the cumulative consequences of the proposed development.

The DCO process should determine whether this proposal has been demonstrated to be acceptable on the evidence before the Examination.

In my respectful submission, that evidence remains incomplete in several important respects identified by EMA/EMIAL and experienced directly during ISH3.